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10/21/81
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This issue contains documents officially
filed not later than June 3, 1981.

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-37.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 RCW or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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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.

1981
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
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
81-13	Jul 1	Jul 21	Jun 17	Jun 3	May 20
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81-19	Oct 7	Oct 27	Sep 23	Sep 9	Aug 26
81-20	Oct 21	Nov 10	Oct 7	Sep 23	Sep 9
81-21	Nov 4	Nov 24	Oct 21	Oct 7	Sep 23
81-22	Nov 18	Dec 8	Nov 4	Oct 21	Oct 7
81-23	Dec 2	Dec 22	Nov 18	Nov 4	Oct 21
81-24	Dec 16	Jan 5, 1982	Dec 2	Nov 18	Nov 4

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

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

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

WSR 81-12-001
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 81-1—Filed May 21, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, the annexed rules relating to chapter 392-129 WAC entitled "Emergency School Closure". Provides an exception to the 180 day school year requirement for unforeseen emergencies.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the rule must be adopted on an emergency basis to apply to the 1980-81 school calendar where it was not possible to reschedule in one day. The rule continues to reflect the public policy of conservative application but reasonable forgiveness for problems caused by unforeseen emergencies.

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

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1981.

By Frank B. Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-3, filed 3/21/80, effective 5/2/80)

WAC 392-129-015 SUPERINTENDENT'S DETERMINATION OF ELIGIBILITY. (1) Total district closures. If a reasonable effort has been made to make up all school days and program hour offerings accruing therefrom lost by all the schools in an entire district by reason of one or more unforeseen emergencies, but fewer than the minimum number of school days and program hour offerings accruing therefrom required by law have been conducted, the school district will nevertheless be credited with full annual basic education allocation.

(2) Individual school closures. In the event that a district comprising more than one school is unable to operate a school for the minimum number of school days required by law to be conducted, the district may apply to the superintendent of public instruction or his designee for credit for its full annual basic education allocation. Such application shall be granted only upon a conclusive demonstration by the district to the satisfaction of the superintendent that one or more unforeseen emergencies prevented the district from operating the

school. If such conclusive demonstration is provided, the superintendent shall have the discretion to excuse such district from the obligation to make up such school days for that school and the program hours accruing therefrom; however such excuse for that school shall not exceed ((one)) two scheduled school days per incident nor three scheduled school days per school year.

(3) Whenever a district satisfies the definition of a school day specified in WAC 392-129-010(2) it also shall be deemed to have accrued all hours, as originally scheduled for that day, toward meeting its program hour offerings requirements.

WSR 81-12-002
NOTICE OF PUBLIC MEETINGS
COMMISSION FOR
VOCATIONAL EDUCATION
 [Memorandum—May 21, 1981]

The Commission for Vocational Education will meet on June 18, 1981; 9:30 a.m., Walla Walla Community College, Main Building—Dining Room, 500 Tausick Way, Walla Walla, WA 99362.

Primary agenda items will be the adoption of the FY '82 Annual Program Plan and the FY '80 Annual Accountability Report; response to the Eleventh Annual Evaluation Report of the State Advisory Council on Vocational Education; and a continuation of the public hearing on proposed amendments to chapter 490-600 WAC, WAC 490-600-030 and 490-600-071 dealing with the Educational Services Registration.

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Jean Pettit, Commission for Vocational Education, Building 17, Airdustrial Park LS-10, Olympia 98504, by June 1. (206 753-5696 or Scan 234-5696)

WSR 81-12-003
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 81-13—Filed May 21, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Wahkiakum County, amending WAC 173-19-430.

This action is taken pursuant to Notice No. WSR 81-08-070 filed with the code reviser on April 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 20, 1981.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 80-10, filed 3/18/80)

WAC 173-19-430 WAHKIAKUM COUNTY. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980. Revision approved May 20, 1981.

WSR 81-12-004

ADOPTED RULES

DEPARTMENT OF GAME

[Order 163—Filed May 26, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-28-803, 1981 Mountain Goat, Sheep and Moose Hunting Season.

This action is taken pursuant to Notice No. WSR 81-08-064 filed with the Code Reviser on April 1, 1981. 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 18, 1981.

By Frank R. Lockard
Director

NEW SECTION

WAC 232-28-803 1981 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

Reviser's Note: The text comprising the 1981 Mountain Goat, Sheep and Moose Hunting Seasons rules adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six

regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

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

WSR 81-12-005

ADOPTED RULES

DEPARTMENT OF GAME

[Order 164—Filed May 26, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-21-101, Gold and fish.

This action is taken pursuant to Notice No. WSR 81-08-064 filed with the Code Reviser on April 1, 1981. 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, 1981.

By Frank R. Lockard
Director

NEW SECTION

WAC 232-21-101 GOLD AND FISH.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-21-100 GOLD PROSPECTING

WSR 81-12-006
EMERGENCY RULES
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Order 85, Resolution 81-17—Filed May 26, 1981]

Be it resolved by the State Board for Community College Education, acting at Spokane Falls Community College, West 3410 Ft. George Wright Avenue, Spokane, WA, that it does promulgate and adopt the annexed rules relating to charges to be made for community college courses involving supplemental or shared funding.

We, the State Board for Community College Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is authorization to define and offer supplemental or shared funded courses was provided by the recent legislature in HB 520. The act takes effect immediately upon signature by the Governor. Colleges may desire to utilize this authority during the Summer Quarter, 1981, and require sufficient lead time to establish the necessary agreements.

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

This rule is promulgated pursuant to RCW 28B.50.140(17) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 21, 1981.

By Gilbert J. Carbone
 Assistant Director

Chapter 131-32 WAC
EDUCATIONAL SERVICES

NEW SECTION

WAC 131-32-010 CHARGES FOR COURSES UTILIZING SUPPLEMENTAL FUNDING. (1) For the purpose of this section, the term "supplemental funding" shall mean restricted funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the purpose of augmenting state fund support above the current funding level provided for particular courses, classes, or programs that have extraordinary costs and that, in the judgment of the college district board of trustees, could not be offered without such supplemental funding.

(2) College districts that desire to offer services that involve supplemental funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state

director within ten days of the execution of the agreement.

(3) Reports of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) The supplemental fee charged for any such services shall be retained by the college district for the purpose of supporting such services and the general operations and maintenance of the college district.

(5) Enrollments generated by courses utilizing supplemental funding shall be eligible for state fund support, subject to review and approval of the state director.

(6) Courses denied approval under this section may be considered for eligibility as a shared funding course pursuant to WAC 131-32-020.

(7) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

NEW SECTION

WAC 131-32-020 CHARGES FOR COURSES UTILIZING SHARED FUNDING. (1) For the purpose of this section, the term "shared funding" shall mean funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the support of particular courses, classes, or programs that have costs within current state funding levels and that, in the judgment of the college district board of trustees, otherwise could not be offered because of inadequate state funding.

(2) College districts that desire to offer services that involve shared funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Requests for approval of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) Enrollments generated by courses utilizing shared funding shall be eligible for state funding support subject to review and approval by the state director, but shall be discounted to the proportion that the state fund support provided for the services bears to the cost of the program.

(5) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

WSR 81-12-007
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-34—Filed May 26, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitten, 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 establishes the least restrictive rule providing protection for adult Puget Sound chinook salmon and adult Canadian chinook salmon.

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

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

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

APPROVED AND ADOPTED May 26, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-28-00700P MESH RESTRICTION.
Effective immediately until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7 except with gill net gear having a mesh size equal to or smaller than 5-1/4 inches.

NEW SECTION

WAC 220-28-007A0N MESH RESTRICTION.
Effective immediately until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7A except with gill net gear having a mesh size equal to or smaller than 5-1/4 inches.

NEW SECTION

WAC 220-28-007B0T MESH RESTRICTION.
Effective immediately until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 7B except with gillnet gear having a mesh size equal to or smaller than 5-1/4 inches.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-00700N CLOSED AREA (81-23)

WAC 220-28-007A0M CLOSED AREA (81-23)

WAC 220-28-007B0S CLOSED AREA (81-23)

WSR 81-12-008

ADOPTED RULES

SEATTLE COMMUNITY COLLEGE DISTRICT

[Order 38—Filed May 27, 1981]

Be it resolved by the board of trustees of the Seattle Community College District, acting at North Seattle Community College, 9600 College Way North, Seattle, WA 98103, that it does promulgate and adopt the annexed rules relating to use of college facilities.

This action is taken pursuant to Notice Nos. WSR 81-07-023 and 81-10-064 filed with the code reviser on March 12, 1981 and May 6, 1981.

This rule is promulgated under the general rule-making authority of the Seattle Community College District as authorized in RCW 28B.19.030 and 28B.50.140.

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

APPROVED AND ADOPTED May 18, 1981.

By Helen G. Sutton
Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. The college buildings, properties, and facilities, including those assigned to student programs, may be used only for:

(1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(2) Cultural, educational, or recreational activities of the students or of the faculty or staff.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Such arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with published college regulations and on the basis of time, space availability, priority of request and the demonstrated needs of the individual, group or organization.

(8) Use of space shall not interfere with regularly scheduled classes or activities. Physical abuse of assigned facilities may result in limitation of future allocation of space to the offending parties. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

AMENDATORY SECTION (Amending Order 3, filed 9/20/72)

WAC 132F-136-040 ADMINISTRATIVE CONTROL. The board hereby delegates to the ((president)) chancellor authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

AMENDATORY SECTION (Amending Order 35, filed 11/21/77)

WAC 132F-136-050 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the campus president, or his designee, to leave the college property. Such a request will be deemed to prohibit the entry-of, withdraw the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW ((9-88-080)).

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or

agency for action in accord with established college policies.

(3) Persons who violate or are in violation of a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on district property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

WSR 81-12-009

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed May 27, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.325 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a new schedule of tolls for the Washington State Ferry System as last amended by Administrative Order 17, Resolution 104, filed March 31, 1981;

that such agency will at 10 a.m., Tuesday, July 21, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Tuesday, July 21, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.325.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 21, 1981, and/or orally at 10 a.m., Tuesday, July 21, 1981, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: May 21, 1981

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amendment to WAC 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-050.

Summary of Rule: To revise the fare schedule required for travel on the state ferry system.

Statement of Reasons: To increase in tolls and reduction in discounts for commutation tickets adopted by Resolution No. 104 would create hardship to ferry users which is unnecessary to impose since additional tax subsidy in the sum of \$15,000,000 was made available to the Washington State Ferries in the 1981-1983 biennium.

For Further Information: Mr. Fred Peil, Assistant Secretary for Marine Transportation, Room 3D-18, Highway Administration Building, Phone 753-6097, Olympia,

Washington, is responsible for the drafting, implementation and enforcement of the rule. Proponent of the Rule: Washington State Transportation Commission. Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-010 FERRY PASSENGER TOLLS. ((†) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	Full Fare One Way	Half Fare** One Way	PASSENGER SCHOOL			EXCURSION-ROUND TRIP***		
			COM-MU-TATION 20 Rides *****	COM-MU-TATION ***** 20 Rides	Ages 12-20	Ages 5-11	Full Fare	Half Fare**
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(1.50) 1.35	.75 .70	24.00 16.20	15.00 13.50	7.50 6.75	2.15 1.90	1.10 .95	
Pt. Townsend-Keystone Edmonds-Kingston								
Fauntleroy-Vashon Southworth-Vashon	(1.90) 1.70	1.00 .90	15.20 10.20	9.50 8.50	4.75 4.25	N/A	N/A	
Pt. Defiance-Tahlequah								
Mukilteo-Clinton Lofall-Southpoint	(.95) .85	.50 .45	15.20 10.20	9.50 8.50	4.75 4.25	1.35 1.20	.70 .60	
Anacortes to Lopez	(1.85) 1.65	.95 .85	29.60 19.80	18.50 16.50	9.25 8.25			
Shaw, Orcas	(2.10) 1.85	1.05 .95	33.60 22.20	21.00 18.50	10.50 9.25	N/A	N/A	
or Friday Harbor	(2.30) 2.05	1.15 1.05	36.00 24.60	23.00 20.50	11.50 10.25			
Sidney	4.95	2.50	N/A	N/A	N/A	5.65	2.85	
Friday Harbor to Lopez, Shaw or Orcas	(1.50) 1.35	.75 .70	24.00 16.20	15.00 13.50	7.50 6.75	N/A	N/A	
Between Lopez, Shaw, or Orcas	(.95) .85	.50 .45	15.20 10.20	9.50 8.50	4.75 4.25	N/A	N/A	
Sidney to Lopez	3.55	1.80	N/A	N/A	N/A	N/A	N/A	
Shaw or Orcas	3.30	1.65						
Friday Harbor	3.15	1.60						

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

****School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

*****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS. ((+)) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER		Excursion Round Trip***	
	One Way	Commutation 20 Rides ****	One Way	20 Rides ****	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ****	Full Fare	Half Fare
Faultleroy-Southworth	(5.10)	91.80	2.75	44.00	2.15	1.40	34.40	3.45	2.40
Seattle-Bremerton		<u>4.50</u>		<u>72.00</u>		<u>2.45</u>			
Seattle-Winslow									
Pt. Townsend-Keystone									
Edmonds-Kingston									
Faultleroy-Vashon	(6.90)	62.10	3.70	29.60	2.90	2.00	23.20	N/A	N/A
Southworth-Vashon		<u>6.10</u>		<u>48.80</u>		<u>3.30</u>			
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	(3.45)	62.10	1.85	29.60	1.45	1.00	23.20	2.35	1.70
Lofall-Southpoint	<u>3.05</u>	<u>48.80</u>	<u>1.65</u>	<u>22.00</u>	<u>1.30</u>	<u>.90</u>	<u>13.00</u>	<u>2.10</u>	<u>1.50</u>
		10 Rides							
Anacortes to Lopez	(5.60)	50.40	3.25	52.00	2.55	1.65	40.80	N/A	N/A
	<u>4.95</u>	<u>39.60</u>	<u>2.90</u>	<u>38.65</u>	<u>2.25</u>	<u>1.45</u>	<u>22.50</u>		
Shaw, Orcas	(6.30)	56.70	3.75	60.00	2.85	1.80	45.60	N/A	N/A
	<u>5.60</u>	<u>44.80</u>	<u>3.35</u>	<u>44.65</u>	<u>2.55</u>	<u>1.65</u>	<u>25.50</u>		
or Friday Harbor	(7.20)	64.80	4.30	68.80	3.25	2.10	52.00	N/A	N/A
	<u>6.40</u>	<u>51.20</u>	<u>3.85</u>	<u>51.35</u>	<u>2.90</u>	<u>1.90</u>	<u>29.00</u>		
Sidney	<u>21.20</u>	N/A	<u>10.65</u>	N/A	<u>6.95</u>	<u>4.50</u>	N/A	<u>9.65</u>	<u>6.85</u>
Friday Harbor to Lopez, Shaw or Orcas	(4.50)	40.50	2.75	44.00	2.15	1.40	34.40	N/A	N/A
	<u>4.00</u>	<u>32.00</u>	<u>2.45</u>	<u>32.65</u>	<u>1.90</u>	<u>1.25</u>	<u>19.00</u>	N/A	N/A
Between Lopez, Shaw, or Orcas	(3.05)	27.45	1.85	29.60	1.45	1.00	23.20	N/A	N/A
	<u>2.70</u>	<u>21.60</u>	<u>1.65</u>	<u>22.00</u>	<u>1.30</u>	<u>.90</u>	<u>13.00</u>	N/A	N/A
Sidney to Lopez	16.80	N/A	8.05	N/A	4.95	3.20	N/A	N/A	N/A
Shaw or Orcas	16.25		7.65		4.70	3.05			
Friday Harbor	15.55		7.20		4.40	2.85			

*These routes operate on one-way only toll collection system.

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses).

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***One day excursion for bicycle and rider with limited time ashore.

****Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.

(((2)) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

	AUTO**		MOTORCYCLE		BICYCLE & RIDER			Excursion	
	INCL. DRIVER		INCL. DRIVER		Commutation			Round Trip***	
	One	20	One	20	Full Fare	Half Fare	20	Full	Half
	Way	Rides	Way	Rides	One Way	One Way	Rides	Fare	Fare
		****		****			****		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone	4.60	82.80	2.50	40.00	1.95	1.25	31.20	3.05	2.10
Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	6.20	55.80	3.30	26.40	2.70	1.90	21.60	N/A	N/A
Mukilteo-Clinton Lofall-Southpoint	3.10	55.80	1.65	26.40	1.35	.95	21.60	2.20	1.60
		10-Rides							
Anacortes to Lopez	5.10	45.90	2.95	47.20	2.30	1.45	36.80		
Shaw, Orcas or Friday Harbor	5.70	51.30	3.40	54.40	2.60	1.65	41.60	N/A	N/A
Sidney	6.50	58.50	3.90	62.40	2.95	1.95	47.20		
Friday Harbor to Lopez; Shaw or Orcas	21.20	N/A	10.65	N/A	6.95	4.50	N/A	9.65	6.85
Between Lopez, Shaw, or Orcas	4.10	36.90	2.50	40.00	1.95	1.25	31.20	N/A	N/A
Sidney to Lopez Shaw or Orcas Friday Harbor	2.75	24.75	1.65	26.40	1.35	.95	21.60	N/A	N/A
	16.80		8.05		4.95	3.20			
	16.25	N/A	7.65	N/A	4.70	3.05	N/A	N/A	N/A
	15.55		7.20		4.40	2.85			

*These routes operate on one-way only toll collection system.

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses).

***Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

****One day excursion for bicycle and rider with limited time ashore.

*****Commutation tickets shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicle load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.)

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER AND EXPRESS SHIPMENT FERRY TOLLS. ((+)) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium tolls shall be as follows:))

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton	((8.15 7.25	146.70 116.00	11.20 9.95	201.60 159.20	11.20 9.95	.75) .70
Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone						

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Vashon	((10.80	97.20	14.40	129.60	14.40	1.00)
	<u>9.60</u>	<u>76.80</u>	<u>12.80</u>	<u>102.40</u>	<u>12.80</u>	<u>.90</u>
Southworth-Vashon Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((5.40	97.20	7.20	129.60	7.20	.50)
	<u>4.80</u>	<u>76.80</u>	<u>6.40</u>	<u>102.40</u>	<u>6.40</u>	<u>.45</u>
Lofall-Southpoint						
Anacortes to Lopez, 10 Rides						((-.95) <u>.85</u>
Shaw, Orcas or Friday Harbor	((11.20	100.80	15.25	137.25	15.25	1.05)
	<u>9.95</u>	<u>79.60</u>	<u>13.55</u>	<u>108.40</u>	<u>13.55</u>	<u>.95</u>
Sidney	28.95	N/A	39.55	N/A	39.55	((1.75) <u>1.05</u> <u>2.30</u>
Friday Harbor to Lopez, Shaw or Orcas	((8.15	73.35	11.20	100.80	11.20	.75)
	<u>7.25</u>	<u>58.00</u>	<u>9.95</u>	<u>79.60</u>	<u>9.95</u>	<u>.70</u>
Between Lopez, Shaw or Orcas	((5.40	48.60	7.20	64.80	7.20	.50)
	<u>4.80</u>	<u>38.40</u>	<u>6.40</u>	<u>51.20</u>	<u>6.40</u>	<u>.45</u>
Sidney to Lopez, Shaw, Orcas or Friday Harbor	20.15	N/A	27.55	N/A	27.55	1.80 1.65 1.60

- (a) BULK NEWSPAPERS per 100 lbs. ~~\$(1.95)~~1.75
(Shipments exceeding 60,000 lbs. in any month shall be assessed ~~((.95)~~.85¢ per 100 lbs.)
 - (b) EXPRESS SHIPMENTS per 100 lbs. ~~\$(19.05)~~17.00
(Shipments exceeding 100 lbs. assessed ~~\$(6.35)~~5.85 for each 25 lbs. or fraction thereof.)
- San Juan Inter-Island express shipments will be handled @ ~~\$(2.55)~~2.25 per 100 lbs.

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

***Stages - Option of paying Auto-driver rate plus full fare for each passenger.

- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

- (a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	7.40	133.20	10.15	182.70	10.25	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	9.80	88.20	13.00	117.00	13.00	.90
Mukilteo-Clinton Lofall-Southpoint	4.90	88.20	6.50	117.00	6.50	.45

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Anacortes to Lopez,	10 Rides					.85
Shaw, Orcas or Friday Harbor	10.15	91.35	13.85	124.65	14.00	.95
Sidney	28.95	N/A	39.55	N/A	39.55	2.50
Friday Harbor to Lopez, Shaw or Orcas	7.40	66.60	10.15	91.35	10.25	.70
Between Lopez, Shaw or Orcas	4.90	44.10	6.50	58.50	6.50	.45
Sidney to Lopez, Shaw, Orcas or Friday Harbor	20.15	N/A	27.55	N/A	27.55	1.80
						1.65
						1.60

- (a) BULK NEWSPAPERS per 100 lbs. \$1.80
(Shipments exceeding 60,000 lbs. in any month shall be assessed .85¢ per 100 lbs.)
- (b) EXPRESS SHIPMENTS per 100 lbs. \$17.30
(Shipments exceeding 100 lbs. assessed \$5.75 for each 25 lbs. or fraction thereof.)
- San Juan Inter-Island express shipments will be handled @ \$2.30 per 100 lbs.

- *These routes operate on one-way only toll collection system.
- **Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.
- ***Stages - Option of paying Auto-driver rate plus full fare for each passenger.
- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.
- For vanpool fares, see WAC 468-300-020 under Auto.

***** Half fare.

- ***** Commutation tickets shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.
Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

- (a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.)

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-040 TRUCK FERRY TOLLS. ((†) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,001 to 80,000	Over 80,000 per 1,000 Lbs.
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((8.25 7.20	11.25 10.00	14.50 12.80	17.50 15.60	21.50 19.20	28.25 25.00	35.00 31.20	41.75 37.00	48.25 43.00	.75)) .70
Pt. Townsend-Keystone Edmonds-Kingston										
Fauntleroy-Vashon Southworth-Vashon	((10.50	14.00	18.00	22.00	27.00	36.00	44.50	54.00	62.00	1.00))

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,001 to 80,000	Over 80,000 per 1,000 Lbs.
Pt. Defiance-Tahlequah	9.60	12.80	16.00	19.60	24.00	32.00	39.60	48.00	55.20	.90
Mukilteo-Clinton	((5.25 4.80	7.00 6.40	9.00 8.00	11.00 9.80	13.50 12.00	18.00 16.00	22.25 19.80	27.00 24.00	31.00 27.60	.50) .45
Lofall-Southpoint										
**Anacortes to Lopez Shaw, Orcas	((11.25 10.00	15.25 13.60	19.25 17.20	23.25 20.80	28.75 25.60	37.50 33.40	46.75 41.60	55.75 49.40	64.50 57.40	1.00) .80
or Friday Harbor Sidney	29.00	((39.50 39.60	50.25 50.20	60.75 60.80	73.50 73.40	97.50 97.40	121.50 121.60	145.50 145.60	152.25 152.20	2.50) 2.60
**Friday Harbor to Lopez, Shaw or Orcas	((8.25 7.20	11.25 10.00	14.50 12.80	17.50 15.60	21.50 19.20	28.25 25.00	35.00 31.20	41.75 37.00	48.25 43.00	.75) .85
**Between Lopez, Shaw or Orcas	((5.25 4.80	7.00 6.40	9.00 8.00	11.00 9.80	13.50 12.00	18.00 16.00	22.25 19.80	27.00 24.00	31.00 27.60	.50) .55
**Sidney to Lopez Shaw(;) or Orcas ((or))	((20.25 20.20	27.50 27.60	35.50 35.40	42.50 42.40	50.75 50.80	67.75 67.80	84.75 84.80	101.50 101.60	106.00 106.00	1.75) 1.80
Friday Harbor										

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 or more, one-way unit crossings within any consecutive six day period 25%
Semi-trucks are considered two truck units.

((The current 25 percent discount rate for volume usage by trucks shall be reduced to 20 percent, and shall be extended to stages and buses.

Discounted script shall be available in minimum lots of \$500 for use by trucks and stages and buses only. Truck and stage and bus discount tolls may be obtained only through payment in such script.))

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,001 to 80,000	Over 80,000 per 1,000 Lbs.
Fauntleroy-Southworth										
Seattle-Bremerton										
Seattle-Winslow	7.50	10.00	13.00	16.00	19.50	25.50	31.75	37.75	43.75	.75
Pt. Townsend-Keystone										
Edmonds-Kingston										
Fauntleroy-Vashon										
Southworth-Vashon	9.50	13.00	16.00	20.00	24.50	33.00	40.50	49.00	56.50	1.00
Pt. Defiance-Tahlequah										
Mukilteo-Clinton	4.75	6.50	8.00	10.00	12.25	16.50	20.25	24.50	28.25	.50
Lofall-Southpoint										
**Anacortes to Lopez Shaw, Orcas	10.25	13.75	17.50	21.25	26.00	34.25	42.50	50.50	58.50	1.00
or Friday Harbor Sidney	29.00	39.50	50.25	60.75	73.50	97.50	121.50	145.50	152.25	2.50
**Friday Harbor to Lopez, Shaw or Orcas	7.50	10.25	13.25	16.00	19.50	25.50	32.00	38.00	44.00	.75

ROUTES	TRUCK, INCL. DRIVER										
										Over	Over
	8,001	10,001	16,001	22,001	28,001	36,001	48,001	60,001	72,001	80,000	
	to	to	to	to	to	to	to	to	to	per	
	10,000	16,000	22,000	28,000	36,000	48,000	60,000	72,000	80,000	1,000	
	Lbs.										

**Between Lopez, Shaw or Orcas	4.75	6.50	8.00	10.00	12.25	16.50	20.25	24.50	28.25	.50
**Sidney to Lopez Shaw, Orcas or Friday Harbor	20.25	27.50	35.50	42.50	50.75	67.75	84.75	101.50	106.00	1.75

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

The current 25 percent discount rate for volume usage by trucks shall be reduced to 20 percent, and shall be extended to stages and buses.

Discounted script shall be available in minimum lots of \$500 for use by trucks and stages and buses only. Truck and stage and bus discount tolls may be obtained only through payment in such script.

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

Emergency trips during nonservice hours while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.)

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-050 TRAILER FERRY TOLLS. (((1) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	TRAILER					
	UNDER 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((2.75 <u>2.45</u>	5.10 <u>4.50</u>	8.15 <u>7.25</u>	17.45 <u>15.55</u>	28.25 <u>25.15</u>	35.00)) <u>31.15</u>
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon	((3.70 <u>3.30</u>	6.90 <u>6.10</u>	10.80 <u>9.60</u>	21.60 <u>19.20</u>	35.90 <u>32.00</u>	45.00)) <u>40.00</u>
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((1.85 <u>1.65</u>	3.45 <u>3.05</u>	5.40 <u>4.80</u>	10.80 <u>9.60</u>	17.95 <u>16.00</u>	22.50)) <u>20.00</u>
Lofall-Southpoint						
Anacortes to Lopez	((3.25 <u>2.90</u>	5.60)) <u>4.95</u>				
Shaw or Orcas	((3.75 <u>3.35</u>	6.30 <u>5.60</u>	11.20 <u>9.95</u>	23.35 <u>20.80</u>	37.70 <u>33.55</u>	46.65)) <u>41.55</u>
Friday Harbor	((4.30 <u>3.85</u>	7.20)) <u>6.40</u>				
Sidney	<u>10.65</u>	<u>21.20</u>	<u>28.95</u>	<u>60.75</u>	<u>97.45</u>	<u>121.50</u>
Friday Harbor to Lopez, Shaw or Orcas	((2.75 <u>2.45</u>	4.50 <u>4.00</u>	8.15 <u>7.25</u>	17.45 <u>15.55</u>	28.25 <u>25.15</u>	35.00)) <u>31.15</u>
Between Lopez, Shaw, or Orcas	((1.85 <u>1.65</u>	3.05 <u>2.70</u>	5.40 <u>4.80</u>	10.80 <u>9.60</u>	17.95 <u>16.00</u>	22.50)) <u>20.00</u>
Sidney to Lopez	<u>8.05</u>	<u>16.80</u>				
Shaw or Orcas	<u>7.65</u>	<u>16.25</u>	<u>20.15</u>	<u>42.40</u>	<u>67.80</u>	<u>84.75</u>
Friday Harbor	<u>7.20</u>	<u>15.55</u>				

*These routes operate on one-way only toll collection system.

(((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	TRAILER					
	UNDER 10' One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winlow Pt. Townsend-Kcystone Edmonds-Kingston	2.50	4.60	7.40	15.85	25.70	31.80
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	2.30	6.20	9.80	19.60	32.70	48.90
Mukilteo-Clinton Lofall-Southpoint	1.65	3.10	4.90	9.80	16.35	28.45
Anacortes to Lopez Shaw or Orcas	2.95	5.10	10.15	21.25	34.25	42.40
Friday Harbor Sidney	3.90	6.50	10.65	28.95	60.75	97.45
Friday Harbor to Lopez, Shaw or Orcas	2.50	4.10	7.40	15.85	25.65	31.80
Between Lopez, Shaw, or Orcas	1.65	2.75	4.90	9.80	16.35	28.45
Sidney to Lopez Shaw or Orcas	8.05	16.80	7.65	20.15	42.40	67.80
Friday Harbor	7.20	15.55				84.75

*These routes operate on one-way only toll collection system.))

WSR 81-12-010
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed May 27, 1981]

WSR 81-12-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-35—Filed May 27, 1981]

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 no liquor deliveries on Sunday (Rule 12), repealing WAC 314-12-130;

that such agency will at 9:30 a.m., Wednesday, July 8, 1981, 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, July 8, 1981, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1981, and/or orally at 9:30 a.m., Wednesday, July 8, 1981, Office of Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: May 27, 1981
 By: Leroy M. Hittle
 Chairman

REPEALER

The following section of the Washington Administration Code is repealed:

WAC 314-12-130 NO LIQUOR DELIVERIES ON SUNDAY (Rule 12).

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use shellfish regulations.

I, Rolland A. Schmitt, 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 areas are closed to protect newly transplanted razor clams.

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

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

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

APPROVED AND ADOPTED May 27, 1981.
 By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-56-37200A RAZOR CLAM SANCTUARIES. Notwithstanding the provisions of WAC 220-56-372 and WAC 220-56-360, effective June 1 through June 30, 1981 it is unlawful to take, dig for or

possess razor clams for personal use in the following razor clam sanctuaries:

(1) Long Beach - from a line extending westward from the middle of the Oysterville approach, north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach - from a line extending westward from the middle of the county line approach, south for one quarter mile (1,320 feet).

WSR 81-12-012
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Order 81-10—Filed May 28, 1981]

Be it resolved by the Board of Boiler Rules, acting in Conference Room 412, 300 West Harrison, Seattle, WA 98119, that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-200 concerning 1980 Winter Addenda to the ASME Boiler and Pressure Vessel Code.

This action is taken pursuant to Notice No. WSR 81-08-022 filed with the code reviser on March 25, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.79.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 19, 1981.

By Taylor A. Anderson
Chairman, Board of
Boiler Rules

AMENDATORY SECTION

WAC 296-104-200 INSPECTION OF SYSTEMS - STANDARD FOR NEW CONSTRUCTION. The standard for new construction shall be the 1980 edition of the ASME Boiler & Pressure Vessel code and ANSI B31.3 for oil and chemical plants and ANSI B31.1 for other non-nuclear construction with all addenda made thereto prior to (~~December 1, 1980~~) February 1, 1981. The 1980 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME Code including semiannual addenda will be adopted in

accordance with the Administrative Procedure Act. Check with the Office of the Chief Boiler Inspector for the current code date.

WSR 81-12-013
EMERGENCY RULES
PARKS AND RECREATION
COMMISSION
[Order 51—Filed May 28, 1981]

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

We, the Washington State Parks and Recreation Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the commission finds that immediate amendment of WAC 352-32-035 is essential for the operation of the Reservation System therein provided for, and is necessary for the preservation of the general public welfare. The requirements for notice and opportunity to present views on the amendment to WAC 352-32-035 have been observed.

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

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

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

APPROVED AND ADOPTED May 21, 1981.

By D. W. Lowell
Rules Coordinator

AMENDATORY SECTION (Amending Order 44, filed 4/4/80)

WAC 352-32-035 CAMPSITE RESERVATION.

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

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

(3) (Reservations may not be made more than 30 days or less than 24 hours in advance of the camping date. No reservations may be made prior to the first Monday of May.) Requests for reservations may be made in writing (which) and must be postmarked a minimum of 14 days in advance. Reservations may be made in person, at the park where camping is to occur,

up to 24 hours in advance of the first camping day requested. Written requests may be made from the second Monday in January and up to 14 days in advance of Labor Day.

~~(4) ((Reservations can be made within the State of Washington by calling the reservation center on the toll-free telephone number established for that purpose.)) Reservation requests ((must)) can only be made for camping dates within the current calendar year ((only)).~~

~~(5) There will be ((one)) a \$2.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard camp((ing)) site fee((s)), regardless of the number of days reserved. Payment of the \$2.00 nonrefundable reservation fee and first night's camping fee must accompany the reservation request.~~

~~(6) ((To reserve any part of a regular weekend, the reservation must include Friday and Saturday nights. To reserve any part of a holiday week end, the reservation must include Friday and Saturday nights and the night before the holiday.)) Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.~~

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

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

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

~~(10) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the Campsite Information Center or the park in which the site is reserved, no less than 24 hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will only be valid in the calendar year in which they are issued. In lieu of payment, for the first night's camping fee they may accompany the reservation request for which they are to be used.~~

~~((10))(11) ((Confirmed reservations which will not be used must be cancelled 24 hours in advance of the first reserved camping day by calling the toll-free reservation telephone number.)) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation((s are)) is not claimed by 6 p.m. on Sunday through Thursday, ((and)) or 9 p.m. Friday, Saturday, and the night before a holiday. After these hours your site may be reassigned unless specific arrangements are made with the park to arrive later. ((If declared a no-show, the camper will lose the remaining reservation at that park. Campers who are declared no-shows will be billed for the reservation fee, and will not be allowed to make further reservations until their account is credited.))~~

~~(12) For the 1981 season, reservations will be accepted beginning June 1 for the period beginning July 1 through Labor Day.~~

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 81-12-014
ADOPTED RULES
PARKS AND RECREATION
COMMISSION**

[Order 52—Filed May 28, 1981]

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

This action is taken pursuant to Notice No. WSR 81-10-036 filed with the code reviser on April 29, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 21, 1981.

By D. W. Lowell
Rules Coordinator

AMENDATORY SECTION (Amending Order 44, filed 4/4/80)

WAC 352-32-035 CAMPSITE RESERVATION.

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

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

~~(3) ((Reservations may not be made more than 30 days or less than 24 hours in advance of the camping date. No reservations may be made prior to the first Monday of May.)) Requests for reservations may be made in writing((, which)) and must be postmarked a minimum of 14 days in advance. Reservations may be made in person, at the park where camping is to occur, up to 24 hours in advance of the first camping day requested. Written requests may be made from the second Monday in January and up to 14 days in advance of Labor Day.~~

~~(4) ((Reservations can be made within the State of Washington by calling the reservation center on the toll-free telephone number established for that purpose.)) Reservation requests ((must)) can only be made for camping dates within the current calendar year ((only)).~~

(5) There will be ~~((one))~~ a \$2.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard camp((ing)) site fee((s)), regardless of the number of days reserved. Payment of the \$2.00 nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(6) ~~((To reserve any part of a regular weekend, the reservation must include Friday and Saturday nights. To reserve any part of a holiday week end, the reservation must include Friday and Saturday nights and the night before the holiday.))~~ Recreation, camping and reservation information may be obtained by calling the campsite information center on the toll-free telephone number established for that purpose. No reservation may be made by telephone.

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

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

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

(10) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the Campsite Information Center or the park in which the site is reserved, no less than 24 hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will only be valid in the calendar year in which they are issued. In lieu of payment, for the first night's camping fee they may accompany the reservation request for which they are to be used.

~~((10))~~(11) ~~((Confirmed reservations which will not be used must be cancelled 24 hours in advance of the first reserved camping day by calling the toll-free reservation telephone number.))~~ Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation ~~((s-are))~~ is not claimed by 6 p.m. on Sunday through Thursday, ~~((and))~~ or 9 p.m. Friday, Saturday, and the night before a holiday. After these hours your site may be reassigned unless specific arrangements are made with the park to arrive later. ~~((If declared a no-show, the camper will lose the remaining reservation at that park. Campers who are declared no-shows will be billed for the reservation fee, and will not be allowed to make further reservations until their account is credited.))~~

(12) For the 1981 season, reservations will be accepted beginning June 1 for the period beginning July 1 through Labor Day.

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 81-12-015
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1657—Filed May 29, 1981—Eff. July 1, 1981]

I, David A. Hogan, Director, Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fair hearings, amending chapter 388-08 WAC.

This action is taken pursuant to Notice No. WSR 81-08-060 filed with the code reviser on April 1, 1981. Such rules shall take effect at a later date, such date being July 1, 1981.

This rule is promulgated pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 27, 1981.

By David A. Hogan
Director, Administration

NEW SECTION

WAC 388-08-00401 AUTHORITY TO ADJUDICATE. In accordance with chapter 43.20A RCW, the following delegations of authority to adjudicate contested cases as defined in RCW 34.04.010(3) are hereby made to all duly appointed and qualified hearings examiners, which includes supervisors and review examiners, within the office of hearings.

(1) Unless otherwise provided by administrative regulation or statute, hearings examiners shall have the following powers and duties:

(a) To conduct all contested case hearings arising within the department of social and health services.

(b) In all cases in which the office of hearings has sixty days or less from the date of receipt of the request for hearing to issue a final administrative decision, hearings examiners are authorized to prepare a proposed administrative decision or order which shall be submitted to the hearings authority for review and issuance of a final administrative decision or order.

(c) In all cases in which the office of hearings has more than sixty days from the date of receipt of the request for hearing to issue a final administrative decision or order, hearings examiners are authorized to prepare and issue an initial administrative decision or order.

(d) In addition to the powers set forth in subdivisions (1) (a), (b), and (c) of this section, hearings examiners designated as review examiners are authorized to act as the hearing authority to review proposed and initial administrative decisions and orders as appropriate, and to issue final administrative decisions and orders on behalf of the secretary or department.

(2) The hearings examiner shall, in adjudicating contested cases, act as first source of law governing the

issues of the hearing rules of the department as adopted in the Washington Administrative Code and any precedential decision(s) applicable to said rules.

(3) If there is no department rule(s) or precedential decision(s) which fully governs the issue(s) raised, hearings examiners shall resolve the issue(s) raised on the basis of the best legal authority and reasoning available, including that found in the state and federal constitutions, Washington statutes and regulations, federal statutes and regulations, and state and federal appellate court decisions. The hearings examiner shall not have the power to declare invalid any section of the Washington Administrative Code. If the validity of any section of the Washington Administrative Code is raised as an issue at any hearing, the hearings examiner shall permit arguments to be made on the record concerning that issue for subsequent review purposes: PROVIDED, That where the sole issue is one of state or federal law requiring automatic grant adjustments for classes of recipients the examiner shall deny or dismiss the request for a hearing without permitting argument to be made on the record regarding the validity of any section of the Washington Administrative Code.

(4) A list of all duly appointed and qualified hearings examiners shall be maintained in the office of hearings, post office box 2465, mail stop OB-43, Olympia, Washington 98504, and be made available for public inspection and copying.

(5) The chief, office of hearings, and such subordinate personnel he/she may appoint shall adopt operational and procedural instructions as they feel necessary to ensure the most efficient and effective operation of the office consistent with the due process rights of parties in contested case hearings.

NEW SECTION

WAC 388-08-416 **SELECTED FINAL DECISIONS AS PRECEDENT.** (1) In order to promote consistency of final decisions on like issues of fact and law, the office of hearings shall identify certain final decisions or portions thereof which may be relied upon, used, or cited as precedents during the hearing and review processes. In determining which decisions will be so identified, the office of hearings shall give preference to:

(a) Decisions which usefully illustrate proper application of general legal principles or procedures that have been adequately developed through administrative and/or judicial review;

(b) Decisions which clarify the meaning of undefined or inadequately defined regulatory terms or phrases;

(c) Decisions which provide particularly well-supported conclusions on legal issues which have been raised in many cases with conflicting results;

(d) Decisions which reflect significant departure from prior hearings practice;

(e) Decisions in which an existing precedential decision or any portion thereof is distinguished, modified, or overruled;

(f) Decisions resulting from hearings in which both parties were adequately represented and the issues were fully briefed.

(2) Final decisions, or portions thereof which meet one or more of the criteria in WAC 388-08-416(1)(a), (b), (c), (d), (e), or (f) shall be selected by majority vote of the chief review examiner and at least two other review examiners as may from time to time be selected for such purpose by the chief, office of hearings. The chief review examiner shall make available said decisions so selected to interested or affected parties for the purpose of soliciting comment on the appropriateness of assigning said decisions with precedential value.

(3) Interested or affected parties shall have thirty days from the date of mailing to provide the chief review examiner with comments on the appropriateness of assigning said decisions with precedential value.

(4) The chief review examiner and the selected review examiners shall fully consider all such comments prior to final designation of said decisions as precedential.

(5) Precedential decisions shall be indexed. Said decisions and index thereof shall be available to the public in the office of hearings, post office box 2465, Olympia, Washington 98504, and distributed to interested parties, including, but not limited to, individuals and groups frequently representing appellants and the department in hearings.

(6) Nothing in this section limits the secretary's authority to adopt rules pursuant to the administrative procedure act, specifically including rules which modify or overrule a holding in a precedential decision.

(7) Precedential decisions as described in this section may be used by the staff of the office of hearings and department representatives in connection with the hearings process. Precedential decisions are binding on hearings examiners in rendering the initial decision. Precedential decisions are binding on review examiners when rendering a decision after a party has filed a petition for review unless clear and substantial argument is presented which, in the reasoned opinion of the review examiner, demonstrates that a precedential decision should be modified or reversed. Precedential decisions shall not be used by employees of the department as a substitute for manual provisions or numbered policy memoranda.

WSR 81-12-016

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed May 29, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 34.08.020, that the Washington State University intends to adopt, amend, or repeal rules concerning campus parking regulations, amending WAC 504-16-120 and 504-16-170;

that such institution will at 10:00 a.m., Wednesday, July 8, 1981, in Rooms B-11 and B-13, Compton Union Building, WSU, Pullman, Washington 99164, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 30, 1981, in the Administration Building, Western

Washington Research and Extension Center, Puyallup, Washington.

The authority under which these rules are proposed is RCW 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 8, 1981, and/or orally at 10:00 a.m., Wednesday, July 8, 1981, Rooms B-11 and B-13, Compton Union Building, WSU, Pullman, Washington 99164.

Dated: May 26, 1981

By: Wallis Beasley
Executive Vice President

STATEMENT OF PURPOSE

Statutory Authority for the Rule(s): RCW 28B.10.560.

Purpose of the Rule(s): To amend existing campus parking regulations and implement new parking procedures and policies.

Summary of the Rule(s): WAC 504-16-120(7) is repealed as an unnecessary duplication of WAC 504-16-170(5). WAC 504-16-170(5) is amended. As amended, WAC 504-16-170(5) provides that: Vehicles illegally parked may be towed; vehicles with an accumulation of 3 or more unpaid parking tickets may be immobilized by use of a wheel lock device until delinquent fines are paid; fines must be paid before towed or immobilized vehicles will be released unless the driver/owner successfully appeals the violation(s); and vehicles impounded in excess of 30 days will be considered abandoned and disposed of pursuant to chapter 49.52 RCW.

Reasons Which Support the Proposed Action: To expand and clarify existing parking regulations; to repeal a redundant subsection; and to establish policies to facilitate use of the wheel lock device.

Name of Person or Organization Proposing the Rule(s): Del Brannan, Chief, WSU Police Dept.:

Governmental X Private ___ Public ___

Agency Personnel Responsible for the Drafting, Implementation, and Enforcement of the Rule(s):

Name: Del Brannan, WSU Police Chief

Office: Safety Building, WSU, Pullman

Telephone: (509) 335-4321

The Rule(s) is (are) Necessary as the Result of Federal Law ___; Federal Court Action ___; or State Court Action ___. (If so, attach a copy of the law or decision.) [No information supplied by agency]

Agency Comments, if any, regarding (1) statutory language; (2) implementation; (3) enforcement; and (4) fiscal matters pertaining to the rule(s): (4) Fiscal matters: It is anticipated that the proposed rule changes

will result in a higher rate of payment of parking fines.

AMENDATORY SECTION (Amending Order 80-2, filed 6/11/80)

WAC 504-16-120 GENERAL REGULATIONS. These campus parking and traffic regulations include the motor vehicle laws of the state of Washington and the traffic ordinances of the city of Pullman, as well as the special provisions herein provided.

(1) Restricted areas include loading zones, motorcycle zones, spaces assigned to state vehicles, specific residence hall lots, head resident spaces, university housing areas, and Rogers-Orton lot (lot #1). Restrictions in these areas are in effect at all times.

(2) The campus traffic regulations are in force on the campus as defined above, and they are also in force on certain streets of the city of Pullman by permission of the city council.

(3) Pedestrians have the right of way at all intersections and designated pedestrian crossings, except in cases involving emergency vehicles.

(4) The maximum speed limit on the campus is 20 m.p.h. unless otherwise posted.

(5) Driving on campus roads and streets is permitted at any time, except as otherwise posted, but always within the speed limits and in conformity with the regulatory signs. Standing (stopping of a vehicle, but with the driver still in the vehicle) is permitted in regular parking areas even though the vehicle is without a valid parking permit, but double parking while standing is not permitted.

(6) Washington State University assumes no responsibility for damage or theft of cars driven or parked on campus.

~~((7) An illegally parked vehicle may be towed away or have a wheel lock placed on a wheel. Vehicles that are towed away will be at the expense of the driver or owner. The university assumes no responsibility in the event of damage resulting from towing, storage or attempts to move a vehicle with a wheel lock installed. A vehicle which has been impounded by two-way or wheel lock will not be released until arrangements have been made to clear outstanding violations that have been issued to that vehicle.))~~

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 80-2, filed 6/11/80)

WAC 504-16-170 ADMINISTRATION AND ENFORCEMENT. (1) The traffic control subcommittee of the university planning committee is responsible for the following:

(a) Making recommendations on regulations governing campus traffic and parking control.

(b) Making recommendations for physical improvements in parking facilities.

(c) Reviewing the administration and enforcement of the regulations.

(d) Authorizing special permits and assessing fees therefor.

(2) The parking appeals committee

(a) Establishes and maintains an appeals procedure for parking violations on campus.

(b) Hears appeals as requested and renders decisions.

(3) The Washington State University police department is responsible for the administration and enforcement of the campus traffic and parking regulations. This responsibility also involves recommending the installation of appropriate traffic signs, maintaining a registration record system, the issuance of permits, the patrol of the university campus, and the keeping of a record of violations, warnings, court summons, and arrests.

(4) Anyone observed in violation of traffic regulations or any vehicle found parked in violation of regulations may be given a notice of violation. Moving violations will be referred to the local justice court.

(5) ~~((An illegally parked vehicle))~~ Any vehicle with an accumulation of three or more unpaid parking violations may be ~~((towed away or have))~~ temporarily immobilized by use of a wheel lock device placed on a wheel. Any vehicle may be towed away if the vehicle: has been immobilized by wheel lock more than 24 hours; or is illegally parked in a marked tow-away zone; or is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited, vehicles parked in yellow curb zones or crosswalks.

Vehicles that are towed away will be at the expense of the driver and/or owner. Any vehicle immobilized by use of the wheel lock device in excess of 24 hours in a location where towing away is impossible or impractical will be assessed a storage fee of \$5.00 for each calendar day or portion thereof, beyond the first 24 hours. The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed. ((★)) No vehicle ((which has been)) impounded by tow-away or wheel lock device ((will not)) shall be released until ((arrangements have been made to clear outstanding violations that have been issued to that vehicle)) the following fees are paid:

- All unpaid parking violation penalties against said vehicle;
- All towing and storage fees.

Any vehicle impounded pursuant to these regulations in excess of 30 calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with RCW 46.52. A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which may be refunded after a successful appeal.

(6) Parking violations will be processed by the university. Parking fines are to be paid at the police department in the safety building. Parking violations may be appealed in writing within 10 days of the violation. The fine will be: Class 1) \$2.00 for parking meters, time zones, and no transferable pool card; Class 2) \$10.00 for fire hydrants, no permit head resident's areas and disability spaces; and Class 3) \$5.00 for all other parking violations. Fines for classes 1, 2, and 3 will be reduced by one-half if paid within 24 hours of the violation. Displaying a counterfeit permit or indicator, or obtaining one under false pretenses, will be subject to a fine of \$25.00.

(7) Failure of a student or a staff member to pay the fine assessed for any violation will result in the total amount of the fine being referred to the controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees to secure payment, or withhold outstanding fines from damage deposits or other funds held for any students. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing copies of students' transcripts or to withhold permission to re-enroll for an ensuing term until outstanding fines are paid.

(8) An accumulation of six class-2 or -3 violations during a year will subject the violator to revocation of parking privileges. Vehicles without permits which accumulate the above number of violations will be prohibited from parking on university property.

(9) Appeal procedure - This procedure serves two primary purposes: To assure an impartial evaluation of circumstances and situations relating to a parking violation; and to aid in the appraisal of parking and traffic problems. The appeal procedure may involve two steps:

(a) The initial appeal must be in writing. Forms for this purpose are obtained at the police department. After review by the parking appeals committee, the appellant and, if appropriate, the WSU controller's office are notified of the decision of the committee.

(b) If the initial appeal is rejected, the appellant may request a hearing before the parking appeals committee to present his/her case in person. The appellant is notified by mail of the decision of the committee.

(10) The parking regulations are enforced every day, 24 hours a day throughout the year. During specified periods as described in the following subparagraphs, special conditions exist and the regulations are modified accordingly.

(a) During vacation periods and between terms, temporary permits are issued without fee for the period when school is not in session.

(b) At the beginning of a semester or summer session, parking permits are not required in student lots, specific residence hall lots, E-lots, and university housing areas from the Monday of registration week until the beginning of the sixth day of classes.

(c) During finals week, permits are not required in student lots, specific residence hall lots, E-lots, and university housing areas.

(d) During vacation periods and summer sessions, any valid parking permit, except those issued by university housing and food service, authorizes parking in any lot designated for students.

(e) At the beginning of the fall semester, the prior year staff and visitor permits will be valid until the beginning of the ((6th)) sixth day of classes.

(11) Parking violation notices issued to visitors are considered to be warning notices only for violation No. 4 "No Parking Permit" and violation No. 5 "No Parking Permit for Area."

WSR 81-12-017

ADOPTED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Order 81-2, Resolution 81-2—Filed May 29, 1981]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage rates for the Puget Sound Pilotage District, amending WAC 296-116-300.

This action is taken pursuant to Notice No. WSR 81-03-072 filed with the code reviser on January 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 88.16.035 which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88-16 RCW.

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

APPROVED AND ADOPTED May 14, 1981.

By Ralph White
Chairman

AMENDATORY SECTION (Amending Order 80-1, Resolution 80-1, filed 5/28/80)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ((+1980)) 1981, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	\$20.00
Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is ((to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.)) for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$((+0.50))9.50 of	

CLASSIFICATION	RATE	CLASSIFICATION	RATE
<p>the fee shall be for amortization; \$(9.50) <u>10.50</u> shall be toward expenses. When both boats are amortized the \$(10.50) <u>9.50</u> portion of the boarding fee shall be terminated.</p>		Compass Adjustment	((125.00)) <u>132.00</u>
Harbor Shift – Live Ship (Seattle Port)	LOA Zone I	Radio Direction Finder Calibration	((125.00)) <u>132.00</u>
Harbor Shift – Live Ship (Other than Seattle Port)	LOA Zone I	Launching Vessels	((187.00)) <u>198.00</u>
Harbor Shift – Dead Ship	Double LOA Zone I	Trial Trips, 6 hours or less	((50.00)) <u>53.00</u> per hr.
Dead Ship Towing Charge:	Double LOA Zone	(Minimum \$(300.00) <u>318.00</u>)	
LOA of tug + LOA of tow + beam of tow		Trial Trips, over 6 hours (two pilots)	((100.00)) <u>106.00</u> per hr.
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage ((f)) to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.		Shilshole Bay — Salmon Bay	((73.00)) <u>77.00</u>
		Salmon Bay — Lake Union	((58.00)) <u>61.00</u>
		Lake Union — Lake Washington (plus LOA zone from Webster Point)	((73.00)) <u>77.00</u>
		Cancellation Charge	LOA Zone I
		Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
		Docking Delay after Anchoring ((f)) :	((50.00)) <u>53.00</u>
Waterway and Bridge Charges:		Applicable Harbor Shift rate to apply, plus \$(50.00) <u>53.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(50.00) <u>53.00</u> for every hour or fraction thereof.	
Ships up to 90' beam:		Sailing Delay	((50.00)) <u>53.00</u> ((per hour)) per hour
A charge of \$(93.00) <u>99.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle ((and)) , south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$(44.00) <u>47.00</u> per bridge.		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(50.00) <u>53.00</u> for every hour or fraction thereof.	
Ships 90' beam and/or over:			((50.00)) <u>53.00</u> per hour
A charge of \$(125.00) <u>133.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$(88.00) <u>93.00</u> per bridge.		Slow-Down — \$(50.00) <u>53.00</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)		Super Ships — Additional charge to LOA zone	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.		mileage of \$(0.0310) <u>0.0329</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((f)-0372)) <u>\$0.0394</u> per gross ton.	

CLASSIFICATION	RATE
Delayed Arrival ((f=)) Port Angeles ((50.00)) 53.00 per hour	
(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA((f=))).	
Transportation to vessels on Puget Sound:	
March Point((f=)) or Anacortes((f=)) ((51.92.00))	\$96.00
Bangor	((54.00)) 56.00
Bellingham	((101.00)) 106.00
Bremerton	((28.00)) 29.00
Cherry Point	((112.00)) 125.00
Dupont	((54.00)) 56.00
Edmonds	20.00
Everett	((33.00)) 36.00
Ferndale	((111.00)) 115.00
Manchester	((42.00)) 44.00
Mukilteo	((33.00)) 35.00
Olympia	((69.00)) 72.00
Point Wells	20.00
Port Gamble	((49.00)) 51.00
Port Townsend (Indian Island((f=)))	((70.00)) 73.00
Semiahmoo (Blaine)	((125.00)) 131.00
Tacoma	((36.00)) 37.00
Tacoma Smelter	((39.00)) 42.00
Winslow	((28.00)) 29.00

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.

Delinquent payment charge: 1% per month after 60 days from first billing.

Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA RATE SCHEDULE

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	((88	137	238	357	481	625))
	93	145	252	378	510	663
450 - 459	((90	140	240	362	487	628))
	95	148	254	384	516	666
460 - 469	((92	142	242	368	494	630))
	98	151	257	390	524	668
470 - 479	((95	145	245	375	497	632))
	101	154	260	398	527	670
480 - 489	((97	148	247	381	501	635))
	103	157	262	404	531	673
490 - 499	((100	150	250	388	507	639))
	106	159	265	411	537	677
500 - 509	((103	153	254	394	510	642))
	109	162	269	418	541	681
510 - 519	((105	157	257	400	515	644))
	111	166	272	424	546	683
520 - 529	((107	162	261	403	520	650))
	113	172	277	427	551	689
530 - 539	((110	165	265	406	527	657))
	117	175	281	430	559	696
540 - 549	((112	168	269	410	537	662))
	119	178	285	435	569	702
550 - 559	((115	172	272	415	541	668))
	122	182	288	440	573	708
560 - 569	((119	177	276	419	546	675))
	126	188	293	444	579	716
570 - 579	((122	180	280	421	552	681))
	129	191	297	446	585	722
580 - 589	((126	183	284	424	556	688))
	134	194	301	449	589	729
590 - 599	((132	187	287	426	562	694))
	140	198	304	452	596	736
600 - 609	((137	192	291	428	569	699))
	145	204	308	454	603	741
610 - 619	((144	195	295	432	575	706))
	153	207	313	458	610	748
620 - 629	((151	198	299	434	582	712))
	160	210	317	460	617	755
630 - 639	((159	202	302	436	587	719))
	169	214	320	462	622	762
640 - 649	((166	207	306	439	593	725))
	176	219	324	465	629	769
650 - 659	((175	210	310	441	600	732))
	186	223	329	467	636	776
660 - 669	((180	213	314	443	606	737))
	191	226	333	470	642	781
670 - 679	((185	217	317	450	613	743))
	196	230	336	477	650	788
680 - 689	((190	222	321	456	619	750))
	201	235	340	483	656	795
690 - 699	((195	225	325	463	625	763))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
	207	239	345	491	663	809
700 - 719	(205) 217	232 246	332 352	469 497	637 675	774) 820
720 - 739	(215) 228	240 254	340 360	475 504	650 689	787) 834
740 - 759	(225) 239	250 265	347 368	481 510	662 702	800) 848
760 - 779	(235) 249	260 276	355 376	487 516	675 716	812) 861
780 - 799	(245) 260	270 286	362 384	494 524	688 729	825) 875
800 - 819	(255) 270	280 297	370 392	500 530	699 741	838) 888
820 - 839	(265) 281	290 307	377 400	507 537	712 755	849) 900
840 - 859	(275) 292	300 318	385 408	512 543	725 769	862) 914
860 - 879	(285) 302	310 329	392 416	525 557	737 781	875) 928
880 - 899	(295) 313	320 339	400 424	538 570	750 795	887) 940
900 - 919	(305) 323	330 350	407 431	550 583	763 809	900) 954
920 - 939	(315) 334	340 360	415 440	562 596	774 820	913) 968
940 - 959	(325) 345	350 371	422 447	575 610	787 834	924) 979
960 - 979	(335) 355	360 382	430 456	587 622	800 848	937) 993
980 - 999	(345) 366	370 392	437 463	600 636	812 861	950) 1007
1000 & over	(355) 376	380 403	445 472	613 650	825 875	962) 1020

**WSR 81-12-018
EMERGENCY RULES
BOARD OF**

PILOTAGE COMMISSIONERS

[Order 81-3, Resolution 81-3—Filed May 29, 1981]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage rates for the Puget Sound Pilotage District, amending WAC 296-116-300.

We, the Board of Pilotage Commissioners, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an annual increase in pilotage rates is required effective June 1, 1981. Due to a delay while considering the permanent rule, the permanent rule cannot be implemented by June 1, 1981. Accordingly, this emergency rule is necessary.

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

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 88.16.035 which directs that the Board of Pilotage Commissioners

has authority to implement the provisions of chapter 88-16 RCW.

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

APPROVED AND ADOPTED May 14, 1981.

By Ralph White
Chairman

AMENDATORY SECTION (Amending Order 80-1, Resolution 80-1, filed 5/28/80)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ~~((1980))~~ 1981, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	\$20.00

Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is ~~((to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.))~~ for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. ~~\$(10.50))~~ 9.50 of the fee shall be for amortization; ~~\$(9.50))~~ 10.50 shall be toward expenses. When both boats are amortized the ~~\$(10.50))~~ 9.50 portion of the boarding fee shall be terminated.

Harbor Shift - Live Ship (Seattle Port) LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port) LOA Zone I

Harbor Shift - Dead Ship Double LOA
Zone I

Dead Ship Towing Charge: Double LOA
LOA of tug + LOA of tow + beam
Zone
of tow

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage ~~((+))~~ to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

CLASSIFICATION	RATE	CLASSIFICATION	RATE
Waterway and Bridge Charges:		Docking Delay after Anchoring((f-)):	((50.00)) <u>53.00</u>
Ships up to 90' beam:		Applicable Harbor Shift rate to apply, plus \$((50.00)) 53.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((50.00)) 53.00 for every hour or fraction thereof.	
A charge of \$((93.00)) 99.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle ((and)), south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$((44.00)) 47.00 per bridge.		Sailing Delay	((50.00)) <u>53.00</u> ((per hour)) per hour
Ships 90' beam and/or over:		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((50.00)) 53.00 for every hour or fraction thereof.	
A charge of \$((25.00)) 133.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((88.00)) 93.00 per bridge.			((50.00)) <u>53.00</u> per hour
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)		Slow-Down — \$((50.00)) 53.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.		Super Ships — Additional charge to LOA zone mileage of \$((0.0329)) 0.0329 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((57.0372)) \$0.0394 per gross ton.	
Compass Adjustment	((25.00)) <u>132.00</u>	Delayed Arrival ((f=)) Port Angeles	((50.00)) 53.00 per hour
Radio Direction Finder Calibration	((25.00)) <u>132.00</u>	(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA((f-)).	
Launching Vessels	((87.00)) <u>198.00</u>	Transportation to vessels on Puget Sound:	
Trial Trips, 6 hours or less	((50.00)) 53.00 per hr.	March Point((f-)) or Anacortes((f-)) ((592.00))	<u>596.00</u>
(Minimum \$((300.00)) 318.00)		Bangor	((54.00)) 56.00
Trial Trips, over 6 hours (two pilots)	((100.00)) 106.00 per hr.	Bellingham	((101.00)) 106.00
Shilshole Bay — Salmon Bay	((73.00)) 77.00	Bremerton	((28.00)) 29.00
Salmon Bay — Lake Union	((58.00)) <u>61.00</u>	Cherry Point	((112.00)) 125.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((73.00)) 77.00	Dupont	((54.00)) 56.00
Cancellation Charge	LOA Zone I	Edmonds	20.00
Cancellation Charge — Port Angeles		Everett	((33.00)) 36.00
(When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I	Ferndale	((111.00)) 115.00
		Manchester	((42.00))

CLASSIFICATION

RATE

LOA	ZONE I ZONE II ZONE III ZONE IV ZONE V ZONE VI					
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
		<u>44.00</u>				
Mukilteo		((33.00))				
		<u>35.00</u>				
Olympia		((69.00))				
		<u>72.00</u>				
Point Wells		<u>20.00</u>				
Port Gamble		((49.00))				
		<u>51.00</u>				
Port Townsend (Indian Island(((††))))		((70.00))				
		<u>73.00</u>				
Semiahmoo (Blaine)		((125.00))				
		<u>131.00</u>				
Tacoma		((36.00))				
		<u>37.00</u>				
Tacoma Smelter		((39.00))				
		<u>42.00</u>				
Winslow		((28.00))				
		<u>29.00</u>				
(a) Interport shifts: Transportation paid to and from both points.						
(b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.						
(c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.						
(d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.						
Delinquent payment charge: 1% per month after 60 days from first billing.						
Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.						
LOA RATE SCHEDULE						
The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.						
Up to 499	((88	137	238	357	481	625))
93	145	252	378	510	663	
450 - 459	((90	140	240	362	487	628))
95	148	254	384	516	666	
460 - 469	((92	142	242	368	494	630))
98	151	257	390	524	668	
470 - 479	((95	145	245	375	497	632))
101	154	260	398	527	670	
480 - 489	((97	148	247	381	501	635))
103	157	262	404	531	673	
490 - 499	((100	150	250	388	507	639))
106	159	265	411	537	677	
500 - 509	((103	153	254	394	510	642))
109	162	269	418	541	681	
510 - 519	((105	157	257	400	515	644))
111	166	272	424	546	683	
520 - 529	((107	162	261	403	520	650))
113	172	277	427	551	689	
530 - 539	((110	165	265	406	527	657))
117	175	281	430	559	696	
540 - 549	((112	168	269	410	537	662))
119	178	285	435	569	702	
550 - 559	((115	172	272	415	541	668))
122	182	288	440	573	708	
560 - 569	((119	177	276	419	546	675))
126	188	293	444	579	716	
570 - 579	((122	180	280	421	552	681))
129	191	297	446	585	722	
580 - 589	((126	183	284	424	556	688))
134	194	301	449	589	729	
590 - 599	((132	187	287	426	562	694))
140	198	304	452	596	736	
600 - 609	((137	192	291	428	569	699))
145	204	308	454	603	741	
610 - 619	((144	195	295	432	575	706))
153	207	313	458	610	748	
620 - 629	((151	198	299	434	582	712))
160	210	317	460	617	755	
630 - 639	((159	202	302	436	587	719))
169	214	320	462	622	762	
640 - 649	((166	207	306	439	593	725))
176	219	324	465	629	769	
650 - 659	((175	210	310	441	600	732))
186	223	329	467	636	776	
660 - 669	((180	213	314	443	606	737))
191	226	333	470	642	781	
670 - 679	((185	217	317	445	613	743))
196	230	336	477	650	788	
680 - 689	((190	222	321	446	619	750))
201	235	340	483	656	795	
690 - 699	((195	225	325	448	625	763))
207	239	345	491	663	809	
700 - 719	((205	232	332	449	637	774))
217	246	352	497	675	820	
720 - 739	((215	240	340	475	650	787))
228	254	360	504	689	834	
740 - 759	((225	250	347	481	662	800))
239	265	368	510	702	848	
760 - 779	((235	260	355	487	675	812))
249	276	376	516	716	861	
780 - 799	((245	270	362	494	688	825))
260	286	384	524	729	875	
800 - 819	((255	280	370	500	699	838))
270	297	392	530	741	888	
820 - 839	((265	290	377	507	712	849))
281	307	400	537	755	900	
840 - 859	((275	300	385	512	725	862))
292	318	408	543	769	914	
860 - 879	((285	310	392	525	737	875))
302	329	416	557	781	928	
880 - 899	((295	320	400	538	750	887))
313	339	424	570	795	940	
900 - 919	((305	330	407	550	763	900))
323	350	431	583	809	954	
920 - 939	((315	340	415	562	774	913))
334	360	440	596	820	968	
940 - 959	((325	350	422	575	787	924))
345	371	447	610	834	979	
960 - 979	((335	360	430	587	800	937))
355	382	456	622	848	993	
980 - 999	((345	370	437	600	812	950))

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-51 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
	366	392	463	636	861	1007
1000 & over	355	380	445	613	825	962
	376	403	472	650	875	1020

WSR 81-12-019
ADOPTED RULES
THE EVERGREEN
STATE COLLEGE

[Order 81-1, Resolution 81-14—Filed June 1, 1981]

Be it resolved by the board of trustees of The Evergreen State College, acting at The Evergreen State College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to library circulation policy, amending WAC 174-136-130 and 174-136-140.

This action is taken pursuant to Notice No. WSR 81-08-032 filed with the code reviser on March 27, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

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

APPROVED AND ADOPTED May 14, 1981.

By Daniel J. Evans
 President

NEW SECTION

WAC 174-136-130 CIRCULATION RECORDS. In order to prevent an unreasonable invasion of personal privacy (including but not limited to RCW 42.17.260 and 42.17.310) all records relating to the registration of patrons and their requests for use and subsequent circulation of materials by The Evergreen State College Library are hereby deemed confidential, regardless of the source of inquiry or request for information.

NEW SECTION

WAC 174-136-140 SELECTION OF RESOURCES AND SERVICES. It is the policy of The Evergreen State College to select for its library the best and most suitable library materials, library equipment and library services. The college expressly rejects any form of selection based on censorship of materials or prejudicial considerations based upon race, religion, sex, national origin or political view point.

WSR 81-12-020
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1654—Filed June 1, 1981]

I, David A. Hogan, Director, Division of Administration 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, David A. Hogan, 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 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 June 1, 1981.

By David A. Hogan
 Director, Division of
 Administration

AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

WAC 388-54-630 APPLICATION AND PARTICIPATION—VERIFICATION. (1) Mandatory verifications shall include:

(a) *Gross nonexempt income.* Where verification is not possible because either the person or organization providing the income has failed to cooperate or is unavailable, the department shall determine the amount to be used for certification purposes based on the best available information.

(b) *Alien status.* The department shall verify the alien status of those household members identified as aliens on the application by the use of INS documents, court orders or other appropriate documentations in possession of the household member. The department shall not contact the INS to obtain information about the alien's correct status without the alien's written consent.

(c) *Social security number (SSN) for each household member eighteen years and over and children receiving countable income (effective June 1, 1980).*

(i) Certification shall not be delayed solely for the verification of SSNs, even if the thirty-day processing period has not expired.

(ii) A verified SSN shall be reverified only if the SSN or the identity of the individual becomes questionable.

(iii) If verification of SSN is not completed at initial certification, it shall be completed at the time of or prior to the household's recertification.

(iv) If verification is not completed within ninety days of initial certification, only the individual whose SSN is not verified shall be disqualified if he/she is unable to show "good cause" for failure to acquire or apply for the SSN. (See WAC 388-54-687).

(d) Identity. The department shall verify the identity of the person making the application. When an authorized representative applies for a household, the identity of the authorized representative and the head of household shall be verified.

(e) Residency. The residency requirements in WAC 388-54-685 shall be verified except in unusual cases (such as migrant households or households newly arrived in the area) where verification of residency cannot reasonably be accomplished.

(f) Continuing shelter expenses. Shelter costs, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. Verification will be on a one-time basis unless the household has moved, reported an increase in cost which would affect the level of the deduction (only the changed cost shall be verified) or unless questionable.

~~((†))~~ (g) Utility expenses. The department shall verify ((the)) utility expenses ((only if the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction)):

(i) If the ((utility expense cannot be verified in the thirty days application period, the standard utility allowance shall be used:)) household is entitled to the utility standard (one qualifying utility shall be verified on a one-time basis unless the household has moved, changed its utilities or the information is questionable), or

(ii) ((Expenses claimed for an unoccupied home will be the actual expenses incurred)) If the household wishes to claim expenses in excess of the utility standard and the expense would actually result in a deduction.

(iii) The utility standard shall be used if the utility expense cannot be verified in the thirty-day application period.

(iv) Utility expenses claimed for an unoccupied home will be the actual expenses incurred.

(2) If a deductible expense which a household is entitled to claim (shelter cost, utilities, medical) cannot be verified within thirty days of the date of application, the department shall determine the household's eligibility and benefit level without providing a deduction of the claimed but unverified expense.

~~((2))~~ (3) The following need not be verified unless inconsistent with other information on the application, previous applications, or other documented information known to the department.

(a) Resource information or the exempt status of income.

(b) Nonfinancial information such as household composition, tax dependency, deductible expenses, liquid resources and loans, citizenship.

If it is necessary to verify a loan, a simple statement signed by both parties to the loan shall be sufficient.

~~((3))~~ (4) The following sources of verification shall be used:

(a) Documentary evidence shall be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications such as:

(i) Collateral contacts. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. This contact may be made either in person or over the phone with any individual who can provide an accurate third-party verification of the household's statements.

(ii) Home visits shall be made only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household.

(b) Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.

~~((4))~~ (5) The household has primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner, the department shall offer assistance in obtaining this evidence. Designation of a collateral contact is also the responsibility of the household.

~~((5))~~ (6) At recertification, a change in income or source of income, medical expenses, or actual utility expenses claimed, in an amount over ((25)) twenty-five dollars, shall be verified.

(a) All other changes shall be subject to the same verification procedures as apply at initial certification.

(b) Unchanged information shall not be verified unless questionable.

AMENDATORY SECTION (Amending Order 1529, filed 8/6/80)

WAC 388-54-645 APPLICATION AND PARTICIPATION—EXPEDITED SERVICE. The department must screen applicants at the time of application to determine which households are eligible for expedited service.

(1) If otherwise eligible, the following households are entitled to expedited service.

(a) Households with zero net monthly income;

(b) Households who are destitute as defined in WAC 388-54-655.

(2) For households eligible for expedited service.

(a) The department shall mail the ATP card or coupons no later than the close of business of the second working day following the date the application was filed; unless the household opts to pick up the ATP or coupons no later than the start of business of the third working day following the date the application was filed.

(b) For residents of drug or alcoholic treatment and rehabilitation centers who are eligible, the department shall make the ATP and coupons available within seven working days following the date the application was filed.

(3) When expediting certification and issuance the department shall:

(a) Postpone the verification usually required. The household's identity and residency shall be verified however through a collateral contact or readily available documentary evidence.

(b) Require the applicant to register for work unless exempt or unless the household has designated an authorized representative to apply on its behalf; postpone work registration of other members of the household if it cannot be accomplished within the expedited service time frames.

((b)) (c) Benefits shall not be delayed beyond the delivery standard described in subsection (2) ((above)) of this section solely because income has not been verified.

((c)) (d) The CSO shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

(4) Households that are certified on an expedited basis and have provided all necessary verification required prior to certification shall be assigned a normal certification period. When social security numbers are the only mandatory items not verified, the household shall be certified for a three-month period. Individuals required to provide SSNs for verification must do so at or prior to recertification unless able to show good cause for not meeting this requirement. If good cause is established, the participant may continue to participate provided the individual has documentation indicating he/she has applied for an SSN. If all necessary verification was postponed the household will be certified for one month only.

(a) Benefits will not be continued past the month of application if verification continues to be postponed.

(b) At the time of reapplication, the household must complete the verification requirements which were postponed.

(c) There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification, the household either completes the verification requirements postponed at the last expedited certification, or was certified under normal processing standards since the last expedited certification.

(5) A household entitled both to expedited service and waiver of office interview shall be interviewed by the first working day following the date the application was filed. If the application is not complete and a telephone interview is conducted, the department shall complete the application for the household during the interview and mail the completed application the same day to the household for signature. Time limits shall be calculated from the date a completed and signed application is received rather than the date the application was filed.

AMENDATORY SECTION (Amending Order 1558, filed 10/20/80)

WAC 388-54-675 WORK REGISTRATION REQUIREMENT. (1) Each individual between the ages of ((+8)) eighteen and ((60)) sixty is required to register for employment prior to certification, and once every ((6)) six months after initial registration, except:

(a) A person physically or mentally unfit for employment;

(b) A parent, or other member of the household, who has responsibility for the care of a dependent child under ((+2)) twelve years of age, or of an incapacitated person;

If the child has its ((+2th)) twelfth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.

(c) A parent, or other caretaker, of a child under ((+8)) eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;

(d) A person receiving unemployment compensation, or a person who has applied for, but not yet begun to receive unemployment compensation, but has registered for work as a requirement for receiving unemployment compensation;

(e) A household member subject to and participating in the WIN program;

Household members, who are required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they qualify in ((+)) subsection (1) of this section.

(f) A person who is employed, or self-employed, at least ((30)) thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by ((30)) thirty hours;

(g) A student enrolled at least half time in any recognized school, training program or institution of higher education provided that those students have met the eligibility conditions in WAC 388-54-670;

(h) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;

(i) A child who has its ((+8th)) eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption~~(:)~~;

(j) A person who is complying with work requirements imposed as a participant in any refugee resettlement program including but not limited to the Indochinese refugee assistance program, or the E&T program when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members who are not exempt are registered for work;

(k) A migrant or seasonal farmworker who is under contract or similar agreement with an employer to begin employment within thirty days;

(l) The department shall verify any claim for exemption which it determines to be questionable.

(2) The department shall provide work registration forms to the applicant for each household member who is required to register for employment. Household members are registered when a completed work registration

form is submitted to the department. The department shall forward the completed form to the state employment service.

(3) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable.

(4) Each member required to register for employment shall also be required to:

(a) Report for an interview to the office where he is registered upon reasonable request;

(b) Respond to a request from the employment service office requiring supplemental information regarding employment status or availability for work;

(c) Report to an employer to whom he has been referred by such office, if the potential employment is suitable;

(d) Accept a bona fide offer of suitable employment to which he is referred by such office;

(e) Continue suitable employment to which the registrant was referred by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control.

(5) If the department finds that a household member refused or failed to comply with the work registration requirement without good cause, the household shall be ineligible for participation in the program, until the member complies, becomes exempt, or, for ~~((2))~~ two months, whichever is earlier.

(6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause.

(7) Employment will be considered unsuitable if:

(a) The wages offered are less than the highest amount of the standard following:

(i) The applicable state or federal minimum wage,

(ii) ~~((80%))~~ Eighty percent of the federal minimum wage(;-).

(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;

(c) The registrant, as a condition of employment, or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization; or

(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under section 208 of the labor-management relations act (commonly known as the Taft-Hartley act) or unless an injunction has been issued under section 10 of the railway labor act.

(8) Employment shall be considered suitable unless the household member can demonstrate, or the department otherwise becomes aware that:

(a) The degree of risk to the registrant's health and safety is unreasonable.

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources.

(c) The employment offered is outside the registrant's major field of experience unless, after a period of ~~((30))~~ thirty days from registration, job opportunities in his major field have not been offered.

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting.

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours, or if the place of employment is too far to walk to and neither private nor public transportation is available to the client.

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

(g) In case of students, the employment is offered during class hours or is more than ~~((20))~~ twenty hours a week.

(9) No household shall be denied participation solely on the grounds that a member of the household is not working because of a strike or a lockout at his or her place of employment unless the strike has been enjoined under paragraph 208 of the labor-management relations act (commonly known as the Taft-Hartley act), or unless an injunction has been issued under section 10 of the railway labor act.

(10) At the end of the ~~((2))~~ two-month disqualification period, a household may apply to ~~((re-establish))~~ reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

(11) A registrant who moves out of the jurisdiction of the department of employment security (DES) office with which he/she is registered must reregister at his/her new location.

(12) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

(13) The household shall be held liable for any over-issuances which result from erroneous information given by the household member or the household's authorized representative.

NEW SECTION

WAC 388-54-678 **JOB SEARCH REQUIREMENT.** (1)(a) Persons required to register for work shall be subject to job search requirements in accordance with the following categories:

(i) Category I – job ready – work registrants who have no apparent substantial barriers to employment;

(ii) Category II – nonjob ready – work registrants with substantial barriers to employment, for example, medical, transportation, language or family problems;

(iii) Category III – exempt – work registrants for whom a job search is determined to be impractical, specifically including those individuals residing an unreasonable distance from the appropriate DES office or potential employers, and migrant and seasonal farmworkers away from their home base and following the work stream.

(b) Category assignment and exempt status shall be determined by DES at the time the work registration form is received from the department.

(2) Registrants subject to job search:

(a) Shall contact, as required by DES, up to twenty-four prospective employers during an eight-week, or two four-week period(s) of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;

(b) Shall report at a prescheduled time to the DES on the result of all job contacts twice during the eight-week period;

(c) Shall comply with DES follow-up interviews. If a household member has refused or failed without good cause to comply with the requirement of this section, the entire household shall be ineligible;

(d) Within ten days after a determination of failure to comply, shall be issued a notice of adverse action by the department;

(e) Have a right to a fair hearing to appeal a denial, reduction or termination of benefits due to a determination of nonexempt status or failure to comply.

(3) Work registrants classified as category II will not be assigned any specific job search activity.

(a) Job attached persons who have not returned to their jobs or otherwise become exempt from the job search requirement may be called in for job search categorization reassessment at the end of sixty days;

(b) Other persons may be called in for job search categorization reassessment during the six-month period.

(4) Work registrants classified as category III will not be required to fulfill job search requirements until such time as they are reclassified into an active job search category.

(5) Failure to comply with the job search requirement without good cause shall result in household disqualification for a two-month period unless the member who caused the disqualification becomes exempt from the work requirement, is no longer a member of the household, or the member complies.

(6) In determining whether good cause exists for failure to comply, facts and circumstances shall be considered including information submitted by DES, the member and the employer.

"Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation and unanticipated emergency, problems resulting from inability of the work registrant to speak or write English could constitute good cause.

(7) Each household has a right to a fair hearing through the department to appeal a denial, reduction or termination of benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements of this section and WAC 388-54-675.

Each household may request a review of any decision made on the part of DES, such as a job search classification, prior to requesting a fair hearing through the department.

AMENDATORY SECTION (Amending Order 1545, filed 9/17/80)

WAC 388-54-770 **CERTIFICATION PERIODS—REPORTING CHANGES DURING.** (1) The recipient household is required to report the following changes in circumstances:

(a) All changes in income of more than ~~((25.00))~~ twenty-five dollars 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))~~ one thousand seven hundred fifty dollars. (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))~~ of this section.

(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 within ten days will result in delay of increased benefits ~~((reverting to the original allotment))~~.

(f) A new change report form when a change has been reported.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-775 CERTIFICATION PERIODS—EFFECTING CHANGES DURING. (1) For changes which result in an increase in benefits the department will make the change effective not later than the first allotment issued ~~((+10))~~ ten days after the change was reported to the department, provided that the household has furnished the required verification within ten days. The time frames shall run from the date the change was reported, not from the date of verification. If verification is not provided within ten days, the increase in benefits shall be effective not later than the first allotment issued ten days after the verification is provided.

(2) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of ~~((50))~~ fifty dollars or more in the household's gross monthly income, the department shall:

(a) Make the change effective not later than the first allotment issued ~~((+10))~~ ten days after the date the change was reported, except that;

(b) In no event shall these changes take effect any later than the month following the month in which the change is reported.

(3) If the household's benefit level decreases or the household becomes ineligible as a result of the change, the department will take the following action:

(a) Issue a notice of adverse action within ~~((+10))~~ ten days of the date the change was reported.

(b) The decrease in the benefit level shall be made effective with the first allotment to be issued after the ~~((+10))~~ ten day notice of adverse action has expired, provided a fair hearing and continuation of benefits have not been requested.

(4) If the department discovers that the household has failed to report a change as required and has received benefits to which it was not entitled, the department shall file a claim against the household for the amount of the overpayment.

Individuals shall not be terminated for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.

(5) Public assistance households which report a change in circumstances to the department shall be considered to have reported the change for food stamp purposes.

(6) Changes reported to the department pursuant to WAC 388-54-770(2), whether they result in an increase, decrease or no change in the allotment amount shall be documented in the case records as to:

(a) Date received; and

(b) Circumstances.

(7) If the department fails to take action on reported changes as specified in subsection (1) ~~((above))~~ of this section, restoration of lost benefits shall be provided to the client.

~~((8)) Verification of circumstances which result in an increased allotment shall be provided by the client. Such verification must be obtained prior to the issuance of the second monthly allotment after the change is reported.~~

~~(a) If the client does not provide verification, benefits will revert to the original allotment level without a notice of adverse action.~~

~~(b) If the department determines that a client has refused to cooperate, the client's eligibility shall be terminated following a notice of adverse action.)~~

WSR 81-12-021

**NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION**

[Memorandum—June 1, 1981]

The State Board of Education schedule of meeting dates and locations for the 1981 calendar year, filed with the State Code Reviser as follows:

September 15, 1980, WSR 80-13-045;
December 8, 1980, WSR 81-01-023
(amended notice);
February 10, 1981, WSR 81-05-014
(amended notice);
March 30, 1981, WSR 81-08-048 (amended
notice); and
May 4, 1981, WSR 81-10-055 (amended
notice)

has been amended to change the date of the July 30-31, 1981 meeting in Kelso, Washington to July 23-24, 1981, in Kelso, Washington.

WSR 81-12-022

**ADOPTED RULES
STATE BOARD OF EDUCATION**

[Order 4-81—Filed June 1, 1981]

Be it resolved by the State Board of Education, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to teachers' responsibilities, repealing WAC 180-44-030.

This action is taken pursuant to Notice No. WSR 81-08-049 filed with the code reviser on April 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58-.101 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

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

APPROVED AND ADOPTED May 22, 1981.

By Wm. Ray Broadhead
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-44-030 REGULATORY PROVISIONS RELATING TO RCW 28A.04.120(6) AND 28A.58.101—EXCUSE FOR PUPIL ABSENCE REQUIRED.

WSR 81-12-023

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 5-81—Filed June 1, 1981]

Be it resolved by the State Board of Education, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules concerning learning resources centers, relating to the establishment of minimum standards for integrating school district library and media services into learning resources centers, amending chapter 180-46 WAC.

This action is taken pursuant to Notice No. WSR 81-08-050 filed with the code reviser on April 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.134 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 22, 1981.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 15-75, filed 12/11/75)

WAC 180-46-015 LEARNING RESOURCES. Instructional materials, the library collections and audiovisual equipment shall be integrated as learning resources which are defined as, but not limited to, those organized collections of books, filmstrips, slide sets, newspapers, educational radio programs, educational television programs, periodicals, ((magazines)) microforms, audio and video ((tapes)) formats, records, vertical file collections, pamphlets, study prints, maps, charts, globes, overhead transparencies, dioramas, realia, models, and other materials and ((related)) equipment that provide((s)) instructional value.

AMENDATORY SECTION (Amending Order 15-75, filed 12/11/75)

WAC 180-46-030 EQUIPMENT AND MATERIALS. Each school district shall provide learning and teaching resources in each school which are adequate in quality, quantity and variety, and organized so as to enable students and professional staff to select materials necessary to achieve the district's instructional objectives.

AMENDATORY SECTION (Amending Order 15-75, filed 12/11/75)

WAC 180-46-045 STAFF. Each school district shall provide for a sufficient number of qualified ((professional)) certificated and supportive learning resources staff to meet the identified needs of students and teachers in each school.

NEW SECTION

WAC 180-46-065 PROGRAM EVALUATION. The guidelines adopted by the state board of education, which were developed by the superintendent of public instruction as required by RCW 28A.03.095, shall be made available to school districts for use in assessing their learning resources programs and school districts shall be subject to continuing evaluation for such programs pursuant to WAC 180-16-240(2)(e).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-46-060 MEASUREMENT.

WSR 81-12-024

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 6-81—Filed June 1, 1981]

Be it resolved by the State Board of Education, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to Professional preparation—Program development and approval, relating to the establishment of an appeal procedure, changes in procedures, and a new process for approving courses offered by out-of-state institutions, chapter 180-78 WAC.

This action is taken pursuant to Notice No. WSR 81-08-052 filed with the code reviser on April 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.70.005 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

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

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

APPROVED AND ADOPTED May 22, 1981.

By Wm. Ray Broadhead
Secretary

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

WAC 180-78-025 PROGRAM APPROVAL. Compliance date. All programs leading to certification offered in Washington state to prepare teachers, administrators, and school specialized personnel shall be approved under this chapter no later than ~~(June)~~ September 1, 1983.

NEW SECTION

WAC 180-78-027 APPEAL—GENERAL. Any college or university that applies for program approval, whose approval is denied, or who disagrees with the stipulations of the approval granted, may appeal such decisions to the state board of education.

The appeal procedures shall be as follows: The college or university must file a written note of appeal with the state board of education within twenty calendar days after the date on which the state board of education took formal action regarding the approval status of the college or university. The written notice must set forth the applicant's reasons for appeal.

Following timely notice of appeal, the superintendent of public instruction or his or her designee may hear the case or select a hearing examiner. Decisions in cases formally appealed by applicants pursuant to this section are to be made by the hearing examiner selected by the superintendent of public instruction, in conformance with the provisions of the code reviser's rules of procedure (chapter 1-08 WAC) and the administrative procedure act (chapter 34.04 RCW).

The appeal shall be conducted pursuant to chapter 180-08 WAC and chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 6-79, filed 5/22/79)

WAC 180-78-050 PROGRAM APPROVAL STANDARDS AND CRITERIA. (1) Cooperation.

(a) Standard: Programs of preparation are developed with the cooperation of a program unit.

(b) Criteria:

(i) Documentation provides evidence acceptable to the site visit team and the state board of education that:

(A) The chief administrative officer of each agency was contacted and appointed a representative to the program unit whose authority to act in behalf of the agency is stated in writing; or

(B) A recommendation was forwarded to the superintendent of public instruction for comment and then to the state board of education signed by the chief administrative officers of each agency requesting that an exception be made to this program approval standard; documentation sets forth the reasons for the request; and

documentation verifies that the exception was granted by the state board of education.

(ii) Bylaws or operating procedures have been written, adopted and implemented.

(iii) Meetings of the program unit, its subcommittees and/or task forces are held on a regular basis and minutes of activities and actions are maintained.

(iv) A college or university coordinates cooperation, involvement, and activities among agencies in the program unit under a written procedure explaining how each agency gains input.

(v) Governing boards of agencies which participate in the program unit contribute human and material resources to the program as feasible.

(2) Program management.

(a) Standard: Responsibilities are clearly assigned to individuals, groups, and/or committees for program development, implementation, and evaluation.

(b) Criteria:

(i) The college or university shall notify the state board of education and the superintendent of public instruction of the formation of a program unit; the membership; the specialization, subject matter, and/or grade level focus of the proposed programs; and its timeline for program development.

(ii) Responsibilities are assigned for selection; advising and counseling; maintaining records regarding the student's program and progress; supervision and evaluation of candidates; and verifying that certification requirements have been met and the preparation program has been completed.

(iii) Persons who will instruct, evaluate, or supervise candidates are identified; descriptions of their roles, responsibilities, and loads are written; and their activities are consistent with the written role description.

(iv) Documentation contains a written explanation of policy-making, program development, and program management processes and responsibilities.

(v) Review of certification records verifies that the records are accurate.

(vi) The need for any new program, new program emphasis, or certificate endorsement is established and evidence of need exists including statistics relative to supply and demand; professional development needs of individuals or the education community; new curriculum or instructional directions in the common schools; and changes in enrollments and staffing ratios and patterns.

(vii) A schedule and outline have been completed relative to development and implementation of the program; decision-making points are identified; and individuals, agencies, or committees responsible for such tasks and decisions are specified.

(viii) Data are collected and available relative to the effectiveness of the management system, including identification of problem areas and procedural elements.

(ix) Responsibility for reporting program changes to the superintendent of public instruction and state board of education is assigned.

(3) Program outcomes.

(a) Standard: At a minimum the program includes academic and experience requirements set forth in chapter 180-79 WAC for the respective role(s) and specifies

in writing the knowledges and skills the person will possess and demonstrate when he or she completes the program, including the state board of education minimum generic standards.

(b) Criteria:

(i) All minimum generic standards for certification established by the state board of education are addressed in learning experiences and are included among the program outcomes. A relationship exists between field and didactic learning experiences and program outcomes.

(ii) Relevant standards of the national association of state directors of teacher education and certification, the national council for accreditation of teacher education and/or standards of specialized associations and scholarly societies are referred to as guides in identifying program outcomes: PROVIDED, That the superintendent of public instruction or his or her designee shall present to the state board of education for approval any standards of specialized associations and scholarly societies which will be used to supplement the standards set forth herein for assessment of program outcomes.

(iii) Degrees of proficiency required for program outcomes are clearly differentiated between the initial and continuing certificate levels.

(iv) Faculty, students and field supervisors know the program outcomes required of candidates.

(v) Program outcomes are stated in terms which make evaluation by supervisors and instructors possible.

(vi) Knowledge and skills related to continuing education and professional development are included in program outcomes.

(vii) All courses or offerings applicable to certification delivered off-campus meet the the "State Board of Education Standards for Off-Campus Courses/Offerings in Education" adopted by the state board of education.

(4) Selection and retention.

(a) Standard: Criteria and requirements to be used in selecting candidates for admission to the preparation program are explicit and practices relevant to retention of candidates are specified.

(b) Criteria:

(i) Selection criteria and the process used to screen and admit candidates are written.

(ii) Selection criteria are relevant to attainment of program outcomes.

(iii) A clearly written process exists for counseling and advising students about supply and demand; progress and retention in the program; and supervision and evaluation relative to academic, experience and generic standards.

(iv) Selection and retention procedures and criteria do not discriminate on the basis of race, ethnic group, sex, age, handicapping conditions, color or religion.

(v) Specific standards exist relative to retention in the program.

(vi) Written procedures exist for appeal of decisions within the college or university relative to admission or retention in the program.

(vii) Admission requirements to the professional preparation programs include evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(viii) The program identifies the specific requirements which shall pertain for purposes of renewal of the initial certificate.

(5) Individualization.

(a) Standard: Programs recognize individual differences in terms of learner rate and style. Alternative learning experiences appropriate to such differences are available.

(b) Criteria:

(i) Procedures for assessing individual assets and needs are clearly defined.

(ii) Opportunities for planning alternate preparation experiences are available to students.

(iii) Learning experiences are designed to provide for social-cultural-economic differences among candidates.

(iv) Appropriate individualized learning opportunities are provided to those students identified as possessing special assets and needs as determined through a variety of assessment procedures.

(v) Individual differences in learning style are recognized and as feasible alternative learning opportunities are provided.

(vi) When appropriate and feasible, learning opportunities provide for differences in learning rate by variations in training time.

(6) Field experience.

(a) Standard: Field experiences are provided as required in WAC 180-79-115, 180-79-120, and 180-79-125 and are designed to correlate with specified program outcomes.

(b) Criteria:

(i) A sequence of field experiences is offered in the preparation program including opportunities for observation, tutoring, micro-teaching and extended practicum, student teaching, and/or internship experiences in educational settings.

(ii) Appropriate clinical and laboratory experiences are available to persons being prepared in specializations requiring practice under supervision in settings in addition to educational settings.

(iii) Written agreements exist between the college or university and the field sites which specify the role of agencies and the responsibilities and contributions each will make to the field program.

(iv) Field experiences provide opportunities for candidates to observe and participate in educational settings having varied organizational structures, ethnic populations, age groups, socio-economic characteristics, and curricular and instructional programs.

(v) Field experiences are designed to address the minimum generic standards established by the state board of education and to integrate theory and practice.

(vi) Criteria for selecting sites and for selecting field personnel are specified.

(vii) Criteria and procedures to be used in assigning students to field settings are identified; provisions are made for changes in assignments in circumstances where problems exist.

(viii) The responsibilities and authority of college supervisors and field personnel are specified in writing in relation to instruction, observation, evaluation, and grading.

(ix) Written materials are provided to field personnel which make explicitly their responsibilities and the program outcomes to be experienced, demonstrated, and evaluated in the field setting.

(x) Field personnel serving as supervisors are oriented to their responsibilities, and training is provided to assist them in implementing and evaluating those elements of the program for which they share responsibility with the college or university supervisors.

(xi) College or university supervisors have scheduled contact and communication with field personnel.

(7) Supervision.

(a) Standard: Provision exists in the program for ongoing evaluation and for constructive supervision emphasizing the developmental nature of the preparation process.

(b) Criteria:

(i) A schedule exists which ensures that each candidate receives regular assessment and feedback relative to knowledge, skill, and performance.

(ii) Results of assessment and evaluation are used as a basis for developing further didactic, field, and/or clinical experiences.

(iii) Criteria exist and are used for selecting field personnel and college or university personnel who will provide supervision; criteria include knowledge, skill and experience requirements.

(iv) Orientation and training are offered for all supervisory personnel including college and university supervisors.

(v) Records of observations, evaluations, and suggested learning experiences are maintained for each student in the preparation program.

(vi) College personnel providing supervision of field experiences and instructing techniques and methods courses have had experience in an educational setting in grades K-12.

(8) Options.

(a) Standard: Program units are encouraged to employ alternative methods for developing programs and implementing professional preparation.

(b) Criteria:

(i) Documentation shall identify unique features or approaches used in implementing program principles or meeting program approval standards and provide a rationale for variation in the latter instance.

(ii) Innovative and experimental programs or program components are based on validated research and theory.

(iii) Alternative approaches are appropriate to institutional and program characteristics and program emphases and objectives.

(9) Resources.

(a) Standard: Resources are of the quantity and quality necessary for meetings of the program unit and for implementation of the program as approved by the state board of education.

(b) Criteria:

(i) Documentation shall specify activities of the program unit and the availability of resources to support those activities. Documentation shall also specify elements of the program which require resources and resources available for specific needs.

(ii) Documentation and data relevant to funding, personnel, facilities, material, and equipment are available for review.

(iii) Member agencies in the program unit have set forth in writing the real and/or in-kind resource contributions they are making to the program unit or program.

(iv) A budget document exists detailing budgetary information pertinent to the program unit and the program.

(v) Faculty members and field personnel who supervise and instruct in the program have the appropriate academic preparation and experience in the fields of study for which they are responsible and which are essential to implementation of the program.

(vi) Learning resources reflect breadth and depth in selection of journals, books, curriculum and materials and are evaluated periodically using model listings and guidelines of professional organizations.

(vii) The program administrator is allowed the necessary time as part of his or her load to fulfill program responsibilities.

(10) Research and evaluation.

(a) Standard: The preparation program is based on study and research; ongoing program evaluation; and follow-up assessment of the persons prepared.

(b) Criteria:

(i) Specific individuals are assigned responsibility for program evaluation, research, and follow-up.

(ii) A systematic procedure is established for program evaluation and for follow-up studies of graduates.

(iii) A systematic process exists for gaining from instructors, supervisors, students, and field personnel evaluative information and data about the program and its outcomes.

(iv) Placement records are maintained and annual summaries are prepared.

(v) Data are analyzed and studied for the purposes of determining program needs.

(vi) Data generated from research or follow-up studies are used in program revision and redesign.

NEW SECTION

WAC 180-78-057 APPROVAL OF COURSES APPLICABLE TO CERTIFICATION. In order for any course offered by an out-of-state college or university within the state of Washington to be applicable to Washington state certification, prior approval must be obtained by the out-of-state college or university from the state board of education or its designee within the office of the superintendent of public instruction.

A course offered under such circumstances must comply with the following requirements to qualify for approval:

(1) Be offered by a college or university which has met the provisions of chapter 28B.05 RCW or be exempt therefrom;

(2) Be offered by a college or university which is accredited in its respective region by the regional accrediting association and accredited by the Northwest Regional Accrediting Association to offer courses or programs in Washington state;

(3) Be offered by a college or university which is approved in its respective home state for purposes of preparing personnel for certification to serve in the common schools;

(4) Meet the "State Board of Education Standards for Off-campus Offerings in Education;"

(5) File an application and provide evidence to the state board of education that the preceding requirements are met:

PROVIDED, That no college or university within the state of Washington having an approved professional education program shall be required to accept such coursework as part of a certificate program: AND PROVIDED FURTHER, That no out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in WAC 180-78-050.

WSR 81-12-025

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 7-81—Filed June 1, 1981]

Be it resolved by the State Board of Education, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to chapter 180-79 WAC, Professional preparation—Certification requirements, relating to establishment of and amendments to rules to facilitate certification, chapter 180-79 WAC.

This action is take pursuant to Notice No. WSR 81-08-053 filed with the code reviser on April 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.70-.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 22, 1981.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 9-80, filed 6/2/80)

WAC 180-79-065 CERTIFICATE LAPSE, RENEWAL, AND REINSTATEMENT. (1) Initial certificate.

(a) The initial certificate may be renewed once for a three-year period on application and verification that the individual is formally enrolled in a planned continuing level preparation program and has completed some coursework relevant thereto. A statement from a college or university where the applicant is officially enrolled in

a continuing level program shall be filed with the superintendent of public instruction verifying his or her status: PROVIDED, That no more than ten years has elapsed since completion of an approved preparation program for initial certification.

(b) The initial certificate may be reinstated for ((a)) two three-year periods if the individual completes at least fifteen quarter hours (ten semester hours) of course work in an approved preparation program applicable to the continuing certificate: PROVIDED, That the superintendent of public instruction may, in specific instances, elect to reinstate the initial certificate for an additional three year period. ((Such preparation should be applicable to the continuing certificate.))

(2) Continuing certificate.

(a) The continuing certificate will lapse if the holder does not serve at least thirty school days in an educational setting during one of seven consecutive school years.

(b) To reinstate a lapsed continuing certificate the individual must complete fifteen quarter hours (ten semester hours) of course work in a state approved preparation program offered by a regionally accredited college or university and provide evidence of knowledge and skill in the minimum generic standards required for continuing certification: PROVIDED, That coursework taken more than three years prior to the date of application for reinstatement shall not satisfy this requirement and that no more than five quarter (three semester) hours of correspondence credit shall be acceptable toward renewal or reinstatement requirements set forth above.

(3) Recency of training and experience. If an applicant has not served in an educational setting or has not completed a preparation program within the seven-year period preceding application for a certificate or has not completed fifteen quarter (ten semester) hours of coursework applicable to his or her subject matter field, specialization, or pedagogy in an accredited four-year college or university within the ((three)) seven years immediately preceding application for a certificate, he/she will be required to complete refresher study consisting of fifteen quarter (ten semester) hours of coursework applicable to his or her field of study ((or)), specialization, or pedagogy in order to be eligible for certification: PROVIDED, That ESA applicants may be granted experience credit for service in their specialization in other than educational settings if so determined by the superintendent of public instruction or his or her designee.

AMENDATORY SECTION (Amending Order 9-80, filed 6/2/80)

WAC 180-79-120 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold a master's degree and complete at least fifteen quarter hours (ten semester

hours) of graduate study beyond the master's degree in education-related course work.

(ii) The candidate shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

(iii) The candidate shall have served as an administrator in K-12 settings for at least three years as verified by the district(s) superintendent or designee.

(iv) The candidate shall have completed a one-year internship appropriate to the role of superintendent. The internship shall provide experience under supervision in all aspects of a district's program.

(b) Continuing.

(i) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate shall have completed at least three years of experience as superintendent, deputy superintendent, or assistant superintendent.

(2) Principal.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher certificate at the time he or she applies for the initial principal's certificate.

(ii) The candidate shall have completed at least three years of certificated service in a K-12 setting, including a minimum of one year of classroom teaching experience as a certificated teacher at the level for which he or she seeks certificate endorsement: PROVIDED, That if the candidate has not served as a teacher, a waiver of this requirement may be requested as specified under WAC 180-75-015 and the candidate shall during the internship experience complete supervised experiences in the classroom at the level for which the certificate will be endorsed and shall demonstrate the minimum generic standards set forth in WAC 180-79-130 and 180-79-135 for teachers.

(iii) The candidate shall complete an internship at the grade level(s) for which the certificate will be endorsed. As a minimum the internship shall be of sufficient length and depth to provide experience under supervision in all aspects of the school program and participation in activities prior to the opening and following the closing of the regular school year.

(iv) The candidate shall have completed at least thirty quarter hours (twenty semester hours) of work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in an approved program for preparation of principals.

(b) Continuing.

(i) The candidate shall hold a master's degree.

(ii) The candidate shall have completed at least three years of experience as a principal, vice principal, or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate.

(ii) The candidate shall hold a master's degree.

(iii) The candidate shall have completed at least three years of certificated service in an educational setting, grades K-12.

(iv) The candidate shall have completed an internship which provides administrative experience in an area of program speciality as well as in general program administration.

(b) Continuing.

(i) The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate shall have completed at least three years of experience as a program administrator in a district-wide assignment.

AMENDATORY SECTION (Amending Order 9-80, filed 6/2/80)

WAC 180-79-125 ACADEMIC AND EXPERIENCE REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's degree to obtain a second master's degree; however, the candidate shall complete all course work and experience requirements relevant to the specialization set forth in an approved preparation program for the appropriate ESA speciality. Candidates for continuing level certification shall have completed at least three years of certificated service in an educational setting in the respective ESA role for which he or she is seeking certification.

(1) Communication disorders specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in speech pathology and/or audiology.

(ii) The candidate shall have completed practicum experiences in communication disorders which include observation as well as practice under supervision in K-12, clinical, and field/laboratory settings.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) Counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major in counseling.

(ii) The candidate shall have completed a supervised practicum or internship in counseling in a K-12 school setting.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) Occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy and have status as an occupational therapist

registered with the American occupational therapy association.

(ii) The candidate shall have completed ~~((field)) a practicum experience ((in an educational setting)) with students of ages typically served in the common schools~~ which includes observation as well as practice under supervision in a field or clinical setting which has an educational component.

(iii) The candidate shall have successfully completed the American occupational therapy association certification examination.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in occupational therapy or education.

(4) Physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a current Washington state license or a probational certificate to practice as a physical therapist.

(ii) The candidate shall have completed ~~((field)) a practicum experience((s in an educational setting)) with students of ages typically served in the common schools~~ which includes observation as well as practice under supervision in a field or clinical setting which has an educational component.

(b) Continuing. The candidate shall have completed at least fifteen quarter hours (ten semester hours) of graduate work or continuing education in physical therapy or education.

(5) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have completed a practicum or internship under supervision in an educational setting, K-12.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall hold a valid initial or continuing level teacher's certificate at the time he or she applies for the reading resource specialist's initial certificate.

(ii) The candidate shall have completed all requirements for the master's degree (except special examinations, projects or thesis) with a major or specialization in reading.

(iii) The candidate shall have completed field experiences in an educational setting which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing with an emphasis in school nursing or community health.

(iii) The candidate shall have completed field experiences in an educational setting, K-12, which includes observation as well as practice under supervision.

(b) Continuing. The candidate shall have completed at least forty-five quarter hours (thirty semester hours) of upper division or graduate work in education, community health, nursing or school nursing; thirty quarter hours (twenty semester hours) of which have been taken subsequent to the first year of service as a school nurse.

(8) Social worker.

(a) Initial.

(i) The candidate shall ~~((hold a master's degree in social work or shall demonstrate knowledge and skill equivalent to that required for the master's degree))~~ have completed all requirements for a master's degree in social work except special examinations, projects or thesis.

(ii) The candidate shall have completed ~~((at least one thousand two hundred hours of))~~ a field experience or practicum in an educational setting ~~((, K-12,))~~ under the supervision of a certificated master of social work. The field experience or practicum shall be with students of ages typically served in the common schools.

(b) Continuing. The candidate shall hold a master's degree in social work or an initial level certificate as a school social worker.

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-150 ROLE AND MINIMUM GENERIC STANDARDS—ADMINISTRATORS—INITIAL CERTIFICATION—SUPERINTENDENTS. (1) The superintendent is responsible for administration of the school district.

(2) To qualify for initial certification the candidate must demonstrate knowledge and skill in the following areas in addition to those set forth in WAC 180-79-130(1):

(a) Organizational management and accountability. The candidate has the knowledge and skill to plan, develop, coordinate, and supervise implementation and evaluation of district-wide policies, procedures, and curricular and instructional programs and to provide leadership relative to management and accountability district-wide.

(b) Facility and resource management and acquisition. The candidate has the knowledge and skill to identify facility and resource needs of the district and to coordinate procedures essential to maintenance and acquisition of facilities and resources.

(c) Personnel management. The candidate has the knowledge and skill to establish district personnel policies and practices consistent with law and negotiated agreements in employment, assignment, supervision, evaluation, and other personnel related matters.

(d) Fiscal management. The candidate has the knowledge and skill necessary to plan, develop, and coordinate district budget preparation, district funding, and fiscal accountability.

(e) Community relations. The candidate uses staff and community resources to assess educational needs of the community, to develop district goals and objectives, to resolve school-community issues, and to implement a positive public information program.

(f) School law. The candidate knows federal, state, and local statutes, rules and regulations, policies, and court decisions which affect management and operation of the total district and its programs and has the knowledge and skill to develop policies and, as appropriate, rules and regulations for consideration and adoption by the local board of directors.

(g) Legislative process. The candidate knows how the legislative process works and has the skill to use that process.

AMENDATORY SECTION (Amending Order 7-79, filed 5/22/79)

WAC 180-79-230 LIMITED CERTIFICATES.

The following certificates are issued under specific circumstances for limited periods of service as outlined:

(1) Consultant special certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020(2) and (3);

(iii) Persons who qualify to teach specific subjects in the adult education program;

(iv) Persons who under previous standards hold the band and orchestra certificate; and

(v) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved program.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-79-105 through 180-79-110 have been met.

(c) The certificate is valid for one year and only for the activity specified. The certificate may be reissued on application and evidence that requirements continue to be met: PROVIDED, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Elementary or secondary school teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates within the past ten years, or

(iii) Any district unable to secure substitutes who meet these requirements may contact the office of the superintendent of public instruction to request a waiver of these requirements. Reasons for the request and qualifications of the proposed substitute shall be set forth in writing.

(b) The substitute certificate is valid for three years and may be reissued subsequently for three-year periods: PROVIDED, That the superintendent of public instruction may determine in emergency situations to issue the substitute certificate to persons not fully qualified under this subsection for a period not to exceed one year.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: PROVIDED, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate. The superintendent of public instruction shall determine that the issuance of such certificate is in the best interest of the state.

(b) The emergency certificate is valid for one year.

AMENDATORY SECTION (Amending Order 9-80, filed 6/2/80)

WAC 180-79-245 RECIPROCITY. Candidates for certification who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who:

(a) Qualifies under provisions of the interstate compact or of this chapter; or

(b) Holds the appropriate degree as set forth in WAC 180-79-250; has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued; and has verification by previous supervisors and instructors that he or she possesses the relevant minimum generic standards: PROVIDED, That no more than seven years has elapsed since the individual completed his or her preparation or last served in a certificated position in an educational setting.

(2) Continuing certificate. The continuing certificate shall be issued on verification from a Washington state board of education approved preparation program that the individual meets relevant academic and experience requirements and minimum generic standards set forth in this chapter or directly by the superintendent of public instruction or his or her designee (~~PROVIDED, That any out-of-state candidate who through no fault of his or her own is unable to gain admission to a state board of education approved program relevant to his or her certification during the four-year period for which the initial certificate is valid, may request that the superintendent of public instruction or his or her designee issue a continuing certificate. The superintendent or his or her designee shall secure verification from an out-of-state college or university having a state approved or accredited preparation program and from supervisors that relevant academic and experience requirements and continuing level minimum generic standards set forth in this chapter have been demonstrated within the seven-year period immediately prior to application for the certificate or the applicant shall complete recency requirements set forth in WAC 180-79-065(3).~~

(3) Until such time as the state board of education approves programs of preparation consistent with chapter 180-78 WAC, out-of-state candidates may:

(a) Seek certification under provisions of chapter 180-79 WAC; or

(b) Request that the superintendent of public instruction or his or her designee secure verification of academic and experience requirements and minimum generic standards for certification in accordance with provisions of this chapter:)) as set forth below:

(a) Teachers.

(i) Out-of-state candidates who meet all requirements for continuing certification as set forth in WAC 180-75-080, 180-75-085, 180-79-115, and 180-79-250 and who have verification from previous supervisors or instructors that they meet the minimum generic standards set forth in WAC 180-79-130 and 180-79-135 shall be issued a continuing certificate.

(ii) Out-of-state candidates who have not completed all requirements for continuing certification as outlined in section (a)(i) above shall proceed as follows:

(A) Out-of-state candidates who elect to complete the continuing certificate out-of-state. Candidates shall be assisted by SPI and shall meet all requirements for out-of-state candidates set forth in (2)(a)(i) above.

(B) Out-of-state candidates who elect to complete the continuing certificate in Washington state.

Candidates who need fifteen quarter hours or less of coursework and/or experience to complete the requirements for continuing certification shall be assisted by the superintendent of public instruction. The superintendent of public instruction's recommendations of coursework or experience shall be based on suggestions made by the district in which the candidates teach or have most recently taught.

Candidates who need sixteen quarter hours or more of coursework to complete the requirements for continuing certification shall be informed of and referred to an in-state approved program for completion of certificate requirements.

All candidates shall provide verification from supervisors or instructors that they meet minimum generic standards for continuing certification set forth in WAC 180-79-130 and 180-79-135.

All candidates shall provide evidence that they have completed three years of service in an educational setting, at least two years of which shall be as a classroom teacher in grades K-12.

(b) Administrators.

(i) Out-of-state candidates for any administrative certificate who meet requirements for continuing certification as set forth in WAC 180-75-085 and 180-79-120 and who have verification from previous supervisors or instructors that they meet the relevant minimum generic standards set forth in WAC 180-79-130 and 180-79-150, 180-79-155, or 180-79-160 shall be issued a continuing certificate.

(ii) Out-of-state candidates who have not completed all requirements for continuing certification as outlined in section (b)(i) above shall proceed as follows:

(A) Out-of-state candidates who elect to complete the continuing certificate out-of-state. Candidates shall be assisted by SPI and shall meet all requirements for out-of-state candidates set forth in (2)(b)(i) above.

(B) Out-of-state candidates who elect to complete the continuing certificate in Washington state.

Candidates needing fifteen quarter hours or less of coursework to fulfill certification requirements shall be assisted by SPI. SPI's recommendations shall be based on suggestions made by the district in which the administrative candidate serves.

Candidates needing more than fifteen quarter hours of coursework, or needing to meet degree requirements shall be referred to an in-state institution which has an approved program to prepare persons for the respective administrative certificate.

All candidates shall provide verification from supervisors or instructors that they meet the minimum generic standards for continuing certification set forth in WAC 180-79-130 and 180-79-150, 180-79-155, or 180-79-160.

All candidates shall provide evidence that they have completed three years of service in the respective administrative role as set forth in WAC 180-79-120.

(c) Educational staff associate. All candidates for continuing certification shall be referred to an in-state approved program for assistance and verification of minimum generic standards: PROVIDED, That any out-of-state candidate who through no fault of his or her own is

unable to gain admission to or review by a state board of education approved program relevant to his or her certification within a reasonable period may request that the superintendent of public instruction or his or her designee issue a continuing certificate on verification from an out-of-state college or university having a state approved preparation and certification program in the specialization and from previous supervisors that relevant academic and experience requirements and continuing level generic standards set forth in this chapter have been demonstrated within the seven-year period immediately preceding application for the certificate in Washington state or the applicant shall complete recency requirement set forth in WAC 180-79-065(3).

WSR 81-12-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control Agency)
 [Filed June 1, 1981]

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. 402-12 WAC	General provisions.
Amd	ch. 402-22 WAC	Specific licenses.
Amd	ch. 402-52 WAC	Stabilization of uranium and/or thorium mill tailing piles.

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

David A. Hogan
 Director, Administration
 Department of Social and Health Services
 Mailstop OB-44 D
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by June 30, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, July 14, 1981, in the Auditorium, Public Health Center, West 1101 College, Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 22, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 70.121 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 14, 1981, and/or orally at 10:00

a.m., Tuesday, July 14, 1981, Auditorium, Public Health Center, West 1101 College, Spokane, WA.

Dated: May 29, 1981

By: David A. Hogan
 Director, Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend and add sections to Title 402 WAC concerning source material mills.

Purpose of the rule change is to modify Title 402 WAC to reflect the current state of the art in radiation control management of uranium mills.

The reason these rules are necessary is to maintain equivalency with United States Nuclear Regulatory Commission.

Statutory authority: Chapter 70.121 RCW.

Summary of the Rule Changes: The proposed rule changes specify the requirements for licensing source material milling, financial surety arrangements, long-term care, and surveillance. The criteria related to disposition of uranium mill tailings or waste are also outlined.

Person responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: John A. Beare, M.D., M.P.H.

Title: Director, Health Services Division

Phone: 753-5871

Mailstop: LJ-18

AMENDATORY SECTION (Amending Order 1570, filed 12/8/80)

WAC 402-12-050 DEFINITIONS. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(2) "Act" means Nuclear Energy and Radiation Legislation chapter 70.98 RCW.

(3) "Agreement State" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(4) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

(5) "Airborne radioactivity area" means (a) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the amounts specified in Appendix A, Table I, Column 1 of chapter 402-24 WAC Part D; or (b) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in WAC 402-24-220, Appendix A, Table I, Column 1.

(6) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

(7) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method

observed by him of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(8) "CFR" means Code of Federal Register.

(9) "Controlled area." See "Restricted area."

(10) "Curie" means a unit of measurement of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps). Commonly used submultiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 curie = 3.7×10^7 tps. One microcurie (μ Ci) = 0.000001 curie = 3.7×10^4 tps. One picocurie (pCi) = 10^{-12} Ci. One nanocurie (nCi) = 10^{-9} Ci.

(11) "Department" means the Department of Social and Health Services which has been designated as the State Radiation Control Agency.

(12) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(13) "Dose" as used in these regulations shall mean absorbed dose or dose equivalent as appropriate.

(a) "Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad. (See rad.)

(b) "Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem. (See rem.)

(14) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(15) "Exposure" means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having "dm" are completely stopped in air. (The special unit of exposure is the roentgen (R).)*

NOTE:

*When not underlined [italicized] as above the term 'exposure' has a more general meaning in these regulations.

(16) "Exposure rate" means the exposure per unit of time, such as R/min., mR/h, etc.

(17) "Former United States Atomic Energy Commission (AEC) or United States Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

(18) "Healing arts" means the disciplines of medicine, dentistry, osteopathy, chiropractic, podiatry, and veterinary medicine.

(19) "High radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems.

(20) "Human use" means the intentional, internal or external administration of radiation or radioactive material to human beings.

(21) "IND" means investigatory new drug for which an exemption has been claimed under the United States Food, Drug and Cosmetic Act.

(22) "Individual" means any human being.

(23) "Inspection" means an official examination or observation by the department including but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

(24) "Irretrievable source" means any sealed source containing licensed material which is pulled off or not connected to the wireline downhole and for which all reasonable effort at recovery, as determined by the department, has been expended.

(25) "License" means a license issued by the department in accordance with the regulations adopted by the department.

(26) "Licensee" means any person who is licensed by the department in accordance with these regulations and the act.

(27) "Licensing state" means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM.

(28) "NARM" means any naturally occurring or accelerator-produced radioactive material except source material.

(29) "Natural radioactivity" means radioactivity of naturally occurring nuclides.

(30) "NDA" means a New Drug Application which has been submitted to the United States Food and Drug Administration.

(31) "Occupational dose" means exposure of an individual to radiation in a restricted area; or in the course of employment in which the individual's duties involve exposure to radiation; provided, that occupational dose shall not be deemed to include any exposure of an individual to radiation for the purpose of diagnosis or therapy of such individual.

(32) "Ore refineries" mean all processors of a radioactive material ore.

(33) "Particle accelerator" means any machine capable of accelerating electrons, protons, neutrons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

(34) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

(35) "Personal supervision" means supervision such that the supervisor is physically present at the facility and in such proximity that contact can be maintained and immediate assistance given as required.

(36) "Personnel monitoring equipment" means devices (e.g., film badges, pocket dosimeters, and thermoluminescent dosimeters) designed to be worn or carried by an individual for the purpose of estimating the dose received by the individual.

(37) "Pharmacist" means an individual licensed by this state to compound and dispense drugs, and poisons.

(38) "Physician" means an individual licensed by this state to dispense drugs in the practice of medicine.

(39) "Practitioner" means an individual licensed by the state in the practice of a healing art (i.e., physician, dentist, podiatrist, chiropractor, etc.).

(40) "Rad" means the special unit of absorbed dose. One rad equals one hundredth of a joule per kilogram of material; for example, if tissue is the material of interest, then 1 rad equals 100 ergs per gram of tissue.

(41) "Radiation" means ionizing radiation, i.e., gamma rays and X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

(42) "Radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirems, or in any 5 consecutive days a dose in excess of 100 millirems.

(43) "Radiation machine" means any device capable of producing ionizing radiation except those which produce radiation only from radioactive material.

(44) "Radiation safety officer" means one who has the knowledge and responsibility to apply appropriate radiation protection regulations.

(45) "Radiation source." See "Source of radiation."

(46) "Radioactive material" means any material (solid, liquid, or gas) which emits radiation spontaneously.

(47) "Radioactivity" means the transformation of unstable atomic nuclei by the emission of radiation.

(48) "Registrable item" means any radiation machine except those exempted by RCW 70.98.180 or exempted by the department pursuant to the authority of RCW 70.98.080.

(49) "Registrant" means any person who owns or possesses and administratively controls an X-ray system and is required by the provisions in chapters 402-12 and 402-16 WAC to register with this department.

(50) "Registration" means registration with the department in accordance with the regulations adopted by the department.

(51) "Regulations of the U.S. Department of Transportation" means the regulations in 49 CFR Parts 170-189, 14 CFR Part 103, and 46 CFR Part 146.

(52) "Rem" means a measure of the dose of any radiation to body tissue in terms of its estimated biological effect relative to a dose received from an exposure to one roentgen (R) of X-rays. (One millirem (mrem) = 0.001 rem.) For the purpose of these regulations, any of the following is considered to be equivalent to a dose of one rem:

(a) An exposure of 1 R of x, or gamma radiation;

(b) A dose of 1 rad due to x, gamma, or beta radiation;

(c) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye(-);

(d) A dose of 0.1 rad due to neutrons or high energy protons.*

NOTE:

*If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron absorbed dose in rads, one rem of neutron radiation may, for purposes of these regulations, be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

Neutron Flux Dose Equivalents

Neutron energy (MeV)	Number of neutrons per square centimeter for a dose equivalent of 1 rem (neutrons/cm ²)	Average flux density to deliver 100 millirems in 40 hours (neutrons/cm ² per second)
Thermal	970 x 10 ⁶	670
0.0001	720 x 10 ⁶	500
0.005	820 x 10 ⁶	570
0.02	400 x 10 ⁶	280
0.1	120 x 10 ⁶	80
0.5	43 x 10 ⁶	30
1.0	26 x 10 ⁶	18
2.5	29 x 10 ⁶	20
5.0	26 x 10 ⁶	18
7.5	24 x 10 ⁶	17
10.0	24 x 10 ⁶	17
10 to 30	14 x 10 ⁶	10

(53) "Research and development" means: ((+)) (a) Theoretical analysis, exploration, or experimentation; or ((+)) (b) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(54) "Restricted area" (controlled area) means any area the access to which is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

(55) "Roentgen" (R) means the special unit of exposure. One roentgen equals 2.58 x 10⁴ coulombs/kilogram of air (see "Exposure").

(56) "Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

(57) "Source material" means: ((+)) (a) Uranium or thorium, or any combination thereof, in any physical or chemical form, or ((+)) (b) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(58) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing ionizing radiation.

(59) "Special form." See WAC 402-12-210.

(60) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula:

175(grams contained U-235)

$$\frac{350}{50(\text{grams U-233})} + \frac{200}{50(\text{grams Pu})} < 1$$

(61) "Source container" means a device in which sealed sources are transported or stored.

(62) "Source material milling" means any activity that results in the production of byproduct material as defined in WAC 402-12-050(6)(b).

(63) "Survey" means an evaluation of the production, use, release, disposal, and/or presence of sources of radiation under a specific set of conditions to determine actual or potential radiation hazards. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations and measurements of levels of radiation or concentration of radioactive material present.

((63)) (64) "Test" means a method for determining the characteristics or condition of sources of radiation or components thereof.

((64)) (65) "These regulations" mean all parts of "Rules and Regulations for Radiation Protection" of the state of Washington.

((65)) (66) "Transport group." See WAC 402-12-200(2).

((66)) (67) "Type A Quantity." See WAC 402-24-125.

((67)) (68) "Type B Quantity" means a quantity the aggregate radioactivity of which does not exceed as follows:

Transport Group	Quantity in Curies
I	20
II	20
III	200
IV	200
V	5,000
VI and VII	50,000
Special Form	5,000

((68)) (69) "Uncontrolled area." See "unrestricted area."

((69)) (70) "United States Department of Energy" means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the United States Atomic Energy Commission, its chairman, members, officers and components and transferred to the United States Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977.)

((70)) (71) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

((71)) (72) "Unrestricted area" (uncontrolled area) means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters.

((72)) (73) "Waste handling licensees" mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

((73)) (74) "Worker" means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant, but does not include the licensee or registrant. If students of age 18 years or older are subjected routinely to work involving radiation, then the students are considered to be occupational workers. Individuals of less than 18 years of age shall meet the requirements of WAC 402-24-035.

AMENDATORY SECTION (Amending Order 1459, filed 11/30/79, effective 1/1/80)

WAC 402-22-040 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES. A license application will be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in WAC 402-22-070, 402-22-090, and 402-22-110.

(5) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, source material milling, or for the conduct of any other activity which the agency determines will significantly affect the quality of the environment, the department, before commencement of construction of the plant or facility in which the activity will be conducted, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

(6) Financial surety arrangements.

(a) Pursuant to chapter 70.121 RCW, and except as otherwise provided, financial surety arrangements for site reclamation and long-term surveillance and control which may consist of surety bonds, cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit, or any combination of the above for source material milling operations shall be established to ensure the protection of the public health and safety in the event of abandonment, default, or other inability of the licensee to meet the requirements of the act and these regulations.

(i) The amount of funds to be ensured by such surety arrangements shall be based on agency-approved cost estimates.

(ii) Self-insurance, or any arrangement which essentially constitutes self-insurance (e.g., a contract with a state or federal agency), will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements.

(b) The arrangements required in WAC 402-22-040(6)(a) shall be established prior to commencement of operations to assure that sufficient funds will be available to carry out the decontamination and decommissioning of the facility.

(c) Amendments to licenses in effect on the effective date of this regulation may be issued providing that the required surety arrangements are established within ninety days after the effective date of WAC 402-22-040(6).

(d) For source material milling operations, the amount of funds to be ensured by such surety arrangements shall be based on agency-approved cost estimates in an approved plan for (i) decontamination and decommissioning of mill buildings and the milling site to levels which would allow unrestricted use of these areas upon decommissioning, and (ii) the reclamation of tailings and/or waste disposal areas in accordance with the technical criteria delineated in WAC 402-52-100. The license shall submit this plan in conjunction with an environmental report that addresses the expected environmental impacts of the milling operation, decommissioning and tailings reclamation, and evaluates alternatives for mitigating these impacts. In addition, the surety shall cover the payment of the charge for long-term surveillance and control required by the agency. In establishing specific surety arrangements, the licensee's cost estimates shall take into account total costs that would be incurred if an independent contractor were hired to perform the decommissioning and reclamation work. In order to avoid unnecessary duplication and expense, the agency may accept financial sureties that have been consolidated with financial or surety arrangements established to meet requirements of other federal or state agencies and/or local governing bodies for such decommissioning, decontamination, reclamation, and long-term site surveillance, provided such arrangements are considered adequate to satisfy these requirements and

that portion of the surety which covers the decommissioning and reclamation of the mill, mill tailings site and associated areas, and the long-term funding charge are clearly identified. The licensee's surety mechanism will be reviewed annually by the agency to assure that sufficient funds will be available for completion of the reclamation plan if the work had to be performed by an independent contractor. The amount of surety liability should be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether reclamation is phased through the life of the operation or takes place at the end of operations, an appropriate portion of surety liability shall be retained until final compliance with the reclamation plan is determined. This will yield a surety that is at least sufficient at all times to cover the costs of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. The term of the surety mechanism must be open ended, unless it can be demonstrated that another arrangement would provide an equivalent level of assurance. This assurance could be provided with a surety instrument which is written for a specified period of time (e.g., five years) yet which must be automatically renewed unless the surety notifies the beneficiary (the state regulatory agency) and the principal (the licensee) some reasonable time (e.g., ninety days) prior to the renewal date of their intention not to renew. In such a situation the surety requirement still exists and the licensee would be required to submit an acceptable replacement surety within a brief period of time to allow at least sixty days for the regulatory agency to collect.

(7) Long-term care requirements. Pursuant to chapter 70.121 RCW, and as otherwise provided, a long-term care trust fund shall be established by source material milling licensees prior to the issuance of the license.

(8) Continued surveillance requirements for source material mills.

(a) The final disposition of tailings or wastes at source material milling sites should be such that the need for ongoing active maintenance is not necessary to preserve isolation. As a minimum, annual site inspections shall be conducted by the government agency retaining ultimate custody of the site where tailings, or wastes are stored to confirm the integrity of the stabilized tailings, or waste systems and to determine the need, if any, for maintenance and/or monitoring and/or environmental sampling. Results of the inspection shall be reported to the U.S. NRC within sixty days following each inspection. The U.S. NRC may require more frequent site inspections, if, on the basis of a site-specific evaluation, such a need appears necessary due to the features of a particular tailings or waste disposal system.

(b) A minimum charge of \$250,000 (1978 dollars) to cover the costs of long-term surveillance shall be paid by each mill operator to the agency prior to the termination of a uranium or thorium mill license. If site surveillance or control requirements at a particular site are determined, on the basis of a site-specific evaluation, to be significantly greater than those specified in WAC 402-22-040(8)(a) (e.g., if fencing is determined to be necessary) variance in funding requirements may be specified by the department. The total charge to cover the costs of long-term surveillance shall be such that, with an assumed one percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of site surveillance. The charge will be adjusted annually prior to actual payments to recognize inflation. The inflation rate to be used is that indicated by the change in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics.

NEW SECTION

WAC 402-22-150 SPECIAL REQUIREMENTS FOR ISSUANCE OF SPECIFIC LICENSES FOR SOURCE MATERIAL MILLING. In addition to the requirements set forth in WAC 402-22-050, a specific license for source material milling will be issued if the applicant submits to the department a satisfactory application as described herein and meets the other conditions specified below:

(1) An application for a license to receive title to, receive, possess, and use source material for milling or byproduct material as defined in WAC 402-12-050(6) shall address the following:

(a) Description of the proposed project or action.

(b) Area/site characteristics including geology, topography, hydrology and meteorology.

(c) Radiological and nonradiological impacts of the proposed project or action, including waterway and groundwater impacts.

(d) Environmental effects of accidents.

(e) Tailings disposal and decommissioning.

(f) Site and project alternatives.

(2) Pursuant to WAC 402-22-040(5) the applicant shall not commence construction of the project until the department has weighed the environmental, economic, technical, and other benefits against the environmental costs and has concluded that the issuance of the license is appropriate.

(3) At least one full year prior to any major site construction, a preoperational monitoring program shall be conducted to provide complete baseline data on a milling site and its environs. Throughout the construction and operating phases of the mill, an operational monitoring program shall be conducted to measure or evaluate compliance with applicable standards and regulations; to evaluate performance of control systems and procedures; to evaluate environmental impacts of operation; and to detect potential long-term effects.

(4) Prior to issuance of the license, the mill operator shall establish financial surety arrangements consistent with the requirements of WAC 402-22-040(6).

(5) The applicant shall provide procedures describing the means employed to meet the following requirements during the operational phase of any project.

(a) Milling operations shall be conducted so that all effluent releases are reduced to as low as is reasonably achievable below the limits of chapter 402-24 WAC.

(b) The mill operator shall conduct at least daily inspection of any tailings or waste retention systems. Records of such inspections shall be maintained for review by the agency.

(c) The mill operator shall immediately notify the agency of the following:

(i) Any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas, and

(ii) any unusual conditions (conditions not contemplated in the design of the retention system) which if not corrected could lead to failure of the system and result in a release of tailings or waste into unrestricted areas.

(6) An application for a license to own, receive, possess and use by-product material as defined in WAC 402-12-050(6)(b) shall contain proposed specifications relating to the emissions control and disposition of the byproduct material to achieve the requirements and objectives set forth in the criteria listed in WAC 402-52-100.

NEW SECTION

WAC 402-52-100 CRITERIA RELATED TO DISPOSITION OF URANIUM MILL TAILINGS OR WASTES. As used in this section, the term "as low as reasonably achievable" has the same meaning as in WAC 402-10-010. The term byproduct material has the same meaning as WAC 402-12-050(6)(b).

As required by WAC 402-22-150(6), each applicant for a license to possess and use source material in conjunction with uranium or thorium milling, or byproduct material at sites formerly associated with such milling, is required to include in a license application proposed specifications relating to the milling operation and the disposition of tailings or waste resulting from such milling activities. This section establishes criteria relating to the siting, operation, decontamination, decommissioning, reclamation of mills and tailings or waste systems and sites at which such mills and systems are located and site and byproduct material ownership. Applications must clearly demonstrate how these criteria have been addressed. The specifications shall be developed considering the expected full capacity of tailings or waste systems and the lifetime of mill operations. Where later expansions of systems or operations may be likely, the amendability of the disposal system to accommodate increased capacities without degradation in long-term stability and other performance factors shall be evaluated.

(1) Criterion 1 - In selecting among alternative tailings disposal sites or judging the adequacy of existing tailings sites, the following site features which would assure meeting the broad objective of isolating the tailings and associated contaminants from man and the environment in the short term and for thousands of years without ongoing active maintenance shall be considered:

(a) Remoteness from populated areas;

(b) Hydrogeologic and other environmental conditions conducive to continued immobilization and isolation of contaminants from usable groundwater sources; and

(c) Potential for minimizing erosion, disturbance, and dispersion by natural forces over the long term.

The site selection process shall be an optimization to the maximum extent reasonable achievable in terms of these features.

In the selection of disposal sites, primary emphasis shall be given to isolation of tailings or wastes, a matter having long-term impacts, as

opposed to consideration only of short-term convenience or benefits, such as minimization of transportation or land acquisition costs. While isolation of tailings will be a function of both site characteristics and engineering design, overriding consideration shall be given to siting features given the long-term nature of the tailings hazards.

Tailings shall be disposed in a manner such that no active maintenance is required to preserve the condition of the site.

(2) Criterion 2 - To avoid proliferation of small waste disposal sites, byproduct material from in-situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote above ground extraction operations shall preferably be disposed at existing large mill tailings disposal sites; unless, considering the nature of the wastes, such as their volume and specific activity and the costs and environmental impacts of transporting the wastes to a large disposal site, such offsite disposal is demonstrated to be impracticable or the advantage of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

(3) Criterion 3 - The "prime option" for disposal of tailings is placement below grade, either in mines or specially excavated pits (that is, when the need for any specially constructed retention structure is eliminated). The evaluation of alternative sites and disposal methods performed by mill operators in support of their proposed tailings disposal program (provided in applicants' environmental reports) shall reflect serious consideration of this disposal mode. In some instances, below-grade disposal may not be the most environmentally sound approach, such as might be the case if a high quality groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Also, geologic and topographic conditions might make full, below-grade burial impracticable; for example, bedrock may be sufficiently near the surface that blasting would be required to excavate a disposal pit at excessive cost, and more suitable alternate sites are not available. Where full below-grade burial is not practicable, the size of retention structures, and size and steepness of slopes of associated exposed embankments, shall be minimized by excavation to the maximum extent reasonably achievable or appropriate, given the geologic and hydrogeologic conditions at a site. In these cases, it must be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) Criterion 4 - The following site and design criteria shall be adhered to whether tailings or wastes are disposed of above or below grade:

(a) Upstream rainfall catchment areas must be minimized to decrease erosion potential and the size of the maximum possible flood which could erode or wash out sections of the tailings disposal area.

(b) Topographic features shall provide good wind protection.

(c) Embankment and cover slopes shall be relatively flat after final stabilization to minimize erosion potential and to provide conservative factors of safety assuring long-term stability. The broad objective should be to contour final slopes to grades which are as close as possible to those which would be provided if tailings were disposed of below grade; this could, for example, lead to slopes of about 10 horizontal to 1 vertical (10h:1v) or less steep. In general, slopes should not be steeper than about 5h:1v. Where steeper slopes are proposed, reasons why a slope less steep than 5h:1v would be impracticable should be provided, and compensating factors and conditions which make such slopes acceptable should be identified.

(d) A fully self-sustaining vegetative cover shall be established or rock cover employed to reduce wind and water erosion to negligible levels.

Where a full vegetative cover is not likely to be self-sustaining due to climatic conditions, such as in semi-arid and arid regions, rock cover shall be employed on slopes of the impoundment system. The staff will consider relaxing this requirement for extremely gentle slopes such as those which may exist on the top of the pile.

The following factors shall be considered in establishing the final rock cover design to avoid displacement of rock particles by human and animal traffic or by natural processes, and to preclude undercutting and piping:

(i) Shape, size, composition, gradation of rock particles (excepting bedding material, average particle size shall be at least cobble size or greater);

(ii) Rock cover thickness and zoning of particles by size; and

(iii) Steepness of underlying slopes.

Individual rock fragments shall be dense, sound, and resistant to abrasion, and shall be free from cracks, seams, and other defects that

would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used. Shale, rock laminated with shale, and cherts shall not be used.

Rock covering of slopes may not be required where top covers are very thick (on the order of 18 meters or greater); impoundment slopes are very gentle (on the order of 10h:1v or less); bulk cover materials have inherently favorable erosion resistance characteristics; and there is negligible drainage catchment area upstream of the pile, and there is good wind protection as described in points (a) and (b) of this criterion.

Furthermore, all impoundment surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope gradient. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with substantial rock cover (rip rap). In addition to providing for stability of the impoundment systems itself, the overall stability, erosion potential, and geomorphology of surrounding terrain shall be evaluated to assure that there are no ongoing or potential processes, such as gully erosion, which would lead to impoundment instability.

(e) The impoundment shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand. As used in this criterion, the term "capable fault" has the same meaning as defined in Section III (g) of Appendix A of 10 CFR Part 100. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.

(f) The impoundment, where feasible, should be designed to incorporate features which will promote deposition. For example, design features which promote deposition of sediment suspended in any runoff which flows into the impoundment area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

(5) Criterion 5 - Steps shall be taken to reduce seepage of toxic materials into groundwater to the maximum extent reasonably achievable. Any seepage which does occur shall not result in deterioration of existing groundwater supplies from their current or potential use. The following shall be considered to accomplish this:

(a) Installation of low permeability bottom liners (where synthetic liners are used, a leakage detection system shall be installed immediately below the liner to ensure major failures are detected if they occur. This is in addition to the groundwater monitoring program conducted as provided in Criterion 7 WAC 402-52-100(7). Where clay liners are proposed or relatively thin in-situ clay soils are to be relied upon for seepage control, tests shall be conducted with representative tailings solutions and clay materials to confirm that no significant deterioration of permeability or stability properties will occur with continuous exposure of clay to tailings solutions. Tests shall be run for a sufficient period of time to reveal any effects if they are going to occur (in some cases, deterioration has been observed to occur rather rapidly after about nine months of exposure)).

(b) Mill process design which provides the maximum practicable recycle of solutions and conservation of water to reduce the net input of liquid to the tailings impoundment.

(c) Dewatering of tailings by process devices and/or in-situ drainage system. At new sites, tailings shall be dewatered by a drainage system installed at the bottom of the impoundment to lower the phreatic surface and reduce the driving head for seepage, unless tests show tailings are not amenable to such a system. Where in-situ dewatering is to be conducted, the impoundment bottom shall be graded to assure that the drains are at a low point. The drains shall be protected by suitable filter materials to assure that drains remain free running. The drainage system shall also be adequately sized to assure good drainage.

(d) Neutralization to promote immobilization of toxic substances.

Where groundwater impacts are occurring at an existing site due to seepage, action shall be taken to alleviate conditions that lead to excessive seepage impacts and restore groundwater quality to its potential use before milling operations began to the maximum extent practicable. The specific seepage control and groundwater protection method, or combination of methods, to be used must be worked out on a site-specific basis. Technical specifications shall be prepared to control installation of seepage control systems. A quality assurance, testing, and inspection program, which includes supervision by a qualified engineer or geologist, shall be established to assure that specification is met.

While the primary method of protecting groundwater shall be isolation of tailings and tailings solutions, disposal involving contact with groundwater will be considered provided supporting tests and analysis are presented demonstrating that the proposed disposal and treatment methods will not degrade groundwater from current or potential uses.

Furthermore, steps shall be taken during stockpiling of ore to minimize penetration of radionuclides into underlying soils; suitable methods include lining and/or compaction of ore storage areas.

In support of a tailings disposal system proposal, the applicant/operator shall supply information concerning the following:

(e) The chemical and radioactive characteristics of the waste solutions.

(f) The characteristics of the underlying soil and geologic formations particularly the extent to which they will control transport of contaminants and solutions. This shall include detailed information concerning extent, thickness, uniformity, shape, and orientation of underlying strata. Hydraulic gradients and conductivities of the various formations shall be determined.

This information shall be gathered by borings and field survey methods taken within the proposed impoundment area and in surrounding areas where contaminants might migrate to usable groundwater. The information gathered on boreholes shall include both geologic and geophysical logs in sufficient number and degree of sophistication to allow determining significant discontinuities, fractures, and channeled deposits which are of high hydraulic conductivity. If field survey methods are used, they should be in addition to and calibrated with borehole logging. Hydrologic parameters such as permeability shall not be determined on the basis of laboratory analysis of samples alone; a sufficient amount of field testing (e.g., pump tests) shall be conducted to assure actual field properties are adequately understood. Testing shall be conducted to allow estimating chemisorption attenuation properties of underlying soil and rock.

(g) Location, extent, quality, and capacity of any groundwater at and near the site.

(6) Criterion 6 - Sufficient earth cover, but not less than three meters, shall be placed over tailings or wastes at the end of milling operations to result in a calculated reduction in surface exhalation of radon emanating from the tailings or wastes to less than two picocuries per square meter per second. In computing required tailings cover thicknesses, moisture in soils in excess of amounts found normally in similar soils in similar circumstances shall not be considered. Direct gamma exposure from the tailings or wastes should be reduced to background levels. The effects of any thin synthetic layer shall not be taken into account in determining the calculated radon exhalation level. If nonsoil materials are proposed to reduce tailings covers to less than three meters, it must be demonstrated that such materials will not crack or degrade by differential settlement, weathering, or other mechanism over long term time intervals. Near surface materials (i.e., within the top three meters) shall not include mine waste or rock that contains elevated levels of radium; soils used for near surface cover must be essentially the same, as far as radioactivity is concerned, as that of surrounding soils.

(7) Criterion 7 - Milling operations shall be conducted so that all airborne effluent releases are reduced to as low as is reasonably achievable. The primary means of accomplishing this shall be by means of emission controls. Institutional controls, such as extending the site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. The greatest potential sources of offsite radiation exposure (aside from radon exposure) are dusting from dry surfaces of the tailings disposal area not covered by tailings solution and emissions from yellowcake drying and packaging operations. Checks shall be made and logged hourly of all parameters (e.g., differential pressure and scrubber water flow rate) which determine the efficiency of yellowcake stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency; corrective action shall be taken when performance is outside of prescribed ranges. Effluent control devices shall be operative at all times during drying and packaging operations and whenever air is exhausting from the yellowcake stack.

Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken

to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging operations shall cease as soon as practicable.

Operations may not be re-started after cessation due to off-normal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and re-starts shall be reported to the agency in writing, within 10 days of the subsequent re-start.

To control dusting from tailings, that portion not covered by standing liquids shall be wetted or chemically stabilized to prevent or minimize blowing and dusting to the maximum extent reasonably achievable. This requirement may be relaxed if tailings are effectively sheltered from wind, such as may be the case where they are disposed of below grade and the tailings surface is not exposed to wind. Consideration shall be given in planning tailings disposal programs to methods which would allow phased covering and reclamation of tailings impoundments since this will help in controlling particulate and radon emissions during operation. To control dustings from diffuse sources, such as tailings and ore pads where automatic controls do not apply, operators shall develop written operating procedures specifying the methods of control which will be utilized.

(8) Criterion 8 - These criteria relating to ownership of tailings and their disposal sites become effective on November 8, 1981, and apply to all licenses terminated, issued, or renewed after that date.

Any uranium or thorium milling license or tailings license shall contain such terms and conditions as the United States NRC determines necessary to assure that prior to termination of the license, the licensee will comply with ownership requirements of this criterion for sites used for tailings disposal.

Title to the byproduct material licensed pursuant to WAC 402-22-150 and land, including any interests therein (other than land owned by the United States or by a state) which is used for the disposal of any such byproduct material, or is essential to ensure the long term stability of such disposal site, shall be transferred to the United States or the state in which such land is located, at the option of such state. In view of the fact that physical isolation must be the primary means of long term control, and government land ownership is a desirable supplementary measure, ownership of certain severable subsurface interests (for example, mineral rights) may be determined to be unnecessary to protect the public health and safety and the environment. In any case, however, the applicant/operator must demonstrate a serious effort to obtain such subsurface rights, and must, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to either a United States NRC general or specific license prohibiting the disruption and disturbance of the tailings. In some rare cases, such as may occur with deep burial where no ongoing site surveillance will be required, surface land ownership transfer requirements may be waived. For licenses issued before November 8, 1981, the agency may take into account the status of the ownership of such land, and interests therein, and the ability of a licensee to transfer title and custody thereof to the United States or the state.

If the United States NRC subsequent to title transfer determines that use of the surface or subsurface estates, or both, of the land transferred to the United States or to the state will not endanger the public health, safety, welfare, or environment, the United States NRC may permit the use of the surface or subsurface estates, or both, of such land in a manner consistent with the provisions provided in these criteria. If the United States NRC permits such use of such land, it will provide the person who transferred such land with the right of first refusal with respect to such use of such land.

Material and land transferred to the United States or the state in accordance with this criterion shall be transferred without cost to the United States or the state other than administrative and legal costs incurred in carrying out such transfer.

The provisions of chapter 402-22 WAC respecting transfer of title and custody to land and tailings and waste shall not apply in the case of lands held in trust by the United States for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States. In the case of such lands which are used for the disposal of byproduct material, as defined in WAC 402-12-050(6), the licensee shall enter into arrangements with the United States NRC as may be appropriate to assure the long term surveillance of such lands by the United States.

NEW SECTION

WAC 402-52-200 CONTINUING DOSE ASSESSMENT. Each uranium or thorium milling operation shall submit in writing to the department by May 1 and November 1 of each year, reports specifying the quantities of each of the principle radionuclides released to unrestricted areas in liquid and in gaseous effluent during the previous six months of operations. This data shall be reported in a manner that will permit the department to confirm the potential annual radiation doses to the public. All data from the radiological and nonradiological environmental monitoring program will also be submitted for the same time period and frequency as specified above. The data shall be reported in a manner which will allow the department to confirm the potential annual radiation doses to the public. In addition, the report due each May 1 shall include a dose assessment to assure compliance with 40 CFR 190 Environmental Radiation Protection Standards for Nuclear Power Operation and an annual land use survey to include but not be limited to water supply information, location and number of occupants, time spent at each location by occupants, amount and type of locally grown stored feed and amount of pasture consumed by local livestock.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 402-52-010 URANIUM AND THORIUM MILL TAILING PILES AND PONDS—CONTROL.
- (2) WAC 402-52-015 PROPOSED TAILING DISPOSAL FACILITIES.
- (3) WAC 402-52-020 INACTIVE MILLS—STABILIZATION PROCEDURES.
- (4) WAC 402-52-025 MILLING OPERATIONS.

WSR 81-12-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1658—Filed June 1, 1981]

I, David A. Hogan, Director, Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC.

I, David A. Hogan, 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 changes will be of substantial benefit to certain political subdivisions.

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

This rule is promulgated pursuant to RCW 72.72.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 1, 1981.

By David A. Hogan
Director, Administration

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-020 DEFINITIONS. The following words and phrases shall have the following meaning when used in these regulations(:):

(1) "Department" means the department of social and health services and the department of corrections.

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services (~~or his designee(s)~~) and the secretary of corrections or their designees.

(5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.

(6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.

(7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

<u>Institution</u>	<u>Cities/County</u>
(1) Washington state penitentiary	Walla Walla/ Walla Walla
(2) Washington state reformatory ((3) Washington) (corrections center)	Monroe/Snohomish (Shelton/Mason)
(3) McNeil Island corrections center ((4) Purdy treatment center) (for women)	Steilacoom/Pierce (Purdy/Pierce)
(4) Washington corrections center ((5) Firland) (correctional center)	Shelton/Mason (Seattle/King)
(5) Purdy treatment center for women ((6) Larch) (corrections center)	Purdy/Pierce (Yacolt/Clark)
(6) Firland correctional center ((7) Clearwater) (correctional center)	Seattle/King (Forks/Clallam/) (Jefferson)
(7) Larch corrections center ((8) Indian Ridge treatment center)	Yacolt/Clark (Arlington/Snohomish)
(8) Clearwater correctional center ((9) Pine Lodge) (correctional center)	Forks/Clallam (Medical Lake/) (Spokane/Spokane)
(9) Olympic corrections center ((10) Cedar Creek) (correctional center)	Forks/Clallam (Littlerock/Thurston)

(10) Indian Ridge treatment center ((11) Echo Glen children center) (11) Pine Lodge correctional center	Arlington/Snohomish (Snoqualmie/King)
((12) Green Hill school) (12) Cedar Creek correctional center	Medical Lake/ Spokane/Spokane (Chehalis/Lewis)
((13) Maple Lane school) (13) Special offender center ((14) Cascadia juvenile reception and) (diagnostic center)	Littlerock/Thurston (Rochester/Thurston) Monroe/Snohomish
(14) Echo Glen children center ((15) Mission Creek youth camp) (15) Green Hill school ((16) Naselle youth camp) (16) Maple Lane school ((17) Woodinville group home)	((Tacoma/Pierce) Snoqualmie/King (Belfair/Mason) Chehalis/Lewis (Naselle/Pacific) Centralia/Lewis (Woodinville/) (Snohomish) (East Wenatchee/) (Douglas)
((18) Canyon View group home)	Belfair/Mason (Ephrata/Grant) Naselle/Pacific (Richland/Benton)
(17) Mission Creek youth camp ((19) Sunrise group home) (18) Naselle youth camp ((20) Twin Rivers group home) (19) Woodinville group home ((21) Oakridge group home) (20) Canyon View group home ((22) Pioneer group home) (21) Sunrise group home ((23) Western state hospital) (22) Twin Rivers group home ((24) Eastern state hospital)	Woodinville/Snohomish (Tacoma/Pierce) East Wenatchee/Douglas (Tacoma/Pierce) Ephrata/Grant (Steilacoom/Pierce) Richland/Benton (Medical Lake/) (Spokane/Spokane) Tacoma/Pierce Kittitas/Kittitas Yakima/Yakima Tacoma/Pierce Steilacoom/Pierce Medical Lake/ Spokane/Spokane
(23) Oakridge group home (24) Park Creek group home (25) Ridgeview group home (26) Pioneer group home (27) Western state hospital (28) Eastern state hospital	Steilacoom/Pierce
(29) Child study and treatment center	

((25)) (30) For any institution which is not listed above, reimbursement shall be limited to the political subdivisions in which the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7).

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. Reimbursement is limited to the specific political subdivisions listed in WAC 275-110-040. ((For the 1979-81 biennium,)) The maximum reimbursement rates are: ((~~\$12.30~~)) Twelve dollars and thirty cents per hour for ((state fiscal year 1980 and \$13.17)) the period August 30, 1979, through June 30, 1980, thirteen dollars and seventeen cents per hour for ((state fiscal year 1981)) the period July 1, 1980, through May 31, 1981, fourteen dollars and fifty-one cents per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL

COSTS. Reimbursement for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040, shall be at the established rate for law enforcement efforts set forth in WAC 275-110-050. If, after investigation, criminal charges are filed, fully documented prosecutorial and defense attorney fees may be reimbursed. Reimbursement shall not exceed (~~(\$30 per hour)~~) the following rates for each attorney, said reimbursement to include costs for paralegals: Thirty dollars per hour for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) Judicial costs shall be strictly limited to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement is limited to judges, court reporters, (~~(expert witnesses, and)~~) transcript typing, (~~(if required)~~) and witness and jury fees.

(2) Reimbursement for judges hearing cases including services provided by court clerks and bailiffs shall be reimbursed at (~~(\$30)~~) thirty dollars per hour (and this cost shall include services provided by court clerks and bailiffs) for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. Court reporters shall be reimbursed at the rate of (~~(\$12.50)~~) twelve dollars and fifty cents per hour for the period August 30, 1979, through May 31, 1981, fifteen dollars per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars and fifty-four cents for the period July 1, 1982, through June 30, 1983. Required typing of transcripts shall be reimbursed at (~~(\$2.50)~~) two dollars and fifty cents per page for the period August 30, 1979, through May 31, 1981, three dollars per page for the period June 1, 1981, through June 30, 1982, and three dollars and thirty-one cents per page for the period July 1, 1982, through June 30, 1983. If required, expert witnesses shall be reimbursed at (~~(\$30)~~) thirty dollars per hour (said reimbursement to be made only in the event that it would otherwise be made by the political subdivision) for the period August 30, 1979, through May 31, 1981, fifty dollars and sixty cents per hour for the period June 1, 1981, through June 30, 1982, and fifty-five dollars and seventy cents per hour for the period July 1, 1982, through June 30, 1983.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the

local governmental legislative authority but not in excess of twenty-five dollars per day. Reimbursement of costs of witness (other than expert) and jury fees shall be limited to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement must be fully documented and must include the inmate's name and all appropriate admission and release dates. Reimbursement shall be limited to (~~(\$3.50)~~) three dollars and fifty cents per inmate day for the period August 30, 1979, through May 31, 1981, four dollars and twenty-one cents per inmate day for the period June 1, 1981, through June 30, 1982, and four dollars and sixty-eight cents per inmate day for the period July 1, 1982, through June 30, 1983. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. Costs of providing security when inmates require hospitalization will be reimbursed at the rate of nine dollars per hour for the period August 30, 1979, through May 31, 1981, nine dollars and ninety-one cents per hour for the period June 1, 1981, through June 30, 1982, and ten dollars and ninety-three cents per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-090 BILLING PROCEDURE. Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary, per WAC 275-110-120.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose

of providing justification for requests for adequate funding levels in future biennia.

(5) The department shall include in its biennial appropriation requests proposed rates based on studies of local government costs to be conducted biennially.

WSR 81-12-028
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1660—Filed June 1, 1981]

I, David A. Hogan, Director, Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of chapters 388-80, 388-81, 388-82, 388-83, 388-84, 388-85, 388-86, 388-87, 388-91 and 388-92 and adopting chapters 388-99 and 388-100 WAC relating to medical assistance.

I, David A. Hogan, 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 SSB 4299.

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 June 1, 1981.

By David A. Hogan
Director, Administration

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 81-12-029
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 165—Filed June 1, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to permanent regulations, chapter 232-12 WAC.

This action is taken pursuant to Notice No. WSR 81-08-064 filed with the Code Reviser on April 1, 1981.

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 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, 1981.

By Frank R. Lockard
Director

Chapter 232-12 WAC
PERMANENT REGULATIONS

WAC

- | | |
|------------|---|
| 232-12-001 | Definition of terms. |
| 232-12-004 | Classification of wild birds. |
| 232-12-007 | Classification of wild animals. |
| 232-12-011 | Wildlife classified as protected wildlife. |
| 232-12-014 | Wildlife classified as endangered species. |
| 232-12-017 | Deleterious exotic wildlife. |
| 232-12-019 | Classification of game fish. |
| 232-12-021 | Import and retention of wildlife. |
| 232-12-024 | Tagging requirements for bobcat, Canada lynx and river otter. |
| 232-12-027 | Game farm license provisions. |
| 232-12-031 | Game farm invoice requirements. |
| 232-12-034 | Acquisition of wildlife by game farmer. |
| 232-12-037 | Shooting preserves—Licensing—Permits—Operations. |
| 232-12-041 | Permit for holding field trials. |
| 232-12-044 | Use of game for training dogs or for field trials—Tagging requirements. |
| 232-12-047 | Unlawful firearms for hunting. |
| 232-12-051 | Muzzle-loading rifles. |
| 232-12-054 | Bow and arrow requirements. |
| 232-12-057 | Hunting with aid of aircraft, boats or other vehicles. |
| 232-12-061 | Tagging requirements. |
| 232-12-064 | Holding wildlife in captivity. |
| 232-12-071 | Buying or selling of game unlawful. |
| 232-12-074 | Retention of game. |
| 232-12-077 | Wildlife taken by another. |
| 232-12-081 | Checking stations—Inspection of game and licenses. |
| 232-12-084 | Director empowered to alter seasons. |
| 232-12-087 | Requirements to possess Indian caught anadromous game fish or roe. |
| 232-12-091 | Commercial buying and processing of anadromous game fish or roe. |
| 232-12-094 | Records for purchase and receipt of anadromous game fish and roe. |

- 232-12-097 Transportation of anadromous game fish and roe.
- 232-12-101 Falconry and captive propagation of raptors permitted.
- 232-12-104 Falconry definitions.
- 232-12-107 Falconry permits required.
- 232-12-111 Limitation on possession of raptors.
- 232-12-114 Permit required for capture, importation, exportation, and transfer of raptors.
- 232-12-117 Marking and identification of raptors required.
- 232-12-121 Falconry reports required.
- 232-12-124 Methods of capture and prohibitions in taking raptors.
- 232-12-127 Revocation, modifications or suspension of falconry permits.
- 232-12-131 Permits for special hunting seasons.
- 232-12-134 Report required of licensed trappers.
- 232-12-137 Unlawful to use game species for trapping.
- 232-12-141 Wild animal trapping.
- 232-12-144 Possession of live fish for bait while fishing.
- 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful.
- 232-12-151 Fly fishing rules.
- 232-12-154 Juvenile fishing waters.
- 232-12-157 Steelhead fishing permit—Punch card.
- 232-12-161 Fishing guide reports.
- 232-12-164 Fishing near dams, hatcheries—Diversions unlawful.
- 232-12-167 Hunting and fishing contest rules.
- 232-12-174 Domestic animals on department lands.
- 232-12-177 Vehicles using department lands.
- 232-12-181 Livestock grazing on Department of Game lands.
- 232-12-184 Aircraft—Authorized use on department lands.
- 232-12-187 Access areas—Other department lands—Wildlife agent to control traffic thereon.
- 232-12-191 Three convictions forfeits privileges.
- 232-12-194 Procedure—Petitions for reissuance of hunting license—Time period for petition—Juvenile applicants.
- 232-12-197 Procedures to review administrative license decisions.
- 232-12-207 Petitions—Consideration by commission.
- 232-12-221 Petitions—Form—Scheduling—Ruling.
- 232-12-224 Possession of wildlife off an Indian reservation—Legally possessed on reservation.
- 232-12-227 Hunter Education Training Program requirements.
- 232-12-241 Requirements of license dealers.
- 232-12-244 Hunting restrictions.
- 232-12-247 Transmission lines—Unlawful hunting.
- 232-12-251 Removal of minerals from department lands—Restrictions—Personal use permit.
- 232-12-254 Discharge of litter on department lands—Unlawful.
- 232-12-257 Control of unattended decoys.
- 232-12-261 Live decoys unlawful.
- 232-12-264 Baiting of game birds—Unlawful.
- 232-12-267 Field identification of wildlife.
- 232-12-271 Conditions for issuance of permits for aquatic plants or releasing of wildlife.
- 232-12-274 Conditions for issuance of permits for scientific collection, research or display.
- 232-12-277 Taxidermy and furdealing records.
- 232-12-281 Copying.
- 232-12-284 Bighorn sheep—Branding requirements.
- 232-12-287 Possession of dead wildlife.
- 232-12-291 Hunting before or after hours.
- 232-12-294 Definitions—Hydraulic project permits.

NEW SECTION

WAC 232-12-001 DEFINITION OF TERMS. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid tag or permit means: A tag or permit that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

(6) Hunting or fishing contests mean: Hunting for wild animals or wild birds or fishing for game fish under a competitive arrangement that offers a prize. The assignment of an ornamental or symbolic award shall not be considered a prize.

(7) Anadromous game fish means:

(a) Steelhead Trout, *Salmo gairdnerii*

(b) Searun cutthroat, *Salmo clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

NEW SECTION

WAC 232-12-004 CLASSIFICATION OF WILD BIRDS. (1) Game birds include the family Anatidae or waterfowl commonly known as geese, brant, swan, surface-feeding ducks, diving ducks and mergansers; the Rallidae commonly known as rails, gallinules and coots;

Common, Wilson's or jacksnipe; the Columbidae commonly known as doves and pigeons. Wild turkeys of the species *Meleagris gallopavo*; white-tailed ptarmigan; sage grouse (sage hen), sharp-tailed grouse, blue grouse, spruce grouse, Franklin grouse and, ruffed grouse, of the family Tetraonidae; ring-necked, Chinese, Mongolian, Mutant and all other pheasant of the genus *Phasianus*; and Reeves pheasant of the species *Syrnaticus reevesi*; gray or Hungarian partridge; chukar partridge, and all other partridges of the genus *Alectoris*; Chilean tinamou of the genus *Nothoprocta*; bobwhite quail and all other quail of the genus *Colinus*; California quail and all other quail of the genus *Lophortyx*; mountain quail and all other quail of the genus *Oreortyx*; scaled quail and other quail of the genus *Callipepla*.

(2) Predatory birds include magpie, crow, English sparrow and starling.

(3) All other wild birds are protected wildlife. (RCW 77.12.020)

NEW SECTION

WAC 232-12-007 CLASSIFICATION OF WILD ANIMALS. Certain wild animals are classified as:

(1) Game animals include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus elaphus* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Ursus americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, *nuttallii* and *audubonii*; snowshoe hare, *Lepus americanus*; black-tailed jackrabbit, *Lepus californicus*; white-tailed jackrabbit, *Lepus townsendii*; bullfrog, *Rana catesbeiana*; beaver, *Castor canadensis*, muskrat, *Ondatra zibethica*; mink, *Mustela vison*; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; badger, *Taxidea taxus*; weasel, *Mustela erminea* and *frenata*; and fox, *Vulpes fulva*.

(2) Furbearing animals 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 taxus*; raccoon, *Procyon lotor*; weasel, *Mustela erminea* and *frenata*; and fox, *Vulpes fulva*.

NEW SECTION

WAC 232-12-011 WILDLIFE CLASSIFIED AS PROTECTED WILDLIFE. Protected wildlife includes all wild birds not classified as game birds or predatory birds and grizzly bear, *Ursus arctos*; caribou, *Rangifer tarandus*; sea otter, *Enhydra lutris*; fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; 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*; hoary marmot, *Marmota caligata* and *olympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; all wild turtles not otherwise classed as endangered species; mammals of the order Cetacea including whales, porpoises and mammals of the suborder Pinnipedia not otherwise designated as endangered species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

NEW SECTION

WAC 232-12-014 WILDLIFE CLASSIFIED AS ENDANGERED SPECIES. Endangered species include: Columbian white-tailed deer, *Odocoileus virginianus leucurus*; Blue whale, *Balaenoptera musculus*; Bowhead whale, *Balaena mysticetus*; Finback whale, *Balaenoptera physalus*; Gray whale, *Eschrichtius gibbosus*; Humpback whale, *Megaptera novaeangliae*; Right whale, *Balaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter catodon*; Wolf, *Canis lupus*; American peregrine falcon, *Falco peregrinus anatum*; Arctic peregrine falcon, *Falco peregrinus tundrius*; Aleutian Canada goose, *Branta canadensis leucopareia*; Brown pelican, *Pelecanus occidentalis*; Green sea turtle, *Chelonia mydas*; Leatherback sea turtle, *Dermochelys coriacea*; Olive (Pacific) Ridley sea turtle, *Lepidochelys olivacea*.

NEW SECTION

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

- (1) Walking Catfish, *Clarias batrachus*
- (2) Mongoose, all forms of the genus *Herpestes*
- (3) Grass carp, *Ctenopharyngodon idella*
- (4) African clawed frog, *Xenopus laevis*

It is unlawful to import or possess live specimens of deleterious exotic wildlife.

NEW SECTION

WAC 232-12-019 CLASSIFICATION OF GAME FISH. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
<i>Esox lucius</i>	Northern Pike

NEW SECTION

WAC 232-12-021 IMPORT AND RETENTION OF WILDLIFE. It is unlawful to import, possess, or transfer in the state of Washington wild animals, wild birds or game fish killed in another state or country without having proof of legal acquisition, which must remain with the wildlife during the period of retention.

NEW SECTION

WAC 232-12-024 TAGGING REQUIREMENTS FOR BOBCAT, CANADA LYNX AND RIVER OTTER. It is unlawful to possess or export from the state of Washington, bobcat, Canada lynx or river otter pelts or parts thereof taken in Washington unless they have a department identification tag attached to them.

Pelts of bobcat, lynx and river otter must be tagged within ten days after the close of the appropriate hunting or trapping season.

Bobcat, Canada lynx or river otter taken outside Washington and imported into the state, must be identified by a tag from the state or country of origin and accompanied by an invoice or declaration specifying the number of pelts in the shipment.

NEW SECTION

WAC 232-12-027 GAME FARM LICENSE PROVISIONS. It is unlawful to operate a game farm except under the following provisions:

(1) Game farms licensed prior to July 1, 1981, may continue to possess, propagate, sell and transfer wildlife they lawfully possess on July 1, 1981, by virtue of their license or permit issued by the director. Such transfers are restricted to licensed game farms authorized to possess said wildlife.

(2) Game farms licensed after July 1, 1981, may purchase, possess, propagate, sell or transfer the following wildlife:

- (a) Game animals - bullfrog, *Rana catesbiana*
- (b) Fur-bearing animals - muskrat, *Ondatra zibethica* and beaver, *Castor canadensis*
- (c) Game birds - Pheasant, of the genus *Phasianus* and *Syrmaticus reevesi*; wild turkeys of the species *Meleagris gallopavo*; Hungarian and chukar partridge, of the genus *Perdix*; quail, of the genus *Lophortyx*, *Colinus*, and *Oreortyx*; and waterfowl of the family Anatidae

(d) Game fish - trout and Atlantic salmon

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director may issue a license, if after investigation, the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where game birds, game fish, or game animals will be held.

(f) Such other restrictions as the director may require.

(5) Holders of a game farm license must make annual reports on the last day of January to the director on forms to be furnished by the director.

NEW SECTION

WAC 232-12-031 GAME FARM INVOICE REQUIREMENTS. It is unlawful for a licensed game farm to transfer wildlife unless the wildlife is accompanied by an invoice which must include the name and address of the game farm, date of transfer, number and species transferred, and the name and address of transferee. The invoice is the transferee's permit to hold such game in captivity and must be retained during the time such wildlife is in his possession. Game farms must retain a copy of all invoices on the licensed premise for a period of two years from date of transaction and must send a copy of the invoice or a list of transferees and species transferred to the department with the game farm's annual report.

NEW SECTION

WAC 232-12-034 ACQUISITION OF WILDLIFE BY GAME FARMER. A game farmer may acquire wildlife only from a licensed game farm or other lawful source.

NEW SECTION

WAC 232-12-037 SHOOTING PRESERVES—LICENSING—PERMITS—OPERATIONS. A game farm licensed under the provisions of chapter 77.12 RCW may function as a private shooting preserve and dispose of game birds produced or acquired by releasing them on the designated preserve for hunting. The permittee must abide by the following rules:

(1) Each person desiring to operate a private shooting preserve must make application to the director on forms supplied by the department.

(2) The director shall investigate the property described in the application and determine the number of wild game birds produced annually on the proposed shooting preserve area.

(3) Private shooting preserves must contain a minimum of one hundred acres to a maximum of one thousand acres in a contiguous block. The land must be owned or leased by the applicant for a minimum of five years, and cannot contain lakes or ponds in excess of two acres of surface water or be within one-half mile of bodies of water in excess of two acres.

(4) Shooting preserves may not be located on land having a projected fall population of wild upland game birds in excess of twenty birds per one hundred acres.

(5) Shooting preserves may not be located within one mile of a public hunting area owned or controlled by the department, except lands controlled by year-to-year agreement.

(6) The boundary of shooting preserves must be posted by the permittee with signs approved by the director in such manner as he may direct.

(7) The permittee shall release not less than one game bird per acre, annually.

(8) Game birds taken from a private shooting preserve must be tagged and accompanied by an invoice showing the permittee's name, address, date of sale, number and species sold and the name and address of the hunter. Said invoice shall be retained by the hunter during the

time such species are in his possession. Tags to be used as identification will be furnished at cost by the department.

(9) During September or October each year, the permittee must deliver to the department the number of live game birds determined under subsection (2) or pay the department the fair market value for the specified number of game birds sixteen weeks of age. Game birds delivered to the department must be sixteen weeks of age, fully feathered and in sound and healthy condition as determined by the department.

(10) The permittee shall first be given a reasonable time, not to exceed ninety days, to dispose of his stock of game birds.

NEW SECTION

WAC 232-12-041 PERMIT FOR HOLDING FIELD TRIALS. (1) Except as authorized by permit issued by the director it is unlawful to hold field trials for hunting dogs during the months of April, May, June, and July. Field trials on department lands or those involving use of live birds may not be held without a permit.

(2) Applications for a field trial permit must be filed with the director at least thirty days before the proposed date for holding such trials. The application shall state the time and place the field trials will be held, the names of sponsors and persons who will conduct the trials, and such other information as the director may require.

NEW SECTION

WAC 232-12-044 USE OF GAME FOR TRAINING DOGS OR FOR FIELD TRIALS—TAGGING REQUIREMENTS. It is unlawful to possess game birds legally acquired from a game farmer which are to be used for the purpose of training dogs or competitive field trials unless those birds have attached to them a band provided by the director.

(1) Game birds to be used for training or field trials must be banded before being transported to such trials or training areas. Bands must remain on the bird or animal so tagged during use and transportation.

(2) The director shall furnish, upon request to a dog trainer or person conducting a field trial, bands to be used for identification. Such band shall be furnished at cost by the department.

(3) It is unlawful to possess game animals for the purpose of training dogs or use in competitive field trials unless those animals are accompanied by a permit from the director.

NEW SECTION

WAC 232-12-047 UNLAWFUL FIREARMS FOR HUNTING. (1) It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
- (b) A pistol or revolver.
- (c) A rifle with a bore diameter less than .240 of an inch (6mm) and a barrel length less than 18 inches.

(d) A cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds.

(e) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(f) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear.

(g) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

(6) It is unlawful to hunt wildlife with a crossbow.

NEW SECTION

WAC 232-12-051 MUZZLE-LOADING RIFLES. (1) It is unlawful to carry or possess any firearm during special primitive muzzle-loading seasons which does not meet the following definition of muzzle-loader: Muzzle-loader means a single or double barrel wheel lock, matchlock, flintlock or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is 40, such measurement to be taken from land to land in the barrel. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be metal. Telescopic sights or sights containing glass are prohibited.

(2) This section shall not apply to the carrying of a muzzle-loading pistol.

(3) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(4) Only one barrel of a double barrel muzzle-loader may be loaded at one time while hunting in a special primitive muzzle-loading season.

NEW SECTION

WAC 232-12-054 BOW AND ARROW REQUIREMENTS. (1) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length.

(2) It is unlawful to hunt big game animals with any arrows other than those having sharp broadhead blade or blades at least seven-eighths inches wide. The broadhead must be unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a

smooth line toward the feather end of the shaft and such line shall not angle toward the point.

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at a firing position.

NEW SECTION

WAC 232-12-057 HUNTING WITH AID OF AIRCRAFT, BOATS OR OTHER VEHICLES. (1) It is unlawful to use aircraft to spot, locate or report the location of wildlife for the purpose of hunting; except as authorized by a permit issued by the director.

(2) It is unlawful to hunt wildlife from a vehicle, aircraft, except as authorized by a permit issued by the director, or from a boat propelled by motor unless the motor of such boat has been completely shut off and its progress has ceased.

(3) It is unlawful to hunt big game on the day one was airborne in an aircraft, except on a regularly scheduled commercial airline flight.

NEW SECTION

WAC 232-12-061 TAGGING REQUIREMENTS. It is unlawful for a person who kills a big game animal or turkey to fail to immediately cut out and completely remove from their tag the designated notches corresponding to the day and month of the kill for that species. A person who kills such animal or bird, shall immediately attach their notched tag to the carcass of such animal or bird. That tag must remain attached to the carcass while it is being transported and must remain with the wildlife during the period of retention.

NEW SECTION

WAC 232-12-064 HOLDING WILDLIFE IN CAPTIVITY. It is unlawful to take from the wild, hold in captivity, or possess wild animals, game birds, or game fish unless such capture, holding or possession is authorized by a license or permit issued by the director or the commission.

NEW SECTION

WAC 232-12-071 BUYING OR SELLING GAME UNLAWFUL. Unless prohibited by federal regulations, nonedible parts of wild animals, game birds or game fish lawfully taken may be offered for sale, sold, purchased or traded, EXCEPT,

It is unlawful to offer for sale, sell, purchase or trade cougar, mountain sheep, mountain goat, velvet antlers of deer or elk or the gall bladder, claws and teeth of bear unless the offer for sale, sale, purchase or trade is authorized by a written permit issued by the director.

NEW SECTION

WAC 232-12-074 RETENTION OF GAME. After August 1 of each year, it is unlawful to possess the edible parts of game animals or game birds taken during the preceding open season unless the department is notified in writing of the species, quantity and location of such wildlife.

NEW SECTION

WAC 232-12-077 WILDLIFE TAKEN BY ANOTHER. It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

NEW SECTION

WAC 232-12-081 CHECKING STATIONS—INSPECTION OF GAME AND LICENSES. (1) The department is authorized to establish checking stations, for the purpose of inspecting hunting and fishing licenses and wildlife.

(2) Every person, upon the request of a wildlife agent, shall produce for inspection, wildlife and required hunting or fishing licenses, tags and permits in their possession. It is unlawful to fail to stop at a department checking station while it is in operation.

NEW SECTION

WAC 232-12-084 DIRECTOR EMPOWERED TO ALTER SEASONS. In accordance with the provisions of RCW 77.04.020 and 77.12.150, the authority of the commission is delegated to the director during the period from November 1 to March 31 of each year to close or shorten seasons for game fish. After a season has been closed or shortened, the director may reopen it, and establish daily, weekly, or season bag limits for that season.

NEW SECTION

WAC 232-12-087 REQUIREMENTS TO POSSESS INDIAN CAUGHT ANADROMOUS GAME FISH OR ROE. It is unlawful for a person other than a treaty Indian to buy, sell or possess anadromous game fish lawfully taken by a treaty Indian unless said fish are accompanied by a written statement showing taker's name, address, tribal affiliation and treaty fish identification card number, number of fish, date and location where taken. Provisions of this regulation shall not apply to anadromous game fish purchased from a department licensed fish buyer.

NEW SECTION

WAC 232-12-091 COMMERCIAL BUYING AND PROCESSING OF ANADROMOUS GAME FISH OR ROE. (1) It is unlawful to buy, sell or possess with intent to sell anadromous game fish or roe, without having in possession a valid Department Fish Buyer's Permit and comply with the following provisions:

(a) A Department Fish Buyer's Permit is valid for a year (May 1 to April 30).

(b) Fish buyer's permits must be obtained by applying to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504.

(c) The fish buyer's permit, or a copy, must be in possession of a person buying anadromous game fish or roe.

(d) Fish buyer's permits are not transferable.

(e) Fish buyer's permits authorize a person to buy only anadromous game fish or roe taken by treaty Indians possessing valid federal or tribal fishing identification cards during lawful open seasons.

(2) It is unlawful for a person possessing or buying anadromous game fish or roe from a treaty Indian to not comply with the following:

(a) Fill out a Department Steelhead Receiving Ticket including name of seller, tribal affiliation, treaty fishing identification card number, numbers of fish or skeins of roe, marine area or river where caught, and signature of the person directly receiving the fish.

(b) Transmit the fish tickets daily to the department.

(c) Retain a copy of the Steelhead Receiving Ticket with the anadromous game fish or roe as long as the fish are in possession.

(3) Transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers, the recipients of said fish must possess a copy of the original fish receiving ticket and sales invoice.

(4) This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

NEW SECTION

WAC 232-12-094 RECORDS FOR PURCHASE AND RECEIPT OF ANADROMOUS GAME FISH AND ROE. (1) Department fish buyer permittees must keep a record of the number of anadromous game fish and skeins of roe received or purchased.

(2) A record of all sales of anadromous game fish and roe must be maintained by licensed fish buyers for three years and are subject to inspection by a wildlife agent. Records of sales must include:

(a) Name and address of the purchaser or consignee.

(b) Number and pounds of each sale.

(c) Date of delivery.

NEW SECTION

WAC 232-12-097 TRANSPORTATION OF ANADROMOUS GAME FISH AND ROE. (1) It is unlawful to ship or transport game fish and roe by a private or common carrier unless accompanied by an invoice which includes:

(a) The name and address of the consignor and consignee.

(b) Pounds and number of anadromous game fish and skeins of roe in the shipment.

(c) The date of shipment.

(2) Containers of anadromous game fish and roe transported must be clearly and conspicuously marked

indicating the contents. A copy of the invoice shall be forwarded by the carrier to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, within seven days of said shipment.

NEW SECTION

WAC 232-12-101 FALCONRY AND CAPTIVE PROPAGATION OF RAPTORS PERMITTED. The director, or his authorized representative, may issue permits for the taking and possession of any raptor for the purpose of falconry, and for the possession of any raptor for the purpose of captive live propagation, and for the possession, transfer, use and disposition of adult birds and progeny thereof, except for those species restricted by the state or that appear on the federal endangered species list. However, any endangered raptor held legally before December 28, 1973, may be retained for falconry use under these regulations. Such permits will be restricted to residents of the state of Washington.

NEW SECTION

WAC 232-12-104 FALCONRY DEFINITIONS.

(1) "Raptor" means a live migratory bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*), or the family Falconidae, or the great horned owl (*Bubo virginianus*), of the family Strigidae whether indigenous to the United States or foreign.

(a) "Eyas" means any raptor originally taken from the nest or fledgling raptor taken before the juvenile flight feathers have become hard panned (fully grown).

(b) "Passage hawk" means any raptor originally taken after the juvenile flight feathers have become hard panned and before attaining adult plumage.

(c) "Haggard" means any raptor originally taken after attaining adult plumage.

(d) "Captive-bred raptor" means any progeny of a mating of raptors in captivity.

(2) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild for the purpose of falconry.

(3) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

(4) "Falconry facilities" means the areas, mews, buildings, structures or enclosures or portions thereof designed for the purpose of providing shelter or housing for raptors held for the purpose of falconry, including all furnishings thereof.

(5) "Falconry equipment" means the perches, swivels, jesses, leashes, lures, traps, snares, nets, harnessed bait bird or other implement utilized in trapping, transporting, keeping, training or flying raptors for the purpose of falconry.

NEW SECTION

WAC 232-12-107 FALCONRY PERMITS REQUIRED. (1) It is unlawful for any person to possess any raptor for the purpose of falconry or to engage in the practice of falconry without first obtaining and having upon his person a valid "Falconry Permit."

(2) The director, or his authorized representative, may

issue three classes of falconry permits as follows:

(a) "Novice Falconry Permit" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, by written application on forms provided that the applicant:

- (i) Is at least fourteen years of age,
- (ii) is sponsored by a holder of a "General, or Master, Falconry Permit," who shall sign said application,
- (iii) has an adequate knowledge of the care of raptors, of the practice of falconry, and the Washington State Game Code and regulations pertaining to falconry, and
- (iv) will provide adequate falconry facilities and equipment feed, care and management.

(b) "General Falconry Permit" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, by written application on forms provided that the applicant:

- (i) Is at least eighteen years of age,
- (ii) has had at least two years of falconry experience under a valid "Novice Falconry Permit" or its equivalent, and is sponsored by two holders of a general or master category, who shall sign said application,
- (iii) has a working knowledge and practical expertise in the care of raptors, of the practice of falconry and of the Washington State Game Code and regulations pertaining to falconry, and
- (iv) will provide adequate falconry facilities and equipment, feed, care and management.

(c) "Master Falconry Permits" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, provided that the applicant

- (i) has had at least five years experience as a general falconer, or its equivalent, and
- (ii) had a working knowledge and practical expertise in the care of raptors, of the practice of falconry, and of the Washington State Game Code and regulations pertaining to falconry, and
- (iii) passes a review board of not over four members made up of persons appointed by the director or his authorized representative, and
- (iv) will provide adequate falconry facilities and equipment, food, care and management.

(3) The director, or his authorized representative, may require any applicant or any person holding a valid falconry permit to satisfactorily complete written or oral examinations upon initial application. Said examinations shall be passed with a score of at least 80 percent.

(4) Facilities and equipment. The director or his authorized representative shall inspect and certify the applicant's raptor housing facilities and falconry equipment as meeting the following standards before any permit is issued.

(a) Facilities. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the

facility. If more than one incompatible raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Unsupervised outdoor facilities (weathering area) should be fenced or covered to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure that birds cannot strike the fence when flying from the perch. Adequate perches shall be provided.

(b) Equipment. The following items shall be in the possession of the applicant before he can obtain a permit or license.

(i) Jesses - at least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels - at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(iii) Bath container - at least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches - at least one weathering area perch of acceptable design shall be provided for each raptor; and

(v) Weighing device - a reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than one-half ounce (15 grams) shall be provided.

(c) Maintenance. All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Temporary holding facilities. A raptor may be transported or held by the permittee in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances for a period not to exceed thirty days.

(5) The director, or his authorized representative, may periodically inspect the falconry facilities and equipment and raptors of any applicant or holder of a falconry permit at reasonable times.

NEW SECTION

WAC 232-12-111 LIMITATION ON POSSESSION OF RAPTORS. (1) No holder of a "Novice Falconry Permit" shall have in his possession or under his control more than one raptor and such raptor shall be limited to the American Kestrel (*Falco sparverius*) or Red-tailed Hawk (*Buteo jamaicensis*) and may not obtain more than one raptor for replacement in any twelve-month period.

(2) No holder of a "General Falconry Permit" shall have in his possession or under his control for falconry purposes more than two raptors. A general permittee may not obtain more than one raptor for replacement in

any twelve-month period.

A general permittee may not take, transport, or possess any species listed as threatened or endangered. Except, that any endangered raptor legally held prior to December 28, 1973, may be transported or possessed.

(3) No holder of a "Master Falconry Permit" shall have in his possession or under his control for falconry purposes more than three raptors, and may not obtain more than one raptor for replacement during any twelve-month period.

A master permittee may not take, transport, or possess any species listed as endangered. Except, that any endangered raptor legally held prior to December 28, 1973, may be transported or possessed.

(4) It shall be unlawful for any holder of a falconry permit to have in his possession or under his control, or to capture or attempt to capture, any species of raptor specifically prohibited by the director, or his authorized representative, on the holder's "Falconry Permit" or his "Raptor Capture Permit".

(5) Bald eagles, vultures, osprey and all owls, except the great-horned owl, may not be possessed for falconry or propagation purposes.

NEW SECTION

WAC 232-12-114 PERMIT REQUIRED FOR CAPTURE, IMPORTATION, EXPORTATION, AND TRANSFER OF RAPTORS. (1) It is unlawful for any person to trap, net or otherwise attempt to capture any raptor without first having in his possession and upon his person a valid "Raptor Capture Permit."

(2) The director, or his authorized representative, may issue "Raptor Capture Permits" to holders of valid falconry permits and may endorse upon the face of each "Raptor Capture Permit" any limitation thereon, including any prohibited species of raptor. Novice permittees may not take an eyas from the nest, general and master falconers will be allowed to take one eyas each year.

(3) It is unlawful for any person to import into the state of Washington any raptor for falconry purposes without first obtaining a "Raptor Importation Permit."

(4) The director, or his authorized representative, may issue "Raptor Importation or Exportation Permits" for the transfer of raptors into and out of the state of Washington upon such terms and conditions as may be designated thereon.

(5) It is unlawful to transfer ownership or possession of any raptor without first notifying the Department of Game and registering the proposed transfer with said department on appropriate forms to be provided; except a permittee may give temporary care of any raptor to another permittee holding a general or masters permit for a period not to exceed thirty days without prior notification or registration provided written authorization from the registered owner accompany the bird, and a copy thereof be submitted to the Department of Game within three days of said transfer.

NEW SECTION

WAC 232-12-117 MARKING AND IDENTIFICATION OF RAPTORS REQUIRED. (1) It is unlawful for any person to have in his possession or under his control any raptor that does not bear an identifying band provided by the United States Fish and Wildlife Service and distributed by the Department of Game: PROVIDED, That captive bred raptors whose hatching was reported to the Department of Game within seven days of hatching may be possessed without such identifying band until the thirty-fifth day after hatching: AND PROVIDED FURTHER, That raptors held in compliance with subsection (2) of this section may be possessed without such identifying band for up to fifteen days after taking.

(2) It is unlawful to take any raptor without first having in his possession a capture permit and temporary holding permit. Any permittee, after capturing or acquiring a raptor, shall immediately fill out and remove the appropriate notches of the "Raptor Capture Permit." Said permit will be returned to the Department of Game office within five days of capture or acquisition.

(3) It is unlawful to remove or replace a raptor band without permission and/or supervision of the director, or his authorized representative.

(4) It is unlawful to possess a raptor band in an altered condition.

NEW SECTION

WAC 232-12-121 FALCONRY REPORTS REQUIRED. (1) Any person holding a "Falconry Permit" shall be required to submit an annual report on forms supplied, disclosing such information as the director, or his authorized representative, may deem valuable and necessary to the proper management of raptors and the regulation of falconry. Such reports will be submitted by July 31 of each year.

(2) Any person shall report to the director, or his authorized representative, the loss, death, or release of any raptor possessed by him within forty-eight hours of such loss, death or release. The carcass of any dead bird shall be returned to the nearest Department of Game office, unless authorized to be retained by the department or the United States Fish and Wildlife Service.

(3) Any person who captures a raptor shall report such capture to the director, or his authorized representative, within forty-eight hours of the time of capture.

NEW SECTION

WAC 232-12-124 METHODS OF CAPTURE AND PROHIBITIONS IN TAKING RAPTORS. (1) It is unlawful for a person to remove more than one immature or fledgling raptor from any nest or to trap any haggard at any time of the year.

(2) It is unlawful to remove any immature or fledgling raptor from any nest unless one or more live immature or fledgling raptors remain in the nest after such removal.

(3) It is unlawful for a person to remove any egg from the nest of any wild raptor or to possess such egg or part thereof, unless specifically authorized by the director, or

his authorized representative.

(4) It is unlawful to have or use any trap, snare, net, harnessed bait bird or other implement that is employed in an attempt to capture any raptor without said equipment being plainly marked with the name and address of the user.

(5) It is unlawful for any person to leave unattended any trap, snare, harnessed bait bird, or other implement that is set for the purpose of capturing any raptor, except for the Swedish goshawk-type trap.

(6) It is unlawful to take any raptors from the wild, except during January 1-15 every day; on weekends and holidays (May 31 and July 4) from May 15 to July 31; and every day from August 15 to December 31.

(7) It is unlawful to retrap a marked raptor, which has been reported as lost, unless prior permission has been authorized by the director, or his authorized representative. Such permission may be granted to the permittee who lost the bird only. Any other bird incidentally trapped in the recapture attempt shall be immediately released.

(8) Feathers that are molted from birds held in captivity or that die, may be retained and exchanged by permittees only for imping purposes.

NEW SECTION

WAC 232-12-127 REVOCATION, MODIFICATIONS OR SUSPENSION OF FALCONRY PERMITS. (1) Any permit issued hereunder may be revoked, modified or suspended for cause as follows:

(a) The director, or his authorized representative, shall revoke the permit and shall not reissue or reinstate any permit issued hereunder to any person for three years following the third conviction or forfeiture for violation of any provision of the Game Code of the State of Washington, Title 77 RCW, or of this chapter occurring within three years.

(b) The director, or his authorized representative, may revoke, modify or suspend any permit issued hereunder for a period not to exceed one year for cause as follows:

(i) For first or second conviction or forfeiture for violation of any provision of the Game Code of the State of Washington, Title 77 RCW, or of this chapter through the use of raptors or arising from falconry activities;

(ii) for failure to complete reexamination as may be required by this chapter;

(iii) for failure to timely submit reports required by this chapter;

(iv) for failure to provide adequate falconry facilities and equipment;

(v) for failure to provide adequate care, feed and maintenance for any raptor in the possession of the person against whom the proceeding is commenced or for inhumane treatment of any such raptors.

(2) Any proceeding to revoke, suspend or modify and permit issued hereunder, any proceeding challenging the denial of a permit authorized hereunder, shall be a "contested hearing" under chapter 34.04 RCW and all proceedings shall be conducted in compliance with that chapter.

NEW SECTION

WAC 232-12-131 PERMITS FOR SPECIAL HUNTING SEASONS. (1) Holders of valid hunting licenses may apply for permits for special hunting seasons as prescribed by the commission.

(2) It is unlawful for a person receiving an elk or goat permit to apply for the next two years. A person applying for an elk or goat permit during that period will be disqualified for an additional two years, in addition to any other penalty provided by law.

(3) It is unlawful for a person receiving a mountain sheep (bighorn sheep) permit to apply for the next five years. A person applying for a special mountain sheep (bighorn sheep) hunting permit within a period of five years after having been drawn for such a permit shall be disqualified for an additional two years in addition to any other penalty provided by law.

(4) It is unlawful for a person receiving a moose permit to apply for another permit for that species.

NEW SECTION

WAC 232-12-134 REPORT REQUIRED OF LICENSED TRAPPERS. It is unlawful for a licensed trapper not to report to the director, on a form supplied by the department, the number of each species of animals taken within thirty days after the close of each trapping season.

NEW SECTION

WAC 232-12-137 UNLAWFUL TO USE GAME SPECIES FOR TRAPPING. It is unlawful to use game birds, game fish or game animals, except the carcasses of furbearing animals, for bait in trapping.

NEW SECTION

WAC 232-12-141 WILD ANIMAL TRAPPING. It is unlawful to trap for wild animals:

(1) With a steel trap having a jaw spread exceeding seven and one-half inches, except that an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

(2) With a No. 3 size or larger steel trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal.

(3) Unless traps or devices are checked and animals removed within seventy-two hours.

NEW SECTION

WAC 232-12-144 POSSESSION OF LIVE FISH FOR BAIT WHILE FISHING. It is unlawful to use or possess live fish for bait while fishing for game fish.

NEW SECTION

WAC 232-12-147 MAXIMUM NUMBER OF FISHING LINES AND HOOKS—SNAGGING AND GAFFING FISH UNLAWFUL. It is unlawful to: (1) Fish for game fish or attempt to take game fish in a manner other than with one line which must be under the immediate control of the angler; (2) fish for game

fish with a line having attached to it more than 2 baits or lures; (3) snag or attempt to snag game fish.

A gaff or landing net may be used to land game fish lawfully hooked.

Fresh water ling may be taken during the open season set for that species by use of set lines and multiple hooks as prescribed in current season's regulations. Set lines must have securely affixed a metal tag legibly stating the fisherman's name and address.

NEW SECTION

WAC 232-12-151 FLY FISHING RULES. It is unlawful to fish for game fish:

(1) In waters restricted to fly fishing only, by use of a fixed spool reel, monofilament line or a metal, plastic, or wooden lure, a plug, spinner, tackle or if a weight is attached to the line or leader. Sinking fly lines or fly lines with lead or metal cores are lawful. Monofilament line may be used as a back-up line if it is attached to not less than twenty-five feet of conventional fly line.

(2) In those waters restricted to fly fishing only, legal angling tackle is limited to dry flies, wet flies, bucktail flies, nymphs and streamers.

NEW SECTION

WAC 232-12-154 JUVENILE FISHING WATERS. It is unlawful for a person over fourteen years of age to fish in waters designated for juvenile fishing only.

NEW SECTION

WAC 232-12-157 STEELHEAD FISHING PERMIT—PUNCH CARD. (1) It is unlawful for a person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout without having in their immediate possession a valid steelhead fishing permit.

(2) Upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit must immediately remove from the card one punch and enter on the corresponding space the date of the catch and the name of the water in which the fish was caught, except in waters designated as "Selective Fishery" or "Catch and Release" by the commission, it is not necessary to remove a punch from the steelhead punch card, if the fish is released.

(3) Every person possessing a steelhead fishing permit must, by June 1, following the period for which it was issued, return that permit to an authorized license dealer or the department.

NEW SECTION

WAC 232-12-161 FISHING GUIDE REPORTS. It is unlawful for a licensed fishing guide to fail to report to the department by the 10th day of each month the numbers of steelhead fishermen guided the previous month, the rivers fished, the date and number of steelhead caught. Reports must be submitted regardless of whether or not guiding was conducted. Such report form shall be supplied by the department and signed by the guide.

NEW SECTION

WAC 232-12-164 FISHING NEAR DAMS, HATCHERIES—DIVERSIONS UNLAWFUL. Except as provided in current season game fish regulations, it is unlawful to fish within four hundred feet downstream from man-made dams, fish ladders or other obstructions, or in waters used by the department for rearing or holding fish. It is unlawful to fish in an irrigation canal or ditch, when the area is posted as closed waters.

NEW SECTION

WAC 232-12-167 HUNTING AND FISHING CONTEST RULES. A person wishing to conduct a hunting or fishing contest must file an application for a contest permit with the director thirty days prior to the start of the contest.

It is unlawful to:

(1) Charge a fee for entrance to a hunting or fishing contest or request a donation to promote such a contest for a commercial purpose.

(2) Offer or accept prizes or trophies, as a result of a hunting or fishing contest, which have a total market value of more than four hundred dollars.

NEW SECTION

WAC 232-12-174 DOMESTIC ANIMALS ON DEPARTMENT LANDS. It is unlawful to allow domesticated animals to be unattended on, or to permit livestock to graze upon land under the control of the department without a written permit from the director.

NEW SECTION

WAC 232-12-177 VEHICLES USING DEPARTMENT LANDS. It is unlawful to operate a motor driven vehicle on lands owned, controlled or managed by the department except on such land or roads as may be authorized by the director or his authorized agent.

NEW SECTION

WAC 232-12-181 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS. It is unlawful to graze livestock on lands owned, or managed by the department under lease or agreement without obtaining a land use agreement from the department. It shall be unlawful to fail to follow or carry out any of the requirements or provisions of the land use agreement.

All persons wishing to apply for a land use agreement should contact the Washington State Game Department, Habitat Management Division, 600 North Capitol Way, Olympia, Washington 98504.

Policies and general provisions that shall apply to all land use agreements include:

(1) Department is authorized to negotiate land use agreements for grazing. The department shall advertise and sell the license to use department lands for grazing at public auction to the highest bidder. The department is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so.

(2) The director may approve a land use agreement

where a comprehensive grazing management plan has been developed by the department. The commission, may review each land use agreement to determine whether the grazing will benefit wildlife or improve public hunting, fishing, or recreation without adverse impact on wildlife.

(3) While each agreement shall contain terms and conditions peculiar to that use of the land, the following general terms shall be included in all such agreements:

(a) The term of the agreement shall be limited to five years.

(b) A full grazing plan shall be part of the land use agreement. That plan shall establish the number and kind of animals that will graze and the area managed under the land use agreement.

(c) The department shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the department, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(d) Holders of agreements shall be required to report monthly the number of animals grazing and the area actually grazed, as well as the expected grazing animals and area for the following month.

(e) Holders of agreements shall be required to maintain all fences to protect adjacent lands from livestock trespass.

(f) All lands covered by any agreement shall at all times be open to the public for lawful hunting and fishing, and other approved recreational uses.

(g) The holder of the agreement shall agree to indemnify the department from liability which may arise out of the exercise of the privileges granted in the agreement.

(h) Holders of agreements shall forfeit their rights under the agreement if they fail to meet any of the terms and conditions of the agreement. Grazing of animals in excess of allowable amounts will result in forfeiture of the grazing agreement and obligate the responsible agreement holder to pay the department for the excess use.

(i) The holder of the agreement shall not transfer the rights contained in the agreement to another person without prior approval from the Game Commission.

(j) The holder of the agreement shall not permit livestock owned by another person to graze upon Department of Game lands under the agreement without the approval of the commission.

NEW SECTION

WAC 232-12-184 AIRCRAFT—AUTHORIZED USE ON DEPARTMENT LANDS. Except as authorized by the director or the director of the Department of Natural Resources, it is unlawful to land aircraft on lands owned, leased or controlled by the department, except in the case of a bona fide emergency.

NEW SECTION

WAC 232-12-187 ACCESS AREAS—OTHER DEPARTMENT LANDS—WILDLIFE AGENT TO

CONTROL TRAFFIC THEREON. It is unlawful to use department owned or controlled lands or waters in a manner or for a purpose contrary to signs or notices posted on those lands or to refuse or neglect to obey directions regarding use of such property by a wildlife agent. It is unlawful to use department owned or controlled lands or waters for a commercial purpose without a permit issued by the director or his designee.

NEW SECTION

WAC 232-12-191 THREE CONVICTIONS FORFEITS PRIVILEGES. A person who has been convicted of three violations of the Game Code of the State of Washington or rules of the commission within a ten year period, shall not be issued another license, permit, tag, stamp or punch card for any activity described in chapter 77.32 RCW until those privileges are restored by the commission.

NEW SECTION

WAC 232-12-194 PROCEDURE—PETITIONS FOR REISSUANCE OF HUNTING LICENSE—TIME PERIOD FOR PETITION—JUVENILE APPLICANTS. (1) A petition for reissuance of a license revoked under the terms of RCW 77.21.020 or 77.21.030 generally will not be considered by the commission until passage of at least one year from the date the license privilege was revoked.

(2) An applicant for reissuance of a license who is under the age of eighteen years shall be accompanied by a parent, family member over the age of eighteen years, or legal guardian in any appearance before the commission for purposes of requesting reissuance of a hunting license.

(3) Reissuance hearings for a person under the age of fourteen years shall be conducted by the commission in executive session.

(4) Upon motion of an applicant or a commission member, reissuance hearing for persons over the age of fourteen years may be conducted by the commission in executive session.

(5) Applications for reissuance of a license shall be made in writing and filed with the director. The application shall state the relief sought and grounds therefor. As soon as practicable, the director shall note the application for hearing at a regularly scheduled meeting of the commission, and give reasonable notice to the applicant by mail of the date, time and place of hearing.

NEW SECTION

WAC 232-12-197 PROCEDURES TO REVIEW ADMINISTRATIVE LICENSE DECISIONS. The following procedure applies to all administrative decisions of the department which suspend, revoke, cancel, condition, refuse to issue or renew, or otherwise which adversely affect any license, permit, or administrative approval issued by the department. However, the procedures here do not apply to petitions for reissuance of hunting licenses revoked pursuant to RCW 77.21.020 or 77.21.030. Suspensions of licenses by the director pursuant to RCW 77.21.020 and 77.21.030 are covered by

subsection (7) of this section.

(1) Any license, permit of administrative approval issued by the department may be suspended, revoked, cancelled, conditioned, or its issuance or reissuance denied, for cause. Cause is a general term, necessarily discretionary. The following typically may result in adverse administrative action: Failure to submit full, complete, or timely information required by law; failure to submit a timely or complete application for license renewal; violation of the terms or conditions of a license or permit; violations of game laws or rules or regulations or violation of a particularly crucial or important requirement of law; failure to qualify under the requirements for issuance of a license or permit; failure to give evidence of a continued ability to comply with license terms and conditions or agency rules and regulations; violations of RCW 77.21.020 and 77.21.030.

(2) Any person who, upon proper application, is denied a requested license or permit, refused reissuance of a requested license or permit or contests a condition placed in a granted license, permit or administrative approval, or who has a license, permit or administrative approval suspended, revoked, or cancelled is entitled to an opportunity for a hearing contesting the administrative action, pursuant to the Administrative Procedure Act, chapter 34.04 RCW. No administrative action towards an existing or continuing license shall be final without first affording at least twenty days notice of the agency's action and affording an opportunity for a hearing prior to the effective date of the action. To obtain a hearing, a written request must be filed with the director within ten days of receipt of the contested administrative decision. The request for hearing shall clearly state the relief sought and the grounds therefor.

(3) Upon receipt of the written request for administrative hearing, the director may appoint a hearing examiner to conduct further proceedings, including setting a time and place for hearing. Generally, the provisions of the uniform procedures rules, chapter 1-08 WAC, will apply to the hearing, unless here modified or modified by agreement of the parties.

(4) A hearing examiner will take evidence and otherwise conduct a hearing. Upon receipt of all proof and argument, written findings of fact, conclusions of law and proposed order will be issued by the examiner, with copies mailed to each party and attorney of record, if any.

(5) Within ten days of receipt of findings of fact, conclusions of law and the examiner's proposed order, an aggrieved party may file with the director exceptions to the order and written argument in support of the exceptions. Replies to the exceptions, if any, shall be filed within ten days of receipt of the exceptions. The director will personally consider the record submitted and issue a final decision in writing, which shall be served by mail on all parties and attorneys of record, if any. The director's decision is a final decision for purposes of appeal to the superior court pursuant to RCW 34.04.130.

(6) There are no special rules of appearance before the department, except those specified in the Executive Conflict of Interest Act, chapter 42.18 RCW, and chapter 1-08 WAC.

(7) The department may take immediate administrative action, without affording an opportunity to prior hearing, in those instances constituting an emergency as further described in RCW 34.04.170(2). Additionally, pursuant to RCW 77.21.020 and 77.21.030, the director will immediately suspend hunting privileges upon receipt of information showing a hunting violation or accident. The occurrence of a violation or accident may be contested by the license holder. If uncontested, the director's suspension will result in revocation of the license, subject to the right to request reissuance, as specified in WAC 232-12-194.

NEW SECTION

WAC 232-12-207 PETITIONS—CONSIDERATION BY COMMISSION. A petition requesting the promulgation, amendment or repeal of any rule, regulation or order of the commission may be made in writing to the director and shall state that the same is made pursuant to this regulation. Such petition shall set forth the proposed rule in full or the existing rule with amendment, as the case may be, and shall include a statement of all reasons why said rule should be adopted, amended or repealed.

All petitions shall be considered by the director who may in his discretion note the petition for consideration at a regular meeting of the commission. The director shall notify the petitioning party of the disposition of the petition within a reasonable time.

NEW SECTION

WAC 232-12-221 PETITIONS—FORM—SCHEDULING—RULING. Petitioners for declaratory rulings by the commission shall set forth the rule or statute brought into issue by the petition, the facts relied upon by the applicant, the prayer of the petitioner and shall generally conform to the form of complaints at law.

The petition shall be submitted to the director who may in his discretion place the petition on the agenda of the commission at one of its regular meetings and shall give reasonable notice to the petitioner of the time and place for hearing by the commission. Petitioner may appear and present argument to the commission at any such hearing.

The commission after hearing, shall issue a binding declaratory rule, a nonbinding declaratory rule or notify the petitioner that no declaratory rule is to be issued.

The director shall notify the petitioner of action taken with reference to the petition.

NEW SECTION

WAC 232-12-224 POSSESSION OF WILDLIFE OFF AN INDIAN RESERVATION LEGALLY POSSESSED ON RESERVATION. It is unlawful for an enrolled tribal member who has lawfully acquired possession of wildlife, with the exception of game fish, from an Indian reservation to possess that wildlife off the reservation for any purpose other than personal use. Wildlife taken from an Indian reservation must be accompanied by a permit issued by the department or appropriate tribal authority prior to being transported off

the Indian reservation.

NEW SECTION

WAC 232-12-227 HUNTER EDUCATION TRAINING PROGRAM REQUIREMENTS. (1) The director may designate a state coordinator for the purpose of administering the Hunter Education Program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person under the age of eighteen to purchase a hunting license in the state of Washington without having completed a course involving at least eight hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the designated state coordinator.

(4) It is unlawful for a license dealer to sell a hunting license to a person under eighteen years of age unless a Hunter Education Certificate issued to said person is presented at the time of purchase.

NEW SECTION

WAC 232-12-241 REQUIREMENTS OF LICENSE DEALERS. (1) The director may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing licenses, tags and permits.

(2) All persons, firms or corporations so deputized shall provide the director with a good and sufficient bond in such amount as the director shall determine, such bond to guarantee full and complete payment for all licenses, tags or permits sold or not remitted by the dealer.

(3) License dealers shall remit all moneys collected from the sale of completely sold books of licenses, tags and permits by the 10th day of the following month in which the licenses are sold. At the end of each license year, license dealers shall remit for all remaining sold licenses by the final date specified by the director.

(4) License dealers must issue licenses, permits and tags in accordance with instructions provided by the department in the license dealer's manual.

(5) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a wildlife agent or department designee at reasonable times.

NEW SECTION

WAC 232-12-244 HUNTING RESTRICTIONS. It is unlawful to hunt wild animals or wild birds with a rifle, bow and arrow, muzzle-loader, or a shotgun containing slugs or buckshot during open seasons for elk in areas where elk may reasonably be expected. This rule does not apply to persons who have the proper licenses, permits, and firearms required to hunt for elk, or for deer and elk if seasons are open concurrently.

NEW SECTION

WAC 232-12-247 TRANSMISSION LINES—UNLAWFUL HUNTING. It is unlawful to hunt wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

NEW SECTION

WAC 232-12-251 REMOVAL OF MINERALS, WOOD AND ARTIFACTS FROM DEPARTMENT LANDS. It is unlawful to remove petrified wood, minerals, fossils, wood products or artifacts from department lands unless such removal is authorized by a permit issued by the director.

NEW SECTION

WAC 232-12-254 DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL. It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

NEW SECTION

WAC 232-12-257 CONTROL OF UNATTENDED DECOYS. It is unlawful to leave duck or goose decoys unattended on lands or water owned, leased or controlled by the department. Duck or goose decoys left unattended in excess of one hour may be removed by a wildlife agent.

NEW SECTION

WAC 232-12-261 LIVE DECOYS UNLAWFUL. It is unlawful to hunt waterfowl with the use or aid of live birds as decoys.

NEW SECTION

WAC 232-12-264 BAITING OF GAME BIRDS—UNLAWFUL. It is unlawful to hunt game birds by the aid of baiting, or in a baited area. As used in this section "baiting" or "baited area" means the placing, exposing, depositing, distributing or scattering of corn, wheat or other grain, or feed so as to constitute for such birds a lure or attraction to, on or over areas where hunters are attempting to take them. This shall not prohibit hunting of game birds, on or over standing crops, flooded crop lands, grain crops properly harvested on the field where grown or grains found scattered as the result of normal agricultural planting or harvesting.

NEW SECTION

WAC 232-12-267 FIELD IDENTIFICATION OF WILDLIFE. It is unlawful to possess wildlife in the field or to transport wildlife unless:

- (1) Feathered heads are left attached to all game birds,
- (2) Heads of big game animals accompany the carcass.

NEW SECTION

WAC 232-12-271 **CONDITIONS FOR ISSUANCE OF PERMITS FOR AQUATIC PLANTS OR RELEASING OF WILDLIFE.** It is unlawful to plant or release wildlife or aquatic plants in the state without a permit from the department.

(1) Application for a permit must be made on a form provided by the department. It must be submitted thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(2) Permits will only be issued if the department determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(3) Thirty days prior to planting or release of wildlife or aquatic plants they must be made available for department inspection. If the department is not satisfied, the wildlife or aquatic plants are disease free, they shall not be released or planted in the state. Department approval for release or planting may be withdrawn for cause.

(4) A person intending to release wildlife in the state shall report immediately to the department the outbreak of any disease among the wildlife intended to be released. If such outbreak presents a threat to the wildlife of the state, the department may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the department.

(5) Wildlife covered by a permit issued under this regulation shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the department.

NEW SECTION

WAC 232-12-274 **CONDITIONS FOR ISSUANCE OF PERMITS FOR SCIENTIFIC COLLECTION, RESEARCH OR DISPLAY.** (1) Application for permits for scientific collection, research or display purposes must be submitted to the department thirty days prior to the date such collection or display commenced.

(2) Each request must provide the following information:

(a) Qualifications of the person requesting the permit;
(b) An objective(s) for the proposed project including definition or conclusion toward which efforts are to be directed;

(c) Identification of the user(s) of the information and how the findings will be implemented;

(d) A plan of action, the organizational framework and logical sequence of events that will lead to attainment of the study objective; and

(e) A location of the study area.

(3) A final report must be submitted to the department upon completion of the research, collection or display. Interim reports may be required.

(4) Permits will not be granted for request which do not in the opinion of the department beneficially increase the data base, avoid unnecessary duplication or conflicts

with existing scientific information or address goals which will maximize the resource or avoid damage to the resource.

(5) Continuing research or other scientific projects may be extended annually by concurrence of the director.

(6) It is unlawful to fail to comply with any of the conditions for issuance of permits for scientific collections, research or display.

NEW SECTION

WAC 232-12-277 **TAXIDERMISTRY AND FURDEALING RECORDS.** (1) It is unlawful for a licensed taxidermist or furdealer upon receiving wildlife for mounting, tanning, storage or processing to fail to record the owner's name and address, date received, and other information as required by the department, in a ledger supplied by the department. Such record must be maintained for a minimum of two years or as long as the wildlife is retained by the taxidermist or furdealer.

(2) All records and wildlife held pursuant to the statutes or regulations dealing with taxidermy or furdealing must be open to inspection by a wildlife agent at reasonable times.

NEW SECTION

WAC 232-12-281 **COPYING.** No fee shall be charged for the inspection of public records. The department shall charge a fee of 25¢ per page for providing copies of public records, and \$2.00 for certification if requested.

NEW SECTION

WAC 232-12-284 **BIGHORN SHEEP—BRANDING REQUIREMENTS.** (1) For the purpose of this regulation, horns shall be defined as the permanent, paired, hollow sheath of bighorn sheep attached to the bony core and skull.

(2) It is unlawful for a person who kills or possesses a bighorn sheep taken in Washington to fail, within ten days after acquisition, to present the horns for inspection and branding at a Game Department Regional Office. A department employee shall permanently brand an identification number on one of the horns.

(3) It is unlawful for any person to possess the horns of a bighorn sheep taken in Washington without a number so branded.

(4) It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep to which an identification number has been branded to fail to give written notice of the transfer to the department within ten days after the transfer.

NEW SECTION

WAC 232-12-287 **POSSESSION OF DEAD WILDLIFE.** Except as authorized by permit of the director, it is unlawful to possess wildlife found dead. Nothing in this regulation will prohibit the possession of naturally shed antlers of deer and elk.

NEW SECTION

WAC 232-12-291 HUNTING BEFORE OR AFTER HOURS. It is unlawful to hunt wild animals or wild birds contrary to posted or official daily hunting hours in current season regulations.

NEW SECTION

WAC 232-12-294 DEFINITIONS—HYDRAULIC PROJECT PERMITS. For the purposes of RCW 75.20.100, a "river or stream" shall include waters located in a natural or man-made watercourse, including but not limited to all watercourses in which fish may spawn, reside, or through which they may pass, and those which will affect watercourses in which fish may spawn, reside or through which they may pass. This shall also include watercourses which exist on an intermittent basis or which fluctuate in level during the year and shall apply to the entire bed of such watercourse whether or not the water is at peak level.

For the purposes of RCW 75.20.100, the "natural flow or bed" of any such watercourse shall include any segment which has been altered by man. This definition is not meant to include irrigation ditches or canals or other entirely artificial watercourses constructed for specific purposes not related to containing or directing the flow of water from a watershed or from another body of water.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 232-12-010 DEFINITION OF TERMS.
- (2) WAC 232-12-015 CLASSIFICATION OF GAME FISH.
- (3) WAC 232-12-020 DEFINITION OF EASTERN AND WESTERN WASHINGTON COUNTIES.
- (4) WAC 232-12-030 CLASSIFICATION OF WILD BIRDS.
- (5) WAC 232-12-040 CLASSIFICATION OF WILD ANIMALS.
- (6) WAC 232-12-060 REPORT AND PERMIT REQUIRED TO IMPORT AND RETAIN GAME CARCASSES.
- (7) WAC 232-12-065 BOBCAT, CANADA LYNX AND RIVER OTTER PELT TAGGING REQUIREMENTS.
- (8) WAC 232-12-070 GAME FARMER LICENSE PROVISIONS.
- (9) WAC 232-12-080 GAME FARMER INVOICE REQUIREMENTS.
- (10) WAC 232-12-090 ACQUISITION OF GAME BY GAME FARMER.
- (11) WAC 232-12-100 SHOOTING PRESERVES—LICENSING—PERMITS—OPERATION[S].
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(36) WAC 232-12-231 FALCONRY DEFINITIONS.

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- (40) WAC 232-12-235 MARKING AND IDENTIFICATION OF RAPTORS REQUIRED.
- (41) WAC 232-12-236 FALCONRY REPORTS REQUIRED.
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- (45) WAC 232-12-255 PERMITS FOR CONTROLLED HUNTS.
- (46) WAC 232-12-280 REPORT REQUIRED OF LICENSED TRAPPERS.
- (47) WAC 232-12-300 EDIBLE FLESH OF GAME SPECIES UNLAWFUL FOR TRAP BAIT.
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- (54) WAC 232-12-365 FISHING GUIDE REPORTS.
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- (57) WAC 232-12-380 HUNTING AND FISHING CONTESTS.
- (58) WAC 232-12-390 DOMESTIC ANIMALS UNATTENDED ON DEPARTMENT LANDS.
- (59) WAC 232-12-400 VEHICLES—USAGE OF WELL DEFINED ROADS ON DEPARTMENT OF GAME LANDS.
- (60) WAC 232-12-405 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS.
- (61) WAC 232-12-410 COLOCKUM AIR-STRIP—AUTHORIZED USE ONLY.
- (62) WAC 232-12-420 ACCESS AREAS—OTHER DEPARTMENT LANDS—WILDLIFE AGENT TO CONTROL TRAFFIC THEREON.
- (63) WAC 232-12-430 THREE CONVICTIONS FORFEITS PRIVILEGES.
- (64) WAC 232-12-435 PROCEDURE—PETITIONS FOR REISSUANCE OF HUNTING LICENSE—TIME PERIOD FOR PETITION—JUVENILE APPLICANTS.
- (65) WAC 232-12-440 FORFEITURE OF PRIVILEGES—SUBSEQUENT CONVICTIONS.
- (66) WAC 232-12-450 APPLICATION FOR HEARING.
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- (70) WAC 232-12-490 POSSESSION OF GAME OFF AN INDIAN RESERVATION LEGALLY POSSESSED ON RESERVATION.
- (71) WAC 232-12-500 FIREARM SAFETY LICENSE REQUIREMENT FOR JUVENILES.
- (72) WAC 232-12-510 REQUIREMENTS OF LICENSE DEALERS.
- (73) WAC 232-12-520 HUNTING RESTRICTIONS.
- (74) WAC 232-12-530 TRANSMISSION LINES—UNLAWFUL HUNTING.
- (75) WAC 232-12-550 COLLECTION OF ROCK HOUND MATERIALS FROM DEPARTMENT LANDS—RESTRICTIONS.
- (76) WAC 232-12-570 DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL.
- (77) WAC 232-12-630 CONTROL OF UNATTENDED DECOYS.
- (78) WAC 232-12-640 LIVE DECOYS UNLAWFUL.
- (79) WAC 232-12-650 BAITING OF MIGRATORY GAME BIRDS UNLAWFUL.
- (80) WAC 232-12-655 DEFINITIONS—HYDRAULIC PROJECT PERMITS.
- (81) WAC 232-12-660 MANAGED MARINE MAMMALS PROTECTED.
- (82) WAC 232-12-670 DELETERIOUS SPECIES DESIGNATED.
- (83) WAC 232-12-675 CONDITIONS FOR ISSUANCE OF PERMITS FOR PLANTING OF GAME FISH, AQUATIC PLANTS, RELEASE OF WILD ANIMALS OR WILD BIRDS, AND CONSTRUCTION OF ENHANCEMENT FACILITIES.
- (84) WAC 232-12-676 CONDITIONS FOR ISSUANCE OF PERMITS FOR SCIENTIFIC STUDY, COLLECTION, RELEASE AND RESEARCH.
- (85) WAC 232-12-680 RARE AND ENDANGERED SPECIES DESIGNATED.
- (86) WAC 232-12-690 TAXIDERMY RECORDS.
- (87) WAC 232-12-700 TAXIDERMY TAGGING.
- (88) WAC 232-12-710 TAXIDERMY PURCHASING AND SELLING.
- (89) WAC 232-12-816 COPYING.

WSR 81-12-030

ATTORNEY GENERAL OPINION

Cite as: AGO 1981 No. 6

[May 29, 1981]

OFFICES AND OFFICERS—LEGISLATURE—MEMBERS—VACANCY—APPOINTMENT AND ELECTION OF SUCCESSOR UNDER REDISTRICTING ACT

In view of the enactment of a legislative redistricting plan by chapter 288, Laws of 1981, a certain legislative vacancy resulting from the resignation of an incumbent on May 1, 1981, is first to be filled by appointment, under Article II, § 15 (Amendment 52) of the state constitution, on the basis of the "old" district represented by the vacating incumbent; however, when a successor is elected at the November, 1981 state general election, the basis for that election will be the "new" district to which the vacating legislator was assigned under the redistricting act.

Requested by:

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

ATTN: Terry D. Sebring
Chief Civil Deputy

WSR 81-12-031
PROPOSED RULES
YAKIMA VALLEY
COMMUNITY COLLEGE
[Filed June 1, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that Yakima Valley Community College intends to adopt, amend, or repeal rules concerning the repeal of WAC 132P-32-010 through 132P-32-130, relating to the Student Conduct Code-1971 and the adoption of WAC 132P-33-010 through 132P-33-350, relating to the Code of Student Rights and Responsibilities;

that such institution will at 10:00 a.m., Friday, July 24, 1981, in the Board Room, Prior Hall, Yakima Valley Community College Campus, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, August 5, 1981, in the Board Room, Prior Hall, Yakima Valley Community College Campus.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 24, 1981, and/or orally at 10:00 a.m., Friday, July 24, 1981, Board Room, Prior Hall, Yakima Valley Community College Campus.

Dated: May 28, 1981

By: Dr. Donald W. Hughes
Dean of Student Services

STATEMENT OF PURPOSE

The following is Yakima Valley Community College's statement of proposed rule's purpose and implementation.

Title: Code of Student Rights and Responsibilities. The proposed code will completely

replace Yakima Valley Community College's 1971 Student Conduct Code. The statutory authority for the rule is RCW 28B.50.140.

Summary: The proposed Code of Student Rights and Responsibilities provides for the freedoms and rights accorded students at Yakima Valley Community College. Included in these are confidentiality of student records, participation in college governance, use of college facilities, violations, etc. Also found in the code are procedures for disciplinary actions and summary suspension rules regarding students.

Institutional Personnel: The Dean of Student Services, Dr. Donald W. Hughes, is responsible for drafting, implementing, and enforcing the code. The Dean's Office is located in Prior Hall on Yakima Valley Community College campus, phone (509) 575-2386 or SCAN 558-2386.

Proposing Party: Yakima Valley Community College.

Comments/Recommendations: The institution strongly recommends adoption of the new code. The 1971 Student Conduct Code is outdated, inadequate, and does not provide for the changes experienced by community colleges during the past 10 years.

Court Action: Not applicable.

In summary, WAC 132P-32-010 through 132P-32-130, the Yakima Valley Community College Student Conduct Code adopted in 1971 will be completely repealed. A new Code of Student Rights and Responsibilities, WAC 132P-33-010 through 132P-33-350 will be adopted.

Chapter 132P-33 WAC
CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132P-33-010 PREAMBLE. Yakima Valley Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Yakima Valley Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Yakima Valley Community College expects that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the

society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff on Yakima Valley Community College are committed.

NEW SECTION

WAC 132P-33-020 DEFINITIONS. As used in this Code of Student Rights and Responsibilities the following words and phrases shall mean:

(1) "YVCC Senate" means the representative governing body for students at Yakima Valley Community College recognized by the board of trustees.

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

(3) "Board" means the board of trustees of Community College District 16, state of Washington.

(4) "College" means Yakima Valley Community College located within Community College District 16, state of Washington.

(5) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "College personnel" refers to any person employed by Community College District 16 on a full-time or part-time basis, except those who are faculty members.

(7) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the dean of students, the student hearing committee, college president, or the board of trustees for the violation of any of the provisions of the Code of Student Rights and Responsibilities for which such sanctions may be imposed.

(a) The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

(8) "District" means Community College District 16, state of Washington.

(9) "Faculty member(s)" means any employee of Yakima Valley Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(10) "President" means the duly appointed chief executive officer of Yakima Valley Community College, District 16, state of Washington, or in his/her absence, the acting chief executive officer.

(11) "Recognized student organization" means and includes any group or organization composed of students which is recognized formally by the student government of the college.

(12) A "sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by the college's faculty members or college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(13) "Student", unless otherwise qualified, means and includes any person who is enrolled for classes or formally in the process of applying for admission to the college.

NEW SECTION

WAC 132P-33-030 JURISDICTION. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities not open to attendance by the general public.

(2) Persons aiding or abetting a student's breach of this code shall be subject to having their privilege removed as to remaining on college property or engaging in college-sponsored activities, and/or appropriate disciplinary action pursuant to HEPB rules or faculty and administrative rules and regulations of conduct. If the privilege to remain on campus is revoked, trespassers shall be subject to possible arrest and prosecution under the state criminal trespass law.

NEW SECTION

WAC 132P-33-040 AUTHORITY TO PROHIBIT TRESPASS.

(1) The college president is authorized in the instance of any event that the college president deems impedes the movement of persons or vehicles or which the college president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the college president acting through the dean of students, or such other designated person shall have authority and power to:

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

(b) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

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

(2) Any student who shall disobey a lawful order given by the campus president or designee pursuant to the requirements of subsection (1) of this section shall be subject to disciplinary action.

NEW SECTION

WAC 132P-33-050 RIGHT TO DEMAND IDENTIFICATION. (1) For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the campus president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

(2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.

NEW SECTION

WAC 132P-33-060 FREEDOM OF ACCESS TO HIGHER EDUCATION. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. The college shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

NEW SECTION

WAC 132P-33-070 FREEDOM OF EXPRESSION. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

Concomitantly, while supporting the rights of students and other

members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

Persons expressing their opinion may not interfere with vehicular or pedestrian traffic or interfere with or disrupt the processes of the college.

NEW SECTION

WAC 132P-33-080 FREEDOM OF ASSOCIATION AND ORGANIZATION. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a college employee who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

NEW SECTION

WAC 132P-33-090 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASYVCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

NEW SECTION

WAC 132P-33-100 STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education record. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Yakima Valley Community College these are:

(a) Records pertaining to admission, advisement, registration, grading and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement and counseling purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the business office.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

NOTE: Charges may be assessed for reproduced copies of education records.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to Directory Information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASYVCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

Educational records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting their party disclosures to other parties listed in subsection (4)(a) through (g) of this section.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing through a written request to the registrar or Dean of Students. Should the registrar or Dean of Students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and Privacy Act Office (FERPA)
Department of Health, Education, and Welfare
330 Independence Avenue, SW
Washington, DC 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
US Government Printing Office
Washington, DC 20402

NEW SECTION

WAC 132P-33-110 STUDENT PUBLICATIONS. The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a

means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may also serve as a means of journalistic and/or creative expression.

The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications.

Students shall have freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, student editors and managers are charged with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

NEW SECTION

WAC 132P-33-120 STUDENT COMPLAINTS. Student complaints regarding academic employees (faculty) are governed by the negotiated policy agreement between the faculty and college board of trustees. Students with complaints about academic employees may contact the Dean of Students, Director of Student Programs and Activities, or division chairs for further information. Complaints regarding the staff and administrators shall be brought to the attention of the appropriate dean or the college president.

NEW SECTION

WAC 132P-33-130 DISTRIBUTION AND POSTING OF MATERIALS. The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The director of student programs for posting on the restricted posting areas of the HUB and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASYVCC campaign rules govern special poster and sign locations for elections. Information on these special policies and regulations is available in the ASYVCC office.

Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus or off-campus college facility, shall be subject to the laws of the particular city, state of Washington, and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the director of student programs. Persons distributing materials without permission shall be subject to the provisions of the Code of Student Rights and Responsibilities.

NEW SECTION

WAC 132P-33-140 COMMERCIAL AND PROMOTIONAL ACTIVITIES. College facilities may not be used for commercial solicitations, advertising, or promotional activities except when such activities clearly serve educational objectives (as in display of books or technical books or technical equipment of interest to the academic community), and when they are conducted under the sponsorship or at the request of a college department or the associated students, and so long as such use does not interfere with or operate to the detriment of the conduct of college affairs.

NEW SECTION

WAC 132P-33-150 USE OF COLLEGE FACILITIES. Any recognized ASYVCC organization may request approval from the director of student programs to utilize available college facilities for authorized activities as provided for in official ASYVCC documents.

Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

Student organizations should schedule facility use requests with the director of student programs as far in advance as possible.

NEW SECTION

WAC 132P-33-160 NONCOLLEGE SPEAKER POLICY. The trustees, the administration, and the faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

(1) Any recognized ASYVCC student organization with the written sanction of its advisor, may ask individuals to speak on the campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve endorsement, either implicit or explicit, of the speaker's views by the college, its students, its faculty, its administration, or its board of trustees.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the director of student programs.

(4) The director of student programs or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the director of student programs with the approval of the dean of students.

(5) The dean of students may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The campus president may assign a faculty member to preside over any meeting where a speaker has been invited.

NEW SECTION

WAC 132P-33-170 VIOLATIONS. Any student shall be subject to immediate disciplinary action provided for in Code Procedures and Summary Suspension Rules who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of the Code of Student Rights and Responsibilities;

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the campus president.

(h) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(i) Possessing, consuming or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

NEW SECTION

WAC 132P-33-180 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college as defined in WAC 132P-33-070, Freedom of Expression, the dean of students or the college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

CODE PROCEDURES

NEW SECTION

WAC 132P-33-190 PURPOSE OF DISCIPLINARY ACTIONS. The college may apply sanctions or take other appropriate action when student conduct materially and substantially interferes with the college's:

(1) Primary educational responsibility of ensuring the opportunity for all students of the college community to attain their educational objectives; or

(2) Subsidiary responsibilities of protection and maintaining property, keeping records, other services, and sponsoring nonclassroom activities such as lectures, concerts, athletic events, and social functions. Disciplinary action proceedings shall determine whether and under what condition the violator may continue as a student at the college.

(a) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

(b) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(c) Faculty shall maintain a written record of any summary action and a copy shall be filed with the dean of students within two scheduled classroom days.

(d) Any summary action may be appealed to the dean of students for an informal hearing.

NEW SECTION

WAC 132P-33-200 INITIAL PROCEEDINGS. (1) Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report viola-

tions which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative.

(2) Notice requirements. Any student charged with a violation of the Code of Student Rights and Responsibilities shall be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of the code and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

(d) Specify the exact time, date, and location of the formal hearing, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the dean of student's office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean of students.

(a) At the meeting with the dean of students the student shall be informed of provisions of the Code of Student Rights and Responsibilities that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing is required the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Dismiss the case after whatever counseling and advice may be appropriate; or

(iii) Impose minor sanctions directly, such as but not limited to, warning, reprimand, fine, restitution, disciplinary probation, subject to the student's right of appeal described below; or

(iv) Refer the matter to the student hearing committee for a recommendation to the college president or designee as to appropriate action; or

(v) Recommend to the college president or designee that the student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the college president or designee's final decision.

(c) A student accused of violating any provision of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative.

(d) No disciplinary action taken by or at the recommendation of the dean of students or designated representative is final unless the student fails to exercise the right of appeal as provided for in these rules. The college president or designee after reviewing the case, including any statement the student may file with the college president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken.

NEW SECTION

WAC 132P-33-210 APPEALS. (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student hearing committee;

(b) Disciplinary recommendations made by the student hearing committee may be appealed by the student to the college president; in the case of a recommendation for suspension it may also be appealed to the college president;

(c) Disciplinary action taken by the college president and resulting in suspension exceeding in duration one college quarter may be ap-

pealed by the student to the board of trustees and their decision shall be final.

(2) All appeals by a student must be made in writing to the committee, college president or designee or board of trustees and presented to the committee, college president or designee or chairman of the board of trustees within ten calendar days after the student has been notified of the action from which he/she has a right of appeal.

NEW SECTION

WAC 132P-33-220 STUDENT HEARING COMMITTEE. (1) **Composition.** The college shall have a standing committee composed of nine members, who shall be chosen and appointed no later than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of three members of the administration, excepting the dean of students, chosen by the college president; three faculty members chosen by the faculty organization; and three students chosen by the ASYVCC senate. Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided that both shall not be from the same classification. If a hearing is to be conducted for a student from a specialized program (i.e., allied health, vocational-technical), an additional member will be appointed to the hearing committee by the division involved. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(2) Procedures for hearing.

(a) Five members of the student hearing committee will hear, de novo, and make recommendations to the college president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or designated representative. Recommendations involving suspension will be referred to the college president or designee.

(b) The student hearing committee shall elect from among its five members a chairman for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chairman of the student hearing committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the Code of Student Rights and Responsibilities. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the college president or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the Code of Student Rights and Responsibilities involved;

(iii) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of students no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as

counsel, the student must tender three days notice thereof to the dean of students.

(h) In all disciplinary proceedings the college may be represented by the dean of students or designee; the dean of students may then present the college's case against the student accused of violating the Code of Student Rights and Responsibilities, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of students.

(j) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

(3) Admissible evidence.

(a) Only those matters presented at the hearing in the presence of the accused student will be considered in determining whether the student hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in the preceding paragraph (a) of this subsection, does exist, members of the student hearing committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chairman of the student hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) Interference with proceedings. Any student interfering with the proceedings of the meeting with the dean of students or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of students or the student hearing committee or the college president or designee, or the board of trustees at the time the interference takes place or within fifteen academic calendar days thereafter.

(5) Decision by the committee.

(a) Upon conclusion of the disciplinary hearing, the student hearing committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the college president or designee the following actions:

(i) That the college terminate the proceedings and exonerate the student or students;

(ii) That the college impose minor sanctions directly, such as, but not limited to, a warning, reprimand, fine, restitution, or disciplinary probation;

(iii) That the student be suspended from college including a recommendation of the duration of suspension.

(b) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the Code of Student Rights and Responsibilities and the committee's recommendation to the college president or designee. The committee shall also advise the student in writing of the right to present within ten calendar days, a written statement to the college president or designee appealing the recommendation of the committee.

NEW SECTION

WAC 132P-33-230 FINAL DECISION REGARDING DISCIPLINARY SANCTION. (1) The college president or designee (except the dean of students) shall, after reviewing the record of the case prepared by the student hearing committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what lesser disciplinary sanction shall be taken.

(2) If the college president or designee decides that discipline is to be imposed after the review provided by subsection (1) of this section, the college president or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the college president or designee shall be final except for those cases involving suspension if the suspension has been appealed to the board.

NEW SECTION

WAC 132P-33-240 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the Code of Student Rights

and Responsibilities:

(1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or has otherwise failed to meet the college's standards of conduct. Reprimands shall be made in writing to the student by the officer of agency taking action, with copies filed in the office of the dean of students. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Fines. The dean of students and/or the student hearing committee may assess monetary fines up to a maximum of twenty-five dollars against individual students for violation of college rules and regulations or for the failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment.

(5) Disciplinary action. Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or other failure to meet the college standards of conduct. The office or agency placing the student on disciplinary probation or action will specify, in writing, the period of probation or action and the conditions, such as limiting the student's participation in extra curricular activities, denial of admission to a specific class, or other possible penalties. Disciplinary probation or action warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation or action may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(6) Suspension. Temporary or indefinite dismissal from the college and termination of the student status of a student for violation of college rules or regulations or for failure to meet the college's standards of conduct. The notification of suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Students suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132P-33-250 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the college president or designee, or by the board in those cases in which it made the final disciplinary action decision.

NEW SECTION

WAC 132P-33-260 REESTABLISHMENT OF ACADEMIC STANDINGS. Students who have been suspended pursuant to disciplinary procedures set forth in Code Procedures of Summary Suspension Rules, and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

SUMMARY SUSPENSION RULES

NEW SECTION

WAC 132P-33-270 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The college president or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or persecution on charges of an alleged Code of Student Rights and Responsibilities violation or violations, and if the college president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property command such suspension.

NEW SECTION

WAC 132P-33-280 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the student shall not enter any campus of District 16 other than to meet with the dean of students or to attend the hearing. However, the dean of students may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

NEW SECTION

WAC 132P-33-290 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the college president or designee desires to exercise the authority to summarily suspend a student, the college president shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the Code of Student Rights and Responsibilities involved; and

(b) That the student charged must appear before the dean of students at a time specified in the notice.

NEW SECTION

WAC 132P-33-300 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students that there is no cause to believe that the violation stated on the notice of summary suspension proceedings did occur, and that immediate suspension is not necessary nor justifiable pursuant to Summary Suspension Rules, WAC 132P-33-270 through 132P-33-350.

(2) The student may offer personal oral testimony or that of any person, submit any statement or affidavit, examine any affidavit or cross-examine any witness, and submit any matter in extenuation or mitigation of the violation or violations charged.

(3) The dean of students shall at the time of the summary suspension proceedings determine whether there is probable cause to believe that a violation of law or of provisions of the Code of Student Rights and Responsibilities has occurred, and whether there is reason to believe that immediate suspension is necessary. In the course of making such a decision, the dean of students may consider the sworn affidavits or oral testimonies of persons who have alleged that the student charged had committed a violation of law or provisions of the Code of Student Rights and Responsibilities and the oral testimony and affidavits submitted by the student charged.

NEW SECTION

WAC 132P-33-310 DECISION BY THE DEAN OF STUDENTS. If the dean of students, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of the Code of Student Rights and Responsibilities are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of Summary Suspension Rules, WAC 132P-33-270 through 132P-33-350; and

(3) Such violation or violations of the law or of provisions of the

Code of Student Rights and Responsibilities constitute grounds for disciplinary action, then the dean of students may, with the written approval of the college president, suspend such student from college.

NEW SECTION

WAC 132P-33-320 NOTICE OF SUMMARY SUSPENSION.

(1) If a student is suspended pursuant to the above rules, the student shall be provided with a written copy of the dean of students' findings of fact and conclusions, as expressly concurred in by the college president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day of the notice of suspension is mailed or personal service accomplished, whichever shall occur first.

NEW SECTION

WAC 132P-33-330 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of the Code of Student Rights and Responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean of students may, with the written concurrence of the college president, suspend the student from college.

NEW SECTION

WAC 132P-33-340 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the college president or designee. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the dean of students and the college president, is tendered at the office of the college president within seventy-two hours following the date Notice of Summary Suspension was served or mailed to the student, whichever occurred first.

(2) The college president or designee shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean of students, the record of summary suspension proceedings, and determine therefrom whether the summary suspension order is justified. Following such examination, the college president or designee may, at his/her discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the code procedures.

(3) The college president or designee shall notify the appealing student within forty-eight hours following his/her consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the code procedures.

NEW SECTION

WAC 132P-33-350 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS. (1) The summary suspension proceedings shall in no way substitute for the disciplinary proceedings provided for in provisions of the code procedures. At the end of the suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed for violation of the Code of Student Rights and Responsibilities.

(2) Any disciplinary proceedings initiated against the student because of violations alleged against any student in the course of the summary suspension proceedings provided for herein shall be heard de novo, provided that the records made and evidence presented during the course of any facet of the summary suspension proceedings brought against the student shall be available for the use of the student and of the college in the disciplinary proceedings initiated under the provisions of the code procedures.

WSR 81-12-032 PROPOSED RULES HIGHER EDUCATION PERSONNEL BOARD

[Filed June 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- | | | |
|-----|----------------|---|
| Amd | WAC 251-10-055 | Layoff lists—Institution-wide by adding language to provide for removal of an individual's name from an institution-wide layoff list after he/she has declined appointment to three positions to which certified from that list. |
| Amd | WAC 251-10-110 | Demotion, suspension, reduction, dismissal—Cause for to remove "physical or mental incapacity" as an example of activities which may result in disciplinary action. |
| New | WAC 251-10-112 | Separation—Disability to provide specific language providing for separation of an employee who is physically or mentally unable to perform assigned duties. |
| New | WAC 251-10-113 | Separation—Attendance to provide specific language providing for separation of an employee because of excessive absenteeism. |
| Amd | WAC 251-12-240 | Burden of proof to add that an institution has the burden of proof in hearings on appeals from separation actions. |
| Amd | WAC 251-18-330 | Trial service period to clarify the actions which an institution must take before an employee may be reverted during the trial service period, to clarify the appeal rights available to an employee reverted during the trial service period, and to specify the remedies which may be provided on such appeals. |
| Amd | WAC 251-04-020 | Definitions by adding language in the definition of "Trial Service" to provide that an employee's trial service period may be extended beyond six months by the board as a result of an appeal under WAC 251-18-330; |

that such agency will at 10:00 a.m., Thursday, June 18, 1981, in Room 11/13/15 of Computon Union Building, Washington State University, Pullman, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 18, 1981, in Room 11/13/15 of Computon Union Building, Washington State University, Pullman, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 18, 1981, and/or orally at 10:00 a.m., Thursday, June 18, 1981, Room 11/13/15 of Computon Union Building, Washington State University, Pullman, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-04-051 and 81-10-009

filed with the code reviser's office on February 4, 1981 and April 27, 1981.

Dated: June 2, 1981
By: Douglas E. Sayan
Director

WSR 81-12-033
PROPOSED RULES
STATE BUILDING CODE
ADVISORY COUNCIL
[Filed June 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 19.27.075, that the State Building Code Advisory Council intends to adopt, amend, or repeal rules concerning the statewide thermal efficiency and lighting code, chapter 51-12 WAC.

The State Building Code Advisory Council is sponsoring the following public meetings prior to the adoption of proposed amendments to the Washington State Energy Code. Support or opposition to the proposed amendments can be expressed at the following public hearings:

Wednesday, July 8, 1981, 9:00 a.m., at the Sea-Tac Airport Fire Station, 2400 South 170th, Seattle, Washington (two blocks west of the Hyatt House);

Monday, July 13, 1981, 9:00 a.m., at the Spokane City Hall, West 711 Spokane Falls Boulevard, Spokane, Washington.

Written comments will be received prior to July 14, 1981, and should be forwarded to the following address:

State Building Code Advisory Council,
c/o Planning and Community Affairs Agency,
400 Capitol Center Building FN-41,
Olympia, Washington 98504.

The Council will meet on Wednesday, July 15, 1981, at 9:30 a.m. at the Sea-Tac Airport Fire Station, 2400 South 170th, Seattle, Washington, to consider the proposed amendments and public comments and adopt final amendments to the State Energy Code;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, July 15, 1981, in the Sea-Tac Airport Fire Station, 2400 South 170th, Seattle, WA 98158.

The authority under which these rules are proposed is RCW 19.27.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 14, 1981, and/or orally at the hearings as shown above.

Dated: June 2, 1981
By: Karen Rahm
Director

STATEMENT OF PURPOSE

The State Building Code Advisory Council proposes amendments to the Washington State Energy Code for the purpose of:
Clarifying the code language and reducing ambiguities for ease of interpretation;
Eliminating contradictions with other codes' requirements (e.g. item 4 eliminates a life/safety contradiction with the Uniform Mechanical Code Paragraph 803);
Eliminating energy conservation requirements for equipment not generally on the market yet; and

Allowing more flexibility in code compliance.

This activity is undertaken pursuant to the authority of RCW 19.27.075.

These rules revisions are not required by Federal law or state statute.

Responsible PCAA personnel: Randy Fisher, Deputy Director, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, (206) 753-2203.

Upon completion of the amendment and adoption process, PCAA will print the rule changes for distribution and inclusion in copies of existing printed code.

Reviser's Note: The statewide thermal efficiency and lighting code filed with this notice is not capable of being reproduced in the Register and is therefore omitted pursuant to RCW 34.04.050(3). Copies of the code may be obtained from the State Building Code Advisory Council, Mailstop FN-41, Olympia, WA 98504, toll free (800) 562-5677 or (206) 753-4940.

WSR 81-12-034
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1740—Filed June 2, 1981]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the purpose of regulating outside storing of grain, adopting WAC 16-224-020 and 16-224-030.

I, M. Keith Ellis, 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 permanent enclosed storage capacity is not great enough to accommodate the anticipated crop. In order to protect producers whose grain must be stored outside due to the lack of space, such outside storage space must be prepared, inspected, and licensed prior to its use. Licenses are due by July 1, as harvest will be starting shortly thereafter. Country grain storage facilities are approximately 30% full with a near record crop being forecast.

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

This rule is promulgated pursuant to chapter 22.09 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 2, 1981.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-224-020 **DEFINITION.** "Permanent enclosed storage space" means a structure that has a foundation and both rigid walls and roof.

NEW SECTION

WAC 16-224-030 **OUTSIDE STORAGE.** The department of agriculture will allow the storing of grain outside the warehouseman's permanent enclosed storage space under the following conditions: (1) When the warehouseman has no permanent enclosed storage space available.

(2) Outside storage must be on ground properly landscaped to provide adequate drainage and must be approved by the department prior to its use.

(3) Stockpiles created by a licensed warehouseman at a location not filled through his permanent enclosed storage facility will have a separate letter designation and license fee.

(4) For outside storage up to thirty-three and one-third percent of the warehouseman's permanent enclosed storage capacity, a net worth of twenty cents per bushel must be maintained in addition to the net worth requirements of WAC 16-212-130.

(5) A warehouseman may request the department of agriculture to approve his outside storage in excess of thirty-three and one-third percent of his permanent enclosed storage capacity and must maintain a net worth of thirty cents per bushel on this excess unless it contains aeration and is covered with a covering approved by the department of agriculture: **PROVIDED**, That if the excess contains aeration and is covered with a covering approved by the department of agriculture the net worth requirement will be twenty cents per bushel.

(6) All outside storage must be properly crowned and removed from the sides of building no later than October 15 of the crop year.

(7) Violation of this regulation will be considered a violation of Title 22 RCW and may result in the suspension of the warehouseman's license.

WSR 81-12-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed June 2, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on June 1, 1981.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-44 D
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by June 24, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 8, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 15, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 72.72.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1981, and/or orally at 10:00 a.m., Wednesday, July 8, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 29, 1981

By: David A. Hogan
Director, Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapter 275-110 WAC.

Purpose of the rule or rule change is to increase reimbursement rates from the institutional impact account.

Statutory authority: RCW 72.72.040.

Summary of the rule or rule change: Adds McNeil Island, City of Steilacoom, and Pierce County to WAC 275-110-040. Adds costs of security when inmates require hospitalization resulting from the commission of crimes, pursuant to WAC 275-110-080. Adds a subsection (WAC 275-110-090(5))

providing that DSHS and the Department of Adult Corrections will, each biennium before submitting budget requests, make a study of rates so that appropriations will be adequate to reimburse local government at rates that fairly represent costs. Increases reimbursement rates effective June 1, 1981. Provides for reimbursement for jury and witness fees.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Carroll S. Dick

Title: Chief

Office: Accounting Services

Phone: 3-7048

Mailstop: OB-24 C

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

- ((correctional center))
- (7) Larch corrections center
- ((8) Indian Ridge treatment center))
- (8) Clearwater correctional center
- ((9) Pine Lodge))
- ((correctional center))
- (9) Olympic corrections center
- ((10) Cedar Creek))
- ((correctional center))
- (10) Indian Ridge treatment center
- ((11) Echo Glen children center))
- (11) Pine Lodge correctional center
- ((12) Green Hill school))
- (12) Cedar Creek correctional center
- ((13) Maple Lane school))
- (13) Special offender center
- ((14) Cascadia juvenile reception and))
- ((diagnostic center))
- (14) Echo Glen children center
- ((15) Mission Creek youth camp))
- (15) Green Hill school
- ((16) Naselle youth camp))
- (16) Maple Lane school
- ((17) Woodinville group home))
- ((18) Canyon View group home))
- (17) Mission Creek youth camp
- ((19) Sunrise group home))
- (18) Naselle youth camp
- ((20) Twin Rivers group home))
- (19) Woodinville group home
- ((21) Oakridge group home))
- (20) Canyon View group home
- ((22) Pioneer group home))
- (21) Sunrise group home
- ((23) Western state hospital))
- (22) Twin Rivers group home
- ((24) Eastern state hospital))
- (23) Oakridge group home
- (24) Park Creek group home
- (25) Ridgeview group home
- (26) Pioneer group home
- (27) Western state hospital
- (28) Eastern state hospital
- (29) Child study and treatment center
- ((25)) (30) For any institution which is not listed above, reimbursement shall be limited to the political subdivisions in which the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7).
- ((Forks/Clallam))
- ((Jefferson))
- Yacolt/Clark
- ((Arlington/Snohomish))
- Forks/Clallam
- ((Medical Lake/))
- ((Spokane/Spokane))
- Forks/Clallam
- ((Littlerock/Thurston))
- Arlington/Snohomish
- ((Snoqualmie/King))
- Medical Lake/Spokane/Spokane
- ((Chehalis/Lewis))
- Littlerock/Thurston
- ((Rochester/Thurston))
- Monroe/Snohomish
- ((Tacoma/Pierce))
- Snoqualmie/King
- ((Belfair/Mason))
- Chehalis/Lewis
- ((Naselle/Pacific))
- Centralia/Lewis
- ((Woodinville/))
- ((Snohomish))
- ((East Wenatchee/))
- ((Douglas))
- Belfair/Mason
- ((Ephrata/Grant))
- Naselle/Pacific
- ((Richland/Benton))
- Woodinville/Snohomish
- ((Tacoma/Pierce))
- East Wenatchee/Douglas
- ((Tacoma/Pierce))
- Ephrata/Grant
- ((Steilacoom/Pierce))
- Richland/Benton
- ((Medical Lake/))
- ((Spokane/Spokane))
- Tacoma/Pierce
- Kittitas/Kittitas
- Yakima/Yakima
- Tacoma/Pierce
- Steilacoom/Pierce
- Medical Lake/Spokane/Spokane
- Steilacoom/Pierce

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-020 DEFINITIONS. The following words and phrases shall have the following meaning when used in these regulations (-):

- (1) "Department" means the department of social and health services and the department of corrections.
- (2) "Political subdivisions" means counties, cities, and towns.
- (3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.
- (4) "Secretary" means the secretary of social and health services ((or his designee(s))) and the secretary of corrections or their designees.
- (5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.
- (6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.
- (7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

<u>Institution</u>	<u>Cities/County</u>
(1) Washington state penitentiary	Walla Walla/Walla Walla
(2) Washington state reformatory	Monroe/Snohomish
((3) Washington))	((Shelton/Mason))
((corrections center))	
(3) McNeil Island corrections center	Steilacoom/Pierce
((4) Purdy treatment center))	((Purdy/Pierce))
((for women))	
(4) Washington corrections center	Shelton/Mason
((5) Firland))	((Seattle/King))
((correctional center))	
(5) Purdy treatment center for women	Purdy/Pierce
((6) Larch))	((Yacolt/Clark))
((corrections center))	
(6) Firland correctional center	Seattle/King
((7) Clearwater))	

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-050 MAXIMUM ALLOWABLE REIMBURSEMENT FOR LAW ENFORCEMENT COSTS. Reimbursement is limited to the specific political subdivisions listed in WAC 275-110-040. ((For the 1979-81 biennium;)) The maximum reimbursement rates are: (((\$12.30)) Twelve dollars and thirty cents per hour for ((state fiscal year 1980 and 1981)) the period August 30, 1979, through June 30, 1980, thirteen dollars and seventeen cents per hour for ((state fiscal year 1981)) the period July 1, 1980, through May 31, 1981, fourteen dollars and fifty-one cents per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-060 MAXIMUM ALLOWABLE REIMBURSEMENT FOR PROSECUTORIAL COSTS. Reimbursement for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC

275-110-040, shall be at the established rate for law enforcement efforts set forth in WAC 275-110-050. If, after investigation, criminal charges are filed, fully documented prosecutorial and defense attorney fees may be reimbursed. Reimbursement shall not exceed (~~(\$30 per hour)~~) the following rates for each attorney, said reimbursement to include costs for paralegals: Thirty dollars per hour for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-070 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JUDICIAL COSTS. (1) Judicial costs shall be strictly limited to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement is limited to judges, court reporters, (~~(expert witnesses, and)~~) transcript typing, (~~(if required)~~) and witness and jury fees.

(2) Reimbursement for judges hearing cases including services provided by court clerks and bailiffs shall be reimbursed at (~~(\$30)~~) thirty dollars per hour (and this cost shall include services provided by court clerks and bailiffs) for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. Court reporters shall be reimbursed at the rate of (~~(\$12.50)~~) twelve dollars and fifty cents per hour for the period August 30, 1979, through May 31, 1981, fifteen dollars per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars and fifty-four cents for the period July 1, 1982, through June 30, 1983. Required typing of transcripts shall be reimbursed at (~~(\$2.50)~~) two dollars and fifty cents per page for the period August 30, 1979, through May 31, 1981, three dollars per page for the period June 1, 1981, through June 30, 1982, and three dollars and thirty-one cents per page for the period July 1, 1982, through June 30, 1983. If required, expert witnesses shall be reimbursed at (~~(\$30)~~) thirty dollars per hour (said reimbursement to be made only in the event that it would otherwise be made by the political subdivision) for the period August 30, 1979, through May 31, 1981, fifty dollars and sixty cents per hour for the period June 1, 1981, through June 30, 1982, and fifty-five dollars and seventy cents per hour for the period July 1, 1982, through June 30, 1983.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of twenty-five dollars per day. Reimbursement of costs of witness (other than expert) and jury fees shall be limited to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement must be fully documented and must include the inmate's name and all appropriate admission and release dates. Reimbursement shall be limited to (~~(\$3.50)~~) three dollars and fifty cents per inmate day for the period August 30, 1979, through May 31, 1981, four dollars and twenty-one cents per inmate day for the period June 1, 1981, through June 30, 1982, and four dollars and sixty-eight cents per inmate day for the period July 1, 1982, through June 30, 1983. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. Costs of providing security when inmates require hospitalization will be reimbursed at the rate of nine dollars per hour for the period August 30, 1979, through May 31, 1981, nine dollars and ninety-one cents per hour for the period June 1, 1981, through June 30, 1982, and ten dollars and ninety-three cents per hour for the period July 1, 1982, through June 30, 1983. These maximum

allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-090 BILLING PROCEDURE. Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary, per WAC 275-110-120.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose of providing justification for requests for adequate funding levels in future biennia.

(5) The department shall include in its biennial appropriation requests proposed rates based on studies of local government costs to be conducted biennially.

WSR 81-12-036
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1659—Filed June 2, 1981]

I, David A. Hogan, Director, Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Effect of resources and income on financial need—Personal property exemptions—Ceiling values, amending WAC 388-28-430.

This action is taken pursuant to Notice No. WSR 81-09-070 filed with the code reviser on April 21, 1981. 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 2, 1981.

By David A. Hogan
Director, Administration

AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

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 produce income which reduces the applicant/recipient's need for public assistance, or 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~~)) July 1, 1981, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(d) and (e) of this section shall not exceed ((~~\$750~~)) \$1,500.00 for a single person, or ((~~\$1,250~~)) \$2,250.00 for a family of two or more.

Effective ((~~June 12, 1980~~)) July 1, 1981, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(d) and (e) of this section:

Family Size	((=====))
1	((\$750)) <u>\$ 1,500</u>
2 or more	((+250)) <u>2,250</u>

(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.

(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~~)) July 1, 1981, life insurance may have a cash surrender value not to exceed ((~~\$750~~)) \$1,500.00 considered as an exempt resource.

(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.

(e) Used and useful vehicles.

(i) Effective June 12, 1980, used and useful vehicles with an equity value of \$1500 or less are an exempt resource.

(ii) (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.

WSR 81-12-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 2, 1981]

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 Continuing general assistance—Exclusions, amending WAC 388-37-010.

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

David A. Hogan
Director, Administration
Department of Social and Health Services
Mailstop OB-44 D
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by June 24, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, July 8, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 15, 1981, in William B. Pope's office, 4th Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

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 July 8, 1981, and/or orally at 10:00 a.m.

Wednesday, July 8, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 2, 1981

By: David A. Hogan

Director, Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-37-010.

Purpose of the rule or rule change is to comply with the attached court order.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change: Makes SSI recipients whose check is lost, stolen, or missent eligible for GAU.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Gerry Nelson

Title: Program Manager

Office: Division of Income Assistance

Phone: 3-3177

Mailstop: OB-31 C

These rules are necessary as a result of State court decision, Hall vs. Gerald L. Thompson, Secretary, Department of Social and Health Services, Case No. 80 2 005 22 4, Thurston County Superior Court.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for a federal aid grant; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty day period, except as provided in WAC 388-37-030(3)(d).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by supplemental security income with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) The applicant applies;

(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;

(iii) The applicant meets all other general assistance eligibility requirements.

(b) If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(c) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(d) Effective March 31, 1981, an SSI recipient whose SSI check has been lost, stolen, missent or otherwise delayed, provided that the recipient agrees in writing to repay the amount of GA-U assistance issued, and the applicant meets all other GA-U eligibility requirements.

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

(4) When an SSI check is lost in the mail system, issuance of GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

WSR 81-12-038
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed June 2, 1981]

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 10, 1981, in the Regency Room, Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 17, 1981, in the Washington Department of Fisheries, Conference Room 115, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1981, and/or orally at 10:00 a.m., Friday, July 10, 1981, Regency Room, Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA.

Dated: June 2, 1981

By: Rolland A. Schmitten
 Director

STATEMENT OF PURPOSE

Title: WAC 220-22-030 Puget Sound Salmon Management and Catch Reporting Areas. Chapter 220-47 WAC - Puget Sound Salmon.

Description of Purpose: Modifies catch reporting area boundaries and sets 1981 commercial salmon fishing seasons in Puget Sound.

Statutory Authority: RCW 75.08.080.

Summary: Modifies catch reporting area boundaries and sets 1981 commercial salmon fishing seasons in Puget Sound.

Reasons supporting proposed action: Allows a fishery to occur on harvestable salmon returning to Puget Sound.

Agency personnel responsible for:

Drafting: Suzanne Shaw, 115 General Administration Building, Phone: 754-2429

Implementation: Paul Sekulich, 115 General Administration Building, Phone: 753-6756

Enforcement: Roland Hachtel, 115 General Administration Building, Phone: 753-6585

Proposed by Washington Department of Fisheries.

Agency comments: None.

This rule is not the result of federal law or any court action.

AMENDATORY SECTION (Amending Order 80-17, filed 3/26/80)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island Light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Point Wilson Light and easterly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point Light, westerly of a line projected southeasterly from Sandy Point Light to the most westerly point of Gooseberry Point, northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shore line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light.

(10) Area 7B shall include those waters of Puget Sound easterly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point Light on Samish Island 28° true to the range light near Whiskey Rock (~~((approximately 1,350 yards southeasterly of Governor's Point) at))~~) on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point Light on Samish Island 28° true to the range light near Whiskey Rock (~~((approximately 1,350 yards southeasterly of Governor's Point) at))~~) on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point Light to the most westerly point of Gooseberry Point.

(13) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass Light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(14) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point Light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass Light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point.

(16) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected ((70° true from flashing light No. 33 (Ser. No. 2470) located on Point Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore)) 233° true from the Golden Tides restaurant near Shilshole Marina through entrance piling No. 8 to the Southern Shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91.

(19) Area 10B shall include those waters of Puget Sound easterly of a line projected ((70° true from flashing light No. 33 (Ser. No. 2470) located on Point Webster near the mouth of the Lake Washington Ship Canal to a point on the opposite shore)) 233° true from the Golden Tides restaurant near Shilshole Marina through entrance piling No. 8 to the Southern Shore of the entrance to the Lake Washington Ship Canal, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.

(20) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(21) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(22) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(23) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma, and northerly of the Tacoma Narrows Bridge.

(24) Area 11A shall include those waters of Puget Sound southerly of a line projected 240° true from the Browns Point Light to a point on the opposite shore in line with the KCPQ-TV tower in Tacoma.

(25) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(26) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(27) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland,

and westerly of a line projected from the Tskutsko Point Light to Misery Point.

(28) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

(29) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary marker at Union.

(30) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected 93° true from the marker on the Longbranch Peninsula to the point immediately north of Green Point and northerly and easterly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

(31) Area 13A shall include those waters of Puget Sound northerly of a line projected 93° true from the marker on Longbranch Peninsula to the point immediately north of Green Point.

(32) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-264 PUGET SOUND—SALMON PRESERVE—PORT GARDNER. "Port Gardner Salmon Preserve" shall include those waters of Port Gardner Bay and tributaries thereto lying inside and easterly of a line projected from Hermosa Point to Nun Buoy No. 2 off the entrance to Tulalip Bay, thence through the southeasterly point of Gedney Island ((to a point on the southern shore of Port Gardner 2,800 yards east of Point Elliott Light at latitude 47 degrees 57 minutes and 26 seconds N., longitude 122 degrees 16 minutes and 21 seconds W., as shown on U.S.C.G.S. Chart No. 6448)), thence 125 degrees true to the Viacom Cablevision tower on the southern shore of Port Gardner.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It ((shall be)) is unlawful to take, fish for, or possess salmon for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7 - Fidalgo Bay and San Juan Island Salmon Preserves.

Area 7A - Drayton Harbor Salmon Preserve.

Area 7B - Fidalgo Bay Salmon Preserve.

Area 7C - that portion inside a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - Skagit Bay Salmon Preserve.

Area 8A - Port Susan and Port Gardner Salmon Preserves.

Area 10 - that portion easterly of a line projected from Meadow Point to West Point.

Area 11 - Gig Harbor Salmon Preserve.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-311 PURSE SEINE—SEASONS. It ((shall be)) is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

((Areas 7 and 7A - September 7 through October 4:))

Area 7B - September ((7)) 13 through October ((+)) 31.

Area 8 - October ((+9)) 18 through ((November +)) October 31.

Area 8A - ((September 7)) October 18 through ((November +)) October 31.

Areas 10 and 11 - September ((+4)) 13 through ((November +)) October 31.

Area 12 - October ((+9)) 18 through ((November +)) October 31.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It ((shall be)) is unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open

periods hereinafter designated in the following Puget Sound Management and Catch Reporting Areas:

~~((Areas 7 and 7A - Week beginning September 7: Tuesday, Wednesday and Thursday. Weeks beginning September 14, September 21 and September 28: Monday, Tuesday and Wednesday.))~~

~~Area 7B - ((Week beginning September 7: Tuesday, Wednesday, Thursday and Friday.)) Weeks beginning September ((+4)) 13, September ((+2)) 20, September ((+28)) 27 and October ((+5)) 4: Monday, Tuesday, Wednesday ((and)), Thursday and Friday. Weeks beginning October 18 and October 25: Monday.~~

~~Area 8 - Weeks beginning October ((+9)) 18 and October ((+26)) 25: Monday.~~

~~Area 8A - ((Week beginning September 7: Tuesday, Wednesday and Thursday. Weeks beginning September 14, September 21 and September 28: Monday, Tuesday and Wednesday.)) Weeks beginning October ((+9)) 18 and October ((+26)) 25: Monday.~~

~~Areas 10 and 11 - Week((s)) beginning September ((+4 and September 21)) 13: ((Monday and)) Tuesday and Wednesday. Weeks beginning September 20 October ((+9)) 18 and October ((+26)) 25: Monday.~~

~~Area 12 - Weeks beginning October ((+9)) 18 and October ((+26)) 25: Monday.~~

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-313 PURSE SEINE-DAILY HOURS. It ((~~shall be~~)) is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear except during the daily ((~~closed~~)) open hours hereinafter designated:

September ((7)) 13 through October ((+25)) 24 - 5:00 a.m. to 9:00 p.m. Pacific Daylight Time.

October ((+26)) 25 through ((November+1)) October 31 - 5:00 a.m. to 8:00 p.m. Pacific Standard Time.

NOTE: Purse seine fishery in Area 7B closes at 4:00 p.m. (PDT) on ((Friday,)) September ((+2, +1980)) 18 and 25 and October 2 and 9, 1981.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-401 REEF NET-SEASONS. It ((~~shall be~~)) is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

~~((Areas 7 and 7A - September 7 through October 4)) No open season.~~

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-402 REEF NET-WEEKLY PERIODS. It ((~~shall be~~)) is unlawful to take, fish for or possess salmon taken with reef net gear except during the weekly open periods hereinafter designated:

~~((Areas 7 and 7A - Week beginning September 7: Monday, Tuesday and Wednesday. Weeks beginning September 14, September 21 and September 28: Sunday, Monday and Tuesday.)) No weekly open periods.~~

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-403 REEF NET-DAILY HOURS. It ((~~shall be~~)) is unlawful during any open day to take, fish for or possess salmon taken with reef net gear except during the daily ((~~closed~~)) open hours hereinafter designated:

5:00 a.m. to 9:00 p.m. Pacific Daylight Time.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-411 GILL NET-SEASONS. It ((~~shall be~~)) is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

~~((Areas 7 and 7A - September 7 through October 4.))~~

~~Area 7B - July ((+27)) 26 through ((November+1)) October 31.~~

~~Area 7C - July ((+27)) 26 through August ((+16)) 8.~~

~~Areas 8 and 8A - ((October+9)) August 16 through ((November+1)) October 31.~~

~~((Area 8A - September 7 through November 1.))~~

~~Areas 10 and 11 - September ((+4)) 13 through ((November+1)) October 31.~~

~~Area 12 - October ((+9)) 18 through ((November+1)) October 31.~~

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-412 GILL NET-WEEKLY PERIODS. It ((~~shall be~~)) is unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

~~((Areas 7 and 7A - Weeks beginning September 7, September 14 and September 28: Monday, Tuesday and Wednesday nights. Week beginning September 21: Sunday, Monday and Tuesday nights.))~~

~~Areas 7B and 7C - Week((s)) beginning July ((+27 and August 10)) 26: ((Monday,)) Tuesday ((and)), Wednesday and Thursday nights. Week beginning August ((+3)) 2: Monday, Tuesday((:)) and Wednesday ((and Thursday)) nights.~~

~~Area 7B - Week((s)) beginning ((September 7, September 14 and September 28)) August 9: ((Monday,)) Tuesday, Wednesday and Thursday nights. Week((s)) beginning ((September 21 and October 5)) August 16: ((Sunday,)) Monday, Tuesday and Wednesday nights. Week beginning ((October 19)) August 23: ((Sunday)) Tuesday and Wednesday nights. Weeks beginning September 6, September 13, September 20, September 27, and October ((+26)) 4: Sunday, Monday, Tuesday, Wednesday and Thursday nights.~~

~~Area 8 - Weeks beginning ((October+9)): Sunday, Monday, Tuesday, Wednesday and Thursday night. Week beginning October 18: Monday night. Week beginning October ((+26)) 25: ((Monday)) Sunday night.~~

~~Area 8A - Weeks beginning ((September 7, September 14 and September 28)) August 16, August 23, August 30 and September 6: Sunday, Monday, Tuesday ((and)) Wednesday and Thursday nights. ((Week beginning September 21: Sunday, Monday and Tuesday nights.)) Week beginning October ((+9)) 18: ((Sunday)) Monday night. Week beginning October ((+26)) 25: ((Monday)) Sunday night.~~

~~Areas 10 and 11 - Week beginning September ((+4)) 13: Monday and Tuesday nights. Week beginning September ((+21)) 20: ((Sunday and)) Monday night((s)). Week beginning October ((+9)) 18: ((Sunday)) Monday night. Week beginning October ((+26)) 25: ((Monday)) Sunday night.~~

~~Area 12 - Week beginning October ((+9)) 18: ((Sunday)) Monday night. Week beginning October ((+26)) 25: ((Monday)) Sunday night.~~

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-413 GILL NET-DAILY HOURS. It ((~~shall be~~)) is unlawful during any open day to take, fish for or possess salmon taken with gill net gear except during the daily ((~~closed~~)) open hours hereinafter designated:

July ((+27)) 26 through August ((+16)) 15 - 7:00 p.m. to 9:30 a.m. Pacific Daylight Time.

August ((+17)) 16 through September ((+20)) 19 - 6:00 p.m. to 9:00 a.m. Pacific Daylight Time.

September ((+21)) 20 through October ((+25)) 24 - 5:00 p.m. to 9:00 a.m. Pacific Daylight Time.

October ((+26)) 25 through ((November+1)) October 31 - ((5:00)) 4:00 p.m. to 8 a.m. Pacific Standard Time.

AMENDATORY SECTION (Amending Order 80-83, filed 8/6/80)

WAC 220-47-414 GILL NET-MESH SIZES. It shall be unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

~~((All open areas -)) July ((+27)) 26 through September ((+6)) 5 Areas 7B and 7C - ((+7+2)) 5 inch minimum mesh size. Areas 8 and 8A - 5 inch minimum to 6 inch maximum mesh size.~~

~~September ((+7)) 6 through October ((+11)) 10 - All open areas - 5 inch minimum mesh size. October ((+12)) 11 through ((November+1)) October 31 - All open areas - 6 inch minimum mesh size.~~

WSR 81-12-039
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Memorandum—June 3, 1981]

Notice is hereby given that the State Board for Community College Education desires to amend its schedule of regular meeting dates previously noted in WSR 81-01-078 as follows:

The meeting for the month of June will be held on June 24.

The meeting announced for the month of July is cancelled.

The meeting for the month of September will be held on September 9 and 10.

WSR 81-12-040
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed June 3, 1981]

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. U-81-30, relating to the amending of WAC 480-100-131, 141 (3) and (4), 176, 196 and 201 relating to identification of meters, accuracy of watt hour meters, statement of test procedures, voltage tests and accuracy of test standards. Written, and/or oral submissions from interested persons may contain data, views, and arguments concerning the effect of the amendment 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 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 80.28.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, July 17, 1981, and/or orally at 8:00 a.m., Wednesday, July 22, 1981, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

By: David Rees
 Secretary

STATEMENT OF PURPOSE

The rule changes proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.28.180 which directs that the commission has the authority to implement the provisions of Titles 80 and

81 RCW and specifically chapter 80.28 RCW and pursuant to RCW 34.04.030, as rules of the Washington Utilities and Transportation Commission.

The requirement that the names or initials appear on the electric meter is being repealed. (WAC 480-100-131) This practice was useful when utilities had overlapping boundaries and extinction of this practice makes part of WAC 480-100-131 unnecessary.

With respect to WAC 480-100-141(3) the amendment is reflective of the commission's concern for more accurate wording. The American National Standards Institute (ANSI) sets standards for specifications used in test equipment when measuring building energy consumption. The word "meter rating" suggests that the meter should be tested by injecting through the meter the same electrical current for which the meter is rated. The ANSI standards in conjunction with equipment manufacturers disagree and guarantee precision accuracy with a much reduced electrical current injection in testing the meters. Hence the commission is of the opinion "Nameplate test current value" is a more precise term.

WAC 480-100-141(4) is being deleted in its entirety. Direct current meters are no longer used by electrical utilities.

WAC 480-100-176(2) is being deleted. The substance of this rule section is being recodified in WAC 480-100-201.

WAC 480-100-196 is being repealed. Proper voltage to individual rate payers is not helped by compliance with this rule.

Lastly, the text of WAC 480-100-201 is being completely renovated. The test standards vary from utility to utility which has made operating under this rule difficult. The renovated text creates a concrete awareness of varying test standards among electric utilities.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504; (Telephone number 206-753-6512) and members of his staff were responsible for the drafting of the rule changes and will be responsible for the implementation and enforcement of the proposed rules.

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

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

The rule changes proposed will affect no economic values. The rule changes proposed

are 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 Clerk's of the House of Representatives.

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-131 IDENTIFICATION OF METERS. Each meter shall be identified by serial numbers, letters or combination of both, placed in a conspicuous position on the meter ~~((and shall also carry the name or the initials of the utility))~~.

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-141 ACCURACY OF WATTHOUR METERS. Watthour meters used for measuring electrical quantities supplied shall:

(1) Be of proper design for the circuit on which they are used, be in good mechanical condition, have adequate insulation, correct internal connections, and correct register.

(2) Not creep at "no load" more than one full revolution of the disk in five minutes when the load wires are disconnected and potential is impressed or in a shop test where the load wires are disconnected and the permissible voltage variation impressed.

(3) If they are designed for use on alternating current circuits, be accurate to within plus or minus 2.0 percent, referred to the rotating standard as a base, at two unity power factor loads, one between 5 and 10 percent of the ~~((meter rating))~~ nameplate test current value and the other between 75 and 150 percent of the ~~((meter rating))~~ nameplate test current value; and shall register correctly to within 3.0 percent plus or minus at a power factor of approximately 50 percent lagging and at a load approximately equal to 100 percent of the rated current of the meter.

(4) ~~((If they are designed for use on direct current circuits, be accurate to within plus or minus 3.0 per cent referred to the rotating standard as a base at two loads, one equal to approximately 10 per cent and the other between 75 per cent and 100 per cent of the meter rating.~~

~~((5))~~ If polyphase, have the elements in balance within 2 percent at approximately 100 percent load at unity and at approximately 50 percent lagging power factor.

~~((6))~~ (5) If used with instrument transformers, be adjusted so that the over-all accuracy of the metering installation will meet the requirements of this rule except that adjustment for instrument transformer errors is not required when instrument transformers with the following accuracy characteristics are used:

(a) Instrument current transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter at any load power factor from 60 percent lagging to unity shall not exceed 0.6 percent at 10 percent rated current, or 0.3 percent at 100 percent current.

(b) Instrument potential transformers.

The combined effect of ratio error and phase angle on the accuracy of the meter from 90 percent rated voltage to 110 percent rated voltage at any load power factor from 60 percent lagging to unity, shall not exceed 0.3 percent.

~~((7))~~ (6) Be adjusted as closely as practicable to zero error.

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-176 STATEMENT OF TEST PROCEDURES. Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of test methods employed and frequency of tests of meters in service for determining the accuracy of meters.

~~((Description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.~~

~~((3))~~ The name of the testing laboratory making meter tests for those utilities which do not maintain meter testing equipment.

~~((4))~~ (3) Testing and adjustment program of meters prior to installation.

Revisions in any portion of this statement, after submission and acceptance of same, will necessitate the submission of an entire new statement, properly identified and dated cancelling the one on file. Any such change must receive the consent of the commission in writing before becoming effective.

~~((Records shall be maintained showing the date when each testing instrument or other equipment was last calibrated and adjusted.))~~

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-201 ACCURACY OF TEST STANDARDS.

~~((1) Utilities maintaining primary standards such as precision wattmeters, volt boxes, resistances, standard cells, and timing devices shall have such standards certified at the time of purchase as to accuracy by a recognized laboratory.~~

Utilities having standard cells shall intercompare them regularly and shall have at least one of them checked by a standardizing laboratory at intervals of not more than 2 years. Reference standards of resistance, potentiometers, and volt boxes shall be checked at intervals of not more than 3 years.

(2) Secondary watthour meter standards shall not be in error by more than plus or minus 0.5 per cent at loads and voltages at which they are to be used, and shall not be used to check or calibrate working standards unless the secondary standard has been checked and adjusted, if necessary, within the preceding 12 months. Each secondary standard watthour meter shall have a calibration curve available and a history card.

Any two or more of at least three watthour meters may be used as a secondary standard to check portable rotating standards provided there is no discrepancy in accuracy between any two of the watthour meters used of more than 0.2 per cent at standard test loads. Calibration and history records shall be maintained for each of the meters used as a secondary standard.

(3) Secondary standard indicating instruments shall not be in error by more than plus or minus 0.5 per cent of indication at commonly used scale deflection and shall not be used to check or calibrate portable indicating instruments unless the secondary standard has been checked and adjusted, if necessary, within the preceding 12 months. A calibration record shall be maintained for each standard.

(4) All working rotating standards when regularly used shall be compared with a secondary standard at least once a week if they are of the commutator type and at least once in every 2 weeks if of the induction type. Working rotating standards infrequently used shall be compared with a secondary standard before they are used.

Working rotating standards shall be adjusted, if necessary, so that their accuracy will be within 99.5 per cent and 100.5 per cent at 50 per cent lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working rotating standard.

(5) The meter accuracies herein required as to all primary, secondary and portable standards shall be referred to 100 per cent. Service measuring equipment shall be adjusted to within the accuracies required after correcting the working standards for any deviation in accuracy which appears on the accompanying calibration certificate or curve.) Each utility shall submit to the commission for review and approval, a typewritten statement properly identified and dated, describing its practice under these rules covering:

(1) Description of test standards and meter testing equipment;

(2) Description of methods employed to ascertain and maintain the accuracy of the test standards and meter testing equipment, including the frequency of such tests.

Records shall be maintained showing the date when each test standard and each meter testing instrument was tested, calibrated or adjusted.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-100-196 VOLTAGE TESTS.

WSR 81-12-041
PROPOSED RULES
BOARD OF HEALTH
 [Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning no smoking areas in restaurants, adopting WAC 248-152-035;

that such agency will at 9:00 a.m., Wednesday, July 8, 1981, in the North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 8, 1981, in the North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1981, and/or orally at 9:00 a.m., Wednesday, July 8, 1981, North Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated: June 3, 1981
 By: John A. Beare, M.D.
 Secretary

STATEMENT OF PURPOSE

New section: WAC 248-152-035 No smoking areas in restaurants.

Purpose of the rule or rule change is to include restaurants in chapter 248-152 WAC which prohibits smoking tobacco in certain public places.

Statutory authority: RCW 43.20.050.

Summary of the rule change: The proposed new section would require food service restaurants seating 75 or over to provide food service seating where tobacco smoking is prohibited.

Person responsible for implementing and enforcement of the rule:

Name: Harry App
 Title: Unit Supervisor
 Office: Health Education Section, Office of Community Health Services, Health Services Division, DSHS
 Phone: 753-5903
 Mailstop: LB-12C

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 248-152-035 NO SMOKING AREAS IN RESTAURANTS. Restaurants with a food service seating capacity of 75 persons and over shall provide and post notice to customers of the availability of food service seating where tobacco smoking will not be permitted.

WSR 81-12-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 3, 1981]

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 the amending of chapters 388-87, 388-91 and 388-92 WAC relating to medical assistance and adopting chapters 388-99 and 388-100 WAC relating to limited casualty program.

These rules were filed on an emergency basis on June 1, 1981.

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

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-44 D
 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 July 7, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, July 21, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 29, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

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 July 21, 1981, and/or orally at 10:00 a.m., Tuesday, July 21, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 2, 1981
 By: David A. Hogan
 Director
 Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapters 388-87, 388-91 and 388-92 WAC.

New chapters 388-99 and 388-100 WAC.

Purpose of the rule or rule change is to implement changes in the medical assistance program required by SSB 4299.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change:
 WAC 388-87-005 Podiatry.

WAC 388-87-010 Defines retroactive payment under Limited Casualty Program.

WAC 388-87-012 Editorial.

WAC 388-87-013 Describes deductible under Limited Casualty Program.

WAC 388-87-015 Clarifies 120 day billing for retroactive care.

WAC 388-87-025 Adds Limited Casualty Program. Clarifies medical consultant approval.

WAC 388-87-027 Clarifies state office approval.

WAC 388-87-030 Deletes requirement of provider number on hospital invoice (UB16).

WAC 388-87-070 Clarifies payment of hospital care.

WAC 388-87-075 Requires independent labs to bill direct and denies payment to a physician when an independent lab does his/her work.

WAC 388-87-105 Clarifies payment of out-of-state care.

WAC 388-91-010 Editorial.

WAC 388-92-025 Clarifies available and deemed income of SSI applicant in own home.

WAC 388-92-030 Identifies WAC reference for maintenance standard for SSI related applicants.

WAC 388-92-040 Provides that SSI related applicants with resources over specified standard are not eligible for Limited Casualty Program.

Chapter 388-99 WAC Describes Limited Casualty Program - Medically Needy.

Chapter 388-100 WAC Describes Limited Casualty Program - Medically Indigent.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Patsy Brittain

Title: Supervisor

Office: Division of Medical Assistance

Phone: 3-7313

Mailstop: LK-11

These rules are not necessary as a result of federal law, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, ~~((or))~~ optometry, or podiatric services,

(b) Persons currently licensed by the state of Washington as professional or practical nurses, or as physical therapists,

(c) A hospital currently licensed by the department,

(d) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(e) A licensed pharmacy,

(f) A home health services agency certified by the department,

(g) An independent (outside) laboratory qualified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(h) A company or individual (not excluded in subsection (3) of this section) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(i) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(j) A certified center for the detoxification of acute alcoholic conditions,

(k) An outpatient clinical community mental health center, drug treatment center or Indian health service clinic,

(l) A medicare certified rural health clinic,

(m) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(n) An out-of-state provider of services listed in subsection (1) (a) through (g) of this section, with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

Chiropractors

~~((Podiatrists))~~

Sanipractors

Naturopaths

Homopaths

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services are within the scope of care, properly authorized and the recipient certified as eligible.

(2) The fees and rates established by the department shall constitute the full charge for approved medical care and services provided to recipients by the providers, except as specified in chapter 388-86 WAC.

(3) When a provider of service furnishes services to a known eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) Payment for any service furnished to a recipient by a provider may not be made to or through a factor who advances money to that provider for accounts receivable.

(5) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(6) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a ~~((third party))~~ third-party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See chapter 388-83 WAC.

(7) Payment for care ~~((on the federally aided medical))~~ under the medical assistance or limited casualty-medically needy programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant ~~((to a federally aided program))~~ need not be eligible ~~((for medical assistance))~~ at the time of actual application. Medical services that require approval ~~((under the appropriate medical program))~~ must be approved by the CSO medical consultant for the retroactive period.

(8) Payment for care under the limited casualty program—medically indigent and GAU may be retroactive for seven days prior to the date of application if applicant is otherwise eligible. Medical services that require approval must be approved by the CSO medical consultant for the retroactive period.

~~((8))~~ (9) A claim by a provider for payment for services rendered to a person who subsequently is determined to be ineligible at the time service was rendered may be paid under the following conditions only:

(a) The ineligible person must have been certified as both financially and medically eligible.

(b) Payment has not been made from sources outside the department((:)),

(c) A request for such payment must be submitted and approved by the division of medical assistance.

~~((9))~~ (10) The department reimbursement level will not exceed the maximum rates established by medicare. Payment for medically necessary services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

~~((10))~~ (11) Payment for ~~((well-baby))~~ well-baby care is not authorized except as provided under the EPSDT program. See WAC 388-86-027.

(12) The department will not reimburse a hospital for the deductible amount the limited casualty program—medically needy recipient is required to pay for each hospital admission.

(13) The department will not reimburse an emergency room for the copayment amount the limited casualty program—medically needy recipient is required to pay for each emergency room visit.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-012 CONDITIONS OF PAYMENT—CONSULTANT'S AND SPECIALIST'S SERVICES AND FEES. (1) When services of a consultant or specialist are required, whether the patient has been referred by a physician or is being treated by the specialist as the attending physician, the approval of the medical consultant is not necessary. This rule applies to consultation or treatment in the home, office, or medical institution.

(2) A copy of the consultation report ~~((must accompany the claim for consultant fees. If the report is not submitted with the billing, the fee for an initial office or hospital call will be paid dependent upon where consultation was given))~~ may be requested.

(3) When a specialist treats a patient for minor conditions or for chronic conditions of long duration, the ~~((standard))~~ fee for initial and subsequent office calls is ~~((allowed))~~ reimbursed at the department rate.

(4) Consultant's fees shall not be paid when the consulting physician specialist or other provider subsequently performs surgery or renders treatment for which flat fees are applicable, see WAC 388-86-095.

(5) If more than one specialist is called in to examine a patient during a spell of illness, billings are subject to review and approval by the chief of the office of medical ~~((assistance))~~ policy and procedure. (See WAC 388-87-025).

(6) Payment will be made for a psychological evaluation only when a physician has obtained the necessary approval to refer an eligible patient, whom he is treating, for such evaluation. Treatment by a psychologist is not provided. ~~((See WAC 388-87-025(2)(n)).))~~

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-013 CONDITIONS OF PAYMENT—HOSPITAL CARE. (1) A hospital must request approval of admission for nonemergent conditions from the local medical consultant before payment is made for services provided to recipients of the state funded ~~((program))~~ programs.

(2) The department will not be responsible for payment for additional days of hospitalization in the case of a hospitalized recipient when the PAS limitations have been exceeded and the provider has not requested an extension within termination of service or an extension request has been denied unless prior contractual arrangements are made by the department for a specified length of stay. Payment for the additional days spent in the hospital would then depend upon any private agreement or contract between the provider and the patient.

(3) A beneficiary of Title XVIII medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before payment for hospitalization will be made from Title XIX funds.

(4) A deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care for each admission is the responsibility of the limited casualty program—medically needy recipient.

AMENDATORY SECTION (Amending Order 1458, filed 11/26/79)

WAC 388-87-015 BILLING LIMITATIONS—ONE HUNDRED TWENTY-DAY PERIOD. (1) Providers shall submit their charges at least monthly and shall present their final charges not more

than one hundred twenty days after termination of services. See RCW 74.09.160. An exception to this shall be made as a result of a fair hearing decision or court order involving a fair hearing decision which is favorable to the recipient. In such case, providers must present final charges to the department within one hundred twenty days of the day of the decision or the date the order was entered (see RCW 74.08.080).

(2) When it is obvious that clearance of resources for an applicant will require more time than the one hundred twenty-day billing period permits, an immediate request for permission for late billing shall be made to the department's state office. Permission for late billing cannot be granted if the request is received after expiration of the one hundred twenty-day billing period.

(3) ~~((The one hundred twenty-day billing limitation does not apply to those individuals eligible for federal aid medical care whose medical care and services are being paid for during the three-month retroactive period prior to the month of application. The one hundred twenty-day limitation begins for such eligible individuals as of the date of certification. (See WAC 388-87-010(5)).))~~ The one hundred twenty-day billing limitation begins with the date of certification for retroactive medical coverage approved for payment. See chapter 388-80 WAC for definition of retroactive.

~~((4))~~ The one hundred twenty-day billing limitation does not apply to those individuals receiving supplemental security income benefits or disability related medical assistance when notification of related eligibility for medical care and services is delayed in the federal and state data processing system. The one hundred twenty-day limitation begins for such eligible individuals on the last day of the month of certification. Medical only (mo) certifications may be similarly delayed pending disability determination.))

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) Services to recipients of medical assistance, limited casualty program, and continuing general assistance require certain approvals.

(2) All surgical procedures require approval by the local medical consultant - see WAC 388-86-095 and 388-86-110. Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a ~~((cross-reference))~~ cross-reference to the surgeon.

~~((3))~~ Requests for medical appliances and prosthetic devices must have prior approval according to WAC 388-86-100.

~~((4))~~ (3) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.

~~((5))~~ (4) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.

~~((6))~~ (5) Admission to a hospital - see WAC 388-87-070 and 388-86-050.

~~((7))~~ (6) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see WAC 388-86-080 and 388-87-080.

~~((8))~~ (7) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090.

~~((9))~~ (8) For certain bordering cities and out-of-state medical care - see WAC 388-82-030 and 388-86-115.

~~((10))~~ (9) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095.

~~((11))~~ (10) Respiratory therapy in excess of five treatments requires approval.

~~((12))~~ (11) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.

~~((13))~~ (12) Psychological evaluation requires prior approval and is provided in connection with medical diagnosis and treatment (see WAC 388-87-012).

~~((14))~~ (13) Requests for taxi transportation.

(14) Requests for air transportation.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical policy and procedure:

- (a) Nonemergent surgical procedures - see WAC 388-86-095;
 - (b) ~~Prosthetic devices and ((major appliances - see WAC 388-86-100)) durable medical equipment and nonreusable medical equipment costing more than five hundred dollars;~~
 - ~~((i) Purchase of reusable medical appliances and aids to mobility costing more than five hundred dollars;~~
 - ~~((ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than five hundred dollars except those described in WAC 388-87-025.))~~
 - (c) ~~All out-of-state air transportation.~~
- (2) With the exception of prosthetic devices and major appliances, subsection (1) of this section, does not apply to CSOs or regions which have ~~((full-time)) full-time~~ medical consultants who are authorized to give approval.

(3) The medical director or designee may approve the purchase of a hearing aid for less than 50 decibel loss if social information justifies the need.

- (4) ~~All out-of-state air transportation.~~

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-030 RESPONSIBILITY OF PHYSICIAN—PATIENT ADMITTED TO HOSPITAL. Admission to a hospital shall be requested by the attending physician. The signature of the attending physician on the department's hospital invoice is not required; however, the hospital must enter the diagnosis, justification for admission, and the physician's name ~~((and provider number in the appropriate section of the invoice))~~.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020. Except for nonallowable revenue codes, reimbursable cost will be determined according to medicare cost reimbursement methods. Recipients of medicaid funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:

- (1) ~~((Recipients of federal aid grants, including essential persons)) Categorically needy recipients,~~
- (2) ~~((Children in foster care for whom the department is making payment, who are eligible for medical assistance)) Limited casualty program recipients with exception of deductible for the medically needy,~~
- (3) Recipients of continuing general assistance.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-075 PAYMENT—LABORATORY SERVICES. (1) A physician using his own laboratory to provide necessary laboratory services shall bill the department according to the ~~((its))~~ schedule of maximum allowances, using form DSHS 525-100.

(2) A physician using the services of an independent laboratory shall request services for a recipient in the same manner he requests services for his private patient.

(3) An independent laboratory ~~((may)) must~~ bill the department directly ~~((on form DSHS 525-100 or may bill the physician. The physician is reimbursed by the department))~~. No reimbursement will be made to a physician for services performed by an independent laboratory.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-095 PAYMENT—PHYSICIAN SERVICE. (1) General provisions.

(a) Billing and payment for physician services will be made in accordance with divisional billing instructions and schedule of maximum allowances.

(b) The CSO may request a physician to complete a physical examination as described in WAC 388-86-095(2). In such cases, the local office requests the physician to arrange an appointment for the individual and provides the physician with a preapproved form A-19 for

billing. A predetermined fee has been established for the cost of such examination, plus necessary laboratory and X-ray procedures. If the physician completes form 13-21, medical report, from available medical records without conducting an examination, an adjusted fee shall be paid.

(2) Exclusions and limitations.

- (a) No payment is made to the physician for mileage.
- (b) No payment is made to the physician for prescription refills.
- (c) No payment is generally made for medical supplies used in conjunction with an office visit; however, payment may be made for items such as sling and swathe, clavicle and shoulder splints, cervical collars and ace bandages, subject to the limitations of the physician's acquisition cost.
- (d) When it comes to the attention of the ~~((office)) division~~ of medical assistance that a physician bills the department for inpatient hospitalization visits and the period of hospitalization has been denied, no payment will be made.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-87-105 PAYMENT—MEDICAL CARE OUTSIDE STATE OF WASHINGTON. (1) Medical care furnished in designated bordering cities ~~((mentioned in WAC 388-82-030))~~ is not considered to be out-of-state care. Payment is made to the provider of service as for care provided within the state of Washington. Provider licensure requirements, however, would be those of the state in which care is rendered.

(2) Payment is not authorized for out-of-state medical care furnished ~~((only to categorically needy recipients))~~ to state-funded recipients.

(3) The ~~((three-month)) three-month~~ retroactive coverage applies to out-of-state care given to eligible applicants.

(4) When out-of-state service is provided (excluding state office approved care in a skilled nursing home) in a state with a Title XIX medical care program, payment shall be authorized at the rate paid by the medical care program of the state in which the service is rendered. If provided in a state without a Title XIX program, payment shall be authorized at the rate charged, but not to exceed the rate paid for the service under Title XVIII medicare.

(5) Out-of-state providers shall be furnished with necessary billing forms and instructions.

(6) If the deductible or coinsurance portions of medicare are claimed, it will be necessary for the provider to submit his billing to the intermediary or carrier in his own state on the appropriate medicare billing form. If the state of Washington is checked as being responsible for medical billing on the form, the intermediary or carrier may bill on behalf of the provider or may return the billing to the provider for submitting to the state.

(7) Approved care in out-of-state skilled nursing home will be paid either at the rates for care charged in that state for recipients of public assistance, or in an amount not to exceed the rate for skilled nursing home care in the state of Washington, whichever is the lesser amount. Exceptions to the rule in this subsection may be granted only by the director of the bureau of nursing home affairs.

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. (1) A drug formulary will list all drug preparations which are provided without prior approval of medical consultant. It will include a description of program limitations, rules and program policy and penalties. The decision to place drugs in the division of medical assistance program drug formulary is based on these criteria:

- (a) The drug must be established as a part of necessary and essential care for the condition for which it is to be used.
 - (b) The drug must be in general use by the physicians practicing in Washington.
 - (c) The drug must be of moderate cost. Generic forms will be used when listed under DSHS or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the less expensive one will be selected for the formulary.
 - (d) Drugs must not be classified "ineffective" or "possibly effective" by the food and drug administration.
 - (e) The drug must not be experimental.
- (2) The following process is used to determine the acceptability of a drug preparation for possible listing in the formulary:

(a) Objective, scientific information and utilization data is reviewed for appropriateness according to the criteria in subsection (1) of this section, by the program medical staff, or,

(b) The secretary may appoint an advisory committee in accordance with RCW 43.20A.360 to review and advise the division of medical assistance on the acceptability of the drug preparation.

(c) The medical director or his designee may make appropriate changes in the formulary consistent with subsection (1) of this section, and may accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(d) Acceptable drugs will be included in the next subsequent edition of the formulary.

(3) In accordance with the department's rules and regulations drugs are provided for:

(a) The necessary and essential medical care of recipients of ~~((federal))~~ medical assistance ((grant)) and the limited casualty program.

(b) Recipients of state-funded medical care are furnished maintenance medications as listed by therapeutic classifications in the current division of medical assistance drug formulary. These persons are identified by the notation "GAU" on their medical identification coupons.

AMENDATORY SECTION (Amending Order 475, filed 9/8/70)

WAC 388-91-050 OUT-OF-STATE PRESCRIPTIONS. (1) Drugs provided residents of the state of Washington who are temporarily out of the state as defined in WAC 388-26-060 and 388-30-055 shall be authorized as part of medical care within the scope of WAC 388-86-115. Border situations as described by WAC 388-82-030(4) and (5) are not subject to out-of-state rules and are to be considered as care provided in the state of Washington.

(2) Drugs provided by out-of-state pharmacists ~~((border situations))~~ bordering cities excepted) shall require the approval of the local medical consultant before payment can be made.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME. (1) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource.

(2) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s). Income and resources are considered separately when spouses and/or children and parents cease to live together ~~((except for purposes of eligibility determination only, then))~~ Income and resources are considered mutually available.

(a) For the first six months after the month they cease to live together where both spouses apply as SSI related (aged, blind or disabled),

(b) For the month of separation where only one spouse applies as SSI related (aged, blind(;) or disabled), or where blind or disabled children are separated from parents.

(3) For SSI related individuals, age eighteen to twenty-one, ~~((parents))~~ parents' income is not ((considered)) deemed available.

(4) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(5) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsection (6) ~~((below))~~ of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the single monthly state supplement benefit all the remaining income shall be deemed to the applicant.

(6) Exclusions from income. The following ~~((items))~~ shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded ~~((above))~~ in subsection (6)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations(;-);

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted by federal regulations will be exempted and publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973(;-);

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit(;-);

(l) Veteran's aid and attendance allowance is to be excluded in determining financial eligibility.

(i) If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

(ii) For institutionalized applicants, the amount subsequently is considered in the cost of institutional care.

(7) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(8) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (6) of this section, plus one-half of the remainder.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-92-030 MONTHLY STANDARD. (1) After computing available income according to WAC 388-92-025 for SSI related individuals, the monthly standard shall be the state supplement standard.

(2) The monthly maintenance standard for SSI related couples (both applying) shall be the state supplement standard for a couple.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) In mixed households (AFDC and SSI related members) two separate determinations must be made.

(5) Applicants and/or recipients eligible for limited casualty program—medically needy will have the monthly standard applied as in WAC 388-99-020.

(6) When one or both of the applicants is SSI related in a medical facility, a full calendar month standards defined in WAC 388-83-135 and 388-83-140 must be used.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-92-040 AVAILABILITY OF RESOURCES. In establishing eligibility for medical assistance, only those resources actually available or "in hand", or expected to be "in hand", within a ~~((three month))~~ three-month period shall be considered. ~~((In cases of retroactive coverage, the three month period includes the month in which covered medical services were initiated))~~ The resources must not exceed the specified standard to be eligible for medical care.

Chapter 388-99 WAC

LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY

NEW SECTION

WAC 388-99-005 LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY. (1) The department of social and health services provides a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not categorically needy for medical assistance.

(2) A potentially medically needy individual is defined as a person who is aged, blind, or disabled, or families and children whose income and resources are above the limits prescribed for the categorically needy but are within limits set for the medically needy program.

NEW SECTION

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. (1) Medically needy refers to a resident of the state of Washington whose income is above the categorically needy income level (CNIL), who meets the resource limits of the AFDC or SSI program and is:

(a) Related to aid to families with dependent children (AFDC). See chapter 388-83 WAC.

(b) Related to state supplemental security income (SSI). See chapter 388-92 WAC.

(c) Related to state supplementary payment program (SSP).

(d) A financially eligible person under age twenty-one who is in:

(i) Foster care, or

(ii) Subsidized adoption, or

(iii) Skilled nursing facility, intermediate care facility, intermediate care facility/mentally retarded,

(iv) An inpatient psychiatric facility.

(e) Aged, blind, and disabled individuals residing in a medical facility whose income is above the three hundred percent of the SSI benefit cap.

(2) Groups defined as categorically needy rather than medically needy are:

(a) Those described in chapters 388-82 and 388-93 WAC, and

(b) SSI presumptively eligible.

NEW SECTION

WAC 388-99-015 ELIGIBILITY—GENERAL. All applicants for the limited casualty program—medically needy are required to meet the requirements of WAC 388-83-010 through 388-83-025.

NEW SECTION

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$303
(b) Two persons	\$434
(c) Three persons	\$468
(d) Four persons	\$501
(e) Five persons	\$593
(f) Six persons	\$671
(g) Seven persons	\$778
(h) Eight persons	\$859
(i) Nine persons	\$939
(j) Ten persons	\$1,019 and above.

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC eligibility.

(3) For aged, blind, and disabled countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment program.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income based on a three-month calculation.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

NEW SECTION

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications previously

incurred medical expenses are deducted from excess countable income subject to the following restrictions.

(a) The medical expense must be a current liability of the individual or financially responsible relative in the same household. See WAC 388-92-025(4).

(b) The medical expenses have not been used at any other time to reduce excess countable income on a medical application which resulted in eligibility.

(c) The portion of the medical expense paid or covered by third-party liability can not be considered toward spenddown.

(d) Only medical services provided by practitioners recognized under state law will be considered. See WAC 388-87-005.

(e) Certain services recognized under state law will not be considered.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the applicant is certified eligible.

(3) If the incurred medical bills are less than the excess countable income, the application is not approved and the individual is required to spenddown the remaining excess countable income. The applicant is certified eligible only when excess countable income has been completely spenddown. Medical expenses incurred during the spenddown period are deducted in the following order:

(a) Medicare and other health insurance premiums, deductibles, co-insurance charges, enrollment fees, or copayments.

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program.

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant.

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant is responsible for providing complete documentation of incurred medical expenses. Once medical eligibility has been approved, expenses which were not listed or which were omitted will not be considered. Such expenses may be used to reduce excess countable income on a subsequent application provided the conditions in subsection (1) of this section are met.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

NEW SECTION

WAC 388-99-035 RESOURCE STANDARDS. (1) To determine eligibility on the basis of resources, use the resource standards under AFDC or SSI, whichever is higher for a given resource. If applicant has resources in excess of the standards applied, the individual is not eligible and the application is denied.

(2) A medically needy applicant who has transferred assets at less than fair market value within twenty-four months prior to the month of application without adequate consideration is presumed to have disposed of the resource for the purpose of obtaining eligibility for medical assistance.

(a) The uncompensated value is to be considered an available resource.

(b) If uncompensated value is in excess of twelve thousand dollars, the application is to be denied.

(c) If less than twelve thousand dollars, consideration is to be given to disposition of resources.

NEW SECTION

WAC 388-99-040 AVAILABILITY OF RESOURCES. (1) Consider resources according to chapter 388-92 WAC.

(2) Consider only resources available during the period for which income is computed.

(3) For families and children deduct the value of resources which would be deducted in determining AFDC eligibility.

(4) For aged, blind, and disabled, deduct the value of resources which would be deducted in determining eligibility for SSI.

NEW SECTION

WAC 388-99-045 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to three hundred percent of the SSI benefit (SSI cap).

- (b) Allocation of recipient income is defined in WAC 388-83-140.
- (c) Use other SSI financial criteria for consideration of resources as defined in chapters 388-92 and 388-83 WAC.
- (d) Income remaining after computation will be used to participate in the cost of care at the department rate.
- (2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person for that month.

NEW SECTION

WAC 388-99-050 LIMITED CASUALTY PROGRAM—MEDICALLY NEEDY—APPLICATION PROCESS. (1) Applications will be disposed of according to WAC 388-84-105 and 388-84-110.

(2) The effective date shall be as in chapter 388-84 WAC, except that the effective date for LCP-MN in own home shall be the date spenddown, if any, has been met.

NEW SECTION

WAC 388-99-055 CERTIFICATION. (1) A recipient in own home shall be certified for no more than three months.

(2) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last day of the three-month period which began at the time of application.

(3) If retroactive coverage was applied, a spenddown applicant shall be certified from the day the spenddown requirement was met through the last day of the three-month period which began up to three months prior to the month of application.

(4) A new application is required for any subsequent period of eligibility for LCP-MN.

(5) An applicant who is required to spenddown shall be certified the day the spenddown requirement is met.

(6) Full-month coverage is not available during the first month of eligibility for persons who must establish eligibility by deducting incurred medical expense from countable income.

(7) A recipient in a medical facility, other than a hospital, shall be certified for twelve months.

(8) All medically needy recipients shall receive individual notification of the disposition of their application.

(9) Any change in circumstances shall be promptly reported to the local community service office.

(10) Any recipient, aged, blind or disabled who has been terminated from SSI/SSP shall have their eligibility for LCP-MN determined in accordance with chapter 388-85 WAC.

NEW SECTION

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty—medically needy program will include inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) A medically needy recipient deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care shall apply to each hospital admission.

(3) A medically needy recipient copayment not to exceed three dollars shall apply to each emergency room visit.

(4) For other conditions and limitations under which these services may be provided, refer to appropriate service in chapter 388-86 WAC.

(5) A request for an exception to policy shall not be approved without review by the division of medical assistance.

Chapter 388-100 WAC
LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT

NEW SECTION

WAC 388-100-005 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT. (1) The department of social and health services provides a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not eligible for any other medical program.

- (2) An individual potentially eligible for the medically indigent program is a person who:
- (a) Has an acute and emergent condition which is defined as having a short and relatively severe course, not chronic; occurring unexpectedly and demanding immediate action, and
- (b) Meets the financial eligibility as defined in this section.

NEW SECTION

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION. (1) Citizenship is not a requirement of eligibility.

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not eligible for or receiving federal or state-funded cash assistance, or the limited casualty program—medically needy.

(b) Income shall not exceed the grant standards for AFDC.

(c) Nonexempt resources shall not exceed the resource standard for AFDC.

(d) The applicant has not transferred resources within two years prior to the date of application without having received adequate consideration according to the provisions of chapter 388-28 WAC.

(3) The following shall be deducted or exempted from income:

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

(4) The following shall be considered an exempted resource:

(a) A home.

(b) Used and useful household furnishings and personal clothing.

(c) Personal property of great sentimental value.

(d) Livestock or similar property owned by children when profit is reserved for education.

(e) Other personal property used to reduce need for assistance or medical care.

(f) One cemetery plat for each member of the assistance household.

(g) A used and useful automobile.

(5) The following resources are not exempt:

(a) Cash, marketable securities, and any other resource not specifically exempted that can be converted to cash.

(b) The potential earning power of the applicant or recipient. Even if an applicant has no cash resources, current employment or possibility of employment in the future, as evidenced by past opportunities, may be such that the individual could be reasonably expected to pay all or part of the cost of medical care out of future earnings.

NEW SECTION

WAC 388-100-015 ALLOCATION OF EXCESS INCOME AND NONEXEMPTED RESOURCE. (1) All excess income and nonexempted resources shall be used toward the cost of medical care.

(2) On initial or subsequent applications all previously incurred medical expenses are deducted from excess countable income as described in WAC 388-99-030. These expenses cannot have been used toward a previous spenddown or deductible requirement.

NEW SECTION

WAC 388-100-020 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—APPLICATION PROCESS. (1) Applications will be disposed of according to WAC 388-84-105 and 388-84-110.

(2) The effective date shall be the date spenddown, if any, has been met.

(3) Medical care received within seven working days prior to the date of application shall be provided when:

(a) The condition was acute and emergent, and

(b) The individual was otherwise eligible.

NEW SECTION

WAC 388-100-025 CERTIFICATION. (1) A recipient shall be certified eligible for the duration of treatment not to exceed three months.

(2) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last day of the three-month period which began at the time of application.

(3) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(4) Any change in circumstances shall be promptly reported to the local community services office.

NEW SECTION

WAC 388-100-030 DEDUCTIBLE. A deductible of fifteen hundred dollars per family over a twelve-month period is required.

(1) Only eligible family members can accumulate expenses against the deductible.

(2) The accumulation of the deductible commences with the date of certification not to exceed seven working days prior to the date of application. The department may on an exception to policy basis waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Only medical services as specified in WAC 388-100-035 are countable toward meeting the deductible requirement.

(4) The expenses incurred against the deductible are the liability of the recipient.

(5) If the deductible has not been satisfied during the certification period, the remaining amount is applied to any subsequent acute and emergent certification period which begins within twelve months of application.

NEW SECTION

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) When any other medical need is identified for recipients undergoing detoxification for an acute alcohol condition as defined in chapter 388-40 WAC, the requirements for acute and emergent need and the fifteen hundred dollar deductible shall apply.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

(8) A request for an exception to policy shall not be approved without review by the division of medical assistance.

WSR 81-12-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 3, 1981]

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 the amending of chapters 388-80, 388-81, 388-82, 388-83, 388-84, 388-85 and 388-86 WAC relating to medical assistance.

These rules were filed on an emergency basis on June 1, 1981.

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

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-44 D
 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 July 7, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, July 21, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 29, 1981, in William B. Pope's Office, 4th Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

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 July 21, 1981, and/or orally at 10:00 a.m., Tuesday, July 21, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 2, 1981

By: David A. Hogan

Director

Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapters 388-80, 388-81, 388-82, 388-83, 388-84, 388-85 and 388-86 WAC. Purpose of the rule or rule change is to implement changes in the medical assistance program required by SSB 4299.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change:

WAC 388-80-002 Establishes effective date for rules in determining financial eligibility for medical program changes to be effective July 1, 1981.

WAC 388-80-005 Establishes Limited Casualty Program, adds podiatry, defines retroactivity and editorial changes.

WAC 388-81-005 and 388-81-025 Adds reference to identify Limited Casualty Program.

WAC 388-82-006 Adds reference to identify Limited Casualty Program - Medically Needy.

WAC 388-82-010 Identifies applicants in institutions as Categorically Needy only if under 300% SSI cap.

WAC 388-82-126 Editorial.

WAC 388-82-130 Adds Priest River to recognized bordering cities.

WAC 388-82-135 Clarifies out-of-state medical care if provided outside United States.

WAC 388-83-005 Adds reference to Medically Needy.

WAC 388-83-006 Adds reference to Medically Indigent.

WAC 388-83-130 Editorial.

WAC 388-83-135 Clarifies institutional status for full calendar month, gross income limit for Categorically Needy in institutions, and identifies references.

WAC 388-83-140 Editorial, and clarifies payment to medical facility by recipient.

WAC 388-84-105 Identifies Limited Casualty Program.

WAC 388-84-120 Identifies Limited Casualty Program.

WAC 388-85-105 Editorial.

WAC 388-85-110 Outlines process for Medicaid eligibility determination of terminated SSI beneficiary.

WAC 388-86-005 Identifies Limited Casualty Program.

WAC 388-86-021 Provides for dentures under certain conditions.

WAC 388-86-030 Limits eye refraction/glasses under Limited Casualty Program.

WAC 388-86-035 Limits family planning under Limited Casualty Program.

WAC 388-86-040 Not provided under Limited Casualty Program.

WAC 388-86-050 Clarifies inpatient hospital services for medical assistance recipients, Limited Casualty Program - Medically Needy and Medically Indigent recipients. Defines deductible for Medically Needy.

WAC 388-86-067 Excludes Limited Casualty Program recipients from day health care.

WAC 388-86-075 Imposes a copayment on Limited Casualty Program - Medically Needy and requires approval of medical consultant for Limited Casualty Program - Medically Indigent.

WAC 388-86-085 Requires medical consultant approval for Limited Casualty Program - Medically Indigent.

WAC 388-86-090 Excludes physical therapy from Limited Casualty Program.

WAC 388-86-095 Editorial.

WAC 388-86-09601 Adds and defines podiatric services and excludes any routine foot care.

WAC 388-86-098 Excludes speech therapy from Limited Casualty Program.

WAC 388-86-100 Clarifies medical equipment.

WAC 388-86-112 Excludes PM&R from Limited Casualty Program.

WAC 388-86-115 Clarifies out-of-state medical care.

WAC 388-86-120 Editorial.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Patsy Brittain

Title: Supervisor

Office: Division of Medical Assistance

Phone: 3-7313

Mailstop: LK-11

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 388-80-002 APPLICABILITY. These rules are immediately applicable to determinations of eligibility under the medical care program enacted by Substitute Senate Bill No. 4299, effective July 1, 1981.

AMENDATORY SECTION (Amending Order 1655, filed 5/20/81)

WAC 388-80-005 DEFINITIONS. ~~((1)) "Acute and emergent" medical care for GAU, see WAC 388-86-120.~~

~~((2))~~ (1) "Application" shall mean a written request for ~~((financial or))~~ medical assistance or limited casualty program from the department of social and health services made by a person in his/her own behalf or in behalf of another person.

~~((3))~~ (2) "Assignment" is the method by which the provider receives payment for services under Part B of medicare.

~~((4))~~ (3) "Assistance unit" means a person or members of a family unit who are eligible for cash or medical assistance under a federally matched program including state supplement.

~~((5))~~ (4) "Authorization" means an official approval of a departmental action.

~~((6))~~ ~~"Authorization date" means the date the prescribed form authorizing assistance for a new, reopened or reinstated case is signed.~~

~~((7))~~ ~~"Authorization of grant" means attesting the applicant's eligibility for assistance in an amount as determined by his/her circumstances and department standards and giving authority to make payment accordingly.~~

~~((8))~~ (5) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

~~((9))~~ (6) "Benefit period" is the time period used in determining whether medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. It ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary can have.

~~((10))~~ (7) "Carrier" is an organization who has a contract with the federal government to process claims under Part B of medicare.

~~((11))~~ (8) "Categorically needy" refers to a resident of the state of Washington whose income and resources are evaluated ~~((as))~~ for cash assistance and who is:

- (a) Receiving cash assistance.
- (i) Aid to Families of Dependent Children (AFDC).
- (ii) Supplemental Security Income (SSI), including grandfathered individuals and individuals with essential spouses.
- (iii) State supplement.

~~((b))~~ ~~Eligible for but not receiving assistance:~~

- ~~((i))~~ AFDC;
- ~~((ii))~~ SSI and/or state supplemental;
- ~~((iii))~~ (iv) Special categories.

~~((c))~~ (b) A financially eligible person under twenty-one who would be eligible for AFDC but does not qualify as a dependent child and who is in:

- (i) Foster care, or
- (ii) Subsidized adoption, or

(iii) A skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded, or

(iv) An inpatient psychiatric facility.

(c) Individuals who would be eligible for cash assistance except for their institutional status.

(d) Individuals related to SSI (~~(above)~~) in institutions who would not be eligible for such assistance if they were not institutionalized solely because of the cash level of their income.

~~((10))~~ (9) "Central disbursements" is the state office section which audits nonmedicaid medical claims for payment.

~~((11))~~ (10) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action.

~~((12))~~ (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.

~~((13))~~ (12) "Child" or "minor child" means a person under eighteen years of age.

~~((14))~~ "Chiropractor" is a person licensed by the state of Washington to practice chiropractic according to chapter 18.25 RCW.

~~((15))~~ (13) "Client" means an applicant or recipient of financial and/or social services provided by the department of social and health services.

~~((16))~~ (14) "Coinsurance" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which medicare does not pay. Under Part A, coinsurance is a per day dollar amount, and under Part B, is twenty percent of reasonable charges.

~~((17))~~ (15) "CSO" (community service office) is an office of the department which administers the various social and health services at the county level.

~~((18))~~ (16) "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.

~~((19))~~ (17) "Deductible" means an initial specified amount that is the responsibility of the applicant and/or recipient.

(a) Part A of medicare - Inpatient hospital deductible - an initial amount in each benefit period which medicare does not pay.

(b) Part B of medicare - The first sixty dollars in expenses which must be incurred before medicare starts to pay.

(c) Limited casualty program-medically needy-inpatient hospital deductible-an initial amount as specified in chapter 388-99 WAC, the department does not pay.

(d) Limited casualty program-medically indigent-means incurring a dollar amount as specified in chapter 388-100 WAC, the department does not pay.

~~((20))~~ (18) "Delayed certification" shall mean the date of certification for medicaid and date of application for SSI are the same for an SSI beneficiary whose eligibility decision was delayed due to administrative action.

~~((21))~~ (19) "Department" shall mean the state department of social and health services.

~~((22))~~ (20) "Division of medical assistance" shall mean the single state agency authorized to administer the Title XIX medical assistance program.

~~((23))~~ (21) "Eligible couple" means an eligible individual and eligible spouse.

~~((24))~~ (22) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the Social Security Act. If two such persons are husband and wife (and have not been living apart for more than six months), only one of them may be considered an eligible individual.

~~((25))~~ (23) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under ~~((24))~~ twenty-one years of age who are eligible under Title XIX of the Social Security Act.

~~((26))~~ (24) "Essential spouse" means a spouse whose needs were taken into account in determining the need of OAA, AB, or DA recipient for December, 1973, who continues to live in the home of such recipient, and continues to be an essential spouse.

~~((27))~~ (25) "Extended care facility" (ECF). See "skilled nursing facility".

~~((28))~~ (26) "Extended care patient" is a recently hospitalized medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

~~((29))~~ (27) "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.

~~((30))~~ (28) "Federal aid" means the assistance (~~(grant)~~) programs for which ~~((funds-in-aid-are-received-by))~~ the state receives matching funds from the federal government.

~~((31))~~ (29) "Fraud" shall mean a deliberate, intentional, and wilful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.

~~((32))~~ (30) "General assistance - continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance and whose medical care is defined in chapter 388-86 WAC.

~~((33))~~ (31) "Grandfathering" refers to:

(a) A noninstitutionalized individual who meets all current requirements for medicaid eligibility except the criteria for blindness or disability; and

(i) As eligible for medicaid in December, 1973, as blind or disabled, whether or not he/she was receiving cash assistance in December, 1973; and

(ii) For each consecutive month after December, 1973, continue to meet the criteria for blindness and disability and other conditions of eligibility used under the medicaid plan in December, 1973; and

(iii) The needs of the "essential person" shall only be considered when he/she is living with such person in the same household.

(b) An institutionalized individual who was eligible for medicaid in December, 1973, or any part of that month, as an inpatient of a medical institution or resident of intermediate care facility that was participating in the medicaid program and for each consecutive month after December, 1973:

(i) Continued to meet the requirements for medicaid eligibility that were in effect under the state's plan in December, 1973, for institutionalized individuals; and

(ii) Remained institutionalized.

~~((34))~~ (32) "Home health agency" is an agency or organization certified under medicare to provide skilled nursing and other therapeutic services to the patient in his/her place of residence.

~~((35))~~ (33) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

~~((36))~~ (34) "Institution" shall mean an establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition provides medically related services and medical care. This would include hospitals, skilled nursing facilities, intermediate care facilities, and institutions for the mentally retarded, but does not include correctional institutions.

~~((37))~~ (35) "Intermediary" is an organization who has an agreement with the federal government to process medicare claims under Part A.

~~((38))~~ (36) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

~~((39))~~ (37) "Intermediate care facility/IMR" shall mean a state institution or a licensed nursing home either of which has been certified by state office (SO) as meeting the CFR regulations to provide twenty-four hour health-related care and services to mentally retarded persons or persons with related conditions.

~~((40))~~ (38) "Legal dependents" are persons whom an individual is required by law to support.

(39) "Limited casualty program" means a medical care program for medically needy as defined in chapter 388-99 WAC, and for medically indigent as defined in chapter 388-100 WAC.

~~((41))~~ (40) "Medicaid" or "Medical assistance" (~~(MA)~~) shall mean the federal aid Title XIX program under which medical care is provided to ~~((:))~~ categorically needy as defined in chapter 388-82 WAC.

~~((a))~~ A recipient of AFDC.

~~((b))~~ A recipient of SSI.

~~((c))~~ A recipient of state supplement.

~~((d))~~ A financially eligible person under twenty-one who is in:

(i) Foster care, or

(ii) Subsidized adoption, or

(iii) A skilled nursing home, intermediate care facility, or intermediate care for mentally retarded, or

(iv) An inpatient psychiatric facility.

~~(c) Individuals related to category (b) above in institutions who would not be eligible for cash assistance solely because of the level of their income if they were not institutionalized.~~

~~(f) Individuals who are eligible but not receiving cash assistance under (a), (b), or (c) above.~~

~~((42)) (41) "Medical consultant" shall mean a physician employed by the department at the CSO level.~~

~~((43)) (42) "Medical facility". See "Institution".~~

~~((44)) (43) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.~~

~~((45)) (44) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.~~

~~((46)) (45) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the department at the CSO level.~~

~~((47)) (46) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home.~~

~~((48)) (47) "Part A" is the hospital insurance portion of medicare.~~

~~((49)) (48) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, Western". The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for recipients of ~~((state funded)) state-funded~~ programs, or where no memorandum of understanding with a PSRO exists.~~

~~((50)) (49) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor portion" of medicare.~~

~~((51)) (50) "Physician" is a doctor of medicine, ~~((or)) osteopathy, or podiatrist~~ who is legally authorized to perform the functions of his profession by the state in which he performs them.~~

~~((52)) (51) "Professional standards review organization" (PSRO). See "Washington state professional standards review organization".~~

~~((53)) (52) "Provider" or "provider of service" means an institution, agency, or individual who has a signed agreement to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.~~

~~((54)) (53) "Provider services" shall mean the office of the division of medical assistance which processes claims for payment under Title XIX and ~~((state funded)) state-funded~~ programs.~~

~~((55)) (54) Residence, state of means:~~

~~(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;~~

~~(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;~~

~~(c) The state making a state supplementary payment;~~

~~(d) The state making placement in an out-of-state institution;~~

~~(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty-one or is age twenty-one or over and who became incapable of determining residential intent before age twenty-one;~~

~~(f) The state where the person over age twenty-one judged to be legally incompetent is living.~~

~~((56)) (55) "Retroactivity" means:~~

~~(a) Under ~~((medicaid)) medical assistance~~, the period of no more than three months prior to month of application to an otherwise eligible individual.~~

~~(b) Under state-funded, the period of no more than seven days prior to date of application, to an otherwise eligible continuing general assistance recipient. The seven days shall not include Saturday, Sunday or legal holidays. The department may on an exception to policy basis waive the seven-day rule if the person failed to apply because of medical reasons or other good cause.~~

~~((57) "Skilled nursing facility" shall mean a licensed facility certified to provide skilled nursing care for which an agreement has been executed.)~~

~~((58)) (56) "Skilled nursing ~~((home)) facility~~", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services. ~~((Also known as "skilled nursing facility".~~~~

~~((59)) (57) "Spell of illness" ~~((=))~~; ~~((see)) See "Benefit period".~~~~

~~((60)) (58) "Spouse" -~~

~~(a) "Eligible spouse" means an aged, blind or disabled individual who is the husband or wife of an eligible individual and who has not been living apart from such eligible individual for more than six months.~~

~~(b) "Ineligible spouse" means the husband or wife of an eligible individual who is not aged, blind or disabled; or who although aged, blind or disabled has not applied for such assistance.~~

~~(c) "Nonapplying spouse" means the husband or wife of an eligible individual who although aged, blind or disabled has not applied for such assistance.~~

~~((61)) (59) "State-funded medical care" shall mean medical care, as defined by DSHS, provided to eligible persons on continuing general assistance.~~

~~((62)) (60) "State office" or "SO" shall mean the division of medical assistance of the department.~~

~~((63)) (61) "Supplementary payment" means the state money payment to individuals receiving benefits under Title XVI (or who would, but for their income, be eligible for such benefits) as assistance based on need in supplementation of SSI benefits. This payment includes:~~

~~(a) "Mandatory state supplement" means the state money payment with respect to individuals who, for December, 1973, were recipients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.~~

~~(b) "Optional state supplement" means the elected state money payment to individuals eligible for SSI benefits or who except for the level of their income would be eligible for such benefits.~~

~~((64)) (62) "Supplemental security income (SSI) program, Title XVI," means the federal program of supplemental security income for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).~~

~~((65)) (63) "Third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient of medicaid.~~

~~((66)) (64) "Washington State Professional Standards Review Organization" (WSPSRO) is the state level organization responsible for determining whether health care activities are medically necessary, meet professionally acceptable standards of health care, and are appropriately provided in an ~~((out-patient)) outpatient~~ or institutional setting for beneficiaries of medicare and recipients of medicaid and maternal and child health.~~

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-81-005 MEDICAL CARE PROGRAM. The department of social and health services provides a medical care program, administered through the division of medical assistance, designed to meet the health care needs of eligible individuals who have been determined eligible as defined in ~~((WAC 388-80-005)) chapters 388-82, 388-99, and 388-100 WAC.~~

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-81-025 ELIGIBILITY—GENERAL. (1) Financial eligibility is established when the department certifies that the applicant meets the appropriate financial requirements in chapters 388-83, 388-99 or 388-100 WAC.

(2) The department shall be responsible for payment of medical care provided within the scope of the program to eligible persons.

AMENDATORY SECTION (Amending Order 1655, filed 5/20/81)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. Medical assistance is available to any individual who is categorically needy.

(1) Individuals receiving ~~((or eligible to receive))~~ a cash assistance payment. Categories under which individuals may qualify include:

- (a) Aid to families with dependent children (AFDC);
- (b) Supplemental security income (SSI);
- (c) State supplemental payment; and
- (d) Individuals under age twenty-one whose income is less than the one person AFDC standard and who are in:

- (i) Foster care; or
- (ii) Subsidized adoption; or
- (iii) Skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or
- (iv) Inpatient psychiatric facilities.

(2) Individuals in medical facilities:

- (a) Who would be eligible for cash assistance if they were not institutionalized. This includes all categorically needy groups;
- (b) Who are SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.

(3) Individuals who would not receive cash assistance because of special provisions as defined in WAC 388-83-028.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-82-126 STATE FUNDED MEDICAL CARE PROGRAM. (1) State-funded medical care is a more limited scope of medical care provided to eligible individuals (~~(State-funded medical care services are)~~) as defined in chapter 388-86 WAC.

(2) Continuing general assistance recipients in skilled nursing homes, intermediate care facilities or intermediate care facilities for mentally retarded shall be provided medical care to the same extent as a recipient of medical assistance.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-82-130 MEDICAL CARE PROVIDED IN BORDERING CITIES. Medical care will be provided to eligible individuals in a bordering city on the same basis as in-state care. The only recognized bordering cities are Moscow, Sandpoint, Priest River, and Lewiston, Idaho; Portland, The Dalles, Hood River, Rainier, Milton-Freewater, and Astoria, Oregon.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-82-135 OUT-OF-STATE MEDICAL CARE. (1) A categorically needy resident of the state of Washington temporarily out of the state may be provided medical assistance within the scope of the medicaid program.

(a) Residency requirements in chapter 388-80 WAC must be met.

(b) Medical assistance may be provided only in areas of Canada that border on the United States when no other resource is available.

(2) Persons eligible for the limited casualty program—medically needy may be provided medical care within the scope of that program.

~~((2))~~ (3) When an eligible individual goes to another state, excluding bordering cities, expressly to obtain medical care that is available within the state of Washington, medical assistance will only be provided on an emergency basis.

~~((3))~~ (4) Medical assistance will be provided to persons who enter the state and are determined to be financially eligible, provided the residency requirements in chapter 388-80 WAC are met.

~~((4))~~ (5) State-funded medical care is not provided out-of-state except in designated bordering cities.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-005 MEDICAL ASSISTANCE ELIGIBILITY. The department shall provide medical assistance within the limitations set forth under these rules and regulations to any individual who has been certified Title XIX eligible categorically needy. The recipient shall be responsible for furnishing the provider with a medical identification coupon or other adequate notification of eligibility provided by the department. Eligibility for medically needy is described in chapter 388-99 WAC.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-006 STATE-FUNDED MEDICAL CARE SERVICES. The department shall provide state-funded medical care within the limitations set forth under these rules and regulations to any individual who has been certified as eligible to receive such services as

a continuing general assistance recipient. The recipient shall be responsible for furnishing the provider with a medical identification coupon or other adequate verification of eligibility provided by the department. Eligibility for medically indigent is described in chapter 388-100 WAC.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-020 AGE. No age (~~(requirements)~~) requirement is imposed as a condition of eligibility in regard to medical assistance. The age of the applicant is established to determine whether the individual may be related to a federal aid category, or may be eligible for the under age twenty-one category.

NEW SECTION

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—APPLICANT NOT IN OWN HOME. (1) The monthly standard for a Title XVI related individual or GA-U recipient living in a CCF, adult family home or group home shall be the cost standard of the facility. Cost plus a specified CPI may not exceed three hundred percent of the current SSI federal benefit level.

(2) The AFDC recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the Title XVI related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U recipient is subject to GA-U income and resource standards.

(4) If income available to the recipient is less than the CPI standard, a state payment is authorized to the recipient to meet his or her personal needs.

(5) Payment is made by the department to the facility for the difference between income available for payment on care and the cost standard of the facility.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-130 ELIGIBILITY DETERMINATION—NONINSTITUTIONAL. (1) Eligibility determination for AFDC shall be as follows:

(a) Applicants who are eligible for but not receiving cash assistance shall be determined as for the appropriate cash assistance category.

(b) Individuals under age twenty-one shall have eligibility determined based on the AFDC (~~(one person)~~) one-person standard if they are:

(i) Not SSI related.

(ii) Not AFDC related (dependent child).

(iii) When an under twenty-one person resides in the same family unit with parents, the parents' income is considered available whether or not actually contributed.

(iv) The AFDC earned income exemption of (~~(\$30 + 1/3)~~) thirty dollars plus one-third of remainder does not apply to individuals applying solely for medical assistance.

(v) Families applying for medical assistance who received AFDC in any of the four preceding months shall be allowed the (~~(\$30 + 1/3)~~) thirty dollars plus one-third disregard.

(c) Individuals under twenty-one who are AFDC related but are ineligible solely because of AFDC age or school attendance requirements are eligible for medicaid while living in the home with a relative of specified degree on the same basis as the dependent children in that home. Individuals eligible under this provision include:

(i) AFDC children age sixteen or seventeen who are terminated from AFDC cash assistance unit because they have ceased to attend school and have refused to register for WIN;

(ii) AFDC children who are terminated from AFDC cash assistance unit because they have reached age eighteen, but have not yet reached age twenty-one.

(2) Eligibility for (~~(SSI-related applicants who are eligible but not receiving cash assistance)~~) special categories shall be determined as for the appropriate (~~(SSI)~~) cash assistance category. See chapter 388-92 WAC (~~(for income and resources computation)~~).

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-135 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (~~((+)) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing~~)

their gross income to three hundred percent of the SSI benefit (SSI cap):

(a)) (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to the three hundred percent SSI cap (SSI benefit).

(b) ~~((Use other SSI financial criteria for consideration of resources as defined in chapter 388-92 WAC))~~ If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-83-140.

(d) Use other SSI financial criteria for consideration of resources as defined in chapter 388-92 WAC.

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person. See chapter 388-92 WAC.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-140 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized recipients will retain ~~((~~\$32.50~~))~~ a specified personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus 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 noninstitutional state supplement standard. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the monthly standard, the excess wages are applied to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) ~~((above))~~ of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed state supplement standard,

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest need standard for a family of same size under AFDC,

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges,

(ii) Necessary medical care recognized under state law but not covered under medicaid.

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months,

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home. Also see chapter 388-28 WAC.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months,

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged,

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining in subsections (1), (2), (3) or (4) of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) ~~((which shall be a matter solely between the recipient and the medical facility))~~ at the department rate.

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-83-040 MONTHLY PERSONAL NEEDS ALLOWANCE—APPLICANT IN INSTITUTION.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-84-105 MEDICAL ASSISTANCE. (1) All individuals wishing to make application for medical assistance or the limited casualty program shall have the opportunity to do so without delay.

(a) Applicants will be provided with:

(i) An explanation of the civil rights act,

(ii) Fair hearing information,

(iii) Information on early and periodic screening, diagnosis and treatment, when appropriate,

(iv) Information on family planning, when appropriate.

(b) The application shall be in writing; a verbal request is not an application.

(c) If death of applicant intervenes, the application may be completed by a relative or interested person(s).

(2) Individuals who receive cash assistance payment under AFDC, SSI or state supplement are eligible without a separate application.

(3) A spouse ineligible for SSI benefits solely because of the level of his/her income must apply individually for medical assistance.

(4) A resident of the state of Washington temporarily out of the state may make application directly to the community services office (CSO) in his/her area of the state through either an individual or agency acting in his/her behalf.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-84-120 APPLICATION FOR STATE FUNDED MEDICAL CARE. (1) Individuals ineligible for a categorically needy program (AFDC, aged, blind, disabled, or under twenty-one) may be provided medical care under the state-funded program of continuing general assistance.

(2) The effective date of eligibility for state-funded (GAU) medical care is concurrent with certification for cash assistance; except that medical care may be provided for no more than seven days prior to date of application for financial assistance to an otherwise eligible individual. The seven days shall not include Saturday, Sunday or legal holidays. The department may on an exception basis waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Termination of state-funded medical occurs with termination of continuing general assistance grant.

(4) The CSO may issue temporary medical coupons until state office issued coupons arrive.

(5) Individuals ineligible under subsection (1) of this section may be eligible under the limited casualty program—medically indigent. See chapter 388-100 WAC.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. Entitlement to medical assistance continues until the individual is determined ineligible for cash assistance.

(1) When eligibility for AFDC is terminated:

(a) For AFDC cash assistance due to increased income or increased hours from employment, medical assistance shall continue for four calendar months beginning with month of ineligibility.

(b) Because an individual has been removed from AFDC cash assistance due to reaching state legal age of majority, a redetermination and a certification of eligibility for medical assistance for those under twenty-one shall be made.

(c) ~~((For))~~ Lack of cooperation in WIN or lack of school attendance is not an eligibility factor, redetermination of eligibility for medical assistance will be made according to appropriate cash program.

(2) Redetermination of eligibility for medical assistance shall be the same as for the cash assistance program:

(a) For individuals under age twenty-one, not related to SSI, eligibility shall be redetermined every six months.

(b) For individuals in medical institutions eligibility shall be determined every twelve months.

(3) Any change in circumstances relating to the individual's financial or medical eligibility must be promptly reported to the CSO.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-85-110 SSI/STATE SUPPLEMENT TERMINATION. (1) When an SSI/state supplemental beneficiary is terminated by SSA because of failure to meet blindness and disability criteria under Title XVI, medical assistance shall be terminated at the end of the second month following the month in which eligibility for these conditions ceases (~~((if the beneficiary has filed a timely request for a hearing from SSA regarding eligibility for cash assistance)).~~).

(a) If a timely request for a hearing under SSA jurisdiction has been filed by the individual and SSA continues the benefits, medical assistance would be continued concurrently.

(b) The CSO is not authorized to resubmit a request for a redetermination of blindness or disability for consideration of the medically needy program.

(c) If the individual presents medical evidence to the CSO, a referral to SSA is required.

(2) ((Individuals in medical facilities who are not receiving cash assistance shall be notified in writing when eligibility ceases)) For individuals who are terminated by SSA for SSI/SSP financial benefits, financial eligibility and disability must be redetermined within thirty days for consideration of the limited casualty program—medically needy.

(3) Institutional recipients must be notified in writing of termination.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA), the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: anesthetization services; blood; dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) The following medical services are not provided:

- (a) Adult dental services, and
- (b) Chiropractic services(~~(-and)~~).

~~((c) Podiatry:))~~

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

(13) The limited casualty program—medically needy is defined in chapter 388-99 WAC, and the limited casualty program—medically indigent is defined in chapter 388-100 WAC.

NEW SECTION

WAC 388-86-021 DENTURES. The department will provide to the extent of these rules dentures to recipients of medical assistance and the limited casualty program that includes only fabrication and fitting. All denture requests require prior approval.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-86-030 EYEGASSES AND EXAMINATIONS. (1) The department shall provide eye examinations and eyeglasses when a refractive error of sufficient magnitude exists to require corrective lenses. Payment shall be made on the basis of rates established by the department or through HMO or optical supplier contracts.

(2) Under the limited casualty program only one refraction and one pair of glasses will be provided during a twelve-month period.

~~((2))~~ (3) Prior authorization by the CSO medical consultant or his designee in the county of residence is not required for eye examinations performed for the purpose of prescribing corrective lenses except in the provision of certain eyeglasses (lenses or frames).

~~((3))~~ (4) Examinations, unless medically indicated, are limited to two in a twelve-month period, except for eye examinations and eyeglasses provided to recipients of EPSDT, see ~~((WAC 388-86-027(1)(c) and (3)))~~ chapter 388-86 WAC.

~~((4))~~ (5) A choice of frames listed in current division of medical assistance numbered memoranda is offered recipients. Frames are not provided for cosmetic effect or psychological support.

~~((5))~~ (6) Sunglasses, photochromic (~~(aspheric)~~) or varalux type lenses are not provided.

~~((6))~~ (7) Two pair of glasses in lieu of bifocal or trifocal lenses are not provided.

~~((7))~~ (8) Contact lenses and orthoptics therapy are not provided.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-035 FAMILY PLANNING. (1) The department shall make known to clients the availability of family planning services. The department shall provide to eligible categorically needy recipients necessary physicians' services, clinic or hospital services, supplies and drugs needed in conjunction with family planning. ~~((See WAC 388-15-240 for Title XX services for nonrecipients including minors.))~~

(2) Under the limited casualty program—medically needy only physicians' services and supplies will be provided.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to categorically needy recipients:

- (a) One new hearing aid under the following conditions:
- (i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, within six months prior to receiving hearing aid dispenser services, and
 - (ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated, and
 - (iii) When covered by a one year warranty, and/or
- (b) One-time repair of a state purchased or privately owned hearing aid when covered by a ninety day warranty.
- (2) Prior approval is required for the purchase or trial period rental of hearing aids and for one-time repair of a state purchased or privately owned hearing aid.
- (3) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.
- (4) Individuals under age twenty-one must be referred to the crippled children's service conservation of hearing program.
- (5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.
- (6) Hearing aids are not provided to recipients of continuing general assistance grants and the limited casualty program.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations (~~listed below~~;) the recipient will have free choice of hospitalization.

~~((2) Hospitalization for services covered by the program requires approval by:~~

- ~~(a) The local medical consultant for:~~
 - ~~(i) Prior approval of nonemergent surgery;~~
 - ~~(ii) Admission and length of stay for recipients on the GAU program;~~
 - ~~(iii) Retroactive certification and out-of-state care, including hospitalization in bordering cities, for categorically needy recipients;~~
- ~~(b) The Washington state professional standards review organization (WSPSRO) by certification, when previous agreement with the department and the PSRO exists, and when review is timely and concurrent with hospitalization, for:~~
 - ~~(i) Medical illness and emergent surgery for recipients on federal programs;~~
 - ~~(ii) Admission and length of stay for categorically needy recipients;~~

~~(2) Certain hospitalization services covered by the program require approval of the medical consultant.~~

~~(a) Prior approval for nonemergent surgery;~~

~~(b) Admission and length of stay for recipients of the GAU and limited casualty-medically indigent programs;~~

~~(c) Retroactive certification and out-of-state care including bordering cities.~~

~~(3) The Washington state professional standards review organization (WSPSRO) will certify admission, length of stay and/or services for the categorically needy and limited casualty-medically needy recipients.~~

~~((3)) (4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient of GAU or limited casualty program-medically indigent exceeds the maximum number of days specified in PAS, an extension request shall be presented with adequate justification by the attending physician to the chief, office of medical policy and procedure or his designee within sixty days of final service. ((The Washington state professional standards review organization (WSPSRO) will certify days of stay and/or services (i.e., approve as necessary, appropriate, and of acceptable quality) for categorically needy recipients.))~~

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. ((Sec WAC 388-82-025.

~~((4)) (5) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. ((Sec WAC 388-82-025.~~

~~(5)) (6) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.~~

~~((6)) (7) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.~~

~~((7)) (8) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.~~

~~(9) A deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care for each admission is the responsibility of the limited casualty program-medically needy recipient.~~

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-067 MENTAL HEALTH CENTER SERVICES.

(1) The department shall provide mental health or day health care services to a cash assistance recipient under SSI, state supplement or AFDC and to an eligible recipient of a state funded continuing general assistance grant. A recipient of the limited casualty program may be provided mental health center services. The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095.

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see ~~((items))~~ subsection (4)(c), (d), and (e) of this section) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records—content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History,

(b) Diagnostic/evaluative statements,

(c) Treatment plan,

(d) Treatment notes,

(e) Periodic treatment review,

(f) Documentation of case conferences,

(g) Clinical summaries on termination of service,

(8) Subcontracts:

An agency which has a contract under this section shall not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE. (1) No authorization is required for categorically needy recipients to receive outpatient service, acute and emergent outpatient surgical care and other emergency care performed on an outpatient basis in a hospital. Justification for the service must be presented for payment.

(2) A recipient of the limited casualty program—medically needy may receive services without approval, and is required to make a copayment not to exceed three dollars for each emergency room visit.

(3) A recipient of the limited casualty program—medically indigent must have medical consultant approval for emergency room services.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care providers.

(2) Ambulance or cabulance transportation shall be provided when medical necessity is clearly demonstrated or the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) Transportation by taxi will be provided only when approved by the local medical consultant.

(4) Transportation by private automobile other than owned by recipient is payable at rates established by the department.

(5) Air transportation may be provided when medical necessity requires this mode of transportation.

(a) Intrastate services must have prior approval of the medical consultant.

(b) Interstate services must have approval of the medical director, office of medical policy and procedure.

(c) Prior approval is required for nonemergent air transportation when:

(i) Need for medical treatment is justified.

(ii) A closer location is not available.

(d) Method of reimbursement for air transportation and ancillary services will be published as necessary by the division of medical assistance.

(6) Providers of ambulance, cabulance, and private automobile transportation must show medical necessity justification on the billing document.

(7) Transportation provided to the limited casualty program—medically indigent requires approval.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-86-090 PHYSICAL THERAPY. Physical therapy, other than that provided in a hospital as part of inpatient treatment, may be authorized only when such therapy:

(1) Will avoid the need for hospitalization, or

(2) Will reduce the length of stay of a recipient in a nursing home, or

(3) Will assist the recipient in becoming employable, or

(4) Is medically indicated in unusual circumstances and is requested by the attending physician and concurred with by the medical consultant, and

(5) Is performed by a registered physical therapist or physiatrist and has approval by the local medical consultant.

(6) Physical therapy is not provided under the limited casualty program.

AMENDATORY SECTION (Amending Order 1610, filed 2/19/81)

WAC 388-86-095 PHYSICIANS' SERVICES. The department shall purchase the services of physicians participating in the program on a fee-for-service or contract basis subject to the exceptions and restrictions listed ~~((below))~~ as follows.

(1) Physicians' services are provided through contract agreements for certain voluntary child care agencies and maternity homes.

(2) Cost of a physical examination is authorized only for recipients related to federal programs under the following circumstances:

(a) For admission to skilled nursing facility if within ~~((48))~~ forty-eight hours of admission or change of status from a private-pay to a medicaid-eligible patient.

(b) Given as a screening under the EPSDT program; see WAC 388-86-027.

(c) For physical examination not covered by medicaid, see the following:

(i) AFDC incapacity, see ~~((WAC 388-24-065(2)))~~ chapter 388-24 WAC.

(ii) Determination of whether an individual's health will or will not permit his return to his home, see ~~((WAC 388-28-420(4)(b)))~~ chapter 388-28 WAC.

(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC.

(iv) Foster home placement, see chapter 388-70 WAC.

(v) Adoptive home placement, see ~~((WAC 388-70-440))~~ chapter 388-70 WAC.

(vi) Employability for WIN program, see ~~((WAC 388-24-107(1)(b)))~~ chapter 388-24 WAC.

(vii) Incapacity for GAU program, see ~~((WAC 388-37-032(4)))~~ chapter 388-37 WAC.

(3) When covered services of a consultant or specialist are necessary, approval need not be obtained from the medical consultant. Payment shall be made in accordance with local medical bureau practices.

(a) A fee for consultation shall not be paid when the specialist subsequently performs surgery or renders treatment for which flat fees or fees-for-service accrue.

(b) On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services. Any additional specialist or consultant requests shall be justified by the attending physician and approved by the medical consultant.

(4) Limitations on payment for physicians' services:

(a) Payment for physicians' calls for nonemergent conditions in a skilled nursing facility or an intermediate care facility, is limited to two calls per month. Requests for payment for additional visits must be justified at the time the billing is submitted by the physician.

(b) Payment for hospital calls is limited to one call per day. This is applicable to other than flat fee care.

(c) Individual outpatient psychotherapy provided by a psychiatrist shall be limited to one hour per month or equivalent combinations. Up to a maximum of two hours psychotherapy may be authorized when justified during the first month of treatment. Subdivisions of (4)(a) and (b) of this section, also apply unless other rules take precedence. See WAC 388-86-067(1) for service provided by a contracting mental health center.

(5) All surgical procedures require approval by the medical consultant.

(6) Nonemergent hospital admissions for state funded recipients require prior approval by the chief of the office of medical policy and procedure or his designees.

(7) Minor surgery and diagnostic procedures performed in a physician's office do not require prior approval.

(8) No payment will be made for cosmetic, reconstructive or plastic surgery which is defined as surgery performed to revise or change the texture, configuration or relationship of structure with continuous structure when the purpose is primarily psychological and will not correct or materially improve body function, or is intended to alter any part of the body which could be considered to be "normal" within broad range of variation for function, age, ethnic, or familial origin.

(9) A recipient of public assistance is not required to obtain medical care in the county of his residence. (~~See also WAC 388-83-625.~~)

(10) For limitations on out-of-state physicians' services see WAC 388-86-115.

NEW SECTION

WAC 388-86-09601 PODIATRIC SERVICES. (1) Medically necessary podiatric services shall be provided to include:

(a) Evaluation, diagnosis, and treatment of skin disease, infections, inflammation, ulcers, and symptomatic conditions including bursitis, osteoarthritis and tendonitis.

(b) Reductions of fractures and dislocations, and treatment of sprains and strains.

(c) Surgery for bunions, exostosis, hammertoes, neuromas, and ingrown toenails.

(d) Initial diagnostic services in connection with conditions whose subsequent treatment would be excluded as routine palliative care.

(e) One visit every six months may be permitted for debridement and cutting of mycotic toenails.

(2) Elective surgery requires prior approval of the medical director or designee. Where less expensive, more conservative treatment is available, surgery will not be approved.

(3) The following services shall be excluded:

(a) Routine foot care that includes removal of corns, warts, or calluses, trimming of nails and other hygienic and preventive care except as specified in subsection (4) of this section.

(b) Treatment of flat foot.

(c) Treatment undertaken to correct a subluxated structure of the foot as an isolated entity.

(d) Supportive devices for the feet, such as orthopedic shoes.

(e) Procedures regarded as experimental.

(4) Where a person has a severe systemic condition that would result in circulatory embarrassment or desensitization in the legs or feet, more frequent foot care may be provided when:

(a) The performance of such procedures by unskilled person might pose a hazard.

(b) The severity of the condition has been established by clinical or physical findings.

(c) Such care requires prior approval of the medical director or designee.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-86-098 SPEECH THERAPY SERVICES. (1) Speech therapy, when required as an adjunct to necessary treatment of a medical or remedial condition for which the department has assumed initial responsibility, may be authorized subject to the following:

(a) The evaluation and/or treatment must have prior approval by the local medical consultant,

(b) The fee for service must be agreed to in advance of therapy,

(c) The services must be performed by a speech pathologist who has been granted the certificate of clinical competence by the American speech and hearing association, or who has completed the equivalent educational and work experience necessary for such a certificate,

(d) The department reserves the right to limit the number of treatments based on professional judgment. See WAC 388-87-025(2)(p).

(2) Speech and language therapy is not provided under the limited casualty program.

AMENDATORY SECTION (Amending Order 1610, filed 2/19/81)

WAC 388-86-100 (~~(SURGICAL APPLIANCES))~~ DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES(~~(—AIDS TO MOBILITY))~~. (1) The department shall authorize the purchase or rental of (~~(surgical appliances))~~ durable medical equipment, prosthetic

devices, ((aids to mobility)) and other ((durable)) nonreusable medical equipment only when such items will:

(a) Reduce the length of hospitalization,

(b) Aid the rehabilitation of an employable person,

(c) Enable the person to return to or continue to live in his own home,

(d) Be used full time by a nursing home patient who will benefit materially from its use,

(e) Result in financial saving to the department.

(2) No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches.

(3) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital.

(4) Prior approval by the division of medical assistance is required for:

(a) Purchase of reusable ((medical appliances and aids to mobility)) durable medical equipment costing more than five hundred dollars,

(b) Purchase of nonreusable ((surgical appliances)) medical equipment or prosthetic devices costing more than five hundred dollars, except as described in subsection (2) of this section,

(c) Metal crutches and other appliances require prior approval of the local medical consultant((-);

(d) All rentals and repairs require prior approval by the local medical consultant.

(5) A recipient who has medicare part B benefits must utilize this resource for the purchase or rental of any items provided by medicare. Payment of medicare coinsurance and deductibles will be made by the department for purchase of all medicare items.

(6) Medical ((appliances)) equipment and supplies purchased by the department become the property of the recipient.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-86-112 PHYSICAL MEDICINE AND REHABILITATION EVALUATION AND REVIEW. (1) The department may authorize physical medicine and rehabilitation inpatient evaluation and review for a period not exceeding one week when all the following conditions are met:

(a) The person suffers from severe motor disabilities following accident or illness such as stroke,

(b) The person has been rejected by the department's division of vocational rehabilitation for such medical service on the basis that there is little or no potential for gainful employment,

(c) Physical medicine and rehabilitation treatment would potentially enable the person to move from the hospital to a nursing home or from a nursing home to adult family home or from an adult family home into his own assisted and/or independent living situation, or afford the bedridden person cared for in his own home a degree of self-care and independence,

(d) No other financial resources are available,

(e) Prior approval of the state office of medical assistance is obtained.

(2) Extension of the evaluation and review for a period up to ninety days may be authorized by the office of medical assistance if requested and justified by the physical medicine and rehabilitation facility.

(3) These services are not provided under the limited casualty program.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-115 MEDICAL CARE PROVIDED OUT-OF-STATE. (1) The department shall authorize and provide comparable medical care services to a recipient of medical assistance (MA) or limited casualty program—medically needy who is temporarily outside the state to the same extent that such medical care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) (~~(Border situations mentioned))~~ Bordering cities listed in ((WAC 388-82-030(4)) chapter 388-82 WAC are not considered "out-of-state" and are excluded from these provisions. ((However;)) When a recipient ((who visits)) goes to another state, other than the specified ((border locations)) bordering cities, specifically for the purpose of obtaining medical care that is ((not eligible for such care at the expense of)) available in the state of Washington, only emergency care will be provided by the state of Washington.

(3) ~~((A recipient who moves to another state for the purpose of establishing residence in that state is not eligible for medical care after eligibility has been terminated by the department.~~

~~(a) When determining the effective date of change in the eligibility of a categorically needy recipient, see WAC 388-33-365 for appropriate guidelines. Medical care coverage terminates the same date as termination of the grant.~~

~~(b)) State funded medical care is not provided out-of-state. Medical services in designated bordering cities may be authorized.~~

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether the services are within the scope of the medical assistance program.

(5) Medical assistance may be provided only in areas of Canada that border on the United States when no other resources are available.

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-120 STATE FINANCED MEDICAL CARE. A recipient of a continuing general assistance grant who cannot be related to a federal aid category is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of medicaid, except that no care will be provided outside the state of Washington other than in designated bordering ((states)) cities as specified in ~~((WAC 388-82-030(4)))~~ chapter 388-82 WAC, and shall be subject to the following medical program limitations. Continuing general assistance medical coupons bear the imprint "GAU".

(1) Elective hospital admissions and elective surgery requests require prior medical consultant approval.

(2) Criteria used to determine that the proposed surgery is elective are:

(a) Medical necessity must be established. Definition in chapter 388-80 WAC applies.

(b) Procedure cannot reasonably be delayed.

(3) Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.

(4) Mental health services will be provided only in community mental health centers.

(5) Hearing aids are not provided.

(6) Covered medical care services may be provided for no more than seven days prior to the date of application. The department may on an exception basis waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

WSR 81-12-044
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning trailer tongue lamps, amending chapter 204-39 WAC;

that such agency will at 1:30 p.m., Friday, July 24, 1981, in the 1st floor large conference room, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, July 24, 1981, in the 1st floor large conference room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.280.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 24, 1981, and/or orally at 1:30

p.m., Friday, July 24, 1981, 1st floor large conference room, General Administration Building, Olympia, Washington 98504.

Dated: June 2, 1981

By: Lt. R. C. Dale
Secretary

STATEMENT OF PURPOSE

Title: Chapter 204-39 WAC Trailer Tongue Lamps.

Description of Purpose: To require lamps on the tongue of certain trailers where excessive distances exist between truck and trailer.

Statutory Authority: RCW 46.37.005 and 46.37.280.

Summary of Rule: Requires a steady or flashing amber lamp on trailer tongues where the distance between truck and trailer bodies is more than 15 feet and where any part of the tongue is lower than 24 inches. The lamp must be lit whenever the vehicle combination is in motion.

Reasons supporting such action: Complaints from motorists and truck drivers and their companies of near accidents or actual collisions due to motorists not realizing a second vehicle is attached to the truck until they are attempting to drive into the space between vehicle bodies.

Agency Personnel responsible for:

Drafting: Lt. R. C. Dale, Secretary, Commission on Equipment, General Administration Building, Olympia, WA, (206) 753-6569

Implementation and Enforcement: Commission on Equipment, General Administration Building, Olympia, WA 98504, (206) 753-6569

Person or organization proposing rule, whether public, private or governmental: Washington Dump Truck Association, 2004 - 196th Street SW, Lynnwood, Washington 98036, (206) 775-7245

Agency Comments: None.

The rule is not necessary as a result of a federal law or a federal or state court decision.

Chapter 204-39 WAC
TRAILER TONGUE LAMPS

NEW SECTION

WAC 204-39-010 PROMULGATION. By authority of RCW 46.37.005 and RCW 46.37.280, the Washington State Commission on Equipment hereby adopts the following rule pertaining to lamps mounted on certain trailer tongues.

NEW SECTION

WAC 204-39-020 PURPOSE. The purpose of this rule is to ensure the safety and protection of the motoring public and those persons operating vehicle combinations where excessive distances exist between the separate vehicles in the combination.

NEW SECTION

WAC 204-39-030 USE OF LAMPS REQUIRED. (1) A steady burning or a flashing lamp, amber in color, shall be required on the tongue of any trailer where the distance between the front of the trailer body and the rear of the body of the towing vehicle is fifteen feet or greater, and where the tongue or any portion thereof is lower than 24 inches above the ground.

(2) The flashing lamp permitted by this section shall include only those lamps which flash by means of an electronic or electric flasher. Strobe lamps and rotating type lamps shall not be permitted.

(3) The amber lamps required by this chapter shall be in operation whenever the combination of vehicles is in motion, and shall be visible to each side of the combination.

(4) Minimum diameter of the lamp(s) shall be two and one-half inches.

NEW SECTION

WAC 204-39-040 MOUNTING OF LAMPS. (1) The amber lamps required by this chapter shall be mounted as nearly as practicable in the center of the distance between the vehicle bodies. Lamps mounted on extendable tongues will necessarily vary in distance between the bodies in relation to the amount of extension used; however, in no case shall the lamp be over five feet from the center of the distance between vehicle bodies nor more than fifteen feet from either of the vehicle bodies.

(2) Minimum height of the lamps required shall be twenty-one inches above the roadway. Maximum height shall be forty-eight inches above the roadway.

NEW SECTION

WAC 204-39-050 EFFECTIVE DATE. (1) All trailers manufactured after January 1, 1982, which are used under the conditions described in WAC 204-39-030(1) shall be equipped and operated as set forth in this chapter.

(2) All trailers manufactured prior to January 1, 1982, which are used under the conditions described in WAC 204-39-030(1) shall be equipped and operated as set forth in this chapter no later than July 1, 1982.

(3) Nothing herein shall be construed to prevent the installation of lamps and the operation thereof prior to the effective dates above.

WSR 81-12-045
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1661—Filed June 3, 1981]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-33-115 Effective date of eligibility.
 Amd ch. 388-37 WAC Continuing general assistance.
 Amd WAC 388-38-120 Application—Disposal.

This action is taken pursuant to Notice No. WSR 81-09-036 filed with the code reviser on April 14, 1981. 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 3, 1981.

By David A. Hogan
 Director, Administration

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-115 EFFECTIVE DATE OF ELIGIBILITY—APPLICANT, REAPPLICANT AND REINSTATED RECIPIENT. (1) The effective date of eligibility for federal aid grants shall be the date of authorization, or the thirtieth day after application, if more than thirty days are required to determine eligibility.

(2) Beginning May 15, 1981, the effective date for state funded grants shall be the date of authorization or the forty-fifth day after application, if more than forty-five days are required to determine eligibility.

(3) In applying this rule the day application was made is not counted.

AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)

WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be ((††)) a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except for the earned income exemption specified in WAC 388-37-025.

AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)

WAC 388-37-031 CONTINUING GENERAL ASSISTANCE—PAYMENT TO EMPLOYABLE SPOUSE. When it has been verified by a physician that it is medically necessary for an employable spouse to be present in the home to care for the incapacitated spouse payment shall be made to the employable spouse ((as specified in WAC 388-16-430(3) and WAC 388-16-435(2))).

AMENDATORY SECTION (Amending Order 1145, filed 8/26/76)

WAC 388-37-032 CONTINUING GENERAL ASSISTANCE—DETERMINATION OF INCAPACITY. (1) Eligibility due to incapacity shall be determined by an ((ESSΘ)) CSO incapacity review team in accordance with the criteria in WAC 388-37-035.

(2) The incapacity review team shall:

(a) Beginning May 15, 1981, consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within ~~((thirty))~~ forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.

(3) Beginning May 15, 1981, eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's or recipient's last known address specifically citing the required cooperation shall be grounds for denial of the application for, or termination of, assistance (see WAC 388-38-265).

(4) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)

WAC 388-37-037 CONTINUING GENERAL ASSISTANCE—REFUSAL TO ACCEPT AVAILABLE AND RECOMMENDED MEDICAL TREATMENT. (1) A continuing general assistance applicant or recipient who refuses without good cause to accept available medical treatment, which can reasonably be expected to render him able to work shall be ineligible.

(2) "Available medical treatment" shall mean and include medical, surgical, or mental health services, or any combination thereof.

(3) "Reasonably be expected to render him able to work" shall mean that in the opinion of the medical consultant, the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.

(4) For the purposes of this section, an applicant or recipient has good cause to refuse recommended medical treatment when, according to the best objective judgment of the ~~((ESSO))~~ CSO review team, confirmed by the ~~((ESSO))~~ CSO administrator and the medical consultant, such refusal is based upon one or more of the following conditions:

(a) The individual is genuinely fearful of undergoing recommended treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected.

(b) The individual could lose a faculty, or the remaining use of faculty he now has, and refuses to accept the risk;

(c) Because of his definitely stated religious scruples, the individual will not accept recommended medical treatment.

AMENDATORY SECTION (Amending Order 1398, filed 5/16/79)

WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION. (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2)(a) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

(b) Beginning May 15, 1981, if more than forty-five days are required to determine incapacity, and if incapacity is determined to have existed on the date of application, assistance shall be granted effective the forty-fifth day after application, per WAC 388-33-115.

A continuing grant shall not be authorized until incapacity is established by the review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) of this section until continuing incapacity has been redetermined by the review team.

~~((+))~~ (4) If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined ~~((within thirty days))~~, assistance shall be authorized effective the day following the date of termination.

~~((b))~~ ~~If the recipient is responsible for the delay in redetermining incapacity, continuing assistance shall be authorized effective the date incapacity is redetermined.~~

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-38-120 DISPOSAL ACTIONS. ~~((+))~~ An application for financial assistance shall be disposed of by:

~~((+))~~ (1) Approval, that is, determination that the applicant is eligible for assistance;

~~((b))~~ (2) Denial, that is, determination that the applicant is ineligible for assistance; or that eligibility could not be determined due to lack of information or verification~~((:))~~: PROVIDED, That, beginning May 15, 1981, a delay in obtaining medical information which is beyond the control of both the applicant and the department, when said information is essential to a determination of eligibility, shall not be the basis for denial of financial assistance.

~~((+))~~ (3) Withdrawal, that is,

~~((+))~~ (a) Applicant during or following interview with ~~((ESSO))~~ CSO staff voluntarily requests no further consideration be given to his application. Preferably the applicant should write "withdrawn" on the application form and sign his name. If the applicant verbally requests withdrawal a notation shall be made on the application form and in the case record that the application has been withdrawn at applicant's request;

and that a notice has been sent to the applicant confirming his notification to the agency that he does not desire to continue his application.

((~~(ii)~~)) (b) Applicant for medical assistance fails to file a written application on forms prescribed by the department.

((~~(iii)~~)) (c) Applicant fails to report for scheduled interview;

((~~(iv)~~)) (d) Death occurred before determination of eligibility was completed.

WSR 81-12-046
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning public use of state park areas, including applicability of standard fees to volunteers in parks, amending WAC 352-32-285. This rule will be publicly reviewed at least every four years; that such agency will at 9:00 a.m., Thursday, July 16, 1981, in the Yakima City Hall Council Chamber, 129 North 2nd Street, Yakima, WA 98902, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, July 16, 1981, in the Yakima City Hall Council Chamber, 129 North 2nd Street, Yakima, WA 98902.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, July 15, 1981, and/or orally at 9:00 a.m., Thursday, July 16, 1981, Yakima City Hall Council Chamber, 129 North 2nd Street, Yakima, WA 98902.

Dated: June 3, 1981
By: D. W. Lowell
Rules Coordinator

STATEMENT OF PURPOSE

Title: Applicability of standard fees to volunteers in parks. The proposed amendatory section to chapter 352-32 WAC provides for individuals or groups to volunteer their services in state parks in exchange for free overnight camping.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary: The amendatory section authorizes volunteer groups and/or individuals to do work in state parks in exchange for free overnight camping. The service provided must continue for at least four hours per day; must not replace or supplement service which would otherwise be done by park staff

or contractor; must not result in any type development which will create future operating costs; and must not be service commonly performed by members of organized trade union. The rule will make it possible for citizens to participate in highly desirable preservation and enhancement of our natural resources and park areas. This rule was adopted with a sunset clause included as WAC 352-32-285, filed 5/1/78. The commission is now proposing that the sunset clause be removed. No other change is being proposed.

Agency Staff: Yvonne Ferrell, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane (KY-11), Olympia, Washington 98504, telephone number: Area Code 206-753-2010.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended statutory language is contained in the attached proposed amendatory section. The rule will be implemented and enforced by existing staff supplemented by seasonal employees.

Federal Law/Court Action: [No information supplied by agency]

AMENDATORY SECTION (Amending Order 39, 5/1/78)

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

- (1) The Park Manager has determined that the personal service is desirable;
- (2) at least four hours of service per day are performed for each campsite occupied;
- (3) the service performed does not replace or supplant that which would otherwise be performed by Parks employees or contractors;
- (4) the service performed is not one commonly performed by members of an organized trade union;
- (5) the service performed does not result in any type of development which will necessarily create future operating costs to the Commission.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160.

((This section shall expire as of the 30th day of September, 1981.))

WSR 81-12-047
PROPOSED RULES
INSURANCE COMMISSIONER
[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning minimum loss ratio and filing requirements for health care service contractors;

that such agency will at 10 a.m., Thursday, July 9, 1981, in the Insurance Commissioner's Office, State Modular Building, Airdustrial Park, Olympia,

Washington (Airdustrial Way and Armstrong Street S.W.), conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, July 17, 1981, in the Insurance Commissioner's Office, State Modular Building, Airdustrial Park, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.44.050, 48.44.040 and 48.44.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 14, 1981, (Mailing address: Insurance Building, AQ-21, Olympia, WA 98504), and/or orally at 10 a.m., Thursday, July 9, 1981, Insurance Commissioner's Office, State Modular Building, Airdustrial Park, Olympia, Washington.

Dated: June 3, 1981

By: Robert E. Johnson
Deputy Commissioner

STATEMENT OF PURPOSE

The proposed rules, WAC 284-44-100 through 284-44-220, will constitute a new regulation entitled: Minimum Loss Ratio and Filing Requirements for Health Care Service Contractors. The rules are promulgated under the authority of RCW 48.44-.050 to provide guidelines for the implementation of RCW 48.44.040 and 48.44.020(2)(d) as to the filing requirements of contract forms and rate schedules and the establishment of standards to determine whether benefits provided by a health care service contractor are reasonable in relation to the amount charged.

The rules are applicable to all health care service contractors registered under chapter 48.44 RCW and apply to all contract, rider and endorsement forms and rate schedules and modifications, thereof. The requirements to be met with respect to filings of rates and forms are set forth. The records to be maintained by the contractor and the basis of evaluating experience data are specified. Minimum required anticipated loss ratios are established. Forms to be used by health care service contractors are created for "standard" and "non-standard" contract filing information. WAC 284-44-060, which is the existing rule applicable to filing requirements, will be repealed as of the effective date of the new regulation.

The rules will result in more uniform filing of information with the commissioner and enable the office to evaluate charges made for health care service contractor benefits to ensure that such charges are not unreasonable.

The Insurance Commissioner's personnel responsible for drafting the proposed regulations are David Rodgers, Chief Deputy Commissioner (telephone number 206 753-

7302); A. G. Vande Wiele, Deputy Commissioner (telephone number 206 753-7381); and Storm Johnsen, Chief Actuary (telephone 206 753-7305); each of whom has his office in the Insurance Commissioner's Office, Modular Building, Airdustrial Park, Olympia, Washington. Implementation and enforcement of the regulation will also be the responsibility of these individuals.

The proponent of the regulation is the Office of the Insurance Commissioner.

It is anticipated that an effective date of October 1, 1981, will provide sufficient lead time for the health care service contractors to adjust their operations to meet the requirements of the regulation. Testimony will be received on this issue prior to final adoption.

The rules are not required by federal law or federal or state court action.

NEW SECTION

WAC 284-44-100 AUTHORITY AND PURPOSE. This regulation, WAC 284-44-100 through WAC 284-44-220, is promulgated under the authority of RCW 48.44.050. Its purpose is to

(1) Provide guidelines for the implementation of RCW 48.44.040 and RCW 48.44.020(2)(d) as to the filing of contract forms and rate schedules, and

(2) Establish standards for the reasonableness of anticipated loss ratios to implement the authority of the commissioner to disapprove contract forms where the benefits provided are unreasonable in relation to the amount charged.

NEW SECTION

WAC 284-44-110 APPLICABILITY AND SCOPE. This regulation applies to all health care service contractors registered in this state under chapter 48.44 RCW. It applies to every contract, rider and endorsement form and every rate schedule, and any modification or change thereof, which is required to be filed with the commissioner pursuant to RCW 48.44.040 and RCW 48.44.020(2). It does not apply to health maintenance organizations registered in this state under chapter 48.46 RCW.

NEW SECTION

WAC 284-44-120 DEFINITIONS. For the purpose of this regulation the following terms shall have the meaning stated herein:

(1) "Amount charged" shall mean all sums charged, received, or deposited as consideration for a "contract" or "group contract" or the continuance thereof. An assessment or a membership, contract, survey, inspection, service or similar fee or charge made by the health care service contractor in consideration for a "contract" or "group contract" is deemed part of the "amount charged."

(2) "Certificate" shall mean the statement of coverage document furnished subscribers covered under a "group contract."

(3) "Claim" shall mean the cost of health care services paid to or provided on behalf of a "subscriber" in accordance with the terms of a "contract" or "group contract."

(4) "Contract" shall mean an agreement to provide health care services or pay health care costs for or on behalf of an individual "subscriber" and such eligible dependents as may be included therein.

(5) "Contract form" shall mean the prototype of a "contract" or "group contract" filed with the commissioner by a health care service contractor.

(6) "Earned amount charged" shall mean the "amounts charged" applicable to an accounting period whether received before, during or after such period.

(7) "Expenses" shall mean and include, but not be limited to the following:

(a) Claims processing costs

- (b) Home office and field overhead
- (c) Acquisition and selling costs
- (d) Taxes
- (e) Contribution to surplus
- (f) All other costs except "claim" payments to or on behalf of the "subscriber."

(8) "Franchise plan" shall have the meaning set forth in RCW 48.20.350.

(9) "Group contract" shall mean an agreement issued to an employer, corporation, labor union, association, trust or other organization to provide health care services to employees or members of such entities and/or the dependents of such employees or members.

(10) "Incurred claims" shall mean:

- (a) "claims" paid during the accounting period, plus
- (b) the changes in reserves for "claims" which have been reported but not paid; plus
- (c) the change in reserves for "claims" which have not been reported but which may reasonably be expected.

(11) "Loss ratio" shall mean the "incurred claims" stated as a percentage of the "earned amount charged."

(12) "Rate schedule" shall mean the schedule of prices for various units of coverage which are used to calculate the "amount charged."

(13) "Subscriber" shall mean a person on whose behalf a "contract" or "certificate" is issued.

NEW SECTION

WAC 284-44-130 WHEN FILING IS REQUIRED. (1) Pursuant to RCW 48.44.040 and RCW 48.44.020(2)(d), every contract, rider or endorsement form and any modifications thereof, and every rate schedule and any change thereof shall be filed with the commissioner

- (a) before being offered for sale to the public,
- (b) before such forms are modified or rate schedules are changed, and
- (c) within thirty (30) days after the end of a three-year period during which a previous filing has remained unchanged for such period, including filings made prior to the effective date of this regulation.

(2) Filings of negotiated contract, rider and endorsement forms, and rate schedules applicable thereto, which are placed into effect at time of negotiation or which have retroactive effective date shall not be required to be filed in accordance with (1)(a), (b) and (c) of this section but shall be filed within fifteen (15) working days after negotiations have been completed. An explanation for the delayed filing shall be given on the filing document set forth in WAC 284-44-220.

(3) If a return copy of the filing is desired it shall be submitted in duplicate. The duplicate copy will be stamped by the commissioner to indicate receipt of the filing and will be returned to the sender if a return self addressed envelope is enclosed with the filing.

NEW SECTION

WAC 284-44-140 GENERAL CONTENTS OF ALL FILINGS. Each filing required to be made pursuant to WAC 284-44-130 shall include:

(1) The information required on the filing documents set forth in WAC 284-44-210 for non-negotiated forms and rate schedules or set forth in WAC 284-44-220 for negotiated forms and rate schedules,

(2) The anticipated loss ratio over the lesser of three years or the period for which the underlying assumptions are expected to remain reasonable,

(3) With respect to revisions of a previously filed contract, rider or endorsement form, the magnitude of any change in the amount charged during the latest three rate periods or the latest three contract years, whichever is greater, and

(4) Certification by an actuary, a corporate officer or other qualified designated individual that the filing is in compliance with the applicable laws and regulations of the state of Washington and that the benefits and services to be provided are reasonable in relation to the amount charged.

NEW SECTION

WAC 284-44-150 EXPERIENCE RECORDS. (1) Every health care service contractor shall maintain for each contract, rider or endorsement form for each rating period or contract year records of:

- (a) incurred claims,

(b) earned amounts charged,

(c) expenses, and

(d) contributions to the corporate reserve account.

(2) Such records shall include data for rider and endorsement forms which are used with the contract forms. Separate data may be maintained for each rider or endorsement form to the extent appropriate. Experience under contract forms which provide substantially similar coverage may be combined for record keeping purposes.

NEW SECTION

WAC 284-44-160 EVALUATING EXPERIENCE DATA. In determining the credibility and appropriateness of experience data, due consideration must be given to all relevant factors, including:

(1) Statistical credibility of amounts charged and services and benefits paid, such as low exposure, low loss frequency and recoupment;

(2) Experienced and projected trends relative to changes in medical costs and changes in utilization;

(3) The concentration of experience at early contract durations where selection or adverse-selection in morbidity are applicable and where loss ratios are expected to be substantially different at later durations;

(4) The mix of business by risk classification; and

(5) Adverse selection or lapse factors reasonably expected in connection with revisions to contract provisions, services and benefits and amounts charged.

NEW SECTION

WAC 284-44-170 MINIMUM REQUIRED ANTICIPATED LOSS RATIO. (1) Benefits shall be deemed reasonable in relation to amount charged provided the anticipated loss ratio is at least

(a) 65% for individual subscriber contract forms,

(b) 70% for "franchise plan" contract forms, and

(c) 80% for group contract forms.

(2) With the approval of the commissioner contract, rider and endorsement forms which provide substantially similar coverage may be combined for the purpose of determining the anticipated loss ratio.

NEW SECTION

WAC 284-44-180 CONTRACT FORMS EXCLUDED FROM MINIMUM LOSS RATIO REQUIREMENTS. Minimum loss ratio requirements of WAC 284-44-170 shall not apply to:

(1) contract, rider and endorsement forms which may be exempted by the commissioner pursuant to WAC 284-44-190.

(2) Medicare Supplemental contract forms.

NEW SECTION

WAC 284-44-190 UNIQUE CONTRACT FORMS. The requirements of WAC 284-44-140 and of WAC 284-44-170 may be waived or modified upon a finding by the commissioner that a contract, rider or endorsement form contains or involves unique provisions or circumstances such as:

(1) Negotiated, experience rated or merit rated contract, rider or endorsement forms;

(2) Unusual employment, geographic, or other circumstances of the subscribers entailing high acquisition costs or other unusual expenses;

(3) A high risk of claim fluctuation because of the low loss frequency or the catastrophic or experimental nature of the coverage;

(4) Unusual product features such as long elimination periods, high deductibles and high maximum limits or

(5) Issuance on a basis where the benefits provided and amount charged are determined by an affiliated health care service contractor outside of this state as to which the health care service contractor does not have direct control of the services and benefits offered and the amount charged for such contract form.

NEW SECTION

WAC 284-44-200 EFFECTIVE DATE. This regulation shall become effective on October 1, 1981.

NEW SECTION

WAC 284-44-210 "FILING DOCUMENT" FORM

STANDARD CONTRACT FILING INFORMATION

(Company Name):

Contract Number

Effective Date Date Submitted

- ... Individual Contract
- ... Medicare Supplement Contract
- ... Community Rated Contract
- ... Conversion Contract
- ... New Contract (attach contract)
- ... No Change in Contract Past 3 Years

If this is a Revision of an Existing Contract, check here (...) and attach appropriate endorsements/riders.

- a) ... Experience Rate Change%
- b)... Recoupment%
- c) ... Benefit Change(s)%
- d)... Reserves%

#####

Current Rates

Experience Rate Change

Recoupment

Reserves

Benefit Change(s)

Total New Rates

#####

EXPERIENCE (Provide information for the latest three rate periods or latest three contract years, whichever is greater.)

	Current Rate Period	Prior Rate Period	Prior Rate Period
Rate Period			
Experience	From to	From to	From to
Earned Income			
Paid Claims			
Beginning Incurred Reserve			
Ending Incurred Reserve			

Incurred
Claims

Loss Ratio
Percentage

Expenses

Gain/Loss

Contribution
to Corporate
Surplus

GENERAL INFORMATION:

- 1.% of premium is charged for administering this contract.
- 2. a)% is the overall annual trend factor used to project the new rates.
b) Annual trend factor by line of service:
Hospital% Professionals% Dental% Other:%

3. Rate Period Claim Breakdown:

Hospital	% of total	Professional	% of total	Dental	% of total	Other	% of total
\$.....	\$.....	\$.....	\$.....

- 4. months experience was used to develop the new rates.
From to
- 5. For what period are the new rates anticipated to remain in effect?
From to
- 6. The anticipated loss ratio over the period the new rates are assumed to remain adequate is%.
- 7. List the effective date and increase percentage of all rate changes in the past three rate periods.
1) 2) 3)
(date) % (date) % (date) %
- 8. Comments or additional information

.....

9. I hereby certify that this filing is in compliance with applicable laws and regulations of the state of Washington and that the benefits and services to be provided are reasonable in relation to the amount charged.

Signed
 Title

NEW SECTION

WAC 284-44-220 "FILING DOCUMENT" FORM

NON-STANDARD CONTRACT FILING INFORMATION

(Company Name):

Effective Date of Contract

Effective Date (of change) Date Submitted

Contract Number Form Number

... New Contract (attach contract)

... Revision of Existing Contract (attach appropriate endorsements/riders)

a)... Experience Rate Change% b)... Recoupment%

c)... Benefit Change(s)% d)... Reserves%

#####

Current Rates

Experience Rate Change

Recoupment

Reserves

Benefit Change(s)

Total New Rates

EXPERIENCE (Provide information for the latest three rate periods or latest three contract years, whichever is greater.)

	Current Rate Period	Prior Rate Period	Prior Rate Period
Rate Period			
Experience	From to	From to	From to

Earned Income

Paid Claims

Beginning
Incurred
Reserve

Ending
Incurred
Reserve

Incurred
Claims

Loss Ratio
Percentage

Expenses

Gain/Loss

Held for
Experience
Refund

Contribution
to Corporate
Surplus

#####

Comments or additional information:

.....
.....
.....
.....

I hereby certify that this filing is in compliance with applicable laws and regulations of the state of Washington and that the benefits and services to be provided are reasonable in relation to the amount charged.

Signed

Title

REPEALER

The following section of the Washington Administrative Code is repealed, effective October 1, 1981:

WAC 284-44-060 MINIMUM FILING REQUIREMENTS.

WSR 81-12-048
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 232-28-104 1981 Upland migratory game bird seasons.
New WAC 232-28-504 1981-82 Trapping seasons and regulations.
New WAC 232-28-60304 Modification of 1981 "selective fishery (catch and release) waters" regulations for the Wind River System, Skamania County, Washington, beginning August 17, 1981.
New WAC 232-28-60305 Mt. St. Helens' area fishing closure effective July 20, 1981.
New WAC 232-28-60306 Modification of regulation pertaining to possession of game fish other than trout in trout management waters.
New WAC 232-28-20401 Incisor tooth requirement.
Amd WAC 232-12-001 Definition of terms.
Amd WAC 232-12-047 Unlawful firearms for hunting.
Amd WAC 232-12-141 Wild animal trapping.
Amd WAC 232-16-400 Stratford Game Reserve.
Rep WAC 232-28-103 1980 Upland migratory game bird seasons.
Rep WAC 232-28-503 1980-81 Trapping seasons and regulations.
Rep WAC 232-16-365 Spokane River Game Reserve;

that such agency will at 9:00 a.m., Friday, July 10, 1981, in the Quay Inn at the Thunderbird Motor Inn, Ft. Columbia Street, Vancouver, WA 98660, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 10, 1981, in the Quay Inn at the Thunderbird Motor Inn, Ft. Columbia Street, Vancouver, WA 98660.

The authority under which these rules are proposed is RCW 77.12.040, 77.12.200 and 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1981, and/or orally at 9:00 a.m., Friday, July 10, 1981, the Quay Inn at the Thunderbird Motor Inn, Ft. Columbia Street, Vancouver, WA 98660.

Dated: June 3, 1981
By: Wallace F. Kramer
Chief, Wildlife Enforcement

STATEMENT OF PURPOSE

Title: Amendatory Section WAC 232-12-001 Definition of terms.
Statutory Authority: RCW 77.12.040.

Summary: Adds the definition for handgun as follows: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

Reasons in Support of Rule: For use in the legalizing of taking big game species by use of handguns.

Agency Personnel Responsible for the Drafting, Implementation and Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

- No Federal Law
No Federal Court Action
No State Court Action

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-001 DEFINITION OF TERMS. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless the context clearly requires otherwise:

(1) Snagging, gaffing, or spearing means: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices.

(2) A valid tag or permit means: A tag or permit that was issued to the bearer for the current season by the commission and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(3) Hook means: One single, double, or treble hook.

(4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.

(5) Falconry means: Possession, control, or use of a raptor for the purpose of hunting and free flight training.

(6) Hunting or fishing contests mean: Hunting for wild animals or wild birds or fishing for game fish under a competitive arrangement that offers a prize. The assignment of an ornamental or symbolic award shall not be considered a prize.

(7) Anadromous game fish means:

- (a) Steelhead Trout, Salmo gairdnerii
(b) Searun cutthroat, Salmo clarkii
(c) Searun Dolly Varden, Salvelinus malma

(8) Handgun means: Any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

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.

STATEMENT OF PURPOSE

Title: Amendatory Section WAC 232-12-047 Unlawful firearms for hunting.

Statutory Authority: RCW 77.12.040.

Summary: Deletes "pistol or revolver" and adds "handgun" with provisions specifying type of handgun for hunting deer, bear or cougar.

Reasons in Support of Rule: For use in the legalizing of taking big game species by use of handguns.

Agency Personnel Responsible For Drafting, Implementation and Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

- No Federal Law
No Federal Court Action
No State Court Action

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-047 UNLAWFUL FIREARMS FOR HUNTING. (1) It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
 - (b) ~~((A pistol or revolver.))~~ A handgun, except deer, bear, or cougar may be hunted with a handgun that:
 - (i) has a minimum barrel length of 4 inches
 - (ii) is a .24 caliber (6mm) or larger
 - (iii) uses only lead slugs or jacketed soft-nosed bullets or 120 grain or larger bullet weight
 - (iv) uses only cartridges with a minimum case length of 1 1/4 inches.
 - (c) A rifle with a bore diameter less than .240 of an inch (6mm) and a barrel length less than 18 inches.
 - (d) A cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds.
 - (e) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.
 - (f) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear.
 - (g) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.
- (2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.
- (3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.
- (4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.
- (5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.
- (6) It is unlawful to hunt wildlife with a crossbow.

STATEMENT OF PURPOSE

Title: Amendatory Section WAC 232-12-141 Wild Animal Trapping.
 Statutory Authority: RCW 77.12.040.
 Summary: Changes the time allowance for checking traps and devices and removal of animals from seventy-two to forty-eight hours.
 Reasons in Support of Rule: To use a more humane approach to trapping.
 Agency Personnel Responsible for the Drafting, Implementation and Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.
 Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.
 Agency Comments or Recommendations: No comment.
 Is Rule Required By:

<u>No</u>	Federal Law
<u>No</u>	Federal Court Action
<u>No</u>	State Court Action

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-141 WILD ANIMAL TRAPPING. It is unlawful to trap for wild animals:

- (1) With a steel trap having a jaw spread exceeding seven and one-half inches, except that an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.
- (2) With a No. 3 size or larger steel trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal.
- (3) Unless traps or devices are checked and animals removed within ~~((seventy-two))~~ forty-eight hours.

STATEMENT OF PURPOSE

Title: Amendatory Section WAC 232-16-400 Stratford Game Reserve.
 Statutory Authority: RCW 77.12.040, 77.12.200 and 77.12.210.

Summary: In 1977, a boundary change was adopted to alleviate potential crop damage (winter wheat) and the game reserve was reduced. The problem has continued especially on those lands within the game reserve.

Reasons in Support of Rule: The change in the boundary of the Stratford Game Reserve is to eliminate damage complaints. The amount of "goose herding" required to solve the problem has been a tremendous drain on the manpower and budget of the department.

Agency Personnel Responsible For:
 Drafting: C. Fred Martinsen, Small Game Management Program Manager, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2869.

Implementation: Richard J. Poelker, Divisional Administrator - Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2921.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: Excluding the remaining private lands on the west side of the Stratford Game Reserve would allow hunting and thereby release the potential damage problems. The reduction will not substantially affect the wintering patterns of the geese.

Is Rule Required By:

<u>No</u>	Federal Law
<u>No</u>	Federal Court Action
<u>No</u>	State Court Action

AMENDATORY SECTION (Amending Order 105, filed 9/7/77)

WAC 232-16-400 STRATFORD GAME RESERVE. Stratford Game Reserve shall include the following described lands in Grant County: In Twp. 22N, R. 28 EWM; Sec. 1 north of the Great Northern Railroad right-of-way; Sec. 2 north of the Great Northern Railroad right-of-way and state highway No. 28((:)) EXCEPT that portion in the northwest corner north of the gravel road that parallels the main canal; and that part of Section 3 lying north of the main canal and east of a line running north and south located 100 yards west of the Washington Water Power transmission line((:));

In Twp. 23 N, R. 28 EWM; all of Sections 11, 13, 14, ~~((23;))~~ 24, and 25((:)); ~~((26- and 35;))~~ the south half of Sections 12, 10 and 9 EXCEPT the north 300 feet of the S.1/2 of 9 and 10; Section 35 east and north-south lying gravel road and south of cultivated lands; Sec. 36 EXCEPT the east 500 feet; and those parts of Sections 15, 22, 27 and 34 lying east of a line running north and south located 100 yards west of the Washington Water Power transmission line except that portion in the north half of Section 15, and also those portions of the north half of Sections 15 and 16 lying north of the cultivated lands; and in addition the north 500 feet of the NW 1/4 of SW 1/4 of Sec. 19, Twp. 23 N, R. 29 EWM.

STATEMENT OF PURPOSE

Title: Repealed WAC 232-28-103 1980 Upland Migratory Bird Seasons, WAC 232-28-503 1980-81 Trapping Seasons and Regulations. WAC 232-16-365 Spokane River Game Reserve.
 Statutory Authority: RCW 77.12.040, 77.12.200 and 77.12.210.
 Summary: All rules and regulations of the above 1980 seasons will no longer be necessary upon adoption of the 1981 season rules and regulations.
 Reasons in Support of Rule: The Spokane River Game Reserve no longer functions as a waterfowl holding area as it was originally designed for.
 Agency Personnel Responsible for:
 Drafting: C. Fred Martinsen and Mike Thorniley, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5728.

Implementation: Richard J. Poelker, Divisional Administrator, Wildlife Management Division, Department of Game, 600 N. Capitol Way, Olympia, WA 98504, Telephone: 206-753-2921.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

- No Federal Law
No Federal Court Action
No State Court Action

Summary: Seasons and bag limits will be established as outlined on the attached sheet. Dates and limits will change depending upon calendar and regional recommendations.

Reasons in Support of Rule: To properly manage the wildlife resource.

Agency Personnel Responsible For:

Drafting: C. F. Martinsen, Small Game Program Manager, Wildlife Management Division, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2869.

Implementation: Richard J. Poelker, Divisional Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2921.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

- No Federal Law
No Federal Court Action
No State Court Action

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-103 1980 UPLAND MIGRATORY GAME BIRD SEASONS
WAC 232-28-503 1980-81 TRAPPING SEASONS AND REGULATIONS
WAC 232-16-365 SPOKANE RIVER GAME RESERVE

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-104 1981 Upland Migratory Game Bird Seasons.
Statutory Authority: RCW 77.12.040.

NEW SECTION

WAC 232-28-104 1981 UPLAND MIGRATORY GAME BIRD SEASONS
1981 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)

Table with columns: DATES INCLUSIVE, Eastern Washington (From A.M., To P.M.), Western Washington (From A.M., To P.M.). Rows show dates from Mon. Sep. 1 to Mon. Sep. 27 with corresponding shooting hours.

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-20401 Incisor Tooth Requirement.
Statutory Authority: RCW 77.12.040.

Summary: Selected permit holders who bag an animal under a controlled hunt permit must submit a middle incisor tooth (including its root) to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, in the self-addressed envelope provided with the permit.

Reasons in Support of Rule: The teeth will be sectioned and age determination made. This information will be used to develop unit management objectives.

Agency Personnel Responsible for:

Drafting: Garry Garrison, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-3050.

Implementation: Richard J. Poelker, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: None.

Is Rule Required By:

- No Federal Law
No Federal Court Action
No State Court Action

NEW SECTION

WAC 232-28-20401 INCISOR TOOTH REQUIREMENT. Selected permit holders who bag an animal under a controlled hunt permit must submit a middle incisor tooth (including its root) to the Department of Game, 600 N. Capitol Way, Olympia, Washington, 98504 in the self-addressed envelope provided with the permit.

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-504 1981-82 Trapping Seasons and Regulations.

Statutory Authority: RCW 77.12.040.

Summary: Establishes annual harvest for furbearing animals, and hunting season dates and limits for fox.

Reasons in Support of Rule: Reclassification of the fox to game animal status has made it necessary to establish a season for taking. Allows for orderly resource management.

Agency Personnel Responsible for:

Drafting: Mike Thorniley, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2084.

Implementation: Richard J. Poelker, Chief, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2921.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: None.

Is Rule Required By:

- No Federal Law
- No Federal Court Action
- No State Court Action

NEW SECTION

WAC 232-28-504 1981-1982 TRAPPING SEASONS AND REGULATIONS.

Reviser's Note: The text comprising the 1981-1982 Trapping Seasons and Regulations Rules proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the proposed rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington, 98504, and upon final adoption are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

Note: Hunting Season for Fox (to be included with WAC 232-28-504.)

Season: Year around

Area: Statewide, except within the exterior boundary of the Mt. Baker, Okanogan, Wenatchee, Snoqualmie, and Gifford Pinchot National Forests.

Limit: No limit

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-60304 Modification of 1981 "selective fishery (catch and release) waters" regulations for the Wind River system, Skamania County, Washington beginning August 17, 1981.

Statutory Authority: RCW 77.12.040.

Summary: Notwithstanding the provisions of WAC 232-28-603, Selective Fishery (Catch and Release) Waters regulations are rescinded from all tributaries of the Wind River Except Trout and Panther Creeks. (For additional summary, please see attachment)

Reasons in Support of Rule: To allow increased harvest and recreation on stocks of game fish in the Wind River system.

Agency Personnel Responsible For Drafting and Implementation: Jack D. Ayerst, Divisional Administrator, Fisheries Management Division, Department of Game,

600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2934.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comments.

Is Rule Required By:

- No Federal Law
- No Federal Court Action
- No State Court Action

NEW SECTION

WAC 232-28-60304 MODIFICATION OF 1981 "SELECTIVE FISHERY (CATCH AND RELEASE) WATERS" REGULATIONS FOR THE WIND RIVER SYSTEM, SKAMANIA COUNTY, WASHINGTON BEGINNING AUGUST 17, 1981. Notwithstanding the provisions of WAC 232-28-603, Selective Fishery (Catch and Release) Waters regulations are rescinded from all tributaries of the Wind River except Trout and Panther Creeks. Selective Fishery (Catch and Release) Waters regulations apply only to the Wind River from 100 feet above Shipherds Falls ladder to source including Trout and Panther Creeks. The daily catch limit on the Wind River, Trout and Panther Creeks is two trout over ten inches in length, no more than one of which may exceed 20 inches in length. Anglers using any form of bait including artificial fish eggs must keep the first two legal size in length. Catch and release fishing is allowed only if all special regulations listed for Selective Fishery Waters are followed.

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-60305 Mt. St. Helens' Area Fishing Closure Effective July 20, 1981.

Statutory Authority: RCW 77.12.040.

Summary: Notwithstanding the provisions of WAC 232-28-603, it shall be unlawful for any person to take, fish for, or possess any game fish in the Mt. St. Helens' area.

Reasons in Support of Rule: This closure is necessary for public safety.

Agency Personnel Responsible for Drafting and Implementation: Jack D. Ayerst, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2934.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

- No Federal Law
- No Federal Court Action
- No State Court Action

NEW SECTION

WAC 232-28-60305 MT. ST. HELENS' AREA FISHING CLOSURE EFFECTIVE JULY 20, 1981. Notwithstanding the provisions of WAC 232-28-603, it shall be unlawful for any person to take fish for, or possess any game fish in the Mt. St. Helens' area, described as follows:

From the intersection of township 11 north, range 2 east (southwest corner of section 31) just north of Kid Valley, Cowlitz county go east to the northwest corner of section 5, township 10 north, range 2 east; then south along section line to southwest corner of section 8, township 10 north, range 2 east; then west to west boundary of range 2 east; then south along west boundary of range 2 east to township 7 north, range 2 east, Kalama River road (Weyerhaeuser 6000 Line); follow road east southeast to Arnold Creek Junction; then southeast along Arnold Creek to south end of section 32, township 7 north, range 2 east; then east along south boundary of township 7 north to the south one-fourth corner of section 33, township 7 north, range 4 east; then north to the north one-fourth corner of section 33; then east to the southeast section corner of section 28, township 7 north, range 4 east; then north to the west one-fourth corner of section 27; then east to the

east one-fourth corner of section 27; then north to the north one-sixteenth corner on the east section line of section 27; then east to the Skamania/Cowlitz county line; then south along Skamania/Cowlitz county line to the high water line of the north shore of the Lewis River; thence northwesterly along said high water line to the high water line of Yale Reservoir; thence westerly along said high water line to Cougar Creek; thence south to the southerly high water line of Yale Reservoir; thence northeasterly along said high water line to the south high water line of the Lewis River; thence easterly along the high water line of the Lewis River to Swift Reservoir Dam; then easterly along south high water line of Swift Reservoir to the center of section 35, township 7 north, range 6 east; then northeast to N90, southwest corner of section 25, township 7 north, range 6 east; then easterly northeast along the south side of road N90 to its intersection with Forest Service road N836; then north across N90; then northeast, north along the north side of N90 to N863; then easterly along the north side of road N90 to Quartz Creek (section 18, township 8 north, range 8 east); then northeasterly (upstream) along Quartz Creek to its confluence with Straight Creek (section 8, township 8 north, range 8 east); then northerly (upstream) along Straight Creek to Minor Tributary's confluence (northwest 1/4, section 20, township 9 north, range 8 east); then northwesterly (upstream) along the Tributary to Forest Service Trail 3; then northerly along trail 3 to boundary trail 1; then westerly along boundary trail to the southwest corner section 33, township 10 north, range 7 east; then north along the section line to Forest Service road 119; then westerly along road 119 to Forest Service road 125 intersection; then southerly along road 125 to its intersection with Forest Service road 115; then along road 115 to the northeast corner section 23, township 11 north, range 6 east; then westerly to the northwest corner section 19, township 11 north, range 5 east, Wakeawasis Creek area; then north to northeast corner of section 13, township 11 north, range 4 east; then west to the northwest corner of section 18, township 11 north, range 3 east; then south to the northwest corner of section 19, township 11 north, range 3 east; then west to the northwest corner of section 19, township 11 north, range 2 east; then south to the intersection of township 11 north, range 2 east, just north of Kid Valley (starting point).

This regulation shall become effective July 20, 1981.

STATEMENT OF PURPOSE

Title: New Section WAC 232-28-60306 Modification of regulations pertaining to possession of game fish other than trout in trout management waters.

Statutory Authority: RCW 77.12.040.

Summary: Notwithstanding the provisions of WAC 232-28-603, it shall be lawful for any person to possess non-salmonid species for the balance of the 1981 fishing season on the following trout-only waters: Quail Lake (Adams County), Wapato Lake (Chelan County), Alice Lake (King County), Mission Lake (Kitsap County), Aeneas Lake (Okanogan County), Silver and Loma Lakes (Snohomish County), and Amber Lake (Spokane County).
Reasons in Support of Rule: Necessary for maximum harvest.

Agency personnel Responsible for:

Drafting: Jim DeShazo, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-2895.

Implementation: Jack D. Ayerst, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 206-753-2934.

Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comment.

Is Rule Required By:

No Federal Law
No Federal Court Action
No State Court Action

NEW SECTION

WAC 232-28-60306 MODIFICATION OF REGULATION PERTAINING TO POSSESSION OF GAME FISH OTHER THAN TROUT IN TROUT MANAGEMENT WATERS. Notwithstanding the provisions of WAC 232-28-603, it shall be lawful for any person to possess non-salmonid species for the balance of the 1981 fishing season on the following trout-only waters: Quail Lake (Adams County), Wapato Lake (Chelan County), Alice Lake (King County), Mission Lake (Kitsap County), Aeneas Lake (Okanogan County), Silver and Loma Lakes (Snohomish County), and Amber Lake (Spokane County).

WSR 81-12-049

ADOPTED RULES

OCEANOGRAPHIC COMMISSION

[Order 1-81—Filed June 3, 1981]

Be it resolved by the Oceanographic Commission of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to WAC 342-10-180, Oceanographic Commission—Duties of office and WAC 342-10-240, Term of vacancies of institute trustees.

This action is taken pursuant to Notice No. WSR 81-09-074 filed with the Code Reviser on April 22, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Oceanographic Commission of Washington as authorized in RCW 43.94.040.

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 28, 1981.

By B. G. Ledbetter
Executive Secretary

AMENDATORY SECTION (Amending Order 1-76, filed 4/22/76)

WAC 342-10-180 OCEANOGRAPHIC COMMISSION - DUTIES OF OFFICE. (1) The chairman shall:

(a) Preside at all public meetings and executive sessions of the Commission, and at all meetings of the executive committee;

(b) Endorse all resolutions, contracts and instruments on behalf of the Commission as authorized by the Commission, except where such power is delegated by these rules to the executive secretary;

~~((c) Appoint an ad hoc nominating committee of not less than three commissioners to solicit, accept, and make nominations to fill vacancies which exist in the Oceanographic Institute of Washington's ("Institute" herein) Board of Trustees when it is the Commission's desire to do so in compliance with RCW 43.94.050;))~~

~~((d))~~ (c) Perform all such other duties as are incident to his or her office or as are properly required of him or her by the Commission.

(2) The vice-chairman shall:

(a) Exercise all of the functions of the chairman during the absence or disability of the chairman;

(b) Have such powers and discharge such duties as may be assigned to him or her from time to time by the Commission.

(3) The executive committee shall:

(a) Take emergency administrative action in the name of the Commission when time precludes deliberations by the Commission in full assembly;

(b) Interview and recommend to the Commission appointments of personnel to the permanent staff of the Commission;

(c) Approve all out-of-state travel and that travel requiring the extended absence of any member of the Commission and its staff;

(d) Schedule Commission meetings;

(e) Perform such other and further duties as are properly required of them by the Commission.

(4) The executive secretary, as chief executive officer of the Commission, and with the Commission's approval, shall:

(a) Employ such persons and incur such expenditures as are necessary for the accomplishment of the purposes for which the Commission has been formed;

(b) Ensure an accurate record of all meetings be maintained in the form of meeting minutes, and maintain a record of all motions and resolutions adopted by the Commission which may be so recorded in the form of meeting minutes;

(c) Supervise the maintenance and safekeeping of the Commission's books and records;

(d) Publish, at the discretion of the executive committee, all notices of meetings to be held and prepare an agenda for each such meeting, subject to the approval of the Commission chairman;

(e) Perform such other and further duties as are incident to his or her office and as are properly required of him by the Commission and its executive committee.

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

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 1-76, filed 4/22/76)

WAC 342-10-240 OCEANOGRAPHIC INSTITUTE OF WASHINGTON - TERM OF VACANCIES OF INSTITUTE TRUSTEES (1) the term for each trustee's office shall be for four years, expiring on January 15 and until his or her successor shall have been elected.

(2) An office of Trustee shall be filled when any nominee for that position receives a majority vote of the quorum in his or her favor by the ~~((Commission members))~~ Board of Trustees.

(3) Election to such position shall be for the unexpired term of his or her predecessor in office or for the next full term associated with that position, as appropriate.

(4) Any Trustee then holding a position for which the term of office has expired must declare whether he or she is a candidate for re-election to that position.

~~((5) When a vacancy occurs on the Board of Trustees, the Institute shall so notify the Commission.))~~

~~((6) When it is the Commission's desire to fill such a vacancy, it shall follow the nominating procedure set forth in WAC 342-10-180(1)(c).))~~

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 81-12-050 EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 81-36—Filed June 3, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, 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 spawning escapement has been achieved and salmon present are available for harvest.

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

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

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

APPROVED AND ADOPTED June 3, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-50500E (LITTLE) WHITE SALMON ON RIVER (DRANO LAKE). Notwithstanding the provisions of WAC 220-57-505, effective immediately through June 30, 1981, it is lawful to take, fish for or possess salmon for personal use in that portion of the (Little) White Salmon River (Drano Lake) downstream from markers on the point of land downstream and across from the federal salmon hatchery to the Burlington Northern Railroad Bridge. BAG LIMIT: A.

NEW SECTION

WAC 220-57-51500C WIND RIVER. (1) *Notwithstanding the provisions of WAC 220-57-515, effective immediately through June 30, 1981, it is lawful to take, fish for or possess salmon for personal use in that portion of the Wind River downstream from a point 400 feet below the Shippard Falls fish ladder to the Burlington Northern Railroad Bridge. BAG LIMIT: A.*

(2) *It is unlawful to use any hooks except barbless hooks while angling for salmon in the fly fishing area described in WAC 220-57-515.*

WSR 81-12-051

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 22.09 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the adopting of WAC 16-224-020 and 16-224-030 for the purpose of regulating outside storing of grain, and repealing WAC 16-224-001 Promulgation, 16-224-002 Promulgation and 16-224-003 Promulgation;

that such agency will at 10:00 a.m., Friday, July 10, 1981, in the Ridpath Hotel, West 515 Sprague, Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal or such rules will take place at 4:00 p.m., Friday, July 17, 1981, in the Director's office.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 10, 1981, and/or orally at 10:00 a.m., Friday, July 10, 1981, Ridpath Hotel, West 515 Sprague, Spokane, WA.

Dated: June 3, 1981

By: Michael Schwisow

Deputy Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted:

This rule pertains to regulating outside storing of grain.

Statutory Authority: Chapter 22.09 RCW.

New regulations for the storing of grain outside the warehouseman's permanent enclosed storage space.

Art G. Losey, 406 General Administration Building, Olympia, WA 98504, 753-5062

Elmer Gibbons, North 617 Fancher Road, Building 103D, Spokane, WA 99211, 456-2738

Proponents: Pacific Northwest Grain and Feed Association, Washington State Department of Agriculture.

Opponents: Unknown.

No agency comments.

NEW SECTION

WAC 16-224-020 DEFINITION. "Permanent enclosed storage space" means a structure that has a foundation and both rigid walls and roof.

NEW SECTION

WAC 16-224-030 OUTSIDE STORAGE. The department of agriculture will allow the storing of grain outside the warehouseman's permanent enclosed storage space under the following conditions: (1) When the warehouseman has no permanent enclosed storage space available.

(2) Outside storage must be on ground properly landscaped to provide adequate drainage and must be approved by the department prior to its use.

(3) Stockpiles created by a licensed warehouseman at a location not filled through his permanent enclosed storage facility will have a separate letter designation and license fee.

(4) For outside storage up to thirty-three and one-third percent of the warehouseman's permanent enclosed storage capacity, a net worth of twenty cents per bushel must be maintained in addition to the net worth requirements of WAC 16-212-130.

(5) A warehouseman may request the department of agriculture to approve his outside storage in excess of thirty-three and one-third percent of his permanent enclosed storage capacity and must maintain a net worth of thirty cents per bushel on this excess unless it contains adequate aeration and is covered with a covering approved by the department of agriculture: PROVIDED, That if the excess contains aeration and is covered with a covering approved by the department of agriculture the net worth requirement will be twenty cents per bushel.

(6) All outside storage must be properly crowned and removed from the sides of building no later than October 15 of the crop year.

(7) Violation of this regulation will be considered a violation of Title 22 RCW and may result in the suspension of the warehouseman's license.

REPEALER

The following sections of the Washington Administrative Code are repealed:

<u>WAC 16-224-001</u>	PROMULGATION
<u>WAC 16-224-002</u>	PROMULGATION
<u>WAC 16-224-003</u>	PROMULGATION

WSR 81-12-052

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed certification standards and fees, amending WAC 16-316-470, 472, 474, 484, 486, 570; adopting WAC 16-316-572, 16-316-701, 16-316-717, 16-316-719, 16-316-721, 16-316-723 and 16-316-724, amending WAC 16-316-715; and repealing WAC 16-316-476, 478, 482, 520, 530, 535, 540, 545, 550, 555, 560, 565, 690, 695, 700, 705, 710, 725, 726, 728, 900, 910, 915, 920, 925, 930, 935 and 940;

that such agency will at 1:00 p.m., Tuesday, July 7, 1981, in the Agricultural Services Center Conference Room, 2015 South 1st Street, Yakima, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal or such rules will take place at 4:00 p.m., Friday, July 10, 1981, in the Director's Office, 406 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 7, 1981, and/or orally at 1:00 p.m., Tuesday, July 7, 1981, Agricultural Services Center Conference Room, 2015 South 1st Street, Yakima.

Dated: June 3, 1981

By: Michael Schwisow
Deputy Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted:

This rule pertains to Application and Fees, Statutory Authority chapter 15.49 RCW. Amends regulations to increase certification fees for small grains, peas, lentils, sorghum and soybean seeds, and update tables.

Art G. Losey, 406 General Administration Building, Olympia, WA 98504, 753-5062.

Max Long, 2015 South 1st Street, Yakima, WA 98903, 575-2750.

Proponents: Washington State Crop Improvement Association.

Opponents: Unknown.

No agency comments.

AMENDATORY SECTION (Amending Order 1600, filed 4/30/79)

WAC 16-316-470 FIELD PEA, LENTIL, SOYBEAN, SORGHUM AND SMALL GRAINS SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the following specific standards constitute the standards of seed certification for field pea, lentil, soybean, sorghum, and small grains.

AMENDATORY SECTION (Amending Order 1693, filed 5/30/80)

WAC 16-316-472 ELIGIBLE ((VARIETY)) VARIETIES AND ELIGIBLE STOCK SEED.

((Kind	Variety
Field-Pea	Garfield, Latah, Maxi, Melrose-Austrian Winter, Paloma, Tracer))

(1) The eligibility of ((other)) varieties ((may)) shall be approved by the certifying agency.

((+)) (2) Foundation seed is eligible to produce registered seed or certified seed.

((2)) (3) Registered seed is eligible to produce certified seed.

((+)) (4) Certified seed is not eligible for recertification, except as provided in general seed certification standards.

((Field-Pea	Alaska
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Certified seed is eligible to produce certified seed:))

AMENDATORY SECTION (Amending Order 1563, filed 3/1/78)

WAC 16-316-474 APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains ((seed)).

(2) ((DUE DATE)) Due dates:

(a) Field pea - June 1

(b) Lentil - June 1

(c) Soybean - July 1

(d) Sorghum - July 15

(e) Small grains - June 1 for winter varieties;

July 1 for spring varieties.

((however, acceptable for service)) f. After due date, an application with late application fee may be accepted for service.

(3) ((FEES)) Fees:

(a) Application fee per variety per grower \$10.00

(b) Field inspection fee per acre ((-\$ 0.70))

\$ 1.10

(c) Late application fee \$10.00

(d) Reinspection fee \$20.00

minimum for each filed which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee ((-\$ 0.10))

\$ 0.13

per cwt. of clean seed sampled, which shall be charged to ((processing)) conditioning plant, or production fee \$ 0.13 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

(f) Sampling fee \$ 0.10

per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to ((processing)) conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

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 1458, filed 5/13/76)

WAC 16-316-484 MECHANICAL SAMPLING. Seed for certification must be sampled by automatic mechanical sampler installed by a ((processing)) conditioning plant and acceptable to the certifying agency, or alternatively must be sampled by a representative of the certifying agency and in which latter case the sampling fee shall be charged to the ((processing)) conditioning plant.

AMENDATORY SECTION (Amending Order 1492, filed 3/31/77)

WAC 16-316-486 CERTIFIED SEED SALE CERTIFICATE.

(1) A certified seed sale certificate must be executed for ((unprocessed)) seed pending final certification ((when moved from an approved processing plant)) whenever it is transshipped.

(2) A certified seed sale certificate or a copy of invoice available to certifying agency showing identification of certifying agency, variety, type and kind, certification class, pounds, field number and/or lot number, purchaser, vendor, and date must be executed for certified seed when in bulk.

AMENDATORY SECTION (Amending Order 1459, filed 5/13/76)

WAC 16-316-570 ((CLEANING)) LABELING((;)) AND SEALING OF CERTIFIED SEED OF SMALL GRAINS BY GROWER. The certifying agency may authorize a grower who has his own ((cleaning)) equipment and ((processes)) conditions ((only)) his own seed to ((clean;)) label and seal certified seed of small grains ((seed)).

NEW SECTION

WAC 16-316-572 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. The issuance by Washington State Crop Improvement Association, Inc., the certifying agency, of a certified seed label or certificate for a lot of seed affirms solely that such seed properly identified by a dealer has been subjected to the seed certification standards and procedures implemented by Washington State Crop Improvement Association, Inc., and that the Washington State Crop Improvement Association, Inc. has acted in accordance with those

standards and procedures established for seed certification. The issuance of a certified seed label or certificate for a lot of seed neither warrants that any other person or entity has acted in accordance with such standards and procedures, nor constitutes any other warranty, express or implied, with respect to yield, quality, incidence of off-types or other contaminating seeds, or tolerance to diseases, insects, or growing conditions, or any other characteristics of the seed.

Factor	Foundation	Registered	Certified
Off-types	(Max.) None	10	30
		plants	plants
		/acre	/acre
Barley, vetch, ca.	(Max.) None	10	30
		plants	plants
		/acre	/acre

NEW SECTION

WAC 16-316-701 DEFINITIONS OF TERMS FOR STANDARDS. (1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none', or 'no' or 'zero'" means none found as determined by established inspection procedures.

AMENDATORY SECTION (Amending Order 1696, filed 5/30/80)

WAC 16-316-715 MISCELLANEOUS FIELD AND SEED INSPECTION STANDARDS.

- (a)) (1) The field inspection will be made:
 - (a) For field pea - when ((the)) seedcrop is in full bloom;
 - (b) For lentil - when seedcrop is in full bloom;
 - (c) For soybean - when seedcrop is in full bloom and/or of mature color;
 - (d) For sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;
 - (e) For small grains - when seedcrop is fully headed and of mature color.
- ((b)) (2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards.
- (3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.
- (4) Germination minimum refers to germination when sampled.
- (5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

NEW SECTION

WAC 16-316-717 FIELD PEA STANDARDS. (1) Field pea - Land, Isolation, and Field Standards:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD	
			OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	3	None	None**
Registered	3*	3	10	None**
Certified	2*	3	20	5**

* Also required is minimum number of years the following crop kinds were out of production:

	NUMBER OF YEARS MINIMUM	
	Lentil	Austrian pea
Foundation	5	10
Registered	3	10
Certified	2	10

** Refers to vetch, except that no Austrian pea or rye is permitted.

(2) Field pea - Seed Standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	90.00
Registered	None	99.00	1.00	None	0.25**	90.00
Certified	1	99.00	1.00	3*	0.25**	90.00

* No Austrian pea or rye is permitted.

** Other tolerance for weed seed:

**OBJECTIONABLE WEED SEED
MAXIMUM**

Registered	1/lb
Certified	2/lb

NEW SECTION

WAC 16-316-719 LENTIL STANDARDS. (1) Lentil - Land, Isolation, and Field standards.

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD	
			OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	300*	None	None

CLASS	LAND	ISOLATION	OFF-TYPE	FIELD
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Registered	4	20*	10	10**
Certified	3	20*	30	30**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Lentil – Seed Standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00*	1.00*	None	None	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05***	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.

*** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

NEW SECTION

WAC 16-316-721 SOYBEAN STANDARDS. (1) Soybean – Land, Isolation, and Field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	OFF-TYPE	FIELD STANDARDS
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM %	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	3	0.10	—
Registered	1*	3	0.01	—
Certified	1*	3	0.20	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean – Seed Standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None	None	85.00
Registered	0.20	98.00	2.00	None	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

NEW SECTION

WAC 16-316-723 SORGHUM STANDARDS. (1) Sorghum – Land, Isolation and Field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS	
			OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None	—
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.
- *** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None	None	None
Registered	None	None	None
Certified	None	1 head/10,000	1 head/2,500

(2) Sorghum – Seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	97.00	3.00**	None	0.10	80.00
Registered	None	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

- * Or two seeds per pound.
- ** Where two percent or more is cracked.
- *** Or ten seeds per pound.

NEW SECTION

WAC 16-316-724 SMALL GRAINS STANDARDS. (1) Small grains (barley, oat, rye, triticale, wheat) – Land, Isolation, and Field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS	
			OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- * Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- ** Refers to distance from other small grain fields. In addition, each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.
- *** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – Seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

**OTHER SMALL GRAINS
MAXIMUM**

Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in barley and oat

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-476 LAND REQUIREMENTS
- (2) WAC 16-316-478 ISOLATION REQUIREMENTS
- (3) WAC 16-316-482 SEED STANDARDS
- (4) WAC 16-316-520 SMALL GRAIN SEED CERTIFICATION STANDARDS
- (5) WAC 16-316-530 APPLICATION AND FEES
- (6) WAC 16-316-535 LAND REQUIREMENTS
- (7) WAC 16-316-540 ISOLATION REQUIREMENTS
- (8) WAC 16-316-545 FIELD STANDARDS
- (9) WAC 16-316-550 SEED STANDARDS
- (10) WAC 16-316-555 MECHANICAL SAMPLING
- (11) WAC 16-316-560 SEED-BORNE DISEASES
- (12) WAC 16-316-565 CERTIFIED SEED SALE CERTIFICATE
- (13) WAC 16-316-690 LENTIL SEED CERTIFICATION STANDARDS
- (14) WAC 16-316-695 ELIGIBLE VARIETY AND STOCK SEED
- (15) WAC 16-316-700 APPLICATION AND FEES
- (16) WAC 16-316-705 LAND REQUIREMENTS
- (17) WAC 16-316-710 ISOLATION REQUIREMENTS
- (18) WAC 16-316-725 SEED STANDARDS
- (19) WAC 16-316-726 MECHANICAL SAMPLING
- (20) WAC 16-316-728 CERTIFIED SEED SALE CERTIFICATE
- (21) WAC 16-316-900 SOYBEAN SEED CERTIFICATION STANDARDS
- (22) WAC 16-316-905 ELIGIBLE VARIETY AND STOCK SEED

- (23) WAC 16-316-910 APPLICATION AND FEES
- (24) WAC 16-316-915 LAND REQUIREMENTS
- (25) WAC 16-316-920 ISOLATION REQUIREMENTS
- (26) WAC 16-316-925 FIELD STANDARDS
- (27) WAC 16-316-930 SEED STANDARDS
- (28) WAC 16-316-935 MECHANICAL SAMPLING
- (29) WAC 16-316-940 CERTIFIED SEED SALE CERTIFICATE

**WSR 81-12-053
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 3, 1981]**

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 173-19-2102 Moses Lake, City of and WAC 173-19-4402 Walla Walla, City of; that such agency will at 2:00 p.m., Tuesday, July 7, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 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 2:00 p.m., Wednesday, July 15,

1981, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 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 July 13, 1981, and/or orally at Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: June 2, 1981

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2102 Moses Lake, City of and WAC 173-19-4402 Walla Walla, City of.

Description of purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: The amendments adopt revisions to shoreline master programs for the City of Moses Lake and the City of Walla Walla.

Reasons supporting proposed action: Shoreline master program 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 in accordance with the Administrative Procedure Act.

Agency personnel responsible for drafting, implementation and enforcement: Susan Wenke, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 753-4388.

Persons or organization proposing rule, and whether public, private, or governmental: Department of Ecology - state government, and local governments.

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 173-19-2102 MOSES LAKE, CITY OF. City of Moses Lake master program approved December 18, 1974. Revision approved July 16, 1981.

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

WAC 173-19-4402 WALLA WALLA, CITY OF. City of Walla Walla master program approved February 23, 1977. Revision approved July 16, 1981.

WSR 81-12-054 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the adoption of WAC 173-19-3707 Burlington, City of; that such agency will at 2:00 p.m., Tuesday, July 7, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 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 2:00 p.m., Wednesday, July 15, 1981, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 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 July 13, 1981, and/or orally at Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: June 2, 1981

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Adopting WAC 173-19-3707 Burlington, City of.

Description of purpose: Adoption of a shoreline master program into the state master program, chapter 173-19 WAC.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: Adoption of a shoreline master program for the City of Burlington.

Reasons supporting proposed action: Shoreline master programs 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 in accordance with the Administrative Procedure Act.

Agency personnel responsible for drafting, implementation and enforcement: Susan Wenke, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology - state government, City of Burlington - local 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.

NEW SECTION

WAC 173-19-3707 BURLINGTON, CITY OF. City of Burlington master program approved July 16, 1981.

WSR 81-12-055
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the amending of WAC 173-19-120, Chelan County;

that such agency will at 2:30 p.m., Tuesday, July 7, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 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 2:30 p.m., Wednesday, July 15, 1981, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 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 July 10, 1981, and/or orally at Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: June 2, 1981

By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-120 Chelan County.

Description of purpose: Adoption of revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: The amendment adopts a revision to the shoreline master program for Chelan County.

Reasons supporting proposed action: Shoreline master programs and revisions thereto are developed by the local government and submitted to the Department of Ecology for review and approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency personnel responsible for drafting, implementation and enforcement: Michael Rundlett, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology - state government, and Chelan County.

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 80-25, filed 6/30/80)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981.

WSR 81-12-056
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Ecological Commission)
 [Memorandum—Filed June 3, 1981]

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

This notice is to inform you that the 2nd quarterly meeting of the Washington State Ecological Commission will be held on Wednesday, July 8, 1981 beginning at 9 a.m. at the Cascade Natural Gas Auditorium, 614 N. Mission, Wenatchee, Washington 98801.

For further information, please contact Susan Pratt, Ecological Commission, c/o Department of Ecology, MS PV-11, Olympia, Washington 98504, telephone (206) 753-2240.

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
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- REVIEW = Review of previously adopted rule

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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1-12-190	AMD-P	81-11-069	16-231-115	AMD	81-07-044	16-316-565	REP-P	81-12-052
1-12-210	AMD-P	81-11-069	16-231-120	AMD-P	81-02-045	16-316-570	AMD-P	81-12-052
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132B-12-147	REP-P	81-04-005	132B-12-258	REP-P	81-04-005	132B-128-020	AMD	81-10-008
132B-12-147	REP	81-10-008	132B-12-258	REP	81-10-008	132B-276-040	AMD-P	81-04-005
132B-12-150	REP-P	81-04-005	132B-12-261	REP-P	81-04-005	132B-276-040	AMD	81-10-008
132B-12-150	REP	81-10-008	132B-12-261	REP	81-10-008	132F-08-001	AMD-P	81-07-007
132B-12-153	REP-P	81-04-005	132B-12-264	REP-P	81-04-005	132F-08-001	AMD-P	81-10-063
132B-12-153	REP	81-10-008	132B-12-264	REP	81-10-008	132F-08-001	AMD-P	81-11-058
132B-12-156	REP-P	81-04-005	132B-12-267	REP-P	81-04-005	132F-08-080	AMD-P	81-07-007
132B-12-156	REP	81-10-008	132B-12-267	REP	81-10-008	132F-08-080	AMD-P	81-10-063
132B-12-159	REP-P	81-04-005	132B-12-270	REP-P	81-04-005	132F-08-080	AMD-P	81-11-058
132B-12-159	REP	81-10-008	132B-12-270	REP	81-10-008	132F-08-120	AMD-P	81-07-007
132B-12-162	REP-P	81-04-005	132B-12-273	REP-P	81-04-005	132F-08-120	AMD-P	81-10-063
132B-12-162	REP	81-10-008	132B-12-273	REP	81-10-008	132F-08-120	AMD-P	81-11-058
132B-12-165	REP-P	81-04-005	132B-12-276	REP-P	81-04-005	132F-08-140	AMD-P	81-07-007
132B-12-165	REP	81-10-008	132B-12-276	REP	81-10-008	132F-08-140	AMD-P	81-10-063
132B-12-168	REP-P	81-04-005	132B-12-279	REP-P	81-04-005	132F-08-140	AMD-P	81-11-058
132B-12-168	REP	81-10-008	132B-12-279	REP	81-10-008	132F-104-030	AMD-P	81-07-008
132B-12-171	REP-P	81-04-005	132B-12-282	REP-P	81-04-005	132F-104-030	AMD-P	81-10-062
132B-12-171	REP	81-10-008	132B-12-282	REP	81-10-008	132F-104-030	AMD-P	81-11-056
132B-12-174	REP-P	81-04-005	132B-12-285	REP-P	81-04-005	132F-104-810	AMD-P	81-07-008
132B-12-174	REP	81-10-008	132B-12-285	REP	81-10-008	132F-104-810	AMD-P	81-10-062
132B-12-177	REP-P	81-04-005	132B-12-288	REP-P	81-04-005	132F-104-810	AMD-P	81-11-056
132B-12-177	REP	81-10-008	132B-12-288	REP	81-10-008	132F-104-811	AMD-P	81-07-008
132B-12-180	REP-P	81-04-005	132B-12-291	REP-P	81-04-005	132F-104-811	AMD-P	81-10-062
132B-12-180	REP	81-10-008	132B-12-291	REP	81-10-008	132F-104-811	AMD-P	81-11-056
132B-12-183	REP-P	81-04-005	132B-12-294	REP-P	81-04-005	132F-104-812	AMD-P	81-07-008
132B-12-183	REP	81-10-008	132B-12-294	REP	81-10-008	132F-104-812	AMD-P	81-10-062
132B-12-186	REP-P	81-04-005	132B-12-297	REP-P	81-04-005	132F-104-812	AMD-P	81-11-056
132B-12-186	REP	81-10-008	132B-12-297	REP	81-10-008	132F-104-813	AMD-P	81-07-008
132B-12-189	REP-P	81-04-005	132B-12-300	REP-P	81-04-005	132F-104-813	AMD-P	81-10-062
132B-12-189	REP	81-10-008	132B-12-300	REP	81-10-008	132F-104-813	AMD-P	81-11-056
132B-12-192	REP-P	81-04-005	132B-12-303	REP-P	81-04-005	132F-104-814	AMD-P	81-07-008
132B-12-192	REP	81-10-008	132B-12-303	REP	81-10-008	132F-104-814	AMD-P	81-10-062
132B-12-195	REP-P	81-04-005	132B-12-306	REP-P	81-04-005	132F-104-814	AMD-P	81-11-056
132B-12-195	REP	81-10-008	132B-12-306	REP	81-10-008	132F-104-815	AMD-P	81-07-008
132B-12-198	REP-P	81-04-005	132B-12-309	REP-P	81-04-005	132F-104-815	AMD-P	81-10-062
132B-12-198	REP	81-10-008	132B-12-309	REP	81-10-008	132F-104-815	AMD-P	81-11-056
132B-12-201	REP-P	81-04-005	132B-12-312	REP-P	81-04-005	132F-104-818	AMD-P	81-07-008
132B-12-201	REP	81-10-008	132B-12-312	REP	81-10-008	132F-104-818	AMD-P	81-10-062
132B-12-204	REP-P	81-04-005	132B-12-315	REP-P	81-04-005	132F-104-818	AMD-P	81-11-056
132B-12-204	REP	81-10-008	132B-12-315	REP	81-10-008	132F-104-818	AMD-P	81-07-008
132B-12-207	REP-P	81-04-005	132B-12-318	REP-P	81-04-005	132F-104-819	AMD-P	81-10-062
132B-12-207	REP	81-10-008	132B-12-318	REP	81-10-008	132F-104-819	AMD-P	81-11-056
132B-12-210	REP-P	81-04-005	132B-12-321	REP-P	81-04-005	132F-136-020	AMD-P	81-07-023
132B-12-210	REP	81-10-008	132B-12-321	REP	81-10-008	132F-136-020	AMD-P	81-10-064
132B-12-213	REP-P	81-04-005	132B-12-324	REP-P	81-04-005	132F-136-020	AMD	81-12-008
132B-12-213	REP	81-10-008	132B-12-324	REP	81-10-008	132F-136-040	AMD-P	81-07-023
132B-12-216	REP-P	81-04-005	132B-12-327	REP-P	81-04-005	132F-136-040	AMD-P	81-10-064
132B-12-216	REP	81-10-008	132B-12-327	REP	81-10-008	132F-136-040	AMD	81-12-008
132B-12-219	REP-P	81-04-005	132B-12-330	REP-P	81-04-005	132F-136-050	AMD-P	81-07-023
132B-12-219	REP	81-10-008	132B-12-330	REP	81-10-008	132F-136-050	AMD-P	81-10-064
132B-12-222	REP-P	81-04-005	132B-12-333	REP-P	81-04-005	132F-136-050	AMD	81-12-008
132B-12-222	REP	81-10-008	132B-12-333	REP	81-10-008	132H-120-060	AMD-P	81-08-065
132B-12-225	REP-P	81-04-005	132B-12-336	REP-P	81-04-005	132H-120-060	AMD-P	81-11-012
132B-12-225	REP	81-10-008	132B-12-336	REP	81-10-008	132H-120-200	AMD-P	81-03-077
132B-12-228	REP-P	81-04-005	132B-12-339	REP-P	81-04-005	132H-120-200	AMD	81-07-034
132B-12-228	REP	81-10-008	132B-12-339	REP	81-10-008	132H-160-020	REP-P	81-08-066
132B-12-231	REP-P	81-04-005	132B-12-342	REP-P	81-04-005	132H-160-020	REP	81-11-013
132B-12-231	REP	81-10-008	132B-12-342	REP	81-10-008	132H-160-030	REP-P	81-08-066
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132H-160-050	AMD-P	81-08-066	132M-116-010	AMD-W	81-04-026	132M-168-010	REP-W	81-04-026
132H-160-050	AMD	81-11-013	132M-116-010	AMD-P	81-10-054	132M-168-010	REP-P	81-10-054
132H-160-110	REP-P	81-08-066	132M-120-060	AMD-W	81-04-026	132M-168-020	REP-W	81-04-026
132H-160-110	REP	81-11-013	132M-120-060	REP-P	81-10-054	132M-168-020	REP-P	81-10-054
132H-160-130	REP-P	81-08-066	132M-120-070	AMD-W	81-04-026	132M-168-030	REP-W	81-04-026
132H-160-130	REP	81-11-013	132M-120-070	AMD-P	81-10-054	132M-168-030	REP-P	81-10-054
132H-160-160	REP-P	81-08-066	132M-120-075	NEW-W	81-04-026	132M-168-040	REP-W	81-04-026
132H-160-160	REP	81-11-013	132M-120-090	AMD-W	81-04-026	132M-168-040	REP-P	81-10-054
132H-160-250	AMD-P	81-08-066	132M-120-090	REP-P	81-10-054	132M-168-050	REP-W	81-04-026
132H-160-250	AMD	81-11-013	132M-136-010	REP-W	81-04-026	132M-168-050	REP-P	81-10-054
132H-160-260	AMD-P	81-08-066	132M-136-010	REP-P	81-10-054	132P-33-010	NEW-P	81-12-031
132H-160-260	AMD	81-11-013	132M-136-020	AMD-W	81-04-026	132P-33-020	NEW-P	81-12-031
132H-160-310	AMD-P	81-08-066	132M-136-020	AMD-P	81-10-054	132P-33-030	NEW-P	81-12-031
132H-160-310	AMD	81-11-013	132M-136-030	AMD-W	81-04-026	132P-33-040	NEW-P	81-12-031
132H-160-430	AMD-P	81-08-066	132M-136-040	REP-W	81-04-026	132P-33-050	NEW-P	81-12-031
132H-160-430	AMD	81-11-013	132M-136-040	REP-P	81-10-054	132P-33-060	NEW-P	81-12-031
132H-160-480	REP-P	81-08-066	132M-136-050	AMD-W	81-04-026	132P-33-070	NEW-P	81-12-031
132H-160-480	REP	81-11-013	132M-136-060	AMD-W	81-04-026	132P-33-080	NEW-P	81-12-031
132J-116-040	AMD-P	81-09-062	132M-136-060	AMD-P	81-10-054	132P-33-090	NEW-P	81-12-031
132J-116-050	AMD-P	81-09-062	132M-136-070	AMD-W	81-04-026	132P-33-100	NEW-P	81-12-031
132J-116-060	AMD-P	81-09-062	132M-136-070	REP-P	81-10-054	132P-33-110	NEW-P	81-12-031
132J-116-220	AMD-P	81-09-062	132M-136-075	NEW-W	81-04-026	132P-33-120	NEW-P	81-12-031
132K-20-070	AMD-P	81-03-023	132M-136-090	AMD-W	81-04-026	132P-33-130	NEW-P	81-12-031
132K-20-070	AMD	81-07-025	132M-136-090	REP-P	81-10-054	132P-33-140	NEW-P	81-12-031
132K-28-010	REP-P	81-06-029	132M-140-020	REP-W	81-04-026	132P-33-150	NEW-P	81-12-031
132K-28-010	REP	81-09-028	132M-140-020	REP-P	81-10-054	132P-33-160	NEW-P	81-12-031
132K-112-200	REP-P	81-03-022	132M-150-003	REP-W	81-04-026	132P-33-170	NEW-P	81-12-031
132K-112-200	REP-P	81-07-024	132M-150-003	REP-P	81-10-054	132P-33-180	NEW-P	81-12-031
132K-112-200	REP	81-10-022	132M-150-006	REP-W	81-04-026	132P-33-190	NEW-P	81-12-031
132L-26	AMD-P	81-11-024	132M-150-006	REP-P	81-10-054	132P-33-200	NEW-P	81-12-031
132L-26-010	AMD-P	81-08-041	132M-150-009	REP-W	81-04-026	132P-33-210	NEW-P	81-12-031
132L-26-030	AMD	81-03-036	132M-150-009	REP-P	81-10-054	132P-33-220	NEW-P	81-12-031
132L-26-035	AMD	81-03-036	132M-150-012	REP-W	81-04-026	132P-33-230	NEW-P	81-12-031
132L-26-040	AMD-P	81-08-041	132M-150-012	REP-P	81-10-054	132P-33-240	NEW-P	81-12-031
132L-26-050	AMD	81-03-036	132M-150-012	REP-P	81-10-054	132P-33-250	NEW-P	81-12-031
132L-26-060	AMD-P	81-08-041	132M-150-015	REP-W	81-04-026	132P-33-260	NEW-P	81-12-031
132L-26-075	AMD-P	81-08-041	132M-150-015	REP-P	81-10-054	132P-33-270	NEW-P	81-12-031
132L-112-200	AMD	81-03-037	132M-150-018	REP-W	81-04-026	132P-33-280	NEW-P	81-12-031
132L-112-210	AMD	81-03-037	132M-150-018	REP-P	81-10-054	132P-33-290	NEW-P	81-12-031
132L-112-280	AMD	81-03-037	132M-150-021	REP-W	81-04-026	132P-33-300	NEW-P	81-12-031
132L-128-030	AMD-P	81-09-029	132M-150-021	REP-P	81-10-054	132P-33-310	NEW-P	81-12-031
132L-128-060	AMD-P	81-09-029	132M-150-024	REP-W	81-04-026	132P-33-320	NEW-P	81-12-031
132L-128-070	AMD-P	81-09-029	132M-150-024	REP-P	81-10-054	132P-33-330	NEW-P	81-12-031
132M-104-010	AMD-W	81-04-026	132M-150-027	REP-W	81-04-026	132P-33-340	NEW-P	81-12-031
132M-104-010	AMD-P	81-10-054	132M-150-027	REP-P	81-10-054	132P-33-350	NEW-P	81-12-031
132M-112-010	NEW-W	81-04-026	132M-150-030	REP-W	81-04-026	132S-12-055	NEW-P	81-09-001
132M-112-010	NEW-P	81-10-054	132M-150-030	REP-P	81-10-054	132V-22-010	AMD-E	81-03-047
132M-112-011	NEW-W	81-04-026	132M-150-033	REP-W	81-04-026	132V-22-010	AMD-P	81-03-061
132M-112-011	NEW-P	81-10-054	132M-150-033	REP-P	81-10-054	132V-22-010	AMD	81-08-002
132M-113-010	NEW-W	81-04-026	132M-150-036	REP-W	81-04-026	132V-22-020	AMD-E	81-03-047
132M-113-010	NEW-P	81-10-054	132M-150-036	REP-P	81-10-054	132V-22-020	AMD-P	81-03-061
132M-113-015	NEW-W	81-04-026	132M-150-039	REP-W	81-04-026	132V-22-020	AMD	81-08-002
132M-113-015	NEW-P	81-10-054	132M-150-039	REP-P	81-10-054	132V-22-030	AMD-E	81-03-047
132M-113-020	NEW-W	81-04-026	132M-150-042	REP-W	81-04-026	132V-22-030	AMD-P	81-03-061
132M-113-020	NEW-P	81-10-054	132M-150-042	REP-P	81-10-054	132V-22-030	AMD	81-08-002
132M-113-025	NEW-W	81-04-026	132M-150-045	REP-W	81-04-026	132V-22-040	AMD-E	81-03-047
132M-113-025	NEW-P	81-10-054	132M-150-045	REP-P	81-10-054	132V-22-040	AMD-P	81-03-061
132M-113-030	NEW-W	81-04-026	132M-150-048	REP-W	81-04-026	132V-22-040	AMD	81-08-002
132M-113-030	NEW-P	81-10-054	132M-150-048	REP-P	81-10-054	132V-22-040	AMD-E	81-03-047
132M-113-035	NEW-W	81-04-026	132M-150-051	REP-W	81-04-026	132V-22-050	AMD-P	81-03-061
132M-113-035	NEW-P	81-10-054	132M-150-051	REP-P	81-10-054	132V-22-050	AMD	81-08-002
132M-113-040	NEW-W	81-04-026	132M-150-054	REP-W	81-04-026	132V-22-050	AMD-E	81-03-047
132M-113-040	NEW-P	81-10-054	132M-150-054	REP-P	81-10-054	132V-22-060	AMD-P	81-03-061
132M-113-045	NEW-W	81-04-026	132M-150-057	REP-W	81-04-026	132V-22-060	AMD	81-08-002
132M-113-045	NEW-P	81-10-054	132M-150-057	REP-P	81-10-054	132V-22-060	AMD-E	81-03-047
132M-113-050	NEW-W	81-04-026	132M-150-060	REP-W	81-04-026	132V-22-100	AMD-P	81-03-061
132M-115-010	NEW-W	81-04-026	132M-150-060	REP-P	81-10-054	132V-22-100	AMD	81-08-002
132M-115-010	NEW-P	81-10-054	132M-150-063	REP-W	81-04-026	132V-22-100	AMD-E	81-03-047
132M-115-020	NEW-W	81-04-026	132M-150-063	REP-P	81-10-054	132V-22-200	AMD-P	81-03-061
132M-115-020	NEW-P	81-10-054	132M-160-015	NEW-W	81-04-026	132V-22-200	AMD	81-08-002
132M-115-030	NEW-W	81-04-026	132M-160-020	REP-W	81-04-026	132V-22-200	AMD-P	81-03-061
132M-115-030	NEW-P	81-10-054	132M-160-020	REP-P	81-10-054	139-14-010	AMD-P	81-10-030
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143-06-020	AMD-P	81-03-034	173-19-2521	AMD-P	81-08-071	180-55-045	NEW	81-08-027
143-06-020	AMD	81-07-004	173-19-2521	AMD	81-11-029	180-55-050	NEW-P	81-04-044
143-06-030	AMD-P	81-03-034	173-19-2604	AMD-P	81-09-080	180-55-050	NEW	81-08-027
143-06-030	AMD	81-07-004	173-19-3506	AMD-W	81-08-004	180-55-055	NEW-P	81-04-044
143-06-040	AMD-P	81-03-034	173-19-3514	AMD-P	81-03-080	180-55-055	NEW	81-08-027
143-06-040	AMD	81-07-004	173-19-3514	AMD	81-08-005	180-55-060	NEW-P	81-04-044
143-06-050	AMD-P	81-03-034	173-19-360	AMD-P	81-05-034	180-55-060	NEW	81-08-027
143-06-050	AMD	81-07-004	173-19-360	AMD-P	81-09-019	180-55-065	NEW-P	81-04-044
143-06-060	AMD-P	81-03-034	173-19-360	AMD	81-09-057	180-55-065	NEW	81-08-027
143-06-060	AMD	81-07-004	173-19-370	AMD-W	81-08-004	180-55-070	NEW-P	81-04-044
143-06-070	AMD-P	81-03-034	173-19-3701	AMD-P	81-09-081	180-55-070	NEW	81-08-027
143-06-070	AMD	81-07-004	173-19-3707	NEW-P	81-12-054	180-55-075	NEW-P	81-04-044
143-06-080	AMD-P	81-03-034	173-19-400	AMD-P	81-02-050	180-55-075	NEW	81-08-027
143-06-080	AMD	81-07-004	173-19-400	AMD	81-06-052	180-55-080	NEW-P	81-04-044
143-06-090	AMD-P	81-03-034	173-19-430	AMD-P	81-08-070	180-55-080	NEW	81-08-027
143-06-090	AMD	81-07-004	173-19-430	AMD	81-12-003	180-55-085	NEW-P	81-04-044
143-06-100	AMD-P	81-03-034	173-19-4402	AMD-P	81-12-053	180-55-085	NEW	81-08-027
143-06-100	AMD	81-07-004	173-19-470	AMD-P	81-02-051	180-55-090	NEW-P	81-04-044
143-06-110	AMD-P	81-03-034	173-19-470	AMD	81-06-050	180-55-090	NEW	81-08-027
143-06-110	AMD	81-07-004	173-20-380	AMD-P	81-09-078	180-55-095	NEW-P	81-04-044
143-06-120	AMD-P	81-03-034	173-22-060	AMD-P	81-09-077	180-55-095	NEW	81-08-027
143-06-120	AMD	81-07-004	173-164-050	AMD-P	81-04-067	180-55-100	NEW-P	81-04-044
143-06-130	AMD-P	81-03-034	173-164-050	AMD	81-07-037	180-55-100	NEW	81-08-027
143-06-130	AMD	81-07-004	173-400-110	AMD	81-03-002	180-55-105	NEW-P	81-04-044
143-06-140	AMD-P	81-03-034	173-490-020	AMD	81-03-003	180-55-105	NEW	81-08-027
143-06-140	AMD	81-07-004	173-490-040	AMD	81-03-003	180-55-110	NEW-P	81-04-044
143-06-150	AMD-P	81-03-034	173-490-203	AMD	81-03-003	180-55-110	NEW	81-08-027
143-06-150	AMD	81-07-004	173-511-010	NEW	81-04-028	180-55-115	NEW-P	81-04-044
143-06-990	AMD-P	81-03-034	173-511-020	NEW	81-04-028	180-55-115	NEW	81-08-027
143-06-990	AMD	81-07-004	173-511-030	NEW	81-04-028	180-55-120	NEW-P	81-04-044
172-114-010	AMD	81-03-012	173-511-040	NEW	81-04-028	180-55-120	NEW	81-08-027
172-114-020	AMD	81-03-012	173-511-050	NEW	81-04-028	180-55-125	NEW-P	81-04-044
172-114-030	AMD	81-03-012	173-511-060	NEW	81-04-028	180-55-125	NEW	81-08-027
172-114-040	AMD	81-03-012	173-511-070	NEW	81-04-028	180-55-130	NEW-P	81-04-044
172-114-050	AMD	81-03-012	173-511-080	NEW	81-04-028	180-55-130	NEW	81-08-027
172-114-060	AMD	81-03-012	173-511-090	NEW	81-04-028	180-55-135	NEW-P	81-04-044
172-114-070	AMD	81-03-012	173-511-100	NEW	81-04-028	180-55-135	NEW	81-08-027
172-114-080	AMD	81-03-012	173-515	NEW-P	81-09-020	180-56-305	REP-P	81-04-045
172-114-090	AMD	81-03-012	174-136-130	NEW-P	81-08-032	180-56-305	REP	81-08-028
172-114-100	REP	81-03-012	174-136-130	NEW	81-12-019	180-56-306	REP-P	81-04-045
172-114-110	REP	81-03-012	174-136-140	NEW	81-12-019	180-56-306	REP	81-08-028
172-120-010	AMD	81-06-023	174-136-140	NEW-P	81-08-032	180-56-307	REP-P	81-04-045
172-120-020	AMD	81-06-023	174-162-305	NEW-P	81-10-060	180-56-307	REP	81-08-028
172-120-040	AMD	81-06-023	180-16-220	AMD-P	81-04-046	180-56-310	REP-P	81-04-045
172-120-050	AMD	81-06-023	180-16-220	AMD	81-08-026	180-56-310	REP	81-08-028
172-120-060	AMD	81-06-023	180-44-030	REP-P	81-08-049	180-56-315	REP-P	81-04-045
172-120-070	AMD	81-06-023	180-44-030	REP	81-12-022	180-56-315	REP	81-08-028
172-120-080	AMD	81-06-023	180-46-015	AMD-P	81-08-050	180-56-320	REP-P	81-04-045
172-120-090	AMD	81-06-023	180-46-015	AMD	81-12-023	180-56-320	REP	81-08-028
172-120-100	AMD	81-06-023	180-46-030	AMD-P	81-08-050	180-56-325	REP-P	81-04-045
172-120-110	AMD	81-06-023	180-46-030	AMD	81-12-023	180-56-325	REP	81-08-028
172-120-120	AMD	81-06-023	180-46-045	AMD-P	81-08-050	180-56-330	REP-P	81-04-045
172-120-130	AMD	81-06-023	180-46-045	AMD	81-12-023	180-56-330	REP	81-08-028
172-120-140	AMD	81-06-023	180-46-060	REP-P	81-08-050	180-56-335	REP-P	81-04-045
173-06-065	NEW-P	81-06-048	180-46-060	REP	81-12-023	180-56-335	REP	81-08-028
173-06-065	NEW-E	81-06-049	180-46-065	NEW-P	81-08-050	180-56-340	REP-P	81-04-045
173-06-065	NEW	81-09-056	180-46-065	NEW	81-12-023	180-56-340	REP	81-08-028
173-14-140	AMD	81-04-027	180-55-005	NEW-P	81-04-044	180-56-345	REP-P	81-04-045
173-14-150	AMD	81-04-027	180-55-010	NEW	81-08-027	180-56-345	REP	81-08-028
173-14-155	NEW	81-04-027	180-55-010	NEW-P	81-04-044	180-56-350	REP-P	81-04-045
173-14-180	AMD	81-04-027	180-55-015	NEW	81-08-027	180-56-350	REP	81-08-028
173-14-190	REP	81-04-027	180-55-015	NEW-P	81-04-044	180-56-355	REP-P	81-04-045
173-19-120	AMD-P	81-12-055	180-55-015	NEW	81-08-027	180-56-355	REP	81-08-028
173-19-210	AMD-W	81-04-065	180-55-020	NEW-P	81-04-044	180-56-360	REP-P	81-04-045
173-19-210	AMD-P	81-09-079	180-55-020	NEW	81-08-027	180-56-360	REP	81-08-028
173-19-2102	AMD-P	81-12-053	180-55-025	NEW-P	81-04-044	180-56-365	REP-P	81-04-045
173-19-2503	AMD-P	81-08-071	180-55-025	NEW	81-08-027	180-56-365	REP	81-08-028
173-19-2503	AMD	81-11-027	180-55-030	NEW-P	81-04-044	180-56-370	REP-P	81-04-045
173-19-2511	AMD-W	81-08-004	180-55-030	NEW	81-08-027	180-56-370	REP	81-08-028
173-19-2515	AMD-W	81-08-004	180-55-035	NEW-P	81-04-044	180-56-375	REP-P	81-04-045
173-19-2515	AMD-P	81-08-071	180-55-035	NEW	81-08-027	180-56-375	REP	81-08-028

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-56-380	REP-P	81-04-045	212-52-010	REP	81-03-081	212-56	REP-P	81-11-033
180-56-380	REP	81-08-028	212-52-012	NEW	81-03-081	212-56-001	REP-P	81-03-051
180-75-070	AMD-P	81-08-051	212-52-015	REP	81-03-081	212-56-005	REP-P	81-03-051
180-78-025	AMD-P	81-08-052	212-52-020	AMD	81-03-081	212-56-010	REP-P	81-03-051
180-78-025	AMD	81-12-024	212-52-025	AMD	81-03-081	212-56-015	REP-P	81-03-051
180-78-027	NEW-P	81-08-052	212-52-027	NEW	81-03-081	212-56-020	REP-P	81-03-051
180-78-027	NEW	81-12-024	212-52-035	REP	81-03-081	212-56-025	REP-P	81-03-051
180-78-050	AMD-P	81-08-052	212-52-037	NEW	81-03-081	212-56-030	REP-P	81-03-051
180-78-050	AMD	81-12-024	212-52-040	AMD	81-03-081	212-56-035	REP-P	81-03-051
180-78-057	NEW-P	81-08-052	212-52-045	AMD	81-03-081	212-56-040	REP-P	81-03-051
180-78-057	NEW	81-12-024	212-52-050	AMD	81-03-081	212-56-045	REP-P	81-03-051
180-79-065	AMD-P	81-08-053	212-52-055	AMD	81-03-081	212-56-050	REP-P	81-03-051
180-79-065	AMD	81-12-025	212-52-060	AMD	81-03-081	212-56-055	REP-P	81-03-051
180-79-120	AMD-P	81-08-053	212-52-065	AMD	81-03-081	212-56-060	REP-P	81-03-051
180-79-120	AMD	81-12-025	212-52-070	AMD	81-03-081	212-56-065	REP-P	81-03-051
180-79-125	AMD-P	81-08-053	212-52-075	AMD	81-03-081	212-57	REP-P	81-06-022
180-79-125	AMD	81-12-025	212-52-080	AMD	81-03-081	212-57	REP-P	81-08-017
180-79-150	AMD-P	81-08-053	212-52-090	AMD	81-03-081	212-57	REP-P	81-11-033
180-79-150	AMD	81-12-025	212-52-095	AMD	81-03-081	212-57-001	REP-P	81-03-051
180-79-230	AMD-P	81-08-053	212-52-100	AMD	81-03-081	212-57-005	REP-P	81-03-051
180-79-230	AMD	81-12-025	212-52-105	AMD	81-03-081	212-57-010	REP-P	81-03-051
180-79-245	AMD-P	81-08-053	212-52-110	AMD	81-03-081	212-57-015	REP-P	81-03-051
180-79-245	AMD	81-12-025	212-52-115	AMD	81-03-081	212-57-020	REP-P	81-03-051
182-08-111	AMD	81-03-014	212-52-120	AMD	81-03-081	212-57-025	REP-P	81-03-051
182-08-300	NEW	81-03-014	212-52-125	AMD	81-03-081	212-57-030	REP-P	81-03-051
192-16-030	NEW-E	81-09-067	212-54	NEW-P	81-06-022	212-57-035	REP-P	81-03-051
192-16-030	NEW-P	81-10-065	212-54	NEW-P	81-08-017	212-57-040	REP-P	81-03-051
192-16-033	NEW-E	81-09-067	212-54	NEW-P	81-11-034	212-57-045	REP-P	81-03-051
192-16-033	NEW-P	81-10-065	212-54-001	NEW-P	81-03-051	212-57-050	REP-P	81-03-051
192-16-036	NEW-E	81-09-067	212-54-005	NEW-P	81-03-051	212-57-055	REP-P	81-03-051
192-16-036	NEW-P	81-10-065	212-54-010	NEW-P	81-03-051	212-57-060	REP-P	81-03-051
192-16-040	NEW-E	81-09-067	212-54-015	NEW-P	81-03-051	212-57-065	REP-P	81-03-051
192-16-040	NEW-P	81-10-065	212-54-020	NEW-P	81-03-051	212-57-070	REP-P	81-03-051
192-16-042	NEW-E	81-09-067	212-54-025	NEW-P	81-03-051	212-58	REP-P	81-06-022
192-16-042	NEW-P	81-10-065	212-54-030	NEW-P	81-03-051	212-58	REP-P	81-08-017
192-16-045	NEW-E	81-09-067	212-54-035	NEW-P	81-03-051	212-58	REP-P	81-11-033
192-16-045	NEW-P	81-10-065	212-54-040	NEW-P	81-03-051	212-58-001	REP-P	81-03-051
192-16-047	NEW-E	81-09-067	212-54-045	NEW-P	81-03-051	212-58-005	REP-P	81-03-051
204-24	AMD-P	81-10-001	212-54-050	NEW-P	81-03-051	212-58-010	REP-P	81-03-051
204-24-050	AMD-E	81-06-036	212-54-055	NEW-P	81-03-051	212-58-015	REP-P	81-03-051
204-24-050	AMD	81-10-038	212-54-060	NEW-P	81-03-051	212-58-020	REP-P	81-03-051
204-36-060	AMD	81-04-043	212-54-065	NEW-P	81-03-051	212-58-025	REP-P	81-03-051
204-38	AMD-P	81-10-001	212-54-070	NEW-P	81-03-051	212-58-030	REP-P	81-03-051
204-38-030	AMD-E	81-04-039	212-54-075	NEW-P	81-03-051	212-58-035	REP-P	81-03-051
204-38-030	AMD-P	81-04-041	212-54-080	NEW-P	81-03-051	212-58-040	REP-P	81-03-051
204-38-030	AMD	81-10-038	212-54-085	NEW-P	81-03-051	212-58-045	REP-P	81-03-051
204-38-040	AMD-E	81-04-039	212-54-090	NEW-P	81-03-051	212-58-050	REP-P	81-03-051
204-38-040	AMD-P	81-04-041	212-54-095	NEW-P	81-03-051	212-58-055	REP-P	81-03-051
204-38-040	AMD	81-10-038	212-54-100	NEW-P	81-03-051	212-58-060	REP-P	81-03-051
204-38-050	AMD-E	81-04-039	212-55	NEW-P	81-06-022	212-58-065	REP-P	81-03-051
204-38-050	AMD-P	81-04-041	212-55	NEW-P	81-08-017	212-58-070	REP-P	81-03-051
204-38-050	AMD	81-10-038	212-55-001	NEW-P	81-11-034	212-59	REP-P	81-06-022
204-39-010	NEW-P	81-12-044	212-55-005	NEW-P	81-03-051	212-59	REP-P	81-08-017
204-39-020	NEW-P	81-12-044	212-55-010	NEW-P	81-03-051	212-59	REP-P	81-11-034
204-39-030	NEW-P	81-12-044	212-55-015	NEW-P	81-03-051	212-59-001	REP-P	81-03-051
204-39-040	NEW-P	81-12-044	212-55-020	NEW-P	81-03-051	212-59-005	REP-P	81-03-051
204-39-050	NEW-P	81-12-044	212-55-025	NEW-P	81-03-051	212-59-010	REP-P	81-03-051
204-66	AMD-P	81-10-001	212-55-030	NEW-P	81-03-051	212-59-015	REP-P	81-03-051
204-66-180	AMD-P	81-04-040	212-55-035	NEW-P	81-03-051	212-59-020	REP-P	81-03-051
204-66-180	AMD	81-10-038	212-55-040	NEW-P	81-03-051	212-59-025	REP-P	81-03-051
212-10-010	NEW	81-04-058	212-55-045	NEW-P	81-03-051	212-59-030	REP-P	81-03-051
212-10-015	NEW	81-04-058	212-55-050	NEW-P	81-03-051	212-59-035	REP-P	81-03-051
212-10-020	NEW	81-04-058	212-55-055	NEW-P	81-03-051	212-59-040	REP-P	81-03-051
212-10-025	NEW	81-04-058	212-55-060	NEW-P	81-03-051	212-59-045	REP-P	81-03-051
212-10-030	NEW	81-04-058	212-55-065	NEW-P	81-03-051	212-59-050	REP-P	81-03-051
212-10-035	NEW	81-04-058	212-55-070	NEW-P	81-03-051	212-59-055	REP-P	81-03-051
212-10-040	NEW	81-04-058	212-55-075	NEW-P	81-03-051	212-59-060	REP-P	81-03-051
212-10-045	NEW	81-04-058	212-55-080	NEW-P	81-03-051	212-59-065	REP-P	81-03-051
212-10-050	NEW	81-04-058	212-55-085	NEW-P	81-03-051	212-60	REP-P	81-06-022
212-10-055	NEW	81-04-058	212-55-090	NEW-P	81-03-051	212-60	REP-P	81-08-017
212-10-060	NEW	81-04-058	212-55-095	NEW-P	81-03-051	212-60	REP-P	81-11-034
212-52-001	AMD	81-03-081	212-56	REP-P	81-03-051	212-60-001	REP-P	81-03-051
212-52-005	AMD	81-03-081	212-56	REP-P	81-06-022	212-60-005	REP-P	81-03-051
					81-08-017	212-60-010	REP-P	81-03-051

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
212-60-015	REP-P	81-03-051	212-64-030	AMD-P	81-03-051	220-28-011GOG	NEW-E	81-09-035
212-60-020	REP-P	81-03-051	212-64-033	NEW-P	81-03-051	220-28-012FOG	NEW-E	81-02-052
212-60-025	REP-P	81-03-051	212-64-035	AMD-P	81-03-051	220-28-01300U	NEW-E	81-03-035
212-60-030	REP-P	81-03-051	212-64-037	NEW-P	81-03-051	220-28-013A0E	NEW-E	81-09-035
212-60-035	REP-P	81-03-051	212-64-039	NEW-P	81-03-051	220-28-013FOA	NEW-E	81-09-035
212-60-040	REP-P	81-03-051	212-64-040	AMD-P	81-03-051	220-28-013GOH	NEW-E	81-03-035
212-60-045	REP-P	81-03-051	212-64-043	NEW-P	81-03-051	220-32-02200E	NEW-E	81-03-044
212-60-050	REP-P	81-03-051	212-64-045	AMD-P	81-03-051	220-32-03000B	NEW-E	81-04-003
212-60-055	REP-P	81-03-051	212-64-050	AMD-P	81-03-051	220-32-03600H	NEW-E	81-06-019
212-60-060	REP-P	81-03-051	212-64-055	AMD-P	81-03-051	220-32-04000K	NEW-E	81-03-044
212-60-065	REP-P	81-03-051	212-64-060	AMD-P	81-03-051	220-32-04100D	NEW-E	81-11-065
212-60-070	REP-P	81-03-051	212-64-065	AMD-P	81-03-051	220-32-04200D	NEW-E	81-03-043
212-61	REP-P	81-06-022	212-64-067	NEW-P	81-03-051	220-32-05100Q	NEW-E	81-04-003
212-61	REP-P	81-08-017	212-64-068	NEW-P	81-03-051	220-32-05500C	NEW-E	81-10-007
212-61	REP-P	81-11-034	212-64-069	NEW-P	81-03-051	220-32-05700I	NEW-E	81-03-044
212-61-001	REP-P	81-03-051	212-64-070	AMD-P	81-03-051	220-32-05900A	NEW-E	81-09-007
212-61-005	REP-P	81-03-051	212-65	NEW-P	81-06-022	220-36-021	AMD-P	81-09-082
212-61-010	REP-P	81-03-051	212-65	NEW-P	81-08-017	220-36-022	AMD-P	81-09-082
212-61-015	REP-P	81-03-051	212-65	NEW-P	81-11-033	220-36-024	AMD-P	81-09-082
212-61-020	REP-P	81-03-051	212-65-001	NEW-P	81-03-051	220-40-021	AMD-P	81-09-082
212-61-025	REP-P	81-03-051	212-65-005	NEW-P	81-03-051	220-40-022	AMD-P	81-09-082
212-61-030	REP-P	81-03-051	212-65-010	NEW-P	81-03-051	220-40-024	AMD-P	81-09-082
212-61-035	REP-P	81-03-051	212-65-015	NEW-P	81-03-051	220-44-030	AMD	81-02-053
212-61-040	REP-P	81-03-051	212-65-020	NEW-P	81-03-051	220-44-040	AMD	81-02-053
212-61-045	REP-P	81-03-051	212-65-025	NEW-P	81-03-051	220-47-264	AMD-P	81-12-038
212-61-050	REP-P	81-03-051	212-65-030	NEW-P	81-03-051	220-47-307	AMD-P	81-12-038
212-61-055	REP-P	81-03-051	212-65-035	NEW-P	81-03-051	220-47-311	AMD-P	81-12-038
212-61-060	REP-P	81-03-051	212-65-040	NEW-P	81-03-051	220-47-312	AMD-P	81-12-038
212-61-065	REP-P	81-03-051	212-65-045	NEW-P	81-03-051	220-47-313	AMD-P	81-12-038
212-62	REP-P	81-06-022	212-65-050	NEW-P	81-03-051	220-47-401	AMD-P	81-12-038
212-62	REP-P	81-08-017	212-65-055	NEW-P	81-03-051	220-47-402	AMD-P	81-12-038
212-62	REP-P	81-11-034	212-65-060	NEW-P	81-03-051	220-47-403	AMD-P	81-12-038
212-62-001	REP-P	81-03-051	212-65-065	NEW-P	81-03-051	220-47-411	AMD-P	81-12-038
212-62-005	REP-P	81-03-051	212-65-070	NEW-P	81-03-051	220-47-412	AMD-P	81-12-038
212-62-010	REP-P	81-03-051	212-65-075	NEW-P	81-03-051	220-47-413	AMD-P	81-12-038
212-62-015	REP-P	81-03-051	212-65-080	NEW-P	81-03-051	220-47-414	AMD-P	81-12-038
212-62-020	REP-P	81-03-051	212-65-085	NEW-P	81-03-051	220-48-080	AMD	81-02-053
212-62-025	REP-P	81-03-051	212-65-090	NEW-P	81-03-051	220-48-09001	NEW	81-02-053
212-62-030	REP-P	81-03-051	212-65-095	NEW-P	81-03-051	220-48-091	AMD	81-02-053
212-62-035	REP-P	81-03-051	212-65-100	NEW-P	81-03-051	220-48-09100C	NEW-E	81-03-031
212-62-040	REP-P	81-03-051	220-20-010	AMD	81-02-053	220-48-092	AMD	81-02-053
212-62-045	REP-P	81-03-051	220-20-012	AMD	81-02-053	220-48-096	AMD	81-02-053
212-62-050	REP-P	81-03-051	220-22-020	AMD-P	81-09-082	220-48-098	AMD	81-02-053
212-62-055	REP-P	81-03-051	220-22-030	AMD-P	81-12-038	220-48-100	AMD	81-02-053
212-62-060	REP-P	81-03-051	220-28-002FOA	NEW-E	81-06-028	220-49-02000B	REP-E	81-03-030
212-62-065	REP-P	81-03-051	220-28-002FOB	NEW-E	81-11-063	220-49-02000C	NEW-E	81-03-030
212-62-070	REP-P	81-03-051	220-28-00400L	NEW-E	81-02-052	220-49-02000C	REP-E	81-09-053
212-63	REP-P	81-06-022	220-28-00400M	NEW-E	81-09-006	220-49-02000D	NEW-E	81-05-023
212-63	REP-P	81-08-017	220-28-00400N	REP-E	81-09-035	220-49-02000D	REP-E	81-09-053
212-63	REP-P	81-11-033	220-28-00400N	NEW-E	81-09-035	220-49-02000E	NEW-E	81-09-053
212-63-001	REP-P	81-03-051	220-28-00400N	REP-E	81-10-042	220-49-022	AMD	81-02-053
212-63-005	REP-P	81-03-051	220-48-00400P	NEW-E	81-10-042	220-49-023	AMD	81-02-053
212-63-010	REP-P	81-03-051	220-28-004BOS	NEW-E	81-09-035	220-52-019	AMD-P	81-07-016
212-63-015	REP-P	81-03-051	220-28-00500W	NEW-E	81-09-035	220-52-019	AMD	81-11-006
212-63-020	REP-P	81-03-051	220-28-00600U	NEW-E	81-09-035	220-52-01900F	NEW-E	81-08-006
212-63-025	REP-P	81-03-051	220-28-006A0S	NEW-E	81-09-035	220-52-05300H	NEW-E	81-04-060
212-63-030	REP-P	81-03-051	220-28-006CON	NEW-E	81-09-035	220-52-05300H	REP-E	81-08-031
212-63-035	REP-P	81-03-051	220-28-00700N	NEW-E	81-09-035	220-52-05300I	NEW-E	81-10-029
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212-63-045	REP-P	81-03-051	220-28-00700P	NEW-E	81-12-007	220-52-071	AMD	81-11-006
212-63-050	REP-P	81-03-051	220-28-007A0M	NEW-E	81-09-035	220-52-07100A	NEW-E	81-08-006
212-63-055	REP-P	81-03-051	220-28-007A0M	REP-E	81-12-007	220-52-075	AMD-P	81-07-016
212-63-060	REP-P	81-03-051	220-28-007A0N	NEW-E	81-12-007	220-52-075	AMD	81-11-006
212-63-065	REP-P	81-03-051	220-28-007B0S	NEW-E	81-09-035	220-52-07500C	NEW-E	81-05-006
212-63-070	REP-P	81-03-051	220-28-007B0S	REP-E	81-12-007	220-56-105	AMD	81-05-027
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212-64	AMD-P	81-08-017	220-28-007C0Y	NEW-E	81-09-035	220-56-135	AMD	81-05-027
212-64	AMD-P	81-11-033	220-28-007DOA	NEW-E	81-09-035	220-56-16000I	NEW-E	81-06-027
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212-64-005	AMD-P	81-03-051	220-28-00800D	NEW-E	81-09-035	220-56-19000D	NEW-E	81-10-041
212-64-010	REP-P	81-03-051	220-28-008F0M	REP-E	81-02-037	220-56-19000D	REP-E	81-11-064
212-64-015	AMD-P	81-03-051	220-28-008F0N	NEW-E	81-09-035	220-56-205	AMD	81-05-027
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220-56-32500B	NEW-E	81-10-029	220-69-23501	NEW	81-03-032	232-12-020	REP-P	81-08-064
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220-57-138	NEW	81-05-027	220-69-25401	AMD-P	81-07-016	232-12-027	NEW	81-12-029
220-57-140	AMD	81-05-027	220-69-25401C	NEW-E	81-05-006	232-12-030	REP-P	81-08-064
220-57-150	AMD	81-05-027	220-69-25402	NEW	81-03-032	232-12-030	REP	81-12-029
220-57-155	AMD	81-05-027	220-69-25501	NEW	81-03-032	232-12-031	NEW-P	81-08-064
220-57-160	AMD	81-05-027	220-69-26402	NEW	81-03-032	232-12-031	NEW	81-12-029
220-57-16000J	NEW-E	81-10-028	220-69-265	AMD	81-03-032	232-12-034	NEW-P	81-08-064
220-57-17500F	NEW-E	81-10-057	220-69-26501	NEW	81-03-032	232-12-034	NEW	81-12-029
220-57-185	AMD	81-05-027	220-69-280	AMD-P	81-07-016	232-12-037	NEW-P	81-08-064
220-57-205	AMD	81-05-027	220-95-010	AMD-P	81-05-036	232-12-037	NEW	81-12-029
220-57-210	AMD	81-05-027	220-95-010	AMD	81-09-018	232-12-040	REP-P	81-08-064
220-57-215	AMD	81-05-027	220-95-012	NEW-P	81-05-036	232-12-040	REP	81-12-029
220-57-220	AMD	81-05-027	220-95-012	NEW	81-09-018	232-12-041	NEW-P	81-08-064
220-57-225	AMD	81-05-027	220-95-017	NEW-P	81-05-036	232-12-041	NEW	81-12-029
220-57-230	AMD	81-05-027	220-95-017	NEW	81-09-018	232-12-044	NEW-P	81-08-064
220-57-235	AMD	81-05-027	224-12-090	AMD-P	81-11-037	232-12-044	NEW	81-12-029
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220-57-255	AMD	81-05-027	230-02-210	AMD-P	81-09-021	232-12-047	NEW	81-12-029
220-57-260	AMD	81-05-027	230-02-210	AMD	81-09-055	232-12-047	AMD-P	81-12-048
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220-57-270	AMD	81-05-027	230-02-405	AMD-P	81-09-021	232-12-051	NEW	81-12-029
220-57-275	AMD	81-05-027	230-02-405	AMD	81-09-055	232-12-054	NEW-P	81-08-064
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220-57-350	AMD	81-05-027	230-04-200	AMD-P	81-04-072	232-12-064	NEW-P	81-08-064
220-57-370	AMD	81-05-027	230-04-200	AMD-P	81-06-074	232-12-064	NEW	81-12-029
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220-57A-010	AMD	81-05-027	230-60-070	AMD	81-11-039	232-12-084	NEW	81-12-029
220-57A-012	AMD	81-05-027	232-12-001	NEW-P	81-08-064	232-12-087	NEW-P	81-08-064
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220-57A-095	AMD	81-05-027	232-12-007	NEW-P	81-08-064	232-12-091	NEW	81-12-029
220-57A-115	AMD	81-05-027	232-12-007	NEW	81-12-029	232-12-094	NEW-P	81-08-064
220-57A-120	AMD	81-05-027	232-12-010	REP-P	81-08-064	232-12-094	NEW	81-12-029
220-57A-135	AMD	81-05-027	232-12-010	REP	81-12-029	232-12-097	NEW-P	81-08-064
220-57A-145	AMD	81-05-027	232-12-011	NEW-P	81-08-064	232-12-097	NEW	81-12-029
220-57A-152	AMD	81-05-027	232-12-011	NEW	81-12-029	232-12-100	REP-P	81-08-064
220-57A-155	AMD	81-05-027	232-12-014	NEW-P	81-08-064	232-12-100	REP	81-12-029
220-57A-160	AMD	81-05-027	232-12-014	NEW	81-12-029	232-12-101	NEW-P	81-08-064
220-57A-175	AMD	81-05-027	232-12-015	REP-P	81-08-064	232-12-101	NEW	81-12-029
220-57A-180	AMD	81-05-027	232-12-015	REP	81-12-029	232-12-104	NEW-P	81-08-064
220-57A-185	AMD	81-05-027	232-12-017	NEW-P	81-08-064	232-12-104	NEW	81-12-029

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232-12-570	REP-P	81-08-064	232-32-130	NEW-E	81-03-033	248-19-370	AMD	81-09-012
232-12-570	REP	81-12-029	232-32-131	NEW-E	81-04-017	248-19-390	AMD-E	81-05-030
232-12-630	REP-P	81-08-064	232-32-132	NEW-E	81-04-057	248-19-390	AMD	81-09-012
232-12-630	REP	81-12-029	232-32-133	NEW-E	81-05-011	248-19-400	AMD-E	81-05-030
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232-12-640	REP	81-12-029	236-12-430	AMD-E	81-08-016	248-19-403	NEW-E	81-05-030
232-12-650	REP-P	81-08-064	236-12-430	AMD	81-11-001	248-19-403	NEW	81-09-012
232-12-650	REP	81-12-029	236-12-470	AMD-P	81-08-015	248-19-405	NEW-E	81-05-030
232-12-655	REP-P	81-08-064	236-12-470	AMD-E	81-08-016	248-19-405	NEW	81-09-012
232-12-655	REP	81-12-029	236-12-470	AMD	81-11-001	248-19-410	AMD-E	81-05-030
232-12-660	REP-P	81-08-064	237-990	AMD	81-09-016	248-19-410	AMD	81-09-012
232-12-660	REP	81-12-029	248-14	AMD-P	81-03-004	248-19-415	NEW-E	81-05-030
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232-12-670	REP	81-12-029	248-14-001	AMD-P	81-08-047	248-19-420	AMD-E	81-05-030
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232-12-675	REP	81-12-029	248-14-110	AMD-P	81-08-047	248-19-430	AMD-E	81-05-030
232-12-676	REP-P	81-08-064	248-14-114	NEW-P	81-08-047	248-19-430	AMD	81-09-012
232-12-676	REP	81-12-029	248-14-120	AMD-P	81-08-047	248-19-440	AMD-E	81-05-030
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232-28-60301	NEW-E	81-08-011	248-19-270	AMD	81-09-012	250-44-010	AMD-E	81-09-032
232-28-60302	NEW-E	81-09-066	248-19-280	AMD-E	81-05-030	250-44-020	AMD-E	81-09-032
232-28-60303	NEW-E	81-11-059	248-19-280	AMD	81-09-012	250-44-030	AMD-E	81-09-032
232-28-60304	NEW-P	81-12-048	248-19-300	AMD-E	81-05-030	250-44-040	AMD-E	81-09-032
232-28-60305	NEW-P	81-12-048	248-19-300	AMD	81-09-012	250-44-050	AMD-E	81-09-032
232-28-60306	NEW-P	81-12-048	248-19-310	AMD-E	81-05-030	250-44-090	AMD-E	81-09-032
232-28-702	REP	81-04-018	248-19-310	AMD	81-09-012	250-44-110	AMD-E	81-09-032
232-28-703	NEW	81-04-018	248-19-320	AMD-E	81-05-030	250-44-120	AMD-E	81-09-032
232-28-802	REP-P	81-05-031	248-19-320	AMD	81-09-012	250-44-130	AMD-E	81-09-032
232-28-802	REP-P	81-08-064	248-19-325	NEW-E	81-05-030	250-44-140	AMD-E	81-09-032
232-28-802	REP-E	81-09-025	248-19-325	NEW	81-09-012	250-44-150	AMD-E	81-09-032
232-28-802	REP	81-12-004	248-19-330	AMD-E	81-05-030	250-44-160	AMD-E	81-09-032
232-28-803	NEW-P	81-05-031	248-19-330	AMD	81-09-012	250-44-180	AMD-E	81-09-032
232-28-803	NEW-P	81-08-064	248-19-340	AMD-E	81-05-030	250-44-200	AMD-E	81-09-032
232-28-803	NEW-E	81-09-025	248-19-340	AMD	81-09-012	250-44-210	AMD-E	81-09-032

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250-55-020	AMD-P	81-09-068	260-20-170	AMD-E	81-08-030	275-16-055	NEW	81-08-020
250-55-030	AMD-P	81-09-068	260-20-170	AMD-P	81-11-048	275-16-065	NEW-E	81-04-032
250-55-040	AMD-P	81-09-068	260-24-280	AMD-P	81-07-020	275-16-065	NEW-P	81-04-038
250-55-050	AMD-P	81-09-068	260-24-280	AMD	81-08-013	275-16-065	NEW	81-08-020
250-55-070	AMD-P	81-09-068	260-32-040	AMD-P	81-07-021	275-16-075	NEW-E	81-04-032
250-55-100	AMD-P	81-09-068	260-32-040	AMD-W	81-08-024	275-16-075	NEW-P	81-04-038
250-55-110	AMD-P	81-09-068	260-36-040	AMD-P	81-07-020	275-16-075	NEW	81-08-020
250-55-120	AMD-P	81-09-068	260-36-040	AMD-W	81-08-024	275-16-085	NEW-E	81-04-032
250-55-150	AMD-P	81-09-068	260-36-110	AMD-P	81-11-049	275-16-085	NEW-P	81-04-038
250-55-160	AMD-P	81-09-068	260-36-180	NEW-P	81-07-020	275-16-085	NEW	81-08-020
250-55-220	AMD-P	81-09-068	260-36-180	NEW-P	81-08-012	275-16-095	NEW-E	81-04-032
251-04-020	AMD-P	81-04-051	260-36-180	NEW	81-09-075	275-16-095	NEW-P	81-04-038
251-04-020	AMD-P	81-10-009	260-40-120	AMD-P	81-07-020	275-16-095	NEW	81-08-020
251-04-020	AMD-P	81-12-032	260-40-120	AMD-P	81-08-012	275-16-105	NEW-E	81-04-032
251-06-080	AMD-P	81-10-005	260-40-120	AMD-W	81-09-071	275-16-105	NEW-P	81-04-038
251-10-055	AMD-P	81-04-051	260-40-120	AMD-P	81-11-049	275-16-105	NEW	81-08-020
251-10-055	AMD-P	81-10-009	260-48-110	AMD-P	81-07-020	275-20-030	AMD-P	81-02-023
251-10-055	AMD-P	81-12-032	260-48-110	AMD-E	81-08-030	275-20-030	AMD	81-06-004
251-10-110	AMD-P	81-04-051	260-48-110	AMD-P	81-11-048	275-27-630	AMD-P	81-11-043
251-10-110	AMD-P	81-10-009	260-48-305	NEW-P	81-11-049	275-27-630	AMD-E	81-11-047
251-10-110	AMD-P	81-12-032	260-48-326	NEW-E	81-08-030	275-92-407	NEW	81-05-001
251-10-112	NEW-P	81-04-051	260-48-326	NEW-P	81-11-048	275-93-040	AMD	81-03-076
251-10-112	NEW-P	81-10-009	260-52-010	AMD-P	81-07-020	275-110-020	AMD-E	81-09-047
251-10-112	NEW-P	81-12-032	260-52-010	AMD	81-08-013	275-110-020	AMD-P	81-09-048
251-10-113	NEW-P	81-04-051	260-52-040	AMD-P	81-07-020	275-110-020	AMD-E	81-12-027
251-10-113	NEW-P	81-10-009	260-52-040	AMD	81-08-013	275-110-020	AMD-P	81-12-035
251-10-113	NEW-P	81-12-032	260-60-050	AMD-P	81-07-020	275-110-040	AMD-E	81-09-047
251-12-072	AMD-P	81-09-023	260-60-050	AMD-P	81-08-012	275-110-040	AMD-P	81-09-048
251-12-240	AMD-P	81-04-051	260-60-050	AMD	81-09-075	275-110-040	AMD-E	81-12-027
251-12-240	AMD-P	81-10-009	260-60-115	NEW-P	81-07-020	275-110-040	AMD-P	81-12-035
251-12-240	AMD-P	81-12-032	260-60-115	NEW-P	81-08-012	275-110-050	AMD-E	81-12-027
251-18-010	AMD-P	81-09-023	260-60-115	NEW	81-09-075	275-110-050	AMD-P	81-12-035
251-18-020	AMD-P	81-09-023	260-60-120	AMD-P	81-07-020	275-110-060	AMD-E	81-12-027
251-18-025	AMD-P	81-09-023	260-60-120	AMD	81-08-013	275-110-060	AMD-P	81-12-035
251-18-030	AMD-P	81-09-023	260-60-210	AMD-P	81-07-020	275-110-070	AMD-E	81-12-027
251-18-050	REP-P	81-09-023	260-60-210	AMD-P	81-08-012	275-110-070	AMD-P	81-12-035
251-18-060	AMD-P	81-09-023	260-60-210	AMD	81-09-075	275-110-080	AMD-E	81-09-047
251-18-070	AMD-P	81-09-023	260-70-140	AMD-P	81-07-020	275-110-080	AMD-P	81-09-048
251-18-080	REP-P	81-09-023	260-70-140	AMD-P	81-08-012	275-110-080	AMD-E	81-12-027
251-18-100	REP-P	81-09-023	260-70-140	AMD	81-09-075	275-110-080	AMD-P	81-12-035
251-18-110	AMD-P	81-09-023	261-20	AMD-P	81-02-036	275-110-090	AMD-E	81-09-047
251-18-112	NEW-P	81-09-023	261-20-010	NEW-P	81-02-035	275-110-090	AMD-P	81-09-048
251-18-115	REP-P	81-09-023	261-20-010	NEW	81-06-016	275-110-090	AMD-E	81-12-027
251-18-120	REP-P	81-09-023	261-20-020	NEW-P	81-02-035	275-110-090	AMD-P	81-12-035
251-18-130	AMD-P	81-09-023	261-20-020	NEW	81-06-016	284-15-010	NEW	81-03-082
251-18-140	AMD-P	81-09-023	261-20-030	NEW-P	81-02-035	284-15-020	NEW	81-03-082
251-18-145	NEW-P	81-09-023	261-20-030	NEW	81-06-016	284-15-030	NEW	81-03-082
251-18-150	REP-P	81-09-023	261-20-030	AMD	81-06-017	284-15-040	NEW	81-03-082
251-18-155	REP-P	81-09-023	261-20-040	NEW-P	81-02-035	284-15-050	NEW	81-03-082
251-18-160	REP-P	81-09-023	261-20-040	NEW	81-06-016	284-25	NEW-P	81-06-011
251-18-170	REP-P	81-09-023	261-20-050	NEW-P	81-02-035	284-25	NEW-P	81-10-046
251-18-175	AMD-P	81-09-023	261-20-050	NEW	81-06-016	284-44-060	REP-P	81-12-047
251-18-180	AMD-P	81-09-023	261-20-060	NEW-P	81-02-035	284-44-100	NEW-P	81-12-047
251-18-181	AMD-P	81-09-023	261-20-060	NEW	81-06-016	284-44-110	NEW-P	81-12-047
251-18-185	AMD-P	81-09-023	261-20-065	NEW-P	81-02-035	284-44-120	NEW-P	81-12-047
251-18-190	AMD-P	81-09-023	261-20-065	NEW	81-06-016	284-44-130	NEW-P	81-12-047
251-18-200	AMD-P	81-09-023	261-20-070	NEW-P	81-02-035	284-44-140	NEW-P	81-12-047
251-18-330	AMD-P	81-04-051	261-20-070	NEW	81-06-016	284-44-150	NEW-P	81-12-047
251-18-330	AMD-P	81-10-009	261-20-080	NEW-P	81-02-035	284-44-160	NEW-P	81-12-047
251-18-330	AMD-P	81-12-032	261-20-080	NEW	81-06-016	284-44-170	NEW-P	81-12-047
251-20-010	AMD-P	81-09-023	275-16-010	AMD-E	81-04-032	284-44-180	NEW-P	81-12-047
251-20-030	AMD-P	81-09-023	275-16-010	AMD-P	81-04-038	284-44-190	NEW-P	81-12-047
251-20-040	AMD-P	81-09-023	275-16-010	AMD	81-08-020	284-44-200	NEW-P	81-12-047
251-20-050	AMD-P	81-09-023	275-16-015	NEW-E	81-04-032	284-44-210	NEW-P	81-12-047
251-20-060	AMD-P	81-09-023	275-16-015	NEW-P	81-04-038	284-44-220	NEW-P	81-12-047
251-22-240	AMD-P	81-04-023	275-16-015	NEW	81-08-020	284-51-010	NEW-P	81-09-008
251-22-240	AMD	81-07-002	275-16-035	NEW-E	81-04-032	284-51-020	NEW-P	81-09-008
260-12-010	AMD-P	81-07-020	275-16-035	NEW-P	81-04-038	284-51-030	NEW-P	81-09-008
260-12-010	AMD	81-08-013	275-16-035	NEW	81-08-020	284-51-040	NEW-P	81-09-008
260-12-010	AMD-P	81-11-049	275-16-040	REP-E	81-04-032	284-51-050	NEW-P	81-09-008
260-12-140	AMD-P	81-07-020	275-16-040	REP-P	81-04-038	284-51-060	NEW-P	81-09-008
260-12-140	AMD	81-08-013	275-16-040	REP	81-08-020	284-51-070	NEW-P	81-09-008
260-20-075	NEW-P	81-07-020	275-16-055	NEW-E	81-04-032	284-51-080	NEW-P	81-09-008
260-20-075	NEW	81-08-013	275-16-055	NEW-P	81-04-038	284-51-090	NEW-P	81-09-008

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284-51-100	NEW-P	81-09-008	289-19-100	NEW	81-08-014	296-17-917	NEW	81-04-024
284-51-110	NEW-P	81-09-008	289-19-110	NEW	81-08-014	296-17-919	NEW	81-04-024
284-51-120	NEW-P	81-09-008	289-19-120	NEW	81-08-014	296-17-91901	NEW	81-04-024
284-51-130	NEW-P	81-09-008	289-19-130	NEW	81-08-014	296-17-91902	NEW	81-04-024
284-51-140	NEW-P	81-09-008	289-19-200	NEW	81-07-057	296-24-060	AMD-P	81-07-051
284-51-150	NEW-P	81-09-008	289-19-210	NEW	81-07-057	296-24-070	AMD-P	81-07-051
284-51-160	NEW-P	81-09-008	289-19-220	NEW	81-07-057	296-24-67515	AMD-P	81-07-051
284-51-170	NEW-P	81-09-008	289-19-230	NEW	81-07-057	296-24-081	REP-P	81-07-051
289-13-070	AMD	81-03-029	289-20	NEW-P	81-04-062	296-24-08101	REP-P	81-07-051
289-13-075	NEW	81-03-029	289-20-010	REP	81-07-057	296-24-08103	REP-P	81-07-051
289-13-110	AMD	81-03-029	289-20-020	REP	81-07-057	296-24-08105	REP-P	81-07-051
289-13-110	AMD-P	81-08-072	289-20-030	REP	81-07-057	296-24-08107	REP-P	81-07-051
289-13-110	AMD	81-11-068	289-20-040	REP	81-07-057	296-24-08109	REP-P	81-07-051
289-13-170	AMD	81-03-029	289-20-050	REP	81-07-057	296-24-08111	REP-P	81-07-051
289-13-190	AMD-P	81-08-072	289-20-100	NEW	81-08-014	296-24-08113	REP-P	81-07-051
289-13-190	AMD	81-11-068	289-20-105	NEW	81-08-014	296-24-960	NEW-P	81-07-027
289-14	AMD-P	81-04-062	289-20-110	NEW	81-08-014	296-24-964	NEW-P	81-07-027
289-14-005	AMD	81-07-057	289-20-120	NEW	81-08-014	296-27	AMD-P	81-06-026
289-14-005	AMD	81-08-014	289-20-130	NEW	81-08-014	296-27-160	NEW-P	81-03-071
289-14-010	AMD	81-07-057	289-20-140	NEW	81-08-014	296-27-160	NEW-E	81-08-035
289-14-020	REP	81-07-057	289-20-150	NEW	81-08-014	296-27-160	NEW-P	81-10-059
289-14-030	REP	81-07-057	289-20-160	NEW	81-08-014	296-27-16001	NEW-P	81-03-071
289-14-100	NEW	81-08-014	289-20-165	NEW	81-08-014	296-27-16001	NEW-E	81-08-035
289-14-120	NEW	81-08-014	289-20-170	NEW	81-08-014	296-27-16001	NEW-P	81-10-059
289-14-130	NEW	81-08-014	289-20-180	NEW	81-08-014	296-27-16003	NEW-P	81-03-071
289-14-200	NEW	81-07-057	289-20-190	NEW	81-08-014	296-27-16003	NEW-E	81-08-035
289-14-210	NEW	81-07-057	289-20-200	NEW	81-07-057	296-27-16003	NEW-P	81-10-059
289-14-220	NEW	81-07-057	289-20-205	NEW	81-07-057	296-27-16005	NEW-P	81-03-071
289-14-230	NEW	81-07-057	289-20-210	NEW	81-07-057	296-27-16005	NEW-E	81-08-035
289-15	NEW-P	81-04-062	289-20-220	NEW	81-07-057	296-27-16005	NEW-P	81-10-059
289-15-100	NEW	81-08-014	289-20-230	NEW	81-07-057	296-27-16007	NEW-P	81-03-071
289-15-110	NEW	81-08-014	289-20-240	NEW	81-07-057	296-27-16007	NEW-E	81-08-035
289-15-120	NEW	81-08-014	289-20-250	NEW	81-07-057	296-27-16007	NEW-P	81-10-059
289-15-130	NEW	81-08-014	289-20-260	NEW	81-07-057	296-27-16009	NEW-P	81-03-071
289-15-200	NEW	81-07-057	289-20-265	NEW	81-07-057	296-27-16009	NEW-E	81-08-035
289-15-210	NEW	81-07-057	289-20-270	NEW	81-07-057	296-27-16009	NEW-P	81-10-059
289-15-220	NEW-P	81-04-063	289-20-280	NEW	81-07-057	296-27-16011	NEW-P	81-03-071
289-15-220	NEW	81-08-001	289-20-290	NEW	81-07-057	296-27-16011	NEW-E	81-08-035
289-15-230	NEW	81-07-057	289-22	NEW-P	81-04-062	296-27-16011	NEW-P	81-10-059
289-16	NEW-P	81-04-062	289-22-010	REP	81-07-057	296-27-16013	NEW-P	81-03-071
289-16-010	REP	81-07-057	289-22-020	REP	81-07-057	296-27-16013	NEW-E	81-08-035
289-16-020	REP	81-07-057	289-22-100	NEW	81-08-014	296-27-16013	NEW-P	81-10-059
289-16-030	REP	81-07-057	289-22-110	NEW	81-08-014	296-27-16015	NEW-P	81-03-071
289-16-040	REP	81-07-057	289-22-200	NEW	81-07-057	296-27-16015	NEW-E	81-08-035
289-16-100	NEW	81-08-014	289-22-210	NEW	81-07-057	296-27-16015	NEW-P	81-10-059
289-16-110	NEW	81-08-014	289-24	NEW-P	81-04-062	296-27-16017	NEW-P	81-03-071
289-16-120	NEW	81-08-014	289-24-010	REP	81-07-057	296-27-16017	NEW-E	81-08-035
289-16-130	NEW	81-08-014	289-24-010	AMD	81-08-014	296-27-16017	NEW-P	81-10-059
289-16-140	NEW	81-08-014	289-24-020	REP	81-07-057	296-27-16019	NEW-P	81-10-059
289-16-150	NEW	81-08-014	289-24-030	REP	81-07-057	296-27-16021	NEW-P	81-03-071
289-16-160	NEW	81-08-014	289-24-040	REP	81-07-057	296-27-16021	NEW-E	81-08-035
289-16-200	NEW	81-07-057	289-24-050	REP	81-07-057	296-27-16021	NEW-P	81-10-059
289-16-210	NEW	81-07-057	289-24-100	NEW	81-08-014	296-27-16023	NEW-P	81-03-071
289-16-220	NEW	81-07-057	289-24-110	NEW	81-08-014	296-27-16023	NEW-E	81-08-035
289-16-230	NEW-P	81-04-063	289-24-120	NEW	81-08-014	296-27-16023	NEW-P	81-10-059
289-16-230	NEW	81-07-057	289-24-200	NEW	81-07-057	296-27-16025	NEW-P	81-03-071
289-16-230	AMD	81-08-001	289-24-210	NEW	81-07-057	296-27-16025	NEW-E	81-08-035
289-16-240	NEW	81-07-057	289-24-220	NEW	81-07-057	296-37-510	AMD-E	81-02-029
289-16-250	NEW	81-07-057	289-30-060	NEW-P	81-04-064	296-37-510	AMD	81-07-048
289-16-260	NEW	81-07-057	289-30-060	NEW	81-07-058	296-37-550	AMD-E	81-02-029
289-18	NEW-P	81-04-062	296-15-040	REP	81-10-052	296-37-550	AMD	81-07-048
289-18-010	REP	81-07-057	296-15-044	NEW-P	81-08-063	296-45-660	NEW-E	81-07-049
289-18-020	REP	81-07-057	296-15-044	NEW	81-10-052	296-45-660	NEW-P	81-07-051
289-18-030	REP	81-07-057	296-17-895	AMD	81-04-024	296-45-66001	NEW-E	81-07-049
289-18-040	REP	81-07-057	296-17-904	NEW	81-04-024	296-45-66001	NEW-P	81-07-051
289-18-050	REP	81-07-057	296-17-905	AMD	81-04-024	296-45-66003	NEW-E	81-07-049
289-18-100	NEW	81-08-014	296-17-907	NEW	81-04-024	296-45-66003	NEW-P	81-07-051
289-18-110	NEW	81-08-014	296-17-910	AMD	81-04-024	296-45-66005	NEW-E	81-07-049
289-18-120	NEW	81-08-014	296-17-911	NEW	81-04-024	296-45-66005	NEW-P	81-07-051
289-18-200	NEW	81-07-057	296-17-912	NEW	81-04-024	296-45-66007	NEW-E	81-07-049
289-18-210	NEW	81-07-057	296-17-913	NEW	81-04-024	296-45-66007	NEW-P	81-07-051
289-18-220	NEW	81-07-057	296-17-914	NEW	81-04-024	296-45-66009	NEW-E	81-07-049
289-19	NEW-P	81-04-062	296-17-915	NEW	81-04-024	296-45-66009	NEW-P	81-07-051
289-19-010	NEW	81-08-014	296-17-916	NEW	81-04-024	296-45-66011	NEW-E	81-07-049

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296-45-66011	NEW-P	81-07-051	296-62-09047	NEW-P	81-07-027	308-33-011	AMD	81-02-031
296-46	AMD-P	81-05-019	296-62-09049	NEW-P	81-07-027	308-33-015	REP	81-02-031
296-46	AMD-P	81-05-025	296-62-09051	NEW-P	81-07-027	308-33-020	AMD	81-02-031
296-46-110	AMD	81-06-037	296-62-09053	NEW-P	81-07-027	308-33-030	AMD	81-02-031
296-46-115	NEW	81-06-037	296-62-09055	NEW-P	81-07-027	308-36-020	AMD-P	81-04-047
296-46-130	AMD	81-06-037	296-62-09057	NEW-P	81-07-027	308-36-020	AMD	81-08-043
296-46-140	AMD	81-06-037	296-62-09059	NEW-P	81-07-027	308-37-100	NEW-P	81-02-032
296-46-150	AMD	81-06-037	296-62-09061	NEW-P	81-07-027	308-37-100	NEW	81-06-013
296-46-335	AMD	81-06-037	296-62-09063	NEW-P	81-07-027	308-37-110	NEW-P	81-02-032
296-46-350	AMD	81-06-037	296-62-100	AMD-P	81-07-051	308-37-110	NEW	81-06-013
296-46-355	NEW	81-06-037	296-62-11015	AMD-P	81-07-051	308-37-120	NEW-P	81-02-032
296-46-40101	REP	81-06-037	296-62-11019	AMD-P	81-07-051	308-37-120	NEW	81-06-013
296-46-424	AMD	81-06-037	296-62-11021	AMD-P	81-07-051	308-37-130	NEW-P	81-02-032
296-46-500	AMD	81-06-037	296-62-14507	AMD-P	81-07-051	308-37-130	NEW	81-06-013
296-46-501	NEW	81-06-037	296-62-14531	AMD-P	81-07-051	308-37-140	NEW-P	81-02-032
296-46-506	NEW	81-06-037	296-62-14533	AMD-P	81-07-051	308-37-140	NEW	81-06-013
296-46-510	REP	81-06-037	296-62-20011	AMD-P	81-07-051	308-38	NEW-P	81-06-015
296-46-515	REP	81-06-037	296-79	AMD-P	81-03-006	308-38-100	NEW-P	81-02-032
296-46-520	REP	81-06-037	296-79-140	AMD	81-03-007	308-38-100	NEW-P	81-10-072
296-46-525	REP	81-06-037	296-79-140	AMD-P	81-07-051	308-38-110	NEW-P	81-02-032
296-46-910	AMD	81-06-037	296-79-170	AMD	81-03-007	308-38-110	NEW-P	81-10-072
296-52-030	AMD	81-07-048	296-79-170	AMD-P	81-07-051	308-38-120	NEW-P	81-02-032
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296-52-050	AMD	81-07-048	296-79-220	AMD	81-03-007	308-38-130	NEW-P	81-02-032
296-52-090	AMD	81-07-048	296-79-220	AMD-P	81-07-051	308-38-130	NEW-P	81-10-072
296-52-095	AMD	81-07-048	296-79-29029	AMD	81-03-007	308-38-140	NEW-P	81-02-032
296-54-559	AMD	81-05-013	296-79-300	AMD	81-03-007	308-38-140	NEW-P	81-10-072
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296-54-567	AMD	81-05-013	296-104-200	AMD	81-12-012	308-38-150	NEW-P	81-10-072
296-62-071	NEW-P	81-07-027	296-116-185	AMD-P	81-03-072	308-38-160	NEW-P	81-02-032
296-62-07101	NEW-P	81-07-027	296-116-185	AMD	81-07-009	308-38-160	NEW-P	81-10-072
296-62-07103	NEW-P	81-07-027	296-116-300	AMD-P	81-03-072	308-39-100	NEW-P	81-02-032
296-62-07105	NEW-P	81-07-027	296-116-300	AMD-P	81-06-054	308-39-100	NEW	81-06-013
296-62-07107	NEW-P	81-07-027	296-116-300	AMD-P	81-09-013	308-39-110	NEW-P	81-02-032
296-62-07109	NEW-P	81-07-027	296-116-300	AMD	81-12-017	308-39-110	NEW	81-06-013
296-62-07111	NEW-P	81-07-027	296-116-300	AMD-E	81-12-018	308-39-120	NEW-P	81-02-032
296-62-07113	NEW-P	81-07-027	296-155-500	AMD-P	81-07-051	308-39-120	NEW	81-06-013
296-62-07115	NEW-P	81-07-027	296-155-505	AMD-P	81-07-051	308-40-101	AMD-P	81-04-047
296-62-07117	NEW-P	81-07-027	296-155-50501	NEW-P	81-07-051	308-40-101	AMD	81-08-043
296-62-07119	NEW-P	81-07-027	296-155-650	AMD-P	81-07-051	308-50-055	REP-P	81-05-026
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296-62-07310	AMD	81-07-048	296-401-020	AMD	81-06-037	308-52-040	AMD	81-03-079
296-62-07312	AMD	81-07-048	296-401-050	REP	81-06-037	308-52-110	REP	81-03-079
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296-62-07341	AMD-P	81-07-051	296-401-100	AMD	81-06-037	308-52-132	NEW	81-03-078
296-62-07345	AMD-P	81-07-051	296-401-140	AMD	81-06-037	308-52-137	REP	81-03-078
296-62-07347	AMD-P	81-07-051	296-401-150	AMD	81-06-037	308-52-138	AMD	81-03-078
296-62-07349	AMD-P	81-07-051	296-401-160	AMD	81-06-037	308-52-139	AMD	81-03-078
296-62-07501	AMD-P	81-07-051	296-401-180	AMD	81-06-037	308-52-140	AMD	81-03-078
296-62-07515	AMD-P	81-07-051	308-04-001	NEW-E	81-03-046	308-52-141	AMD	81-03-078
296-62-07517	AMD-P	81-07-051	308-04-001	NEW-P	81-04-071	308-52-144	REP	81-03-078
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296-62-09011	AMD-P	81-07-027	308-16-211	AMD	81-03-015	308-52-205	NEW	81-03-078
296-62-09015	NEW-P	81-07-027	308-16-212	AMD	81-03-015	308-52-211	NEW	81-03-078
296-62-09017	NEW-P	81-07-027	308-16-215	AMD	81-03-015	308-52-215	NEW	81-03-078
296-62-09019	NEW-P	81-07-027	308-16-216	AMD	81-03-015	308-52-221	NEW	81-03-078
296-62-09021	NEW-P	81-07-027	308-16-217	AMD	81-03-015	308-52-250	REP	81-03-079
296-62-09023	NEW-P	81-07-027	308-16-218	NEW	81-03-015	308-52-255	NEW	81-03-079
296-62-09025	NEW-P	81-07-027	308-24-305	AMD	81-03-016	308-53-130	AMD	81-06-012
296-62-09027	NEW-P	81-07-027	308-24-320	AMD	81-03-016	308-53-215	NEW	81-06-012
296-62-09029	NEW-P	81-07-027	308-24-380	REP-P	81-05-035	308-53-230	AMD	81-06-012
296-62-09031	NEW-P	81-07-027	308-24-380	REP	81-09-031	308-54-120	AMD-P	81-09-022
296-62-09033	NEW-P	81-07-027	308-24-382	NEW-P	81-05-035	308-77-280	NEW-P	81-11-040
296-62-09035	NEW-P	81-07-027	308-24-382	NEW	81-09-031	308-92-010	REP	81-02-030
296-62-09037	NEW-P	81-07-027	308-24-384	NEW-P	81-05-035	308-92-020	REP	81-02-030
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296-62-09043	NEW-P	81-07-027	308-24-404	AMD	81-03-016	308-92-050	REP	81-02-030
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308-92-120	REP	81-02-030	322-02-020	NEW-P	81-03-084	356-15-120	AMD-P	81-10-045
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308-92-200	REP	81-02-030	322-10-070	NEW-P	81-03-084	356-18-210	REP-P	81-10-045
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308-120-160	REP	81-04-007	322-10-090	NEW-P	81-03-084	356-26-040	AMD-P	81-10-045
308-120-161	NEW	81-04-007	322-10-100	NEW-P	81-03-084	356-26-060	AMD	81-03-017
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308-120-163	NEW	81-04-007	322-12-010	REP-P	81-03-084	356-30-280	AMD-P	81-10-045
308-120-164	NEW	81-04-007	322-12-020	REP-P	81-03-084	356-34	AMD-P	81-03-018
308-120-165	NEW	81-04-007	322-12-030	REP-P	81-03-084	356-34	AMD-P	81-07-031
308-120-166	NEW	81-04-007	322-12-040	REP-P	81-03-084	356-34	AMD-P	81-09-039
308-120-168	NEW	81-04-007	322-12-060	REP-P	81-03-084	356-34	AMD-P	81-11-038
308-120-170	AMD-P	81-07-011	322-12-070	REP-P	81-03-084	356-34-180	AMD-P	81-03-019
308-120-170	AMD	81-10-026	322-12-080	REP-P	81-03-084	356-34-180	AMD-P	81-07-032
308-120-185	AMD	81-04-007	322-12-090	REP-P	81-03-084	356-34-180	AMD-P	81-09-038
308-120-410	AMD	81-04-007	322-12-100	REP-P	81-03-084	356-34-220	AMD-P	81-03-019
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308-120-509	AMD	81-04-007	322-12-120	REP-P	81-03-084	356-34-220	AMD-P	81-09-038
308-120-510	AMD-P	81-07-011	322-12-140	REP-P	81-03-084	360-13-010	AMD-P	81-06-076
308-120-510	AMD	81-10-026	322-12-150	REP-P	81-03-084	360-13-010	AMD	81-10-027
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308-124A-100	AMD	81-05-016	332-22-040	NEW	81-03-059	360-13-055	AMD	81-06-077
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308-124A-120	NEW	81-05-016	332-22-060	NEW	81-03-059	360-13-066	NEW-P	81-02-033
308-124A-130	NEW	81-05-016	332-22-070	NEW	81-03-059	360-13-066	NEW-P	81-06-076
308-124A-200	AMD	81-05-016	332-22-080	NEW	81-03-059	360-13-066	NEW-P	81-10-023
308-124A-310	REP	81-05-016	332-22-090	NEW	81-03-059	360-17-010	NEW-P	81-06-075
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308-124A-420	NEW	81-05-016	332-22-110	NEW	81-03-059	360-17-020	NEW-P	81-06-075
308-124B-040	AMD	81-05-016	332-22-120	NEW	81-03-059	360-17-020	NEW-P	81-10-024
308-124B-110	AMD	81-05-016	332-22-130	NEW	81-03-059	360-17-030	NEW-P	81-06-075
308-124B-120	AMD	81-05-016	332-22-140	NEW	81-03-059	360-17-030	NEW-P	81-10-024
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308-124G-010	REP	81-05-015	332-100-050	AMD-E	81-06-057	360-17-070	NEW-P	81-10-024
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388-83-035	REP	81-10-014	388-85-005	REP-P	81-06-068	388-86-085	AMD-E	81-06-043
388-83-036	NEW-P	81-09-069	388-85-005	REP	81-10-014	388-86-085	AMD-P	81-06-069
388-83-036	NEW-E	81-12-028	388-85-010	REP-E	81-06-042	388-86-085	AMD	81-10-015
388-83-036	NEW-P	81-12-043	388-85-010	REP-P	81-06-068	388-86-085	AMD-E	81-12-028
388-83-040	REP-E	81-12-028	388-85-015	REP	81-10-014	388-86-085	AMD-P	81-12-043
388-83-040	REP-P	81-12-043	388-85-015	AMD-P	81-03-057	388-86-090	AMD-E	81-12-028
388-83-045	AMD-P	81-03-057	388-85-015	AMD-E	81-03-058	388-86-090	AMD-P	81-12-043
388-83-045	AMD-E	81-03-058	388-85-015	REP-E	81-06-042	388-86-095	AMD	81-06-003
388-83-045	REP-E	81-06-042	388-85-015	REP-P	81-06-068	388-86-095	AMD-E	81-12-028
388-83-045	REP-P	81-06-068	388-85-015	REP	81-10-014	388-86-095	AMD-P	81-12-043
388-83-045	REP	81-10-014	388-85-020	REP-E	81-06-042	388-86-096	REP-E	81-06-039
388-83-050	REP-E	81-06-042	388-85-020	REP-P	81-06-068	388-86-096	REP-P	81-06-070
388-83-050	REP-P	81-06-068	388-85-020	REP	81-10-014	388-86-096	REP	81-10-016
388-83-050	REP	81-10-014	388-85-025	REP-E	81-06-042	388-86-09601	NEW-E	81-12-028
388-83-055	REP-E	81-06-042	388-85-025	REP-P	81-06-068	388-86-09601	NEW-P	81-12-043
388-83-055	REP-P	81-06-068	388-85-025	REP	81-10-014	388-86-098	AMD-E	81-12-028
388-83-055	REP	81-10-014	388-85-025	REP-E	81-06-042	388-86-098	AMD-P	81-12-043
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388-83-060	REP-P	81-06-068	388-85-105	REP	81-10-014	388-86-100	AMD-E	81-12-028
388-83-060	REP	81-10-014	388-85-105	NEW-E	81-06-042	388-86-100	AMD-P	81-12-043
388-83-065	REP-E	81-06-042	388-85-105	NEW-P	81-06-068	388-86-105	AMD	81-06-003
388-83-065	REP-P	81-06-068	388-85-105	NEW	81-10-014	388-86-112	AMD-E	81-12-028
388-83-065	REP	81-10-014	388-85-105	AMD-E	81-12-028	388-86-112	AMD-P	81-12-043
388-83-130	NEW-E	81-06-042	388-85-110	AMD-P	81-12-043	388-86-115	AMD-E	81-06-043
388-83-130	NEW-P	81-06-068	388-85-110	NEW-E	81-06-042	388-86-115	AMD-P	81-06-069
388-83-130	NEW	81-10-014	388-85-110	NEW-P	81-06-068	388-86-115	AMD	81-10-015

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388-86-120	AMD-E	81-03-058	388-91-016	AMD	81-10-016
388-86-120	AMD-E	81-06-041	388-91-035	AMD-E	81-06-043
388-86-120	AMD-P	81-06-069	388-91-035	AMD-P	81-06-070
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388-86-120	AMD-P	81-12-043	388-91-050	AMD-P	81-12-042
388-87-005	AMD-E	81-06-043	388-92	AMD-E	81-06-042
388-87-005	AMD-P	81-06-070	388-92	AMD-P	81-06-068
388-87-005	AMD	81-10-016	388-92	AMD	81-10-014
388-87-005	AMD-E	81-12-028	388-92-005	AMD-E	81-06-042
388-87-005	AMD-P	81-12-042	388-92-005	AMD-P	81-06-068
388-87-010	AMD-E	81-06-043	388-92-005	AMD	81-10-014
388-87-010	AMD-P	81-06-070	388-92-010	REP-E	81-06-042
388-87-010	AMD	81-10-016	388-92-010	REP-P	81-06-068
388-87-010	AMD-E	81-12-028	388-92-010	REP	81-10-014
388-87-010	AMD-P	81-12-042	388-92-015	AMD-E	81-06-042
388-87-011	AMD-E	81-06-043	388-92-015	AMD-P	81-06-068
388-87-011	AMD-P	81-06-070	388-92-015	AMD	81-10-014
388-87-011	AMD	81-10-016	388-92-020	REP-E	81-06-042
388-87-012	AMD-E	81-06-043	388-92-020	REP-P	81-06-068
388-87-012	AMD-P	81-06-070	388-92-020	REP	81-10-014
388-87-012	AMD	81-10-016	388-92-025	AMD-E	81-06-042
388-87-012	AMD-E	81-12-028	388-92-025	AMD-P	81-06-068
388-87-012	AMD-P	81-12-042	388-92-025	AMD	81-10-014
388-87-013	AMD-E	81-06-043	388-92-025	AMD-E	81-12-028
388-87-013	AMD-P	81-06-070	388-92-025	AMD-P	81-12-042
388-87-013	AMD	81-10-016	388-92-030	AMD-E	81-06-042
388-87-013	AMD-E	81-12-028	388-92-030	AMD-P	81-06-068
388-87-013	AMD-P	81-12-042	388-92-030	AMD	81-10-014
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388-87-025	AMD-P	81-06-070	388-92-035	REP-P	81-06-068
388-87-025	AMD	81-10-016	388-92-035	REP	81-10-014
388-87-025	AMD-E	81-12-028	388-92-040	AMD-E	81-06-042
388-87-025	AMD-P	81-12-042	388-92-040	AMD-P	81-06-068
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388-87-027	AMD-P	81-06-070	388-92-040	AMD-E	81-12-028
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388-87-027	AMD-E	81-12-028	388-92-045	AMD-E	81-06-042
388-87-027	AMD-P	81-12-042	388-92-045	AMD-P	81-06-068
388-87-030	AMD-E	81-06-043	388-92-045	AMD	81-10-014
388-87-030	AMD-P	81-06-070	388-92-050	AMD-E	81-06-042
388-87-030	AMD	81-10-016	388-92-050	AMD-P	81-06-068
388-87-030	AMD-E	81-12-028	388-92-050	AMD	81-10-014
388-87-030	AMD-P	81-12-042	388-92-055	REP-E	81-06-042
388-87-047	REP-E	81-06-038	388-92-055	REP-P	81-06-068
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388-87-070	AMD-P	81-12-042	388-92-065	REP	81-10-014
388-87-075	AMD-E	81-12-028	388-92-070	REP-E	81-06-042
388-87-075	AMD-P	81-12-042	388-92-070	REP-P	81-06-068
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388-87-077	AMD	81-10-016	388-96-015	NEW	81-06-024
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388-87-105	AMD-P	81-06-070	388-96-503	AMD	81-06-024
388-87-105	AMD	81-10-016	388-96-505	AMD	81-06-024
388-87-105	AMD-E	81-12-028	388-96-507	AMD	81-06-024
388-87-105	AMD-P	81-12-042	388-96-513	AMD	81-06-024
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388-91-010	AMD-P	81-06-070	388-96-525	AMD	81-06-024
388-91-010	AMD	81-10-016	388-96-529	AMD	81-06-024
388-91-010	AMD-E	81-12-028	388-96-531	AMD	81-06-024
388-96-533	AMD	81-06-024	388-96-535	AMD	81-06-024
388-96-535	AMD	81-06-024	388-96-537	NEW	81-06-024
388-96-537	NEW	81-06-024	388-96-539	AMD	81-06-024
388-96-541	AMD	81-06-024	388-96-541	AMD	81-06-024
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388-96-557	AMD	81-06-024	388-96-557	AMD	81-06-024
388-96-559	AMD	81-06-024	388-96-559	AMD	81-06-024
388-96-561	AMD	81-06-024	388-96-561	AMD	81-06-024
388-96-563	NEW	81-06-024	388-96-563	NEW	81-06-024
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388-96-567	AMD	81-06-024	388-96-567	AMD	81-06-024
388-96-569	AMD	81-06-024	388-96-569	AMD	81-06-024
388-96-571	AMD	81-06-024	388-96-571	AMD	81-06-024
388-96-572	NEW	81-06-024	388-96-572	NEW	81-06-024
388-96-585	AMD	81-06-024	388-96-585	AMD	81-06-024
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388-99-010	NEW-E	81-12-028	388-99-010	NEW-E	81-12-028
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388-99-020	NEW-P	81-12-042	388-99-020	NEW-P	81-12-042
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388-99-040	NEW-P	81-12-042	388-99-040	NEW-P	81-12-042
388-99-045	NEW-E	81-12-028	388-99-045	NEW-E	81-12-028
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388-99-050	NEW-P	81-12-042	388-99-050	NEW-P	81-12-042
388-99-055	NEW-E	81-12-028	388-99-055	NEW-E	81-12-028
388-99-055	NEW-P	81-12-042	388-99-055	NEW-P	81-12-042
388-99-060	NEW-E	81-12-028	388-99-060	NEW-E	81-12-028
388-99-060	NEW-P	81-12-042	388-99-060	NEW-P	81-12-042
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388-100-010	NEW-E	81-12-028	388-100-010	NEW-E	81-12-028
388-100-010	NEW-P	81-12-042	388-100-010	NEW-P	81-12-042
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388-100-020	NEW-P	81-12-042	388-100-020	NEW-P	81-12-042
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388-100-035	NEW-P	81-12-042	388-100-035	NEW-P	81-12-042
388-320	AMD-P	81-02-022	388-320	AMD-P	81-02-022
388-320	AMD-P	81-03-026	388-320	AMD-P	81-03-026
388-320	AMD-P	81-04-004	388-320	AMD-P	81-04-004
388-320-010	AMD	81-06-001	388-320-010	AMD	81-06-001
388-320-020	AMD	81-06-001	388-320-020	AMD	81-06-001
388-320-055	REP	81-06-001	388-320-055	REP	81-06-001
388-320-060	REP	81-06-001	388-320-060	REP	81-06-001
388-320-070	REP	81-06-001	388-320-070	REP	81-06-001
388-320-090	AMD	81-06-001	388-320-090	AMD	81-06-001

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388-320-094	REP	81-06-001	458-12-404	REP	81-04-054	468-38-370	AMD-P	81-11-052
388-320-095	REP	81-06-001	458-12-405	REP	81-04-054	468-38-370	AMD-E	81-11-054
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388-320-110	AMD	81-06-001	458-12-408	REP	81-04-054	468-38-460	AMD-E	81-11-053
388-320-115	AMD	81-06-001	458-12-410	REP	81-04-054	468-54	REVIEW	81-09-040
388-320-120	REP	81-06-001	458-12-412	REP	81-04-054	468-58	REVIEW	81-09-040
388-320-130	AMD	81-06-001	458-12-414	REP	81-04-054	468-58-050	AMD-E	81-09-033
388-320-135	NEW	81-06-001	458-12-416	REP	81-04-054	468-87	NEW-P	81-07-046
388-320-140	AMD	81-06-001	458-12-418	REP	81-04-054	468-87-010	NEW-P	81-03-050
388-320-150	REP	81-06-001	458-12-420	REP	81-04-054	468-87-010	NEW	81-10-058
388-320-155	REP	81-06-001	458-12-422	REP	81-04-054	468-87-020	NEW-P	81-03-050
388-320-160	REP	81-06-001	458-14-126	NEW	81-04-053	468-87-020	NEW	81-10-058
388-320-170	AMD	81-06-001	458-16-010	AMD	81-05-018	468-87-030	NEW-P	81-03-050
388-320-180	AMD	81-06-001	458-16-011	NEW	81-05-018	468-87-030	NEW	81-10-058
388-320-190	REP	81-06-001	458-16-012	NEW	81-05-018	468-87-100	NEW-P	81-03-050
388-320-200	REP	81-06-001	458-16-013	NEW	81-05-018	468-87-100	NEW	81-10-058
388-320-205	NEW	81-06-001	458-16-020	AMD	81-05-018	468-87-110	NEW-P	81-03-050
388-320-210	NEW	81-06-001	458-16-050	AMD	81-05-018	468-87-110	NEW	81-10-058
388-320-220	NEW	81-06-001	458-16-060	AMD	81-05-018	468-87-200	NEW-P	81-03-050
388-320-225	NEW	81-06-001	458-16-070	AMD	81-05-018	468-87-200	NEW	81-10-058
388-320-230	NEW	81-06-001	458-16-079	NEW	81-05-018	468-87-210	NEW-P	81-03-050
388-320-235	NEW	81-06-001	458-16-081	AMD	81-04-052	468-87-210	NEW	81-10-058
388-320-240	NEW	81-06-001	458-16-110	AMD	81-05-017	468-87-220	NEW-P	81-03-050
390-16-031	AMD-P	81-11-008	458-16-111	AMD	81-05-017	468-87-220	NEW	81-10-058
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390-20-054	NEW-P	81-05-007	458-16-130	AMD	81-05-017	468-87-230	NEW	81-10-058
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390-20-144	NEW	81-03-001	458-16-210	AMD	81-05-017	468-87-240	NEW	81-10-058
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391-25-110	NEW	81-02-034	458-16-270	AMD	81-05-017	468-87-300	NEW	81-10-058
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391-45-552	NEW	81-02-034	458-18-020	AMD	81-05-020	468-87-310	NEW	81-10-058
391-55-335	NEW	81-02-034	458-18-030	AMD	81-05-020	468-87-320	NEW-P	81-03-050
391-55-345	NEW	81-02-034	458-18-050	AMD	81-05-020	468-87-320	NEW	81-10-058
391-95-130	NEW	81-02-034	458-18-080	AMD	81-05-020	468-87-330	NEW-P	81-03-050
391-95-310	NEW	81-02-034	458-18-100	AMD	81-05-020	468-87-330	NEW	81-10-058
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402-22-150	NEW-P	81-12-026	458-40-18656	NEW-P	81-10-053	468-87-350	NEW	81-10-058
402-52-100	NEW-P	81-12-026	458-40-18657	NEW-P	81-10-053	468-87-360	NEW-P	81-03-050
402-52-200	NEW-P	81-12-026	458-40-18658	NEW-P	81-10-053	468-87-360	NEW	81-10-058
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