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This issue contains documents officially
filed not later than August 5, 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

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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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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
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81-13	Jul 1	Jul 21	Jun 17	Jun 3	May 20
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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 81-15-092
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
 [Filed July 22, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning adult corrections, new Title 137 WAC and repealing chapters 275-40, 275-48, 275-52, 275-53, 275-76, 275-80, 275-82, 275-85, 275-87, 275-88, 275-91, 275-92, 275-93, 275-96 and 275-102 WAC, adult corrections.

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

Maurice A. Harmon
 Assistant Secretary, Program Development
 Department of Corrections
 Mailstop FN-61
 Olympia, WA 98504;

that such agency will at 10:00 a.m., Friday, October 2, 1981, in the Auditorium, General Administration Building, 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, October 14, 1981, in the Office of Maurice A. Harmon, 6th Floor, Capitol Center Building, 410 West 5th Avenue, Olympia, WA.

The authority under which these rules are proposed is chapter 136, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 2, 1981, and/or orally at 10:00 a.m., Friday, October 2, 1981, Auditorium, General Administration Building, Olympia, Washington.

Dated: July 20, 1981

By: Amos E. Reed
 Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding the adopting of chapter 137-04 WAC, Introductory, Department of Corrections; chapter 137-08 WAC, Public Records—Disclosure; chapter 137-20 WAC, Sale of Vocational—Education Products; chapter 137-24 WAC, Detainer; chapter 137-28 WAC, Discipline; chapter 137-32 WAC, Segregation; chapter 137-36 WAC, Inmate Property; chapter 137-40 WAC, Medical/Dental Services; chapter 137-44 WAC, Visits; chapter 137-48 WAC, Correspondence/Telephone; chapter 137-52 WAC, Escorted Leave; chapter 137-56 WAC, Work/Training Release; chapter 137-60 WAC, Furlough; chapter 137-64 WAC, Payments to Releasees; chapter 137-68 WAC, Interstate Compact and repealing chapter 275-40 WAC, Annual Inspection of all Jails and Detention Facilities; chapter

275-48 WAC, Payments to Releasees; chapter 275-52 WAC, Institutional Industries; chapter 275-53 WAC, Sale of Vocational—Education Products; chapter 275-76 WAC, Detainer; chapter 275-80 WAC, Visits; chapter 275-82 WAC, Segregation; chapter 275-85 WAC, Escorted Leave; chapter 275-87 WAC, Inmate Property; chapter 275-88 WAC, Discipline; chapter 275-91 WAC, Medical/Dental Services; chapter 275-92 WAC, Work/Training Release; chapter 275-93 WAC, Furlough; chapter 275-96 WAC, Correspondence/Telephone; chapter 275-102 WAC, Interstate Compact.

The reason these rule changes are necessary is that a new Department of Corrections was established by Law in 1981.

Statutory authority: Chapter 136, Laws of 1981.

Summary of the rule changes: Chapter 137-04 WAC Introductory—A new WAC identifying, giving definitions, etc. relating to the new Department of Corrections established by law, 1981; chapter 137-08 WAC Public Records—Disclosure—New WAC to ensure compliance by the Department of Corrections in accordance with RCW 42.17.250 through 42.17.340; chapters 137-20 through 137-68 WAC These WAC's for adoption reflect changing all references made to the Department of Social and Health Services to the Department of Corrections, as well as cosmetic changes, e.g., "resident" to "inmate," "director" to "secretary," redefining divisions within the Department of Corrections, etc.; chapter 137-56 WAC Under Application—Who May Apply (3) "Persons convicted of murder first degree are not eligible for work/training release in accordance with the Corrections Reform Act of 1981." New law; chapter 137-60 WAC Under Furlough—Who May Apply (4) "Persons convicted of Murder, First Degree, as noted in the Corrections Reform Act of 1981, may not be granted furloughs." New law; and chapter 137-32 WAC Under Review of Administrative Segregation Status (3) "Any inmate held in administrative segregation for 90 days shall have his/her case reviewed by a representative of the headquarters classification unit." Required by law.

Person or persons responsible for the drafting, implementation and enforcement of the rule: Maurice A. Harmon, Assistant Secretary, Program Development, Department of Corrections, Telephone: 3-7400, Mailstop: FN-61.

No person or organization other than the Department of Corrections proposed these rules.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

Chapter 137-04 WAC
INTRODUCTORY

NEW SECTION

WAC 137-04-010 DEFINITIONS. As used in this title:

- (1) "Secretary" means the secretary of the department of corrections.
- (2) "Department" means the department of corrections.
- (3) "Inmate" means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough or work release.
- (4) The term "resident", as well as inmate, is used to designate a person on parole or probation status residing at a community residential facility.

NEW SECTION

WAC 137-04-020 USE OF GENDER AND NUMBER. As used in this title, words importing the singular number may extend and be applied to several persons or things and vice versa. Words importing the masculine gender may be applied to females or organizations.

Chapter 137-08 WAC
PUBLIC RECORDS—DISCLOSURE

NEW SECTION

WAC 137-08-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the department of corrections with the provisions of the public records disclosure act, RCW 42.17.250 through 42.17.340.

This chapter is organized as follows:

- (1) WAC 137-08-030 through 137-08-050 provide information relative to the overall organizational structure of the department, as required by RCW 42.17.250.
- (2) The remainder of the chapter, commencing with WAC 137-04-060, provides information relating to disclosure of public records, as required by RCW 42.17.260 through 42.17.340. These sections apply to all offices of the department.

NEW SECTION

WAC 137-08-020 DEFINITIONS. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the department regardless of physical form or characteristics.

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

(3) "Department" means the department of corrections.

(4) "Client" means any person or organization about whom the department has a record.

(5) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

NEW SECTION

WAC 137-08-030 ESTABLISHMENT OF DEPARTMENT. The department of corrections was established effective July 1, 1981, by Second Substitute House Bill No. 235, enacted by the 1981 legislature. Previously, functions delegated to the department of corrections were assigned to the adult corrections division, department of social and health services.

NEW SECTION

WAC 137-08-040 STRUCTURE OF DEPARTMENT. The department of corrections is comprised of the following divisions:

(1) Institutional industries division—this division provides residents at the state's major facilities with the opportunity to engage in constructive employment. The division provides vocational training to inmates through production of useful products that may be sold to tax-supported agencies. Participating inmates are paid wages. The program is self-supporting.

(2) Prisons division—this division is responsible for all correctional facilities operated throughout the state by the department of corrections.

(3) Community services division—this division is responsible for all community-based noninstitutional programs, including work-release/training programs, interstate compact, intensive community-based supervision, and regional administration.

(4) Fiscal and administrative services division—this division augments the other divisions. It includes planning, research and analysis, budget and accounting, contracts, management information systems, and office services.

NEW SECTION

WAC 137-08-050 GENERAL COURSE AND METHOD OF OPERATIONS. The department is headed by the secretary, who is appointed by the governor with the consent of the senate and serves at the pleasure of the governor. The four divisions of the department of corrections are each headed by a director. All four directors report to the deputy secretary, who is appointed by the secretary. Staff also reporting to the deputy secretary are the chiefs of personnel services, legal services, public information, and special investigations, as well as the assistant secretary for program development.

NEW SECTION

WAC 137-08-060 PUBLIC RECORDS AVAILABLE. (1) Requests for any identifiable public record may be initiated at any office of the department.

(2) The department shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The department's failure to so respond shall entitle the person seeking disclosure to petition the public records officer pursuant to WAC 137-04-140.

NEW SECTION

WAC 137-08-070 PUBLIC RECORDS OFFICER. The department shall designate a public records officer, located in the state administrative office, who shall be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

NEW SECTION

WAC 137-08-080 PUBLIC DISCLOSURE COORDINATOR. Each departmental administrative unit—for example, each institution—shall designate from among its employees at least one public disclosure coordinator, who shall:

(1) Have responsibility to respond to written requests for disclosure of the department's nonexempt public records located in that office; and

(2) Refer the person requesting disclosure to any other office where the record is located, and assist further in the disclosure process; and

(3) Verify, if necessary, the identity of any person requesting information.

NEW SECTION

WAC 137-08-090 REQUEST FOR PUBLIC RECORDS. (1) A request for disclosure of a public record may be oral or written. Such a request need merely identify with reasonable certainty the record sought to be disclosed.

(2) A request for disclosure shall be made during customary business hours.

(3) A request for disclosure shall not be made for commercial or political purposes.

(4) If the public record contains material exempt from disclosure pursuant to law, including those laws cited in WAC 137-08-150, the department must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to WAC 137-08-130.

(5) Any person continuing to seek disclosure, after having received a written explanation for nondisclosure pursuant to WAC 137-08-130, may request a review under the provisions of WAC 137-08-140.

(6) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(7) Nothing in this section or elsewhere in this chapter shall be construed to require the department to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the department and is not required for litigation by rules of pretrial discovery.

NEW SECTION

WAC 137-08-100 DISCLOSURE TO CLIENT'S REPRESENTATIVE. (1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must include:

(a) The identity of the person(s) or organization(s) to whom disclosure is to be made;

(b) An identification of the record, or portion thereof, to be disclosed;

(c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

NEW SECTION

WAC 137-08-110 FEES—INSPECTION AND COPYING. (1) No fee shall be charged for the inspection of public records.

(2) The department shall collect the following fees to reimburse itself for actual costs incident to providing copies of public records:

(a) In the instance of manuals, and manual revisions to holders of manuals, the cost shall be that of printing and mailing;

(b) Cost of copying of blueprints and like materials involving an extraordinary expense shall be fully reimbursed to the department;

(c) Otherwise, the department shall charge a fee of ten cents per page, plus postage if any, provided that:

(i) The first ten pages shall be free;

(ii) Additionally, any materials to be entered by the department as an exhibit in a hearing or trial shall be free.

(3) Nothing contained in this section shall preclude the department from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the department.

(4) The secretary of the department or his designee is authorized to waive any of the foregoing copying costs.

NEW SECTION

WAC 137-08-120 PROTECTION OF PUBLIC RECORDS. Public records shall be disclosed only in the presence of a public disclosure coordinator or his or her designee, who shall withdraw the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the department. This section shall not be construed to prevent the department from accommodating a client by use of the mails in the disclosure process.

NEW SECTION

WAC 137-08-130 DISCLOSURE PROCEDURE. (1) The public disclosure coordinator shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public disclosure coordinator shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the public disclosure coordinator shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a

statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

NEW SECTION

WAC 137-08-140 REMEDY FOR REVIEW OF DENIAL OF DISCLOSURE. (1) If the person requesting disclosure disagrees with the decision of a public disclosure coordinator denying disclosure of a public record, this person may at any time petition the department's public records officer for review of the decision denying disclosure. The form used by the public disclosure coordinator to deny disclosure of a public record shall clearly indicate this right of review.

(2) The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320.

NEW SECTION

WAC 137-08-150 EXEMPTIONS TO PUBLIC RECORDS DISCLOSURE. Nondisclosable records are those exempted by law, including:

(1) Personal information in any files concerning a prisoner, probationer, or parolee to the extent required by RCW 42.17.310(1)(a); however, disclosure may be made to that person or that person's representative, except as otherwise prohibited by these rules;

(2) Data (including information revealing the identity of persons who file complaints, except as the complainant may authorize) contained in intelligence, investigative, and other related files compiled by investigative, law enforcement or penology agencies, and state agencies vested with the responsibility to discipline members of any profession. This data is nondisclosable to the extent required by RCW 42.17.310(1)(d) and (e). RCW 10.97.080, chapter 446-20 WAC;

(3) Certain juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW;

(4) Personal information in files maintained for an employee of the department to the extent required by RCW 42.17.310(1)(b);

(5) Deliberative material, as opposed to facts upon which a decision is based, contained in preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended; except that a specific record shall be disclosable when publicly cited by the department in connection with any action to the extent required by RCW 42.17.310(1)(i);

(6) Records which are relevant to a controversy to which the department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the department and the office of the attorney general privileged under RCW 5.60.060(2).

NEW SECTION

WAC 137-08-160 QUALIFICATIONS ON NONDISCLOSURE. (1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

NEW SECTION

WAC 137-08-170 INTERAGENCY DISCLOSURE. (1) Unless prohibited by law, information may be disclosed by the department to outside agencies, including other state of Washington agencies, or agencies of other states.

(2) Outside agencies receiving information pursuant to subsection (1) of this section shall be thereby subject to the same standards of disclosure as are required of the department.

NEW SECTION

WAC 137-08-180 RECORDS INDEX. (1) The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.

(2) The department will make available for public disclosure all indices which may at a future time be developed for agency use.

Chapter 137-20 WAC

SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS IN CORRECTIONAL INSTITUTIONS**NEW SECTION**

WAC 137-20-010 SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS. (1) The superintendent of a correctional institution may sell items which have been produced or restored in connection with vocational training activities. Such items may be sold at auction at which bidders are present or by a call for sealed bids.

(2) A minimum price shall be established for each item sufficient to offset the cost of its production.

NEW SECTION

WAC 137-20-020 REQUIREMENTS OF SALE AND NOTICE. (1) Notice of proposed sale shall be given to the public at least fifteen days in advance by such methods as the superintendent determines are appropriate.

(2) A bid winner shall have a maximum of five days to complete his or her purchase and a maximum of thirty days to remove his or her purchase from the premises, under penalty of forfeiture of the purchase price, and the notice thereof shall so advise.

(3) If sealed bids are invited the bid must be accompanied by a certified check or money order equal to ten percent of the amount of the bid, and the notice thereof shall so advise.

NEW SECTION

WAC 137-20-030 DISPLAY. Items to be auctioned shall be displayed in advance of the sale to permit inspection by potential buyers. Each item shall have the minimum price physically attached to it.

NEW SECTION

WAC 137-20-040 PROCEEDS OF SALE. Proceeds of the sale shall be used exclusively for vocational training purposes.

Chapter 137-24 WAC

ADULT CORRECTIONAL INSTITUTIONS—DETAINER**NEW SECTION**

WAC 137-24-010 DEFINITIONS. For purposes of this chapter:

(1) "Detainer" shall mean a formal written request by a requesting authority to the superintendent of a custodial institution subject to the jurisdiction and control of the department asking that the superintendent:

(a) Notify the requesting authority when the release of a particular inmate is imminent, and/or

(b) Hold the inmate pending transfer of the inmate to the custody of the requesting authority.

(2) "Superintendent" shall refer to the chief administrator of a custodial institution subject to the jurisdiction and control of the department, or his or her authorized agents.

(3) "Requesting authority" shall mean any criminal justice agency which files a detainer with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department.

(4) "State administrator" shall refer to the state officer designated, in accordance with the provisions of chapter 9.100 RCW, to administer the interstate agreement on detainers within the state of Washington.

NEW SECTION

WAC 137-24-020 PURPOSES OF DETAINERS. Detainers may be filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department in order to accomplish any of the following purposes:

(1) "Trial or pretrial detainers" — to secure the return of an inmate to the jurisdiction and custody of the requesting authority for trial on pending criminal charges or for pretrial proceedings on potential but not yet pending criminal charges;

(2) "Commitment detainers" — to secure the return of an inmate to the jurisdiction and custody of the requesting authority for service of an unexpired portion of the inmate's sentence on a previous conviction;

(3) "Probation or parole revocation detainers" — to secure the return of an inmate to the jurisdiction and custody of the requesting authority for a hearing on whether the inmate's probation or parole, previously granted in connection with a prior conviction and sentence, should be revoked;

(4) "Miscellaneous detainers" — to secure the return of an inmate to the jurisdiction and custody of the requesting authority for such miscellaneous purposes as are necessary and valid in the context of the criminal justice system.

NEW SECTION

WAC 137-24-030 FORM OF DETAINERS. A detainer filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department shall contain, and describe in detail, the following information:

(1) The identity of the requesting authority;

(2) The purpose of the detainer;

(3) The legal basis for the detainer, including, in all cases, a description of the factual circumstances which provide the basis for the issuance of the detainer;

(4) The sentence or possible penalties which the inmate will face if delivered to the custody of the requesting authority;

(5) A statement as to whether it is the intention of the requesting authority to execute the detainer and subject the inmate to trial, hearing, or incarceration.

NEW SECTION

WAC 137-24-040 EVALUATION OF DETAINDER REQUEST. Whenever a superintendent receives a detainer request he or she shall evaluate the request to determine if it complies in form and content with the provisions of this chapter.

(1) If the superintendent determines that a detainer request is valid, he or she shall acknowledge in writing to the requesting authority that the detainer has been received and will be honored by the department in accordance with the provisions of the interstate agreement on detainers.

(2) If the superintendent determines that a detainer fails to comply with the provisions of this chapter and is therefore invalid, he or she shall forward the detainer request to the state administrator who shall then make a final determination as to the validity of the detainer.

(a) If the state administrator determines that the detainer is invalid he or she shall immediately:

(i) Notify the requesting authority that the detainer will not be honored by the department;

(ii) Inform the requesting authority in detail of the manner in which the detainer fails to comply in form and/or content with the provisions of this chapter;

(iii) Inform the requesting authority that the detainer will be honored if refiled in compliance with the provisions of this chapter.

(b) If the state administrator determines that the detainer is valid, he or she shall immediately inform the superintendent of his or her decision and ask the superintendent to acknowledge in writing to the requesting authority that the detainer has been received and will be honored by the department.

(3) If the superintendent determines that a detainer is in fact merely a request for notice as to the inmate's present status or future release date, and not a request that the inmate be held pending transfer to the custody of the requesting authority, he or she shall inform the requesting authority that:

(a) The detainer will be honored as a request for notice,

(b) The inmate will not be held by the department for transfer to the custody of the requesting authority, and

(c) The requesting authority may, if it wishes, file a new detainer, requesting that the inmate be held by the department for transfer to the custody of the requesting authority.

NEW SECTION

WAC 137-24-050 TRIAL OR PRETRIAL DETAINERS. (1) Who may file. The authority to issue or file trial or pretrial detainers shall generally be limited to the chief prosecuting authority of the jurisdiction making the detainer request.

(a) Nonprosecutorial officials, such as state or county sheriffs or police, shall not have authority to file detainers.

(b) In federal matters a United States marshal may formally file a detainer when acting on behalf of a United States district attorney or attorney general.

(2) Supportive materials necessary. Trial or pretrial detainers shall be accompanied by a certified copy of the complaint, indictment, information, or court order which is the jurisdictional basis for the detainer.

(3) Underlying charge. The underlying charge upon which a trial or pretrial detainer is based shall be either a felony or gross misdemeanor under the laws of the state of Washington.

(4) Notice to inmate. Upon receipt of a valid trial or pretrial detainer a superintendent shall immediately notify the inmate against whom the detainer has been filed of the existence, nature, and content of the detainer. In addition, the superintendent shall immediately notify the inmate of his or her right to demand final disposition of the criminal charges underlying the detainer.

(5) Final disposition. An inmate against whom a trial or pretrial detainer has been filed may demand of the requesting authority that a final disposition be made of the criminal charges underlying the detainer.

(a) A requesting authority shall be required to bring an inmate to trial on the charges underlying a trial or pretrial detainer within one hundred and eighty days after receiving notice from the inmate of the inmate's place of incarceration and of his or her desire for final disposition of the underlying charges: PROVIDED, That a court having jurisdiction of the underlying charge may grant any necessary or reasonable continuance.

(b) An inmate's demand for final disposition of the criminal charge underlying a particular detainer shall operate as a request for final disposition of the charges underlying any and all detainers filed against the inmate by requesting authorities within the state to which the request for final disposition is directed.

(c) An inmate's demand for final disposition shall be deemed a waiver of extradition with respect to any and all proceedings necessary to said final disposition.

(d) An inmate's demand for final disposition shall be deemed a future waiver of extradition to the requesting state for service of any sentence imposed upon the inmate in connection with said final disposition.

(e) An inmate's demand for final disposition shall constitute consent to be returned to the institution where presently confined upon completion of the trial or pretrial proceedings in the requesting state.

(6) Request for temporary custody. A requesting authority which has filed a valid trial or pretrial detainer may request temporary custody of the inmate for the purpose of resolving the criminal charges underlying the detainer.

(a) Upon receipt of a request for temporary custody from a requesting authority which has filed a valid trial or pretrial detainer, the superintendent shall immediately give the following notice to the inmate who is the subject of the detainer:

(i) Notice of the source and content of the request for temporary custody,

(ii) Notice of the inmate's right to retain counsel at his or her own expense to assist in opposing the request for temporary custody,

(iii) Notice of the inmate's right to oppose the request for temporary custody by filing with the governor, within thirty days of receipt of the request for temporary custody, a statement setting forth the reasons why the request for temporary custody should not be granted, and

(iv) Notice of the inmate's right to contest, either before or after transfer, the legality of his or her transfer to the requesting authority pursuant to the request for temporary custody.

(b) In accordance with the provisions of chapter 9.100 RCW a request for temporary custody shall not be honored for a period of thirty days after receipt of the request, during which time the governor of the state of Washington may either approve or disapprove the transfer. If

the governor either approves or fails within the thirty-day time limit to disapprove the transfer, the request for transfer shall be honored at the end of said thirty-day period.

(7) Inmate in custody on appeal. An inmate who is in custody pending disposition of his or her appeal from a state criminal conviction, and against whom a valid trial or pretrial detainer has been filed, may be transferred to the custody of a requesting authority pursuant to a request for final disposition or temporary custody.

(a) Whenever a request for final disposition or temporary custody is made with regard to an inmate in custody pending appeal, the superintendent shall:

(i) Give appropriate notice to the prosecuting attorney of the county in which the conviction was obtained and from which the appeal has been taken,

(ii) Notify and acknowledge to the inmate and the requesting authority that the request for transfer has been received, and

(iii) Make a recommendation to the state administrator regarding the request for transfer.

(b) The state administrator shall determine, in the exercise of his or her discretion, whether the inmate should be transferred pursuant to the request for final disposition or temporary custody or should be held in the custody of the department pending disposition of the appeal. The state administrator's determination shall be based upon the following factors:

(i) The recommendation of the superintendent,

(ii) The recommendation, if any, of the prosecuting attorney involved in the pending appeal,

(iii) The anticipated time for resolution of the pending appeal,

(iv) The desire of the inmate, and

(v) Such other factors as may be relevant and material in the context of the individual case.

(8) Procedure for transfer, handling, and return of inmate. The transfer, handling, and return of an inmate pursuant to a request for final disposition or a request for temporary custody shall be governed by the provisions of article V of the interstate agreement on detainers, RCW 9.100.010.

(9) One year time limitation. A jurisdictional authority wishing to file a trial or pretrial detainer against an inmate held within the institutions of the state shall be required to file said detainer within one year after receiving actual notice that the inmate is being held within this state. If a requesting authority fails to proceed within the one year time limit, a subsequent trial or pretrial detainer filed by that requesting authority against the inmate in question will not be honored unless based upon an underlying charge of homicide or attempted homicide.

NEW SECTION

WAC 137-24-060 COMMITMENT DETAINERS. (1) Who may file. The authority to issue or file a commitment detainer shall be limited to the jurisdictional authority responsible for the custody of the inmate in question upon his or her return to the requesting state. Such jurisdictional authorities would include parole agencies, probation agencies, or the agencies responsible for the administration of correctional institutions.

(2) Supportive materials. In addition to the information required by WAC 137-24-030, commitment detainers shall be accompanied by certified copies of the official court documents rendering the judgment and imposing the sentence which are the jurisdictional basis for the detainer and by a statement from the requesting agency setting forth the legal basis for its authority to execute the sentence which is the basis for the detainer.

(3) Notice to inmate. Upon receipt of a valid commitment detainer, a superintendent shall immediately notify the inmate against whom the detainer has been filed of the existence, nature, and content of the detainer.

NEW SECTION

WAC 137-24-070 PROBATION OR PAROLE REVOCATION DETAINERS. (1) Who may file. The authority to issue or file parole or probation revocation detainers shall be limited to the parole or probation authority which has initiated the revocation proceedings.

(2) Supportive materials necessary. In addition to the material required by WAC 137-24-030, parole or probation revocation detainers shall be accompanied by certified copies of all documents necessary to establish the requesting agency's jurisdictional authority to undertake the revocation proceedings.

(3) Notice to inmates. Upon receipt of a valid probation or parole revocation detainer, a superintendent shall immediately notify the inmate against whom the detainer has been filed of the existence, nature, and content of the detainer.

(4) No right to demand final disposition. An inmate against whom a probation or parole revocation detainer has been filed shall not be entitled to demand of the requesting authority that final disposition be made of the charges which are the basis for the pending revocation proceedings and the detainer.

NEW SECTION

WAC 137-24-080 MISCELLANEOUS DETAINERS. (1) Who may file. The authority to issue or file detainers other than those specified in WAC 137-24-050, 137-24-060, and 137-24-070 shall be limited to:

(a) The chief prosecuting authority of the jurisdiction making the detainer request, or

(b) Courts of general jurisdiction within the jurisdiction making the detainer request.

(2) Supportive materials necessary. In addition to the material required by WAC 137-24-030, miscellaneous detainers shall be accompanied by certified copies of all documents necessary to establish the requesting agency's jurisdictional authority to file and execute the detainer.

(3) Notice to inmate. Upon receipt of a valid miscellaneous detainer the superintendent shall immediately notify the inmate against whom the detainer has been filed of the existence, nature, and content of the detainer.

NEW SECTION

WAC 137-24-090 INMATE TO BE MADE AVAILABLE. (1) Whenever a valid detainer is filed against an inmate of an institution under the jurisdiction and control of the department, the superintendent of that institution shall take all such precautions as are reasonably necessary to assure that the inmate shall be made available to the requesting authority upon his or her release from the custody of the department.

(2) Upon receipt of a valid detainer, the superintendent shall immediately order that the custody status of the inmate in question be examined and appropriate action taken to assure the availability of the inmate for transfer to the requesting authority.

(3) The superintendent shall give notice to the requesting authority of the date of the requested inmate's release to parole or final release as soon as possible after the superintendent receives notice of said release date.

(4) The superintendent shall promptly notify the requesting authority whenever any changes are made in the inmate's proposed release date.

NEW SECTION

WAC 137-24-100 REDUCED CUSTODY PROGRAMS. (1) If at the time a detainer is filed against an inmate, the inmate is participating in a reduced custody program, such as honor camp, furlough, or work or training release programs, the superintendent shall immediately notify the person in charge of such program of the detainer and the factual circumstances which provide the basis for the issuance of the detainer and such person shall then promptly evaluate the appropriateness of the inmate's continuing participation in such program.

(2) If an inmate against whom a detainer has previously been filed should apply or be considered for placement in a reduced custody program, the superintendent shall consider the factual circumstances which provide the basis for issuance of the detainer along with all other relevant factors normally considered in determining the appropriateness of the inmate's participation in the proposed reduced custody program.

NEW SECTION

WAC 137-24-110 REQUESTED INMATE ON PAROLE. If, at the time a valid detainer is filed against an inmate, the inmate has been released on parole, the superintendent shall immediately:

(1) Notify the inmate that a valid detainer has been filed against him or her,

(2) Inform the requesting authority that the inmate has been released on parole,

(3) Inquire of the requesting authority as to the requesting authority's intended course of action with regard to the detainer, and

(4) Inform the state board of prison terms and paroles that a valid detainer has been filed against the parolee-inmate.

NEW SECTION

WAC 137-24-120 TRANSFER OF INMATE TO MENTAL HOSPITAL. (1) If an inmate against whom a valid detainer has been filed is to be transferred from an adult correctional institution to a state mental hospital, the superintendent of the correctional institution shall, in advance of the transfer:

(a) Notify the requesting authority of the proposed transfer of the inmate and the reasons for the transfer; and

(b) Notify the superintendent of the mental hospital of the existence and nature of the detainer which has been filed against the inmate.

(2) During the time in which an inmate against whom a detainer has been filed is a patient of a state mental hospital, the superintendent of the mental hospital shall assume full responsibility for custody of the patient-inmate and shall take all such precautions as are reasonably necessary to assure that the individual shall be made available to the requesting authority upon his or her release from the custody of the department.

NEW SECTION

WAC 137-24-130 RECOMMENDATION FOR WITHDRAWAL OF DETAINER. (1) Prior to the anticipated release date of an inmate against whom a valid detainer has been filed, the superintendent or his or her designee shall:

(a) Prepare an evaluation of the inmate, outlining the inmate's actions and activities while in custody in the institution and indicating whether a post-release parole plan and program has been developed for the inmate,

(b) Make a recommendation to the state administrator as to whether the department should attempt to obtain the withdrawal by the requesting authority of the detainer filed against the inmate,

(c) Furnish copies to the inmate of said evaluation and recommendation.

(2) When the superintendent has recommended that the department seek the withdrawal of a detainer, the state administrator, after considering the circumstances of the offense for which the detainer was placed and the justification for the superintendent's recommendation, may:

(a) Ask the requesting authority to withdraw the detainer, and

(b) Furnish the requesting authority with the evaluation and recommendation prepared by the superintendent.

(3) When a requesting authority indicates in writing that it wishes to withdraw a previously filed detainer, the superintendent shall notify the inmate and the board of prison terms and paroles, and acknowledge to the requesting authority, that the detainer has been withdrawn.

(4) The superintendent shall hold and make the inmate available for transfer to the requesting authority in accordance with the provisions of this chapter whenever a requesting authority either:

(a) Indicates that it intends to exercise its detainer, notwithstanding the recommendation of the state administrator and the superintendent, or

(b) Fails to make a response to the state administrator's recommendation and inquiry.

NEW SECTION

WAC 137-24-140 IDENTIFICATION OF REQUESTING AUTHORITY'S TRANSFERRING AGENCY. It shall be the responsibility of a superintendent, prior to delivering an inmate to the custody of an agent of the requesting authority pursuant to a detainer, to verify:

(1) The identity of the agent, and

(2) The jurisdictional authority of the agent to take custody of the inmate pursuant to the detainer.

NEW SECTION

WAC 137-24-150 FAILURE OF REQUESTING AUTHORITY TO TAKE CUSTODY. When the department has agreed to the transfer of an inmate to the custody of a requesting authority on the date of the inmate's release on parole or final release, the requesting authority shall be required to appear and take custody of the inmate

on said date. If the requesting authority fails to appear as required, the inmate shall be released.

NEW SECTION

WAC 137-24-160 **DETAINER REQUEST BY NONSIGNATOR OF INTERSTATE AGREEMENT ON DETAINEES.** The provision of this chapter shall be fully applicable to detainees filed with the department by a state which is not a signator to the interstate agreement on detainees, except that the procedure for transfer of an inmate under such circumstances shall be governed by the provisions of chapter 10.88 RCW, the Uniform Criminal Extradition Act.

Chapter 137-28 WAC ADULT CORRECTIONAL INSTITUTIONS—DISCIPLINE

NEW SECTION

WAC 137-28-010 **PURPOSE.** (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by an inmate of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles.

NEW SECTION

WAC 137-28-020 **DEFINITIONS.** The following definitions apply for purposes of this chapter.

(1) "Promptly" - To act as soon as possible consistent with institutional goals of safety, security, and rehabilitation.

(2) "Working days" - Normal Monday through Friday work days, excluding weekends and holidays.

(3) "Director" - The director of the division of prisons of the department of corrections or his or her designee(s).

(4) "Superintendent" - A superintendent of an adult correctional institution or his or her designee(s).

NEW SECTION

WAC 137-28-030 **SUPPLEMENTARY RULES.** The superintendent of an adult correctional institution may promulgate supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director or his or her designee before being put into effect: **PROVIDED,** That such local rules may be adopted on a thirty-day emergency basis without such approval. The director may disapprove any rule, and/or procedure adopted under this rule.

NEW SECTION

WAC 137-28-040 **NOTIFICATION.** (1) Each inmate of a correctional institution shall be advised in writing of:

(a) His or her rights and responsibilities,
(b) Acts prohibited in the institution,
(c) Disciplinary action which may be taken in the event of misconduct.

(2) Each inmate shall be provided with a copy of the rules in this chapter and upon his or her arrival at the institution shall be given a copy of all local disciplinary rules, policies, and procedures.

(3) All amendments or additions to this chapter, and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each institution in advance of the effective date if possible and for at least thirty days after the effective date. Inmates shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for inmate examination.

(4) The superintendent shall insure that each inmate has the opportunity to understand rules which relate to his or her conduct. If the inmate is unable to read or understand English, the rules shall be read to him or her in his or her accustomed language.

NEW SECTION

WAC 137-28-050 **DEFINITION OF MISCONDUCT.** Misconduct shall consist of:

(1) Any act described in WAC 137-28-060 as a general infraction,
(2) Any act described in WAC 137-28-070 as a serious infraction,
or

(3) Any act proscribed by local institutional rule adopted pursuant to WAC 137-28-030.

NEW SECTION

WAC 137-28-060 **GENERAL INFRACTIONS.** Any of the following types of behavior shall constitute a general infraction:

051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars.

052 - Loaning of property for profit.

053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to him or her by regular institutional channels.

055 - Intentionally mutilating, altering, defacing or destroying items issued by the state, the value of which is less than five dollars.

103 - Refusing to obey a lawful order of any staff member.

104 - Unexcused absence from work or any assignment.

202 - Abusive language directed to a staff member.

203 - Lying or knowingly providing a false statement to a staff member.

205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution.

210 - Being present in an unauthorized area (notice given by each institution).

211 - Intentional failure to follow published safety or sanitary regulations.

212 - Using any equipment or machinery which is not specifically authorized.

213 - Using any equipment or machinery contrary to instructions or posted safety standards.

214 - Intentional failure to stand count.

251 - Smoking where prohibited.

301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations.

302 - Tattooing or self-mutilation.

303 - Unauthorized use of mail or telephone.

305 - Correspondence or conduct with a visitor in violation of published and posted regulations.

351 - Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his or her family, or his or her friend, except when authorized.

400 - Attempting to commit any of the offenses listed in this section, or aiding another person to commit any of the offenses listed in this section shall be considered the same as the commission of the offense itself.

NEW SECTION

WAC 137-28-070 **SERIOUS INFRACTIONS.** Any of the following types of behavior shall constitute a serious infraction:

501 - Committing homicide.

502 - Assaulting any person.

503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing.

504 - Engaging in sexual acts with others.

505 - Fighting with any person (except in self-defense).

506 - Threatening another with bodily harm or with any offense against his or her person.

507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state law.

521 - Holding a person hostage.

525 - Violation of conditions of furlough.

550 - Escape.

551 - Lying to the hearing committee.

552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against.

553 - Intentionally or recklessly setting a fire.

554 - Intentionally or recklessly destroying or damaging state property, or the property of another person.

555 – Stealing (theft) or knowing possession of stolen property—the unauthorized taking of extra portions of food shall be considered the same as theft.

556 – Refusing to submit to a body search when lawfully ordered to do so by institutional staff.

557 – Refusing and/or failing to work or attend other regularly scheduled assignments.

558 – Intentionally interfering with a staff member in the performance of his or her duties.

559 – Gambling.

600 – Tampering with or blocking any locking device.

601 – Possession or introduction of an explosive or any ammunition or components thereof.

602 – Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof.

603 – Possession, introduction, transfer or use of any narcotics, controlled substance or related paraphernalia, possession, transfer or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff, or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant.

605 – Unauthorized possession of any officer's or staff's clothing.

607 – Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent.

608 – Refusing to submit to a breathalyzer or other standard sobriety test.

650 – Rioting.

651 – Inciting others to riot.

652 – Engaging in or inciting a prohibited group demonstration.

653 – Intentionally interfering with the taking of count.

654 – Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper.

655 – Making intoxicants, controlled substances, narcotics.

656 – Giving or offering any official staff member or a volunteer a bribe or anything of value for a favor or unauthorized service.

657 – Four or more general infractions arising out of separate incidents and which have been reported in writing: PROVIDED, That the four separate incidents all occur within a six-month period.

658 – Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-110(3), after determination of appeal, or appeal time has lapsed.

659 – Resisting posthearing sanctions as provided for in WAC 137-28-240.

660 – Unauthorized possession of money or other negotiable instruments of five dollars or more.

661 – Performing or to take part in performing of a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution. Violation of the rule may, in appropriate cases, be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-240(1)(d), as well as other sanctions available for serious infractions.

662 – Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he or she has no funds available to pay for such goods or services.

700 – Attempting to commit or aiding another person to commit a serious infraction as enumerated in WAC 137-28-070, infractions 501 through 699. Such action shall be considered the same as commission of the offense itself.

701 – Commission of any general infraction as enumerated in WAC 137-28-060 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.

705 – Failure to maintain a favorable record of conduct and/or failure to perform in a faithful, diligent, industrious, orderly, and peaceable manner the work, duties, and tasks assigned to him or her as provided by RCW 9.95.070. A finding against the inmate under this rule shall result only in a recommendation that good time not be certified to the board of prison terms and paroles.

NEW SECTION

WAC 137-28-080 REPORTING TO LAW ENFORCEMENT AUTHORITIES. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the inmate shall not be questioned about the incident, outside of a formal disciplinary or administrative segregation hearing under these rules, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the inmate in accordance with administrative segregation rules appearing in chapter 137-32 WAC.

NEW SECTION

WAC 137-28-090 INFRACTIONS—ON-SITE ADJUSTMENT. In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(1) Counseling, warning, or reprimanding the inmate, and/or

(2) Causing the inmate to remove himself or herself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of invoking WAC 137-28-070, infraction 657.

NEW SECTION

WAC 137-28-100 INFRACTIONS—REPORT ON. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) A description of the alleged infraction;

(b) The time and place of the incident;

(c) The names of witnesses;

(d) The specific rule alleged to have been violated;

(e) A description of any action taken;

(f) A recommendation regarding further action.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports.

NEW SECTION

WAC 137-28-110 GENERAL INFRACTION REPORT—ACTION ON REPORT. The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to:

(1) Take no further action, in which case the report shall be destroyed promptly;

(2) Refer the matter to the hearing committee; or

(3) Take administrative action as provided for in WAC 137-28-240(1).

(4) General infractions handled under this rule may be accumulated for purposes of invoking WAC 137-28-070, infraction 657.

NEW SECTION

WAC 137-28-120 APPEAL TO HEARING COMMITTEE. (1) If an inmate is dissatisfied with an administrative decision made pursuant to WAC 137-28-110(3), he or she may within forty-eight hours after receiving notice of the administrative action, unless extended by written order of the superintendent, file a written request for review of the action by the hearing committee. His or her request shall include his or her reasons for believing that the decision was inappropriate. Filing a request for an extension does not automatically result in an extension being granted while the request is being considered.

(2) The hearing committee shall act on the request for review within five working days of receipt unless such time is extended by the superintendent. In considering a request, the hearing committee shall have the following options:

(a) Affirming the administrative decision without a hearing except as pursuant to WAC 137-28-240(1)(d),

(b) Reversing or modifying downward the administrative decision without a hearing, or

(c) Scheduling a hearing before the committee as provided in WAC 137-28-180.

(3) The hearing committee shall give the inmate written notice of its decision, including its reasons therefor, within seventy-two hours of its decision unless extended by the superintendent.

(4) All sanctions shall be stayed pending appeal under this section.

NEW SECTION

WAC 137-28-130 APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE. (1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons, the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve-month period.

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

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

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

NEW SECTION

WAC 137-28-140 APPEAL TO HEARING COMMITTEE—DISQUALIFICATION OR ABSENCE OF MEMBER. (1) No member of a hearing committee may function in such capacity when he or she has direct personal knowledge or interest in the incident under consideration. Such member must disqualify himself or herself by giving notice to the chairman. The superintendent shall select as his or her replacement a person qualified according to WAC 137-28-130.

(2) Any member of a committee who will be absent from the institution at the time of a hearing or otherwise unable to serve on the committee shall notify the superintendent who shall appoint a substitute qualified according to WAC 137-28-130.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude a committee member's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities. A committee member may disqualify himself or herself or be disqualified by the chairman when it is felt the committee member is biased for or against the resident so that he or she cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired.

NEW SECTION

WAC 137-28-150 APPEAL TO HEARING COMMITTEE—JURISDICTION. The hearing committee shall have jurisdiction over all serious infractions, all general infractions referred to it in accordance with WAC 137-28-110(2), and over good time certification questions arising under WAC 137-28-070, infraction 705.

NEW SECTION

WAC 137-28-160 PREHEARING PROCEDURES—RIGHTS OF INMATES. (1) Before being questioned about an alleged rule infraction, an inmate alleged to have committed a rule infraction shall be advised of his or her right to remain silent at all stages of the investigatory proceedings.

(2) The inmate shall retain his or her institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 137-28-170.

NEW SECTION

WAC 137-28-170 PREHEARING PROCEDURES—RESTRICTION OF INMATE. (1) Prior to and during a hearing before the hearing committee:

(a) An inmate in minimum security status may be restricted to a security area without loss of his or her classification status when there is a reasonable belief that he or she is a substantial security risk; or

(b) An inmate who is reasonably believed to be of danger to himself or herself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonably believed to exist, be restricted to his or her own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement.

(c) An inmate shall not be confined or segregated for more than seventy-two hours, exclusive of weekends and holidays, unless there is an intervening hearing on the incident involved, or the inmate or the institution for good cause require additional time, not to exceed seventy-two hours, to prepare its case for the hearing or there is an administrative segregation hearing in accordance with the provisions of chapter 137-32 WAC. In the case of an inmate restricted to a security area from a minimum custody area, unless a hearing is held within the time limits of this subsection, his or her continued temporarily restricted confinement shall be reviewed by the classification committee.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an inmate to prepare an adequate defense to the charge which will be heard by the hearing committee. He or she may select a willing lay person to be his or her representative in investigating the charge and obtaining witnesses in his or her behalf. Such representative may be a staff member not involved in the incident, or an inmate not involved in the incident who is approved by the superintendent, or any other person approved by the superintendent. Such representative shall have reasonable access to the inmate and to other witnesses inside the institution.

(3) An inmate confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing committee following the hearing, as set forth in WAC 137-28-250.

(4) An inmate confined or restricted as authorized in this section shall receive credit for time served in such manner if he or she is subsequently found guilty of the offense by the hearing committee.

NEW SECTION

WAC 137-28-180 HEARING COMMITTEE—PREPARATION FOR HEARING. In preparation for the hearing, the clerk of the hearing committee shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate and to the members of the committee;

(2) Advise the inmate, both orally and in writing, of his or her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) To remain silent;

(c) To call witnesses, including staff members, other inmates, and other persons;

(d) To question witnesses at the hearing;

(e) To present documentary and/or other evidence on his or her own behalf at the hearing;

(f) To have a lay advisor;

(g) To have access to all reports and records utilized by the hearing committee during the fact-finding stage. Exceptions to this rule are permissible where the reports and records contain information, the disclosure of which to an inmate might reasonably compromise the security and/or safety of the institution or its inmates. In such cases, the inmate shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgement of the receipt by the inmate of the information provided in accordance with WAC 137-28-180(2);

(4) Determine from the inmate whether he or she wishes to contest the allegation.

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent. In the event that the procedures of WAC 137-28-110(2) are utilized or the matter is referred to the hearing committee by the supervisory employee or unit team pursuant to WAC 137-28-120(2)(c), the hearing shall be scheduled within five working days of the determination that a

hearing is necessary, unless such time is extended by the superintendent. All hearings may be continued upon the request of the inmate as well as the institution.

(6) Notify witnesses of the hearing.

NEW SECTION

WAC 137-28-190 CONDUCT OF HEARING. (1) The chairperson of the hearing committee shall assure that the inmate is competent to understand the charge against him or her and the proceedings, and to participate therein. He or she may order a postponement of the hearing to secure a report on the competence of the inmate, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The inmate shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing committee may wish to make concerning the identity of unidentified witnesses. An inmate may waive his or her presence at the hearing.

(3) The inmate may use his or her own recording equipment to record the disciplinary hearing. The tape may be used for the purpose of appeal provided it has been given to and stored by the hearing committee clerk between the time of the recording and the appeal.

(4) The inmate shall be informed of his or her right to remain silent.

(5) The clerk shall be responsible for presenting all appropriate paperwork to the committee but shall not be responsible for orally presenting facts and circumstances surrounding the incident to the committee.

(6) The committee shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the inmate, and

(b) Determination of further action to be taken.

(7) Evidence, testimony, questions, and examination shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(8) Where institution staff members are witnesses against the inmate, every effort shall be made to have such witnesses present to testify at the hearing: PROVIDED, That the written statements of such staff members may be considered in their absence upon a showing of good cause.

(9) The inmate shall be allowed to call witnesses and present documentary evidence in his or her defense when permitting him or her to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing committee, or otherwise found to be unnecessary to the adequate presentation of the inmate's case. The testimony of all witnesses from outside the institution shall be considered in writing except where the committee determines that the presence of a witness is appropriate, in which case the hearing may be continued until such time as the witness is available. If the witness is unavailable, the committee may, in its discretion, consider the written testimony previously submitted.

(10) The inmate may question witnesses against him or her at the discretion of the hearing committee. If the committee determines that an inmate witness would be subject to risk of harm if his or her identity were disclosed, the inmate witness's evidence may be introduced by the testimony of a staff member to whom the information was provided by the inmate witness and/or the affidavit of the inmate witness; or, if the staff member to whom the inmate witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member. The hearing committee shall, out of the presence of all inmates, inquire as to the identity of any anonymous inmate witness(es), and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified inmate witness to identify such inmate shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member the rank of captain or above.

NEW SECTION

WAC 137-28-200 DECISION OF HEARING COMMITTEE. (1) A report of the hearing shall be made by a secretary or recorder who may be a member of the committee, and shall include the charge, names of witnesses, summary of the testimony and cross examination, a description of the physical evidence used, and the decisions and reasons therefor. The report shall be placed in the inmate's institutional file if he or she is found guilty. All reports shall be maintained by the clerk as part of the hearing committee's records. A complete taped

record of the hearing may be taken but the tape shall not become a part of the inmate's file, and shall be destroyed ninety days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the inmate, the committee must rely solely on evidence presented to it and may not rely on extrinsic evidence. However, during the dispositional stage of the hearing, such factors as the inmate's institutional file and prior conduct may be considered.

(3) The majority of the committee shall agree on the guilt or innocence of the inmate and the disposition made.

(4) Any decision of the committee shall be based on evidence and such decision shall be in writing and shall include reasons for reaching the decision.

(5) Any member of the committee who does not fully agree with the decisions reached by the majority may file a separate statement for inclusion in the record.

(6) The inmate shall be informed personally of the decisions of the committee. Such information shall be given to him or her orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(7) The inmate shall be informed of his or her right to appeal the decisions of the committee to the superintendent.

NEW SECTION

WAC 137-28-210 FINDING OF NO INFRACTION. If the hearing committee determines that no infraction occurred the inmate shall be reinstated to his or her previous status and all records pertaining to the charge shall be expunged.

NEW SECTION

WAC 137-28-220 LAY ADVISORS. (1) An inmate may have the assistance of a lay advisor in preparing for a hearing. The lay advisor may be a staff member not involved in the incident or an inmate not involved in the incident who is approved by the superintendent or any other person approved by the superintendent. The lay advisor may attend the hearing but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing committee. In considering the degree of involvement to be allowed a lay advisor at the hearing, the hearing committee shall consider such factors as the literacy and intelligence of the inmate, the complexity of the issues, and the inmate's overall ability to speak for himself or herself and adequately present his or her case.

(2) Inmate lay advisors shall participate in only one disciplinary case within a one-week period unless special permission to participate in additional cases is granted by the superintendent.

(3) An inmate may be disqualified from participating as a lay advisor in a particular case if such participation will directly interfere with previously scheduled rehabilitative programming.

(4) If an inmate is denied the opportunity to act as a lay advisor under the provisions of subsection (1) of this section, he or she may appeal that decision to the director. However, such an appeal shall not act as a stay on the disciplinary hearing in question unless the superintendent specifically so orders.

(5) Inmate lay advisors shall be provided with:

(a) Copies of all written decisions of the hearing committee and the superintendent in cases in which the lay advisors are involved;

(b) An opportunity to have private conversation with inmates which the lay advisor represents;

(c) Access to written information to be used by the hearing committee in the fact-finding stage as far in advance of the hearing as is reasonably possible;

(d) Reasonable access to all witnesses.

NEW SECTION

WAC 137-28-230 SANCTIONS—AUTHORITY TO IMPOSE. (1) If the committee determines that an inmate is guilty of a serious infraction as enumerated in WAC 137-28-070, it may impose one or more of the sanctions provided in WAC 137-28-240.

(2) If the committee determines that more than one infraction occurred, it shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The committee may recommend that the execution of a proposed disciplinary action be deferred for a fixed period of time not to exceed six months subject to the good behavior of the inmate. If the subsequent behavior of the inmate is appropriate, the committee shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the inmate's being found guilty of either a general or serious infraction unless conditions attached to the original suspension provide more restrictive grounds for revocation. A suspended sentence may be revoked only by the institution disciplinary committee.

(4) The committee may review any decision it has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the committee's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

NEW SECTION

WAC 137-28-240 SANCTIONS—TYPES. (1) For general infractions enumerated in WAC 137-28-060 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed three days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-44 and 137-48 WAC or in local rules regarding correspondence and/or visitors.

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in WAC 137-28-070, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 137-28-240;

(b) Loss of specified privileges for a period of time not to exceed one month except that a resident shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday.

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee for reconsideration of custody classification and/or, when the infraction committed is directly related to the inmate's program, recommendation of program change.

(g) Transfer to another institution only when as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, but not to an isolation cell, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: PROVIDED, That where a serious infraction(s) occur(s) during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: PROVIDED FURTHER, That in such situations when an inmate may be in isolation for more than ten consecutive days, the prior approval of the director, division of prisons, shall be required unless the inmate is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days.

(j) Recommendation to the board of prison terms and paroles for forfeiture of good time credit or reconsideration of minimum sentence;

(k) Restitution for damage done to any property or loss of any property assigned to the inmate. Funds may be withdrawn from the inmate's account to make restitution under this rule: PROVIDED, That an inmate's account shall not be reduced to less than ten dollars under this subsection.

(l) Recommendation to the superintendent that he or she not certify time credit for an inmate to the board of prison terms and paroles, pursuant to RCW 9.95.070.

NEW SECTION

WAC 137-28-250 SANCTIONS—LIMITATIONS. (1) No inmate shall be subject to disciplinary action for violation of inmate conduct rules unless there has been reasonable advance notice to the inmate of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

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

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

(4) An inmate placed in segregation shall:

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

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

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

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

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

(5) An inmate placed in isolation shall:

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

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

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

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

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

(f) Be visited by a staff member at least twice during each daily shift to ascertain his or her well-being. Each such visit and findings shall be recorded;

(g) Be accessible to the counselor assigned to him or her.

NEW SECTION

WAC 137-28-260 APPEAL TO SUPERINTENDENT. (1) An inmate may appeal the decision of the hearing committee to the superintendent by filing a written request for review and his or her reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the committee. The superintendent may, in his or her discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing committee record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the committee (with reasons stated), reducing the severity of the sanctions imposed, vacating the judgment of the committee, remanding the matter for a new

hearing, but he or she may not increase the severity of the sanctions imposed. If the matter is remanded, it shall be heard before a disciplinary committee, at least two members of which did not serve on the committee previously hearing the matter.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the inmate nor shall his or her custody be subject to change unless there are grounds for detention as provided in WAC 137-28-180 or if the superintendent has reason to believe that he or she is a substantial security risk.

(5) The inmate shall promptly be notified of the decision of the superintendent.

NEW SECTION

WAC 137-28-270 REPORTS TO THE PAROLE BOARD. (1) Whenever the committee finds an inmate guilty of an inherently serious infraction, and recommends either loss of good time credits or an adjustment upward of the inmate's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.

(2) In all other cases where a finding of guilt is made for an inherently serious infraction, it shall be the duty of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.

NEW SECTION

WAC 137-28-280 TIME LIMITATIONS. The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding.

Chapter 137-32 WAC

ADULT CORRECTIONAL INSTITUTIONS—CLASSIFICATION OF INMATES—ADMINISTRATIVE SEGREGATION

NEW SECTION

WAC 137-32-010 DEFINITIONS. (1) "Administrative segregation" is any segregation of an inmate of an adult correctional institution for nondisciplinary reasons.

(2) "Classification committee" is a committee, or subcommittee thereof, of staff members of an adult correctional institution concerned with the rehabilitation progress of an inmate and the program activity to which he or she is assigned.

(3) As used in this chapter, "superintendent" shall include the designee of the superintendent.

NEW SECTION

WAC 137-32-020 ADMINISTRATIVE SEGREGATION. (1) An inmate may be placed in administrative segregation when it is shown by information brought out at a meeting that the inmate:

(a) Is dangerous to himself or herself, to others, or to the security of the institution;

(b) Is in danger from others.

(2) An inmate may place himself or herself in administrative segregation voluntarily. His or her request shall be made in writing.

(3) Placement in administrative segregation shall be made only after a meeting with the classification committee except as provided in WAC 137-32-030(3).

NEW SECTION

WAC 137-32-030 NOTICE OF MEETING. (1) When the superintendent is considering the administrative segregation of an inmate, the inmate shall be notified in writing concerning:

(a) The allegations which gave rise to such consideration;

(b) The fact that a meeting with the classification committee will be held to determine whether he or she should be segregated;

(c) The date, time, and place of the meeting;

(d) The fact that at the meeting the inmate may present witnesses and documentary evidence to the committee subject to the limitations set out in WAC 137-32-050(6). The inmate may ask questions of

people present at the meeting. The committee may, in its discretion, ask inmates, staff, or other persons to appear and present information at the meeting;

(e) The fact that he or she may be represented as provided in WAC 137-32-040;

(f) In the event he or she is alleged to have been involved in an incident for which he or she could face criminal charges, the fact that he or she has a right to remain silent and that anything he or she says may be used against him or her in a criminal prosecution.

(2) Notice shall be provided the inmate not less than twenty-four hours in advance of the meeting.

(3) If the superintendent has reasonable cause to believe the inmate is in immediate danger from others or is immediately dangerous to himself or herself or to others or the security of the institution, he or she may place the inmate in administrative segregation without a prior meeting. In such event the meeting shall be held within three working days after the inmate is placed in segregation except that the time may be extended for an additional three working days. The superintendent shall notify the inmate in writing that the meeting has been postponed and the reasons for the postponement. Any further postponements must be authorized in writing in advance by the director of the division of prisons or his or her designee. Such authorizations may be approved verbally by the director or his or her designee, if necessary, with subsequent confirmation in writing.

NEW SECTION

WAC 137-32-040 REPRESENTATION OF INMATE. (1) An inmate may select a willing lay person to be his or her "lay advisor" at the meeting. The lay advisor may be a staff member not ordinarily assigned responsibility for the inmate, or an inmate or other person approved by the superintendent. He or she may prepare and present the inmate's cause.

(2) The lay advisor may attend the meeting but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the classification committee.

NEW SECTION

WAC 137-32-050 CONDUCT OF MEETING. (1) The meeting shall be held by the classification committee or by a subcommittee thereof of not less than three members. Any member who had direct involvement in the incident which gave rise to the meeting shall disqualify himself or herself.

(2) The inmate shall be present at all stages of the meeting except during consideration of the decision and during discussions involving information from anonymous sources in accordance with subsection (5) of this section.

(3) The inmate may use his or her own recording equipment to record the meeting. The tape may be used for the purpose of appeal provided it has been given to and stored by the classification committee between the time of the recording and the appeal.

(4) A record of the meeting shall be kept which clearly indicates what information was presented.

(5) The decision to place someone in administrative segregation may be based on information from an inmate whose identification is not given to the inmate at the administrative segregation meeting. Such information may be given the administrative segregation committee through a written statement from the inmate source or through statements from staff members who may give a statement in writing if the staff member is not able, for good cause, to attend the administrative segregation meeting.

(a) The contents of any information from an anonymous source shall be shared with the inmate at the meeting to the extent that this may be done without endangering the source of the information.

(b) When considering information from an anonymous source, the name of the source and all details of such information shall be given to the administrative segregation committee out of the presence of the inmate unless the nondisclosure of the name and/or details has been previously approved by a staff member of the rank of captain or above and to whom such name and information has been disclosed. Such approval shall reflect the approving official's verification that the source and information are reliable and are properly considered in deciding whether to place an individual in administrative segregation.

(6) The inmate may present witnesses and documentary evidence unless the committee determines that permitting such evidence will be unduly hazardous to institutional safety or correctional goals and/or

the information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the committee or found otherwise to be unnecessary to the adequate presentation of the inmate's case.

NEW SECTION

WAC 137-32-060 **DECISION.** (1) The committee shall reach a decision based on information presented at the meeting.

(2) The committee shall provide the inmate with a written decision stating the basis for the decision and the evidence relied on by the committee.

NEW SECTION

WAC 137-32-070 **SEGREGATION STATUS—RIGHTS RETAINED.** An inmate placed in segregation shall:

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

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

(3) Retain his or her rights to correspondence, reading, and legal representation;

(4) Be provided an opportunity daily for at least one hour of exercise;

(5) Be visited by a physician, nurse, medic, or hospital supervisor at least three times per week. If a physician has not personally visited the inmate for one week, a physician shall review the condition of the inmate with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained;

(6) The rights provided under subsections (2), (3), and (4) of this section may be limited for individual inmates when provision of such rights will result in a danger to the inmate, to other persons, and/or to the security, safety and/or order of the institution. Decisions to limit rights in other than emergency situations shall be approved in advance by a member of the institution staff of the rank of shift lieutenant or above. Limitations imposed in emergency situations by other staff shall be reviewed as soon as possible by an official the rank of shift lieutenant or above. The fact that an inmate has been placed in administrative segregation shall not automatically warrant limitation of any of the rights affected by this section.

NEW SECTION

WAC 137-32-080 **APEAL.** An inmate may appeal the decision of the committee to the superintendent or his or her designee who should act on the appeal within three working days, and shall provide the inmate with written reasons for his or her decision. The superintendent may reverse a decision of the committee that the inmate need not be segregated.

If the superintendent reverses a decision not to segregate an inmate, he or she shall put a written justification of his or her decision in the administrative segregation meeting record and give a copy of such justification to the inmate.

NEW SECTION

WAC 137-32-090 **REVIEW OF ADMINISTRATIVE SEGREGATION STATUS.** (1) The status of an inmate placed in administrative segregation shall be reviewed by the classification committee at not more than thirty day intervals to determine whether he or she should stay in segregation. The inmate shall be given the opportunity to be present at these review sessions.

(2) An inmate who appears for a review session shall be entitled to participate in the discussions to the same extent permitted at his or her initial segregation meeting. The committee shall provide the inmate with a written decision stating the basis for the decision.

If the review committee determines that the inmate should remain in administrative segregation, he or she may appeal the decision to the superintendent.

(3) Any inmate held in administrative segregation for ninety days shall have his or her case reviewed by a representative of the headquarters classification unit.

NEW SECTION

WAC 137-32-100 **TRANSFER OF INMATE.** If after a hearing the inmate is transferred to another institution, the decision of the

committee shall be considered valid by the receiving institution subject to a review of his or her status as provided in WAC 137-32-090(1).

Chapter 137-36 WAC

ADULT CORRECTIONAL INSTITUTIONS—INMATES' PROPERTY

NEW SECTION

WAC 137-36-010 **CONTRABAND—DEFINITIONS.** (1) "Contraband" consists of all illegal items, and other items which an inmate of a correctional institution may not have in his or her possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Illegal items" are narcotic drugs, alcoholic beverage, or any weapon, firearm or any instrument which, if used, could produce serious bodily injury to the person of another (RCW 9.94.040).

NEW SECTION

WAC 137-36-020 **CONFISCATION.** The superintendent shall confiscate contraband found on the premises or in possession of an inmate of a correctional institution.

NEW SECTION

WAC 137-36-030 **DISPOSITION OF ILLEGAL ITEMS.** Illegal items shall be held by the superintendent as evidence for law enforcement authorities. If illegal items are not needed as evidence, the illegal items shall be destroyed.

NEW SECTION

WAC 137-36-040 **DISPOSITION OF OTHER ITEMS.** (1) Items for which ownership cannot be determined shall be held by the superintendent for six months and then donated to a charitable organization.

(2) Items which are determined to be owned by the inmate, or by another inmate, should be stored until his or her release, or at the owner's request, or delivered to a relative or friend at the owner's expense. Receipts shall be secured for items so delivered.

(3) Items which are found to be owned by someone other than an inmate shall be returned to the owner at the owner's expense.

(4) Money such as currency, personal checks, and money orders, is contraband within adult correctional institutions. If money is found in the possession of an inmate and he or she claims ownership, it shall be deposited in his or her savings account and returned to him or her only upon release from the institution. If the inmate disclaims ownership or if ownership is unknown, the money will be deposited to the inmate welfare fund.

NEW SECTION

WAC 137-36-050 **RECORDS.** The superintendent shall maintain a log listing all confiscated items, by whom they were confiscated, ownership if known, and the date and method of disposition.

Chapter 137-40 WAC

ADULT CORRECTIONAL INSTITUTIONS—MEDICAL CARE—HEALTH CARE

NEW SECTION

WAC 137-40-010 **MEDICAL/DENTAL CARE—GENERAL POLICY.** The policy of the department of corrections with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time, and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will:

(1) Cause or allow to continue significant or debilitating pain; or

(2) Cause significant deterioration of the inmate's medical condition during the period of his or her incarceration.

NEW SECTION

WAC 137-40-020 **MEDICAL/DENTAL SERVICES.** The medical/dental treatment program operated by the department of corrections shall include the following services:

- (1) Regular environmental health inspections and, where appropriate, recommendations.
- (2) Initial examination when the inmate enters the adult correctional system. This examination shall include:
 - (a) A medical history;
 - (b) A physical examination, including fundoscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;
 - (c) A chest film as indicated;
 - (d) Serology;
 - (e) Blood count;
 - (f) Urinalysis;
 - (g) Electrocardiogram as indicated;
 - (h) Visual and auditory acuity;
 - (i) Dental examination;
 - (j) For female residents, gonorrhea culture, and Pap smear as indicated.
- (3) Immunizations as indicated.
- (4) Evaluation of capacity for work and recreation.
- (5) Periodic consultations, examinations, and treatment as required for the medical and dental maintenance of each inmate in accordance with WAC 137-40-010.

NEW SECTION

WAC 137-40-030 **RIGHT TO REFUSE TREATMENT.** Except as provided herein, any inmate may, if done in a voluntary, knowing, and intelligent fashion, refuse treatment proffered by department medical/dental personnel. Treatment may be provided by department medical personnel not withstanding an inmate's refusal to accept same only where:

- (1) Such treatment is deemed by a departmental physician as necessary for the protection of others, or
- (2) A departmental physician determines that such treatment is necessary for the psychiatric or physical welfare of the inmate and that the inmate is incompetent to make a judgment regarding his or her treatment. Nothing in this chapter shall be construed to limit the power of the department to protect any inmate, through nonmedical means, regardless of such inmate's level of mental competency.
 - (a) Involuntary treatment may not be of a type specifically prohibited by law.
 - (b) Involuntary treatment may not continue longer than seven consecutive days unless approved by the medical consultant, department of corrections. Such care may continue thereafter only with the approval of the medical consultant every fourteen days.
 - (c) The inmate shall have the right to have any involuntary psychiatric care discontinued from twenty-four hours before an institutional or parole board hearing and until the hearing adjourns.

NEW SECTION

WAC 137-40-040 **INVOLUNTARY TREATMENT—APPEALS.** An inmate given involuntary medical treatment shall be permitted to make one appeal in writing to the secretary of the department of corrections, or his or her designee, of the decision by the department's medical personnel to involuntarily treat the inmate.

Except where serious physical harm to the inmate or others is a likelihood if treatment is not imposed or continued, such appeal shall operate as a stay of the imposition or continuation of treatment during the pendency of the appeal.

NEW SECTION

WAC 137-40-050 **USE OF ALLIED HEALTH PROFESSIONALS.** Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks.

NEW SECTION

WAC 137-40-060 **RECORDS.** Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon

the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include:

- (1) Detailed reports of admission medical evaluation and recommendations;
- (2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;
- (3) Reports made by outside consultants.

NEW SECTION

WAC 137-40-070 **SUPPLEMENTAL CARE.** Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: **PROVIDED**, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff.

Chapter 137-44 WAC
ADULT CORRECTIONAL INSTITUTIONS—VISITS

NEW SECTION

WAC 137-44-010 **DEFINITIONS.** (1) "Contraband" consists of illegal items, and other items not specifically defined as illegal as specified in regulations adopted by the superintendent of an institution and approved by the secretary, which an inmate of a correctional institution may not have in his or her possession;

(2) A "group visit" is a visit to the institution for educational or informational purposes or for the purpose of attending or participating in institutional activities;

(3) "Illegal items" are those items defined by RCW 9.94.040 as illegal when in the possession of an inmate of a correctional institution, such as weapons, controlled substances, and alcoholic beverages;

(4) "Immediate family" consists of parents, stepparents, parent surrogates, legal guardians, spouses, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in direct lineal relationship;

(5) "News media" refers to representatives of the press, radio, and television;

(6) A "personal visit" is a visit to an individual inmate of an adult correctional institution by a friend or relative, or by a person visiting in a professional capacity such as a clergyman, attorney, or law enforcement official; members of the board of prison terms and paroles shall not be considered visitors under this rule;

(7) "Real suspicion" is a subjective suspicion supported by objective, articulable facts, which would reasonably lead an experienced, prudent correctional institution staff member to believe that a crime is imminent, is occurring or has occurred.

NEW SECTION

WAC 137-44-020 **VISITS—PURPOSE.** Personal visits are intended to maintain ties between the inmate, his or her family, and the community so as to facilitate his or her successful return to the community. Group visits and media visits are intended to establish closer contact and better understanding between the public and the correctional system.

NEW SECTION

WAC 137-44-030 **VISITS—REGISTRATION.** Upon arrival at the institution, all visitors must register and upon request provide formal identification.

NEW SECTION

WAC 137-44-040 **PERSONAL VISITS—GENERAL.** Personal visits will be regulated according to the following criteria:

(1) Inmates shall have a maximum choice of visitors consistent with the security of the institution;

(2) Restrictions on the number of visitors allowed an inmate at any one time, and the restrictions on the frequency and duration of visits, shall be no more stringent than necessary in view of practical limitations of the institution, such as staff and space;

(3) Visiting shall not be denied, terminated, or restricted as a sanction for infractions of other rules of the institution unrelated to visiting;

(4) Visitors and inmates shall be treated courteously and every reasonable effort made to ensure that visits are comfortable and pleasant.

NEW SECTION

WAC 137-44-050 PERSONAL VISITS—WHO MAY NOT VISIT. The inmate may not receive visits from:

(1) Persons not included on his or her visiting list for approved visitors as provided for in WAC 137-44-060 unless an exception has been granted in accordance with WAC 137-44-260;

(2) Persons associated with him or her in the commission of the offense for which he or she was incarcerated;

(3) Parolees and probationers under active supervision unless the parolees and probationers are members of his or her immediate family or are participating as volunteers or employees of the department in some other approved capacity in institutional programs or activities;

(4) Persons under age eighteen except with the consent of the parent or guardian. If under age sixteen, the visitor must be accompanied during the entire visit by a parent or guardian or any other approved visitor;

(5) Persons under eighteen years of age may not participate as a member of a group visiting within the security perimeter of the institution;

(6) Persons who are members of the immediate family or close friends of an inmate in the institution shall declare this fact and may enter beyond the security perimeter as part of a group only with the express permission of the superintendent.

NEW SECTION

WAC 137-44-060 PERSONAL VISITS—APPROVED VISITOR LISTS. At the time of admittance, the inmate shall be provided a copy of the personal visiting regulations and shall complete an application for each individual whom he or she wishes placed on his or her visiting list. The superintendent shall review each application for completeness, and, as appropriate, promptly and tentatively approve visits for the immediate family. The superintendent shall mail a visitor's questionnaire (see WAC 137-44-270(1)) to each prospective adult visitor, or to the parents or guardians of each prospective visitor under eighteen years of age. Upon return and review of the questionnaire, the superintendent shall decide if the individual is to be placed on the inmate's permanent visiting list, and shall notify both the inmate and the prospective visitor of his or her decision. Denial of visiting rights must not be made on the basis of race, religion, sex, or national origin. If a person is denied placement on the inmate's permanent visiting list, the superintendent shall inform the inmate in writing of the reasons therefor.

NEW SECTION

WAC 137-44-070 PERSONAL VISITS—ALTERATIONS TO VISITING LIST. (1) An inmate may add names to his or her visiting list in accordance with limitations in WAC 137-44-050.

(2) The superintendent may delete a name from the list upon a finding of violation of visiting rules or serious abuse of visiting on the part of a visitor or inmate, in which case he or she shall notify the visitor and the inmate in writing stating the reasons for terminating the visiting rights.

NEW SECTION

WAC 137-44-080 PERSONAL VISITS—TRANSFER OF INMATE. When an inmate is transferred to another adult correctional institution his or her approved visiting list shall be forwarded to and accepted by the receiving institution as previously approved. It shall be the responsibility of the inmate to notify his or her visitors of such transfer.

NEW SECTION

WAC 137-44-090 PERSONAL VISITS—VISITING DAYS AND HOURS. The superintendent of the institution shall establish and regulate visiting days and hours subject to the approval of the secretary. Each visitor shall be given a copy of the institution's rules concerning visits upon arrival at the institution for the first time, or by mail prior to that time.

NEW SECTION

WAC 137-44-100 PERSONAL VISITS—HOSPITALIZED INMATE. An inmate who is a patient in the institution hospital may receive visitors subject to such limitations as are imposed by the attending physician. Such visits shall be supervised by an employee of the institution and visitors under the age of eighteen must be accompanied by a responsible adult.

NEW SECTION

WAC 137-44-110 PROFESSIONAL VISITS. (1) In addition to the list of approved visitors, the inmate may receive personal visits from persons visiting him or her in a professional capacity. No interview may take place without the inmate's agreement except under subpoena;

(2) The superintendent may require advanced appointment for professional interviews unless it appears the circumstances do not permit delay;

(3) Appropriate space shall be made available for professional interviews so as to provide privacy consistent with the security needs of the institution;

(4) Upon entering the institution, any official or professional visitor shall be advised, verbally, that if information is exchanged which affects the safety or well-being of any inmate, this information must be also communicated to the superintendent unless such communication would violate the confidentiality of a professional relationship.

NEW SECTION

WAC 137-44-120 GROUP VISIT—GENERAL. Each institution shall provide for reasonable access to the institution by groups of concerned citizens and for the participation by appropriate groups in activities of the inmates. The full range of institutional activities shall be shown and full public access, under supervision, shall be permitted to institutional facilities and practices. Areas to which public access is not feasible for reasons of security or privacy of inmates should be presented on film.

NEW SECTION

WAC 137-44-130 GROUP VISIT—ARRANGEMENTS. (1) Groups wishing to visit an institution shall request permission from the superintendent in advance and schedule the visit at a time convenient to the institution. The spokesman for the group shall notify the superintendent of the approximate size of the group, the purpose of the visit, and the desired duration of the visit;

(2) An athletic team may with the approval of the superintendent arrange for a visit in order to compete with an inmate team;

(3) The superintendent shall specify the sections of the institution to which the visiting group may have access and the duration of the visit.

NEW SECTION

WAC 137-44-140 GROUP VISIT—CONDUCT. (1) Group members shall conduct themselves in a dignified and orderly manner;

(2) Group members shall be permitted to converse with inmates encountered during a visit;

(3) Cameras shall not be taken into the institution or photographs taken without special authorization of the superintendent;

(4) The group shall stay together unless the staff member in charge authorizes sub-groups.

NEW SECTION

WAC 137-44-150 GROUP VISIT—PRIVACY OF INMATES. Inmates shall be afforded privacy during group visits and shall be given advance notice that visiting groups are expected.

NEW SECTION

WAC 137-44-160 NEWS MEDIA VISITS—GENERAL. The superintendent shall honor requests by representatives of news media for admittance to the institution. Such representatives shall be treated courteously and shall be afforded reasonable access to all areas of the institution. The right of privacy of inmates shall be protected. The superintendent shall insure that representatives of news media are informed of these rules and of the responsibilities of the news media.

NEW SECTION

WAC 137-44-170 NEWS MEDIA VISITS—LIMITATIONS. (1) Representatives of news media shall be advised on entering the institution that if information is received which directly affects the safety of any inmate or staff member, or indicates that a crime has been or will be committed, this information shall be communicated to the superintendent or an assistant, unless such communication would violate the confidentiality of a professional relationship;

(2) No interview with an inmate may take place without his or her consent;

(3) When photographs are to be taken inmates must be notified and given the opportunity to withdraw from the scene;

(4) If the name or photographs of an inmate are to be used, written consent of the inmate must be secured.

NEW SECTION

WAC 137-44-180 EXCHANGE OF MATERIAL OR ITEMS. (1) A visitor may not bring contraband into an institution and may give an inmate, or receive from an inmate, only such items or materials as have been inspected and approved by the officer in charge;

(2) If an inmate is on his or her way to or from a visit and he or she is found to have contraband in his or her possession, his or her visits may be suspended, if after a disciplinary hearing, it is determined the contraband was obtained during the visit.

NEW SECTION

WAC 137-44-190 SEARCH OF VISITORS. (1) To prevent possible delivery of weapons, controlled substances, or contraband to inmates, all visitors are subject to a frisk search and inspection of any purses, packages, briefcases, or similar containers which are brought behind the security walls of the institution or into the visiting area;

(2) If the frisk search, or independent evidence, establishes a real suspicion that smuggling of contraband or criminal activity is imminent, there may be a search of the visitor's person;

(3) Female visitors shall only be searched by female staff members;

(4) When persons visiting in a professional capacity have a need for purses, packages, briefcases, or similar containers, such material may be admitted but is subject to search;

(5) Representatives of the news media may bring into the institution equipment essential to the purpose of their visit.

NEW SECTION

WAC 137-44-200 NOTICE OF SEARCH. (1) Signs shall be posted at the entrances to the grounds of the institution and at the entrance to the visiting area giving notice that persons proceeding beyond these points may be subject to search.

(2) If the institution intends to search a visitor, verbal notice of this intent and the consequences of refusing search shall be given before search procedures may be initiated.

NEW SECTION

WAC 137-44-210 REFUSAL TO BE SEARCHED. A visitor has the option of refusing to be searched but may then be removed from the institution and denied visiting rights or entrance to the institution for a period not to exceed ninety days. If a visitor refuses to be searched on more than one instance, that person's visiting rights may be denied permanently. Restoration of visiting rights denied for refusal to be searched must be authorized by the superintendent or his or her designee.

NEW SECTION

WAC 137-44-220 SEARCH AND DISCOVERY OF ILLEGAL ITEMS. If as a result of the search, illegal items are discovered, the superintendent shall report the matter to the local law enforcement officers for further action. The evidence and the suspect shall remain in the room in which the search took place and witnesses will be asked to remain until the arrival of the law enforcement officers. Institutional staff shall exercise all reasonable caution in not questioning the visitor.

NEW SECTION

WAC 137-44-230 DENIAL OF VISITS. The superintendent may deny entrance to visitors if:

(1) The superintendent has prior knowledge leading him or her to a real suspicion that a visitor is attempting to smuggle in or out of the institution illegal or contraband items. If there is real suspicion substantially ahead of the arrival time of the visitor the superintendent should contact local law enforcement officers and allow the law enforcement officers to handle any search procedures;

(2) There is a disturbance within the institution;

(3) There is clear and present, or imminent danger to the health and safety of any visitor, inmate, or staff member;

(4) He or she has real suspicion to believe that criminal conduct will ensue if entrance is allowed;

(5) Visiting rights have been seriously abused by the inmate;

(6) There is real suspicion to believe the visitor has attempted to bring contraband into the institution;

(7) Visitors fail to abide by the pertinent rules in this chapter.

NEW SECTION

WAC 137-44-240 SUSPENSION OF VISITING RIGHTS—DURATION. Visiting rights may be suspended for a single visitor or all visitors of a single inmate depending on the seriousness of a visiting infraction. The visiting rights of an inmate charged with violation of visiting rules may be suspended only after a finding of guilt pursuant to a regular disciplinary hearing and such rights may be abridged for a maximum duration of ninety days after which visiting rights shall be restored unless there remains a clear and present, or imminent danger to the health and safety of any visitor, inmate, or staff member.

NEW SECTION

WAC 137-44-250 APPEAL OF DENIAL OF VISITING RIGHTS. (1) A visitor may appeal the suspension, disapproval, or termination of his or her visiting rights to the superintendent of the institution. If still dissatisfied he or she may appeal by letter to the director, division of prisons. The letter should state the reason why the visitor should be permitted to visit and the circumstances surrounding the denial or termination.

(2) A group or a representative of the news media denied entrance to the institution or required to leave, may appeal to the secretary or his or her designee. The appeal should state the reasons the group or the representative believes he or she should be permitted to visit and the circumstances surrounding the denial or termination.

NEW SECTION

WAC 137-44-260 EXCEPTIONS. The superintendent may grant exceptions to normal visiting procedures in unusual circumstances to meet the special needs of an inmate.

NEW SECTION

WAC 137-44-270 APPENDICES. (1) The text and format of the visitor's questionnaire referred to in WAC 137-44-060 are:

Read carefully:

Inmate Number has asked that you be placed on his (her) visiting list. If you wish to visit the above named inmate, please answer all questions listed below and return this form to sending institution within fifteen (15) days of the date of mailing. Please return before(Month)/(Day)/(Year)/

All questions must be answered. Any omission or falsification will be considered sufficient reason for your exclusion as a visitor. If you are under sixteen years of age, you may visit only by special permission of the superintendent, and only if accompanied, during the entire visit, by a parent or person who is also an approved visitor. If you are between sixteen and eighteen years of age, you must have the signature of your parent or guardian.

Name Age
(first) (middle) (last)

Address
(number) (street) (city) (state) (zip)

Relationship to inmate: (mother, wife, friend, attorney, etc.)

Number of years and months you have known inmate

Have you been involved in illegal or criminal activity with the above-named inmate?

Are you now under active supervision of probation or parole?

Yes No

I am hereby advised of the authority provided to the institution by WAC 137-44-190(1) (Search of Visitors) and WAC 137-44-210 (Refusal to be Searched).

Search of visitors

All visitors are subject to a frisk search and inspection of any purses, packages, briefcases, or similar containers which are brought behind the security walls of the institution or into the visiting area.

If the frisk search, or independent evidence, establishes a real suspicion that smuggling or contraband or criminal activity is imminent, there may be a search of the visitor's person.

Refusal to be searched

A visitor has the option of refusing to be searched but may then be removed from the institution and denied visitation rights or entrance to the institution for a period not to exceed ninety days. If a visitor refuses to be searched on more than one instance, the visitor's visiting rights may be denied permanently. Restoration of visiting rights denied for refusal to be searched must be authorized by the superintendent or his or her designee.

Signature
Signature of parent or guardian (if applicable)

Date(Month)/(Day)/(Year)/

COMMENTS:

DO NOT WRITE BELOW THIS LINE

- Approved Superintendent's Signature
Denied (If denied, give reason(s))
Copy to Inmate Inmate's Signature

Chapter 137-48 WAC
ADULT CORRECTIONAL INSTITUTIONS—CORRESPONDENCE AND TELEPHONE USAGE

NEW SECTION

WAC 137-48-010 DEFINITIONS. (1) "Contraband" consists of all illegal items, and other items which an inmate of a correctional institution may not have in his or her possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Emergency situations" are critical illnesses, deaths, emotional crises or similar situations experienced by members of the inmate's family or the inmate.

(3) "Illegal items" are narcotic drugs, alcoholic beverage, or any weapon, firearm or any instruments which, if used, could produce serious bodily injury to the person of another (RCW 9.94.040).

(4) "Legal correspondence" consists of mail addressed to or from attorneys, paraprofessionals who have a bona fide association with attorneys or a legal services agency, judges, public officials and their authorized representatives in their official capacities.

(5) "Letters" are mail consisting of personal communications and enclosures which are not contraband.

(6) "Mail" consists of letters, publications, or packages delivered by the United States post office or by other means.

(7) "Packages" are pieces of mail other than letters or publications.

(8) "Probable cause" consists of facts upon which a reasonable person would conclude that a crime or infraction has been, is being, or is about to be committed.

(9) "Publications" are reproduced written and/or pictorial materials including books, periodicals, newspapers, pamphlets.

(10) "Reception center" means the reception center at the Washington corrections center.

(11) "Superintendent" includes the superintendent of a correctional facility and/or his or her designee(s).

NEW SECTION

WAC 137-48-020 COMMUNICATION—PURPOSE. Communication between inmates and persons outside the institution is encouraged for the purpose of retaining constructive community ties,

stimulating intellectual pursuits, assisting in the attainment of vocational or educational goals, and facilitating inquiry pertaining to legal concerns. Communication is deemed a right rather than a privilege and can be abridged only when there is reason to believe that the communication would endanger the security or internal order of the institution or would substantially affect the rehabilitation of the inmate.

NEW SECTION

WAC 137-48-030 COMMUNICATION—GENERAL LIMITATIONS. (1) Established limits on the quantity or weight of incoming or outgoing mail, publications, and packages may not be exceeded, except where provisions of these rules permit. It is understood that there are no established limits on the quantity of letters which may be received or sent by an inmate of a correctional facility.

(2) Senders are accountable by law and as hereinafter provided for obscene, harassing, threatening, or criminally-conspiring contents of any communication or package.

(3) Illegal items such as contraband, weapons, explosives, controlled substances or communications relative to an unresolved criminal case shall be held as evidence for law enforcement authorities.

(4) All mail to or from inmates is subject to inspection by institution staff but may be disapproved for mailing or receipt only upon the criteria, and subject to the limitations, set forth in these rules. No person who inspects or participates in the inspection of correspondence shall disclose the contents of such correspondence to any person unless it appears that such correspondence violates these rules, in which case disclosure shall be only in the course of his or her duties.

NEW SECTION

WAC 137-48-040 OUTGOING MAIL. Outgoing mail from inmates of institutions may be disapproved for mailing only if the content falls as a whole or in significant part into any one of the following categories:

(1) The mail contains threats of physical harm against any persons or threats of criminal activity.

(2) The mail threatens blackmail or extortion.

(3) The mail concerns sending contraband in or out of the institution.

(4) The mail concerns plans to escape.

(5) The mail concerns plans for activities in violation of institution rules.

(6) The mail concerns plans for criminal activity.

(7) The mail is in code and its contents are not understood by the reader.

(8) Unless an inmate has received the prior permission of the superintendent to do so, the mail solicits goods or money from other than the immediate family of the inmate: PROVIDED, That this category shall not be construed to preclude the purchase of noncontraband goods where payment for such goods accompanies the purchase order.

(9) The mail contains information which, if communicated, would create a clear and present danger of violence and physical harm to a human being.

(10) The mail is addressed to a minor whose parents or guardian have objected to such correspondence; an individual who has previously been sent lewd or threatening material by the inmate and who has complained or asked that such mail not be received.

(11) The mail contains contraband.

NEW SECTION

WAC 137-48-050 INCOMING MAIL. Incoming mail to inmates may be disapproved for receipt only:

(1) For the reasons set forth in WAC 137-48-040.

(2) It is from an inmate of a correctional facility including intra-facility mail unless the inmate has received the prior approval of the superintendent or his or her designee to receive such mail.

(3) No mail may be rejected solely upon the basis that it contains criticism of the institution or institution personnel.

NEW SECTION

WAC 137-48-060 SPECIAL RULES—INCOMING PUBLICATION LIMITATIONS AND CONTROLS. (1) No restriction shall be placed on the number of publications an inmate may receive if mailed directly by the publisher or dealer, provided the inmate has adequate storage facilities for such publications.

(2) Publications may be disapproved which contain instructions on the manufacture of homemade weapons, bombs, or explosives; escape material; hard core pornography; or the brewing of alcoholic beverages. For the purposes of this section, the term "hard core pornography" shall not be deemed to include books, pamphlets or magazines which can be purchased in a typical pharmacy, quick-service store, or news stand located in the community nearest to the institution. Rather, the term is meant to include only those items which are generally able to be purchased at stores specializing in erotic materials.

(3) An inmate is responsible for arranging changes of address for publications which he or she receives.

(4) Publications may be inspected to insure that the publications conform to the requirements of this section.

NEW SECTION

WAC 137-48-070 SPECIAL RULES REGARDING PACKAGES—LIMITATIONS AND CONTROLS. (1) The inmate shall decide who shall be allowed to send packages to him or her.

(2) An inmate may receive one gift package, not to exceed fifteen pounds in weight, during each of the following calendar periods: December-January-February; March-April-May; June-July-August; and September-October-November.

(3) The superintendent may allow additional gift packages and may increase the weight limitation on soft packages at his or her discretion provided that the additional allowances will be applicable to all inmates of the institution. Packages which are overweight may be delivered or returned. If returned, the procedures in WAC 137-48-070(6) will be followed.

(4) Packages containing materials purchased by mail order by an inmate may be admitted subject to limitations in WAC 137-48-040, 137-48-060, and this section.

(5) Packages may be admitted only if the contents conform to rules governing admissible items adopted by the superintendent of each institution and approved by the secretary. These rules shall be disseminated within the institution and copies shall be made available to inmates who may wish to send them to their correspondents.

(6) Incoming packages shall be inspected. If a package contains contraband which is not illegal, the package shall be, at the inmate's expense, returned to the sender or to another person designated by the inmate. If the inmate chooses neither of these options, the package may be donated to charity or discarded. The superintendent may, in his or her discretion, require that only the contraband portion of the package be returned and may allow delivery of noncontraband portions of a package.

(7) Reception center inmates may not receive packages.

(8) Prepaid merchandise ordered by the inmate from any wholesaler or retailer shall not be considered one of the four gift packages in WAC 137-48-070(2).

(9) An inmate may mail packages containing materials which have been sent to him or her in the institution, or gifts consisting of his or her own hobby, craft or curio work. Such gifts must be made and mailed at his or her own expense.

(10) Mail which arrives at an institution with postage due may, at the option of the superintendent, be delivered to the inmate with the institution paying the postage due or held for a reasonable period of time so as to allow the inmate to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package may be donated to charity or discarded.

NEW SECTION

WAC 137-48-080 HANDLING OF MAIL. (1) An inmate's mail, whether incoming or outgoing, shall be handled with all possible dispatch.

(2) An inmate shall be notified in writing whenever any material is removed from his or her mail.

NEW SECTION

WAC 137-48-090 TREATMENT OF CASH AND CHECKS.

(1) Cash and personal checks shall not be accepted and shall be returned to the sender.

(2) Postal money orders and cashier's checks shall be removed from the envelope and replaced with a receipt. Upon endorsement by the inmate, the proceeds shall be placed in his or her account.

NEW SECTION

WAC 137-48-100 LEGAL CORRESPONDENCE. Legal correspondence may be opened and inspected for contraband in the presence of the inmate only.

NEW SECTION

WAC 137-48-110 STATIONERY AND POSTAGE. (1) The institution shall provide free writing paper and envelopes.

(2) The institution shall pay postage on three pieces of first-class domestic mail, each weighing one ounce or less, per week. Postage on additional outgoing mail shall be paid by the inmate. Legal mail in excess of this limitation shall be paid for by the institution only if the inmate has less than ten dollars in his or her account. The superintendent may approve exceptions to this limitation.

(3) Postage on outgoing mail from inmate groups and persons on work release shall be provided by the sender.

(4) The institution shall make available postage stamps for purchase.

NEW SECTION

WAC 137-48-120 USE OF TELEPHONE. (1) Telephone facilities shall be provided in appropriate numbers and locations to permit reasonable and equitable access to all inmates, except inmates of the reception center and those inmates in disciplinary segregation.

(2) The superintendent shall promulgate written regulations providing for access of inmates to additional telephone facilities in emergency situations.

(3) Privacy shall be insured by reasonable isolation or soundproofing of telephone facilities. Telephone calls shall not be monitored, recorded, or spot-checked except by court order.

(4) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not to be less than five minutes) and any limitations on telephone use.

(5) Calls shall be placed collect unless it is a local call.

(6) The superintendent shall maintain a log of all outgoing calls by inmates.

(7) Reasons for calls shall be the personal concern of the inmate, except in consideration of requests for emergency calls beyond normal telephone availability.

(8) Denial of telephone privileges shall not be used as a sanction against the abuse of unrelated institution rules and regulations.

NEW SECTION

WAC 137-48-130 PROCEDURE FOR DISAPPROVAL OF INMATE MAIL. (1) When an inmate is prohibited from sending a letter, a copy of the letter and a written and signed notice stating one of the authorized reasons for disapproval indicating the portion or portions of the mail causing disapproval will be given the inmate.

(2) When an inmate is prohibited from receiving mail, a written signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the mail causing disapproval will be given to the sender and to the inmate, who will also be told the sender's name. Letters disapproved for delivery to an inmate will be returned to the sender. Packages will be disposed of in accordance with WAC 137-48-070.

(3) If either incoming or outgoing mail contains illegal material, the material may be confiscated and held for the appropriate law enforcement authorities, or destroyed.

(4) Whenever letters written by inmates are withheld from mailing, the letters shall be forwarded to the director of the division of prisons for study. The director shall either mail the letters to the addressee within seven days, or, if the letters are deemed objectionable by the director under the standards of these rules, they shall be retained in a separate file for two years and then destroyed.

(5) Any inmate who feels aggrieved by the denial of either the sending or receipt of mail may appeal such decision to the superintendent or his or her designee, who shall be a person other than the person who originally disapproved the correspondence.

Chapter 137-52 WAC
RESIDENT OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

NEW SECTION

WAC 137-52-010 ESCORTED LEAVE OF ABSENCE—DEFINITIONS. (1) "Escorted leave" is a leave of absence from a correctional facility under the supervision of an escort.

(2) "Immediate family" consists of an inmate's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in a direct lineal relationship to him or her.

(3) "Indigent inmate" is one who has a combined total net value in cash (not to exceed two hundred dollars in his or her institutional account), bank accounts, marketable securities, and real property other than a home not to exceed seven hundred fifty dollars, or, together with his or her unestranged spouse, not to exceed one thousand five hundred dollars.

NEW SECTION

WAC 137-52-020 ESCORTED LEAVE OF ABSENCE—PURPOSE. An escorted leave is allowed to permit an inmate to be present in the community for legitimate personal and/or rehabilitative purposes under circumstances in which a furlough is impractical or impermissible.

NEW SECTION

WAC 137-52-030 ESCORTED LEAVE OF ABSENCE—REASONS ALLOWED. An escorted leave may be allowed to permit an inmate to:

- (1) Receive necessary medical or dental care which is not available in the institution,
- (2) Visit a critically ill member or attend the funeral of a member of his or her immediate family upon verification of such illness or death,
- (3) Participate in community events as a member of a group or team,
- (4) Participate in agricultural or industrial programs of the institution.

NEW SECTION

WAC 137-52-040 ESCORTED LEAVE OF ABSENCE—CONDITIONS. (1) An escorted leave shall be authorized only for trips within the state.

- (2) The duration of the leave shall normally not exceed forty-eight hours.
- (3) The inmate shall be considered to remain in the custody of the superintendent at all times.
- (4) The inmate shall be lodged in a city or county jail or a state institution at all times when not in transit or actually engaged in the activity for which the leave was granted.
- (5) Provision for reimbursement for expenses incurred by the inmate and escort must be verified in advance.

NEW SECTION

WAC 137-52-050 ESCORTED LEAVE OF ABSENCE—APPLICATION. An inmate shall place his or her request for leave with his or her counsellor who will forward it together with his or her recommendation to the superintendent or his or her designee.

NEW SECTION

WAC 137-52-060 ESCORTED LEAVE OF ABSENCE—APPROVAL. Requests for leaves shall be approved or denied by the superintendent or his or her designee, who, in making such decision, shall take into consideration the following factors:

- (1) The nature of the emergency or the request for leave,
- (2) The degree to which the inmate may be considered to be a security or escape risk,
- (3) Any unusual disciplinary problems which may be presented by the inmate,
- (4) The inmate's degree of trustworthiness,
- (5) Any significant health problems that might be presented as a result of a leave.

NEW SECTION

WAC 137-52-070 ESCORTED LEAVE OF ABSENCE—ESCORT. (1) The person who will serve as escort must be approved by the superintendent or his or her designee.

(2) In granting an escorted leave, the superintendent shall make such security arrangements as are deemed appropriate and may instruct a correctional officer to wear his or her uniform and sidearm in appropriate circumstances when such officer is assigned to escort an inmate.

(3) A correctional officer serving as escort shall wear civilian clothes and be unarmed when escorting an inmate to a bedside visit or a funeral whenever possible.

(4) The escort shall use physical restraints if ordered by the superintendent or headquarters classification unit staff.

NEW SECTION

WAC 137-52-080 ESCORTED LEAVE OF ABSENCE—EXPENSES. (1) The escort shall receive reimbursement for meals, lodging, and transportation at the rate established in the department's travel policy.

(2) The escort shall receive his or her salary for all hours spent in actually escorting the inmate, but not including hours sleeping or not engaged in direct supervision of the inmate. The salary shall be paid at the appropriate straight time and overtime rates as provided in the merit system rules.

NEW SECTION

WAC 137-52-090 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY INMATE. The expenses of the escort as enumerated in WAC 137-52-080 shall be reimbursed by the inmate unless the superintendent has authorized payment at state expense in accordance with chapter 137-52 WAC.

NEW SECTION

WAC 137-52-100 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY STATE. The expenses of the escort shall be reimbursed by the state if:

- (1) The inmate is indigent in accordance with WAC 137-52-010(3), or
- (2) The expenses were incurred for the purpose of the inmate's participation in a community event as a member of a group or team, an academic or vocational activity, or to secure medical or dental care.

Chapter 137-56 WAC
ADULT CORRECTIONAL INSTITUTIONS—RELEASE PRO-
GRAMS—WORK TRAINING

NEW SECTION

WAC 137-56-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director, division of community services, department of corrections.

(3) "Assistant director" is the assistant director of community resident programs.

(4) "Community resident programs administrator" is the staff member at headquarters office assigned by the assistant director to administer and supervise the work/training release programs.

(5) "Work/training release facility supervisor" is a staff member assigned by the community resident programs administrator to administer and supervise a specific work/training release facility.

(6) "Work/training release counselor" is a staff member assigned by the work/training release facility supervisor to supervise and counsel a caseload of work/training release inmates or residents at a specific work/training release facility.

(7) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide housing and supervision for work/training release inmates or residents.

(8) "Work/training release coordinator" is a staff member assigned by the superintendent of an adult correctional institution to act as liaison between the institution and work/training release facility personnel.

(9) "Work/training release inmate or resident" is an inmate of a major adult correctional institution who has been approved and placed in a work/training release plan, or probationer/parolee placed by the courts or the board of prison terms and paroles in a work/training release facility.

(10) "Sponsor-escort" is a responsible citizen assigned to escort and supervise an inmate or resident during official and social activities outside of the work/training release facility.

(11) "Work/training release facility" is an institution or other establishment approved for housing and supervision of work/training release inmates or residents during their stay in a work/training release program.

(12) "One working day" is a nine hour day, 8:00 a.m. to 5:00 p.m. excluding weekends and holidays.

NEW SECTION

WAC 137-56-020 SECRETARY'S AUTHORITY TO GRANT OR DENY. The secretary or his or her designee may grant or deny work/training release as authorized by chapters 72.65 and 43.20A RCW and subject to the rules of this chapter.

NEW SECTION

WAC 137-56-030 REASONS FOR WHICH GIVEN. Work/training release may be authorized for one or more of the following:

- (1) To take full-time or part-time employment;
- (2) To take vocational training, including attendance at an accredited college.
- (3) To make application to or be interviewed by prospective employers or to enroll in an academic or vocational training program (known as temporary work/training release).

NEW SECTION

WAC 137-56-040 APPLICATION—WHO MAY APPLY. (1) An inmate may apply for work/training release provided that:

- (a) He or she has minimum security status;
 - (b) His or her minimum term has been fixed by the board of prison terms and paroles;
 - (c) He or she has less than two years to serve on the minimum term including anticipated good time credits.
- (2) Persons convicted of rape in the first degree shall not be eligible for work/training release at any time during the first three years of confinement.
- (3) Persons convicted of murder first degree are not eligible for work/training release.

NEW SECTION

WAC 137-56-050 APPLICATION—CONSIDERATION. (1) The inmate shall submit his or her application for work/training release to his or her counselor on forms prescribed by the department.

(2) The classification committee shall make its recommendations to the superintendent, giving written documentation of the information which the committee relied on and giving reasons for the recommendation.

(3) Work/training release applications shall be evaluated without regard for color, national origin, or creed.

(4) Probationers/parolees may be referred by the superior court or board of prison terms and paroles.

NEW SECTION

WAC 137-56-060 APPLICATION—DECISION. (1) If the superintendent approves the work/training application, he or she shall forward copies of the application and plan to the work/training release facility to which the inmate requests transfer; and to the assistant director, community resident programs.

(2) If the superintendent disapproves the work/training release application, he or she shall return the application to the counselor, stating his or her reasons for denial and set a date when the inmate may reapply.

NEW SECTION

WAC 137-56-070 PLAN—INVESTIGATION. (1) Upon receipt of an approved work/training release application and plan from the superintendent, the work/training release facility supervisor or his or her designee shall complete an investigation.

(2) The work/training release investigation will verify the plan as it pertains to employment, financial resources, training, community reaction, and any other factors which may affect the inmate's or resident's ability to successfully complete a work/training release program.

(3) The work/training release plan investigation will be forwarded by the work/training release facility supervisor to the assistant director, community resident programs, with a recommendation for or against approval of the plan.

NEW SECTION

WAC 137-56-080 PLAN—APPROVAL OR DENIAL. (1) The assistant director, community resident programs, or his or her designee has the authority to approve or disapprove a plan.

(2) Upon approval of a plan, the on-site representative, classification unit in headquarters, shall issue a transfer order.

(3) If approved, the inmate or resident shall sign and agree under oath, to the standard rules of work/training release. (See WAC 137-56-100.)

(4) If the plan is disapproved, the assistant director, community resident programs, or his or her designee shall state the reasons for denial in writing with a copy to the superintendent and inmate and will set a date when the inmate can reapply.

NEW SECTION

WAC 137-56-090 PLAN—RESTRICTIONS. (1) An inmate or resident will not be permitted to travel outside the state.

(2) The work or training site shall be within reasonable commuting distance (in most circumstances not more than fifty miles) of the work/training release facility or institution in which the inmate or resident is confined.

(3) If the inmate or resident has been placed in a work/training release facility for the purpose of developing a plan (temporary work/training release) and the plan is not secured within ten working days from the date of issuance of transfer orders, the inmate or resident may be returned to the institution without prejudice.

(4) The purpose of work/training release is to provide a short adjustment period in a work/training release facility prior to parole. Before a work/training release plan is approved, the staff will have a reasonable expectation that the inmate or resident will be paroled in a period of time which will normally not exceed six months. If a parole date is not fixed within six months of placement in a work/training release plan, the assistant director, community resident programs, or his or her designee will review the case on an individual basis and may return the inmate or resident to the institution if it appears that the inmate or resident will be on work/training release for an extended period of time.

NEW SECTION

WAC 137-56-100 STANDARD RULES. In consideration of being granted work/training release, the inmate or resident must agree to observe and abide by the following rules:

(1) Continue in the approved work or training release plan until it is officially changed. Any modification of the plan must be authorized in writing by the work/training release counselor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release counselor. The inmate or resident may appeal in writing to the community resident programs administrator, if the inmate or resident considers any of the restrictions to be unwarranted or arbitrary.

(3) Comply with such other restrictions and/or conditions as may be imposed in the original work/training release plan by the community resident programs administrator or his or her designee.

(4) Remain confined to the work/training release facility premises at all times other than the time necessary to implement the plan or when authorized under WAC 137-56-140. Any work/training release inmate or resident approved for placement under a work/training release plan who willfully fails to return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with the terms of chapter 9.31 RCW.

(5) Have employment or other resources in order to maintain himself or herself financially.

(6) Not consume, ingest, inject, or possess nonprescription narcotic or "dangerous" drugs or controlled substances or alcoholic beverages.

(7) Agree to disburse all earnings in accordance with the approved work/training release plan and report all income to the work/training counselor. All income from any source shall be immediately placed in the resident's trust fund account by the counselor. A receipt will be issued by the counselor.

(8) Comply with all federal, state, and local laws.

(9) Inmates or residents placed on work/training release are ordinarily approved with the understanding that they will be paroled in a reasonable time, normally within six months. If it is not possible to parole the inmate or resident within a reasonable period of time, he or she may be returned to the institution.

NEW SECTION

WAC 137-56-110 SUPERVISED FACILITY. A work/training release facility is a place for housing work/training release inmates or residents in:

- (1) A state adult correctional institution;
- (2) A county or city jail which has been approved for use after inspection pursuant to RCW 72.01.420; or
- (3) An establishment or home approved for the housing and supervision of residents engaged in a work/training release program which has contracted with the department for the provision of such services.

NEW SECTION

WAC 137-56-120 PROVISIONS OF SUPERVISION. In meeting its responsibilities for the care of inmates or residents, a work/training release facility shall provide:

- (1) A staff on twenty-four hour duty and an office within the facility so that the staff can monitor the activities of the inmates or residents;
- (2) A check-in and check-out system to insure that the whereabouts of the inmate or resident is known at all times, including checks on the inmate or resident at school and work;
- (3) Bed checks or head counts to account for the inmate's or resident's whereabouts; a minimum of three bed checks shall be required between 12:00 midnight and 8:00 a.m.;
- (4) Provide adequately for the inmate or resident with respect to sleeping quarters, bathroom facilities, and accommodations for cooking, dining, lounging and leisure time activities;
- (5) Comply with state fire codes;
- (6) Be reasonably close to population centers in order to provide access to employment and training opportunities, commercial transportation, social agencies, and medical facilities.

NEW SECTION

WAC 137-56-140 LIMITS OF CONFINEMENT. A work/training release inmate or resident shall be confined to the facility at all times except:

- (1) When interviewing prospective employers or arranging for registration at a training facility;
- (2) When working at paid employment or attending a training facility in a vocational or academic program;
- (3) If enrolled in an on-campus training program and housed in an on-campus facility, when participating in customary and official on-campus activities or mandatory field trips;
- (4) When authorized a point-to-point pass not to exceed two hours, excluding travel, for the purpose of transacting personal essential business between the hours of 8:00 a.m. and 10:00 p.m.;
- (5) When authorized to participate in social and recreational activities in company with a sponsor-escort between 8:00 a.m. and 12:00 midnight;
- (6) When on furlough.

NEW SECTION

WAC 137-56-150 SPONSOR-ESCORT. (1) A sponsor-escort shall be a responsible citizen who shall accompany and retain custody of a work/training release inmate or resident during a social or recreational activity. The sponsor-escort must be approved by the work/training release counselor; and the sponsor and the inmate or resident must sign an agreement with the department which describes his or her responsibilities.

(2) Persons who are on active felony probation or parole shall not be approved as sponsor-escorts. Persons who have a past felony conviction and who have earned a discharge may be approved as sponsor-escorts on an individual basis by the assistant director, community resident programs, or his or her designee.

NEW SECTION

WAC 137-56-160 TERMINATION OF PLAN. A work/training release plan may be terminated:

- (1) If requested in writing by the releasee;
- (2) If the contract permits, the contract agency refuses to accept or continue to serve the inmate or resident;
- (3) If the plan is discontinued or modified so that it no longer meets agency standards or if the releasee becomes unable to comply with the terms of the plan;
- (4) The inmate or resident lacks aptitude for the assignment or is improperly placed; or
- (5) The inmate or resident has been unable to adjust or adapt to the conditions of the work/training release facility; or
- (6) The inmate or resident has demonstrated through his or her behavior an unwillingness to respond to counseling by staff; or
- (7) The inmate's or resident's situation and circumstances have significantly changed; or
- (8) The inmate or resident has failed to comply with federal or state laws or local ordinances; or
- (9) The inmate or resident has failed to comply with standard work/training release rules as enumerated in WAC 137-56-100; or
- (10) The inmate or resident has failed to comply with such other written facility rules as are promulgated by the facility supervisor; or
- (11) The inmate or resident has failed to comply with such other specific restrictions or behavior expectations which have previously been called to the attention of the inmate or resident by the work/training release counselor and are documented in writing.

NEW SECTION

WAC 137-56-170 SERVICE OF NOTICE OF PROPOSED TERMINATION. (1) If a work/training release termination is proposed, the work/training release counselor may suspend the work/training release plan and place the inmate or resident in custody pending a termination hearing.

(2) The work/training release counselor shall advise the inmate or resident in writing of the factual allegations which provide the basis for the proposed termination within one working day after the suspension of the work/training release plan.

(3) The factual allegations may be amended and/or new allegations added at any time prior to the termination hearing, provided that the work/training inmate or resident shall have notice of such new and/or amended allegations at least twenty-four hours prior to the termination hearing.

NEW SECTION

WAC 137-56-180 TERMINATION HEARING—NOTICE. A work/training inmate or resident served with allegations providing the basis for a proposed work/training release termination shall be notified in writing that a hearing has been set before a review committee. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the assistant director, community resident programs, or his or her designee. The written notice of hearing shall be given to the inmate or resident at least twenty-four hours before the hearing and advise the inmate or resident of his or her rights, including the following:

- (1) The inmate or resident shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.
- (2) The inmate or resident shall present his or her own case to the review committee. If there is a language or communications barrier, the review committee chairman shall appoint an advisor.
- (3) The inmate or resident may have an attorney present only when a felony has been alleged. Such representation is limited to advising the inmate or resident of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.
- (4) The inmate or resident may testify during the hearing or remain silent, and his or her silence will not be held against him or her.
- (5) The inmate or resident may question all witnesses appearing and testifying at the hearing.
- (6) Testimony and other evidence introduced shall be relevant to the issues under consideration.
- (7) The inmate or resident may present witnesses and written statements from persons in his or her own behalf.
- (8) Attendance at the hearing shall be limited to parties directly concerned. The review committee chairman may exclude unauthorized persons.

(9) The review committee shall make an evaluation of the inmate's or resident's progress, attitudes, need for program modifications, work/training alternatives, or institution programming; and shall make

a recommendation to the board of prison terms and paroles regarding good time credits and readiness for parole.

NEW SECTION

WAC 137-56-190 FACILITY REVIEW COMMITTEE. (1) The review committee shall consist of the facility supervisor or his or her designee; if the facility is under contract to the department, a member of the contract staff; and may include a voluntary representative of the inmate or resident council or inmate or resident population. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his or her designee shall inform the inmate, in writing, of the review committee's decision within three working days.

(2) At institutions the classification committee may serve as the facility review committee for work/training release inmates or residents housed at the facility; except that the institution work/training release coordinator will be a member of the committee.

(3) No person making an allegation involved in the incident, or called as a witness, shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself or herself under this rule or for any other reason, a replacement may be designated by the facility supervisor, community resident programs administrator, or assistant director, community resident programs.

NEW SECTION

WAC 137-56-200 TERMINATION HEARING—WAIVER.

(1) At any time after having been served with an allegation providing the basis for a proposed termination, the inmate or resident may choose to waive his or her right to a hearing by signing an admission of the allegation and request that the hearing be dispensed with or limited only to questions of disposition.

(2) The inmate or resident may admit in writing to part of the allegations and thereby limit the scope of the hearing.

(3) In those cases where the allegation involves misbehavior or other culpability on the part of the inmate or resident, he or she shall be advised in writing that in admitting the violation and waiving the hearing, a report will be submitted to the board of prison terms and paroles which may result in the loss of good time credits and/or the extension of the minimum term.

NEW SECTION

WAC 137-56-210 TERMINATION HEARING—RULES OF EVIDENCE. (1) All relevant and material evidence is admissible which, in the majority opinion of the review board, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) Every party shall have the right to question witnesses who testify in person and shall have the right to submit rebuttal evidence. This shall not be deemed to prevent the admission and consideration of hearsay evidence.

(4) Documentary evidence, including written statements submitted by interested parties on behalf of the inmate or resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions.

NEW SECTION

WAC 137-56-220 TERMINATION HEARING—FINDINGS AND CONCLUSIONS. (1) At the conclusion of the hearing, the review committee will make a finding of fact within one working day as to whether or not the allegations made against the inmate or resident have been proven by a preponderance of the evidence presented at the hearing.

(2) If the review committee determines that the allegations have not been proven by a preponderance of the evidence presented at the hearing, the inmate or resident shall be restored to work/training release status.

(3) If the review committee determines that one or more of the allegations have been proven by a preponderance of the evidence presented at the hearing, the review committee will proceed to a disposition.

NEW SECTION

WAC 137-56-230 TERMINATION HEARING—DISPOSITION. (1) The review committee will consider the inmate's or resident's total background, adjustment on work/training release, attitude, recommendations of interested parties, and any other information relative to the inmate's or resident's ability to continue in the program. The review committee shall make a determination as to whether or not the inmate or resident has earned good time credits towards parole, and whether the matter should be referred to the board of prison terms and paroles for possible increase in the inmate's or resident's minimum term.

(2) The inmate or resident shall be present at all stages of the review, except for deliberation and even during deliberation when appropriate, and shall have the opportunity to make argument in his or her own behalf.

NEW SECTION

WAC 137-56-240 TERMINATION HEARING—DECISION. The review committee may:

(1) Restore the inmate or resident to his or her work/training release status under the same or modified conditions as the original plan; or

(2) Revoke the work/training release plan and return the inmate or resident to an institution, or return the probationer/parolee to the court or the board of prison terms and paroles for final disposition. The facility supervisor shall notify the inmate or resident orally within one working day and confirm the decision in writing within three working days.

(3) The written decision shall specify the evidence upon which the review committee relied and shall include a description of the circumstances surrounding the allegation(s) upon which the termination of work/training release is based, the reasons for the decision, a discussion of the inmate's or resident's personal culpability in the actions which have led to the termination, and an evaluation of the inmate's or resident's progress, attitudes, need for further programs including work training alternatives and readiness for parole.

NEW SECTION

WAC 137-56-250 TERMINATION HEARING—APPEAL. The inmate or resident may appeal the decision of the facility review committee to the community resident programs administrator. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. The community resident programs administrator, or his or her designee, upon receipt of an appeal, will review the findings and decision of the review committee and either:

(1) Continue the inmate or resident in the existing work/training release plan; or

(2) Continue the inmate or resident in a work/training release program with appropriate and specific conditions for expected future behavior or modifications in the inmate's or resident's plan; or

(3) Terminate work/training release and return the inmate or resident to an institution for other programming.

The reviewer's decision will be made promptly, normally not to exceed five working days, and given to the inmate or resident and committee chairman in writing.

NEW SECTION

WAC 137-56-260 TIME LIMITS. The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules.

NEW SECTION

WAC 137-56-270 EXCEPTIONS. The secretary may authorize exceptions to the criteria listed in WAC 137-56-040, 137-56-080, and 137-56-110 through 137-56-150.

Chapter 137-60 WAC
ADULT CORRECTIONAL INSTITUTIONS—RELEASE PRO-
GRAMS—FURLOUGH

NEW SECTION

WAC 137-60-010 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DEFINITIONS. (1) "Furlough" is an authorized unaccompanied leave of absence for an eligible inmate.

(2) "Furlough plan" is an inmate's statement in his or her application of the purpose, place, dates of duration, and sponsor of a single furlough or series of furloughs.

(3) "Furlough sponsor" is an approved adult who has agreed to assume the responsibilities set forth in WAC 137-60-070.

(4) "Emergency furlough" is a specially expedited furlough granted to an inmate to enable him or her to meet an emergency situation such as the death or critical illness of a member of his or her family.

(5) "Inmate" is a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(6) "Secretary" is the secretary of the department of corrections or his or her designee.

NEW SECTION

WAC 137-60-020 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SECRETARY'S AUTHORITY TO GRANT OR DENY. The secretary may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter.

NEW SECTION

WAC 137-60-030 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—PURPOSES. A furlough may be authorized to enable the inmate:

(1) To meet an emergency situation, such as critical illness, death, emotional crisis, or similar situation experienced by members of his or her family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities;

(a) Provided specific job interviews have been arranged for the inmate, or

(b) When the inmate has been approved for work or training release status but his or her job or training placement has not been developed or concluded, or

(c) When necessary to prepare a parole plan for a parole hearing scheduled within one hundred twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his or her personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the inmate so seriously as to affect his or her family or his or her future economic security;

(6) To visit his or her family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration;

(7) For any other purpose deemed to be consistent with plans for rehabilitation of the inmate.

NEW SECTION

WAC 137-60-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—WHO MAY APPLY.

(1) Any inmate may apply for a furlough: PROVIDED, That

(a) He or she is in or eligible for minimum security classification,

(b) If sentenced to serve a mandatory minimum term a waiver from the board of prison terms and paroles has been secured, or there is only six months left to serve on such mandatory minimum term,

(c) His or her minimum term has been fixed by the board of prison terms and paroles,

(d) If he or she has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions may provide approval on a class of applicants, for example, all those otherwise approved by this state, in lieu of action on individual applications.

(2) An inmate must have served a minimum amount of time prior to the commencement of the furlough. He or she will be considered to have served a minimum amount of time if:

(a) The furlough begins not sooner than six months after incarceration at the institution of present confinement. If he or she has been transferred to the institution for medical care or to participate in an educational or training program, the six-month period may be waived.

(b) He or she is an inmate of an honor camp or work release unit and the time spent in this unit and in prior institutions of confinement totals six months.

(c) He or she is serving a sentence under twelve months and has served a minimum of ninety days, and the furlough does not begin earlier than six months prior to his or her expected release or scheduled parole hearing.

(3) Persons convicted of rape in the first degree shall not be eligible to participate in the furlough program at any time during the first three years of confinement.

(4) Persons convicted of murder in the first degree, may not be granted furloughs.

NEW SECTION

WAC 137-60-050 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CONDITIONS IMPOSED. (1) The applicant must agree to abide by all terms and conditions of the approved furlough plan. Any violation may be cause for suspension or revocation of the furlough.

(2) The furlough plan will specify the residence address at which the applicant will reside during the period of furlough and will designate the names and relationships of the persons with whom he or she will live.

(3) Upon arrival at his or her destination the furloughed person will, when so required, report to a state probation and parole officer in accordance with instructions given prior to release on furlough. He or she shall report as frequently as may be required by the state probation and parole officer.

(4) The furloughed person shall abide by all local, state, and federal laws, ordinances, and statutes.

(5) With approval of the designated state probation and parole officer, the furloughed person may accept temporary employment during a period of furlough. Earnings may be used to defray the costs of the furlough, including transportation, living expenses, family support, and incidental needs.

(6) Furloughed persons may not leave the state at any time while on furlough.

(7) Other limitations on movement within the state may be imposed as a condition of furlough. Unless it is part of the approved travel plan, travel outside the county to which furlough is granted must be approved by the probation and parole officer in that county.

(8) A furloughed person may not drink intoxicating beverages or be in an intoxicated condition. All public taverns, bars, and cocktail lounges will be considered "off limits" to furloughed persons.

(9) A furloughed person who drives a motor vehicle must:

(a) Have a valid Washington driver's license in his or her possession,

(b) If unaccompanied by the owner, have the owner's written permission in his or her possession to drive any vehicle not his or her own or his or her spouse's,

(c) Have at least minimum personal injury and property damage liability coverage on the vehicle he or she is driving,

(d) Observe all traffic laws.

(10) Clothing issued for use during the furlough is to be returned to the institution at the completion of the furlough.

(11) Other conditions of furlough specific to the individual may be imposed.

(12) All conditions of furlough, general and specific, shall be listed on the furlough order, and shall be discussed with the inmate by his or her counselor before he or she leaves the institution. The furloughed person shall carry a copy of the furlough order with him or her at all times while on furlough. A furlough identification card will be issued to the inmate prior to departure, and returned at the end of the furlough.

(13) Willful failure to return from a furlough at the time specified in the furlough order constitutes an escape from confinement which is a violation of criminal law.

NEW SECTION

WAC 137-60-060 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—DURATION. (1)

Furloughs may not exceed thirty days at a given time or a total of sixty days in any twelve-month period. The sixty day total is designed to permit a reasonable pattern of short releases over the course of a year, or an extended period of release for special placement on furlough status in preparation for work release, training release, or parole planning, or a combination of these reasons.

(2) First and second furloughs will ordinarily not exceed five days.

(3) Emergency furloughs will ordinarily be limited to forty-eight hours plus travel time.

(4) Any furlough may be extended by the secretary within the maximum time limits set by this section.

NEW SECTION

WAC 137-60-070 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—SPONSOR'S RESPONSIBILITIES. A furlough plan must designate a sponsor for the inmate while he or she is on furlough. The sponsor must sign a statement agreeing to:

(1) Provide the furlougee with appropriate living quarters for the duration of the furlough,

(2) Notify the institution immediately if the furlougee does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his or her ability to function appropriately,

(3) Assist the furlougee in other appropriate ways, such as discussing problems, providing transportation to job interviews, etc.,

(4) Assure that the furlougee returns to the institution on time.

NEW SECTION

WAC 137-60-080 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—CRITERIA FOR EVALUATING APPLICATION. (1) An application for furlough shall be considered with respect to:

(a) Consistency with the purposes described in WAC 137-60-030, and

(b) Adequacy of the furlough plan, and

(c) Possible risk to the community, and

(d) Findings of a field investigation.

(2) The application shall be evaluated without regard to the race, sex, color, national origin, or creed of the applicant.

NEW SECTION

WAC 137-60-090 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—APPLICATION FOR FURLOUGH. (1) An application for furlough must be made on forms prescribed by the secretary, must include a furlough plan, and must be submitted by the inmate to his or her counselor.

(2) An application for furlough, other than an emergency furlough, must be made at least seven weeks prior to the date of the furlough.

(3) Any inmate whose furlough application has been rejected may reapply after such period of time has elapsed as was determined by the secretary at the time of rejection, such time period being subject to modification.

(4) A furlough plan shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and the relationships of such persons to the applicant.

NEW SECTION

WAC 137-60-100 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—NOTIFYING INMATE OF DECISION ON APPLICATION. (1) The inmate and his or her sponsor shall both be notified promptly of the disposition of his or her application.

(2) If a furlough is authorized, a copy of the furlough order will be mailed to the sponsor.

NEW SECTION

WAC 137-60-110 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—ESCAPE. The department has the duty, as soon as possible, to notify the state patrol of the escape of a furlougee.

NEW SECTION

WAC 137-60-120 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—REVOCATION OR SUSPENSION. (1) Any employee of the department having knowledge of a furlough infraction shall report the facts to the superintendent. Upon verification, the superintendent will cause the custody of the furlougee to be regained and, for this purpose, may cause a warrant to be issued.

(2) The superintendent will determine whether to suspend or revoke the furlough. If the furlough is suspended, the superintendent will indicate when and under what circumstances the inmate may reapply.

NEW SECTION

WAC 137-60-130 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—LAW ENFORCEMENT OFFICERS TO BE NOTIFIED. (1) Appropriate law enforcement agencies will be notified of a planned furlough via the state patrol communications network at least forty-eight hours prior to the beginning of the furlough.

(2) In the event of an emergency furlough, the state patrol will be notified as early as possible but the forty-eight hour requirement will not apply.

NEW SECTION

WAC 137-60-140 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—EXCEPTIONS TO RULES. In emergency situations the superintendent may authorize exceptions to the rules in chapter 137-60 WAC: PROVIDED, That no exception may be made to WAC 137-60-040(1)(a), (b) and (d), 137-60-050(6), and 137-60-060(1).

Chapter 137-64 WAC

PAYMENTS TO PERSONS RELEASED FROM CORRECTIONAL INSTITUTIONS

NEW SECTION

WAC 137-64-010 PURPOSE. (1) The purpose in making temporary financial assistance available to persons released from correctional institutions is to support the inmate's chances for a successful return to responsible citizenship.

(2) The legal authority for making the payments authorized by this chapter is found in RCW 72.02.040, 72.02.100, and 72.02.110.

NEW SECTION

WAC 137-64-030 RELEASE PAYMENT. (1) An inmate who does not have income sufficient to meet his or her immediate needs shall upon release be provided with:

(a) Suitable clothing,

(b) Transportation by the least expensive method of public transportation not to exceed one hundred dollars to his or her place of residence, the place designated in his or her parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction.

(c) Forty dollars for subsistence.

(2) In accordance with an approved parole plan, the inmate may be paid by the institution an additional sum not to exceed sixty dollars for necessary personal and living expenses.

Chapter 137-68 WAC

ADULT PROBATION AND PAROLE—INTERSTATE COMPACT

NEW SECTION

WAC 137-68-010 DEFINITIONS. (1) "Compact" is the interstate compact for supervision of probationers and parolees as codified in RCW 9.95.270.

(2) "Compact administrator" is the person appointed by the governor of the state of Washington to be responsible for the administration of the interstate compact for the supervision of adult probationers and parolees.

(3) "Deputy compact administrator" is a person appointed by the compact administrator and delegated responsibility for the administration of the interstate compact.

(4) "Sending state" is the state in which the individual was granted probation or parole and in which the jurisdiction of the case is retained.

(5) "Receiving state" is the state providing supervision of the parolee or probationer under the interstate compact.

(6) "Probationer" is a person under jurisdiction of a state superior, circuit or district court who is being supervised under the compact.

(7) "Parolee" is a person under jurisdiction of a paroling authority who is being supervised under the interstate compact.

(8) "Parole officer" is a state probation and parole officer employed by the department of corrections.

(9) "Supervising parole officer" is a parole officer assigned to supervise a probationer or parolee as required by the interstate compact and to act in regard to all matters connected with hearings conducted pursuant to the interstate compact rules.

(10) "Violations specified" are charges and/or allegations made against probationer or parolee by a parole officer in regard to violation of law or failure to comply with the general conditions of probation or parole or special instructions and conditions as set forth by the court of jurisdiction or the paroling authority.

(11) "Preliminary hearing" is a hearing conducted in accordance with RCW 9.95B.010 through 9.95B.900.

(12) "Hearing officer" is a person authorized by the compact administrator to hear cases involving alleged violations of conditions of parole or probation. Neither the person making the allegations of violation or his or her direct supervisor shall act as hearing officer.

NEW SECTION

WAC 137-68-020 DETAINED OR ARRESTED PROBATIONER OR PAROLEE—RIGHT TO PRELIMINARY HEARING. (1) A probationer or parolee being supervised for another state under the interstate compact if detained or arrested within the state of Washington shall have the right as provided in chapter 9.95B RCW, to a preliminary hearing to determine whether there is probable cause to believe a condition or conditions of probation or parole have been violated and whether there is reason to believe the violations alleged are of such nature that a revocation of probation or parole should be considered by the sending state.

(2) The detained or arrested probationer or parolee may waive his or her right to such hearing in writing.

NEW SECTION

WAC 137-68-030 PRELIMINARY HEARING—PREPARATION. (1) When a probationer or parolee being supervised in the state of Washington under the compact is detained by a parole officer, the parole officer shall immediately give verbal and written notice to such probationer or parolee of his or her right to a preliminary hearing and shall further notify the probationer or parolee of all rights guaranteed him or her by the rules in this chapter.

(2) Immediately following the detention of a probationer or parolee, the parole officer shall notify the deputy compact administrator of the detention. Arrangements shall promptly be made for the date, time, and place for a hearing so that the hearing may be held within ten days from the date the probationer or parolee is detained by the parole officer.

(3) As soon as possible following detention of a probationer or parolee, the parole officer shall prepare charges or the violations specified and provide the probationer or parolee with a copy of said charges and also notify him or her of the date, time, and place set for the hearing. Upon serving the probationer or parolee with the violations specified, the parole officer shall determine whether the probationer or parolee wishes to waive his or her right to a hearing.

(4) Prior to the hearing, the parole officer shall send to the appropriate deputy compact administrator the signed hearing waiver (if appropriate), the notice of arrest and violations specified and the violation report.

(5) A detained or arrested probationer or parolee shall have the right to consult with any person whose assistance he or she reasonably desires prior to the hearing.

NEW SECTION

WAC 137-68-040 PRELIMINARY HEARING—CONDUCT. (1) The hearing shall be conducted by a hearing officer as defined in WAC 137-68-010(12).

(2) The hearing shall be closed to the public.

(3) The proceedings at the hearing shall be recorded.

(4) The hearing officer shall explain the purpose of the hearing, have the specified charges read aloud, and verify that the procedures specified in WAC 137-68-030 have been followed.

(5) A supervising parole officer shall be present at the hearing, submit the written report of the alleged violations in evidence, and testify as to the violations.

(6) Any person may give testimony relevant to the alleged violation or violations, introduce evidence including affidavits, and question other persons subject to the limitations in subsection (7) of this section.

(7) The detained or arrested probationer or parolee shall have the right to confront and examine any person who may have made allegations or given evidence against him or her unless the hearing officer determines that such a confrontation would present a substantial present or subsequent danger of harm to such person. In such instance a written general summary or the evidence, without disclosure of the identity of the witness, shall be provided to the probationer or parolee at the hearing. He or she shall have the opportunity to submit evidence relevant to or controverting any information contained in the summary.

(8) The hearing may be recessed for time sufficient for the hearing officer to consider the evidence and reach a decision on the issue of probable cause.

(9) The hearing officer shall render this decision on the probable cause based solely on the evidence presented at the hearing.

(10) If probable cause is found the hearing officer may receive additional evidence and argument relevant to recommendations.

NEW SECTION

WAC 137-68-050 PRELIMINARY HEARING—DISPOSITION OF DECISION. (1) The hearing officer shall submit a written summary and digest of the hearing to the deputy compact administrator which may include recommendations and reasons therefore.

(2) The deputy compact administrator shall submit the summary and digest to the sending state which may include his or her recommendations.

(3) If the decision is that there is probable cause to believe that the parolee or probationer has committed a violation or violations of a condition or conditions of parole or probation and it appears that retaking or reincarceration by the sending state is likely to follow, the probationer or parolee may be detained by the deputy compact administrator to allow such time as may be necessary to complete the arrangements for his or her return to the sending state.

(4) Should it be the decision of the sending state to return this probationer or parolee, the deputy compact administrator will assist in arranging for his or her return to the sending state.

(5) The record of the hearing shall be retained for not less than one hundred eighty days.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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|---------------------------|---|
| (1) <u>WAC 275-40-010</u> | ANNUAL INSPECTION REPORTS. |
| (2) <u>WAC 275-40-020</u> | SPECIAL SUBJECTS OF INSPECTION AND REPORTS. |
| (4) <u>WAC 275-40-040</u> | INSPECTION RESULTS AND RATINGS. |
| (5) <u>WAC 275-40-050</u> | TRAINING PROGRAMS. |
| (6) <u>WAC 275-40-060</u> | ANNUAL REPORT TO LEGISLATURE. |
| (7) <u>WAC 275-40-070</u> | REVIEW AND REVISION. |

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------------------|------------------|
| (1) <u>WAC 275-48-010</u> | PURPOSE. |
| (2) <u>WAC 275-48-015</u> | DEFINITIONS. |
| (3) <u>WAC 275-48-020</u> | RELEASE PAYMENT. |
| (4) <u>WAC 275-48-025</u> | WEEKLY PAYMENT. |

- (5) WAC 275-48-030 ELIGIBILITY.
 (6) WAC 275-48-035 AMOUNT—DURATION—DISBURSEMENT BY INSTITUTION AND PAROLE OFFICER.
 (7) WAC 275-48-040 TERMINATION.
 (8) WAC 275-48-045 REINSTATEMENT—REAPPLICATION.
 (9) WAC 275-48-050 APPEAL.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-52-010 HEARINGS.
 (2) WAC 275-52-015 SUBJECT OF HEARINGS.
 (3) WAC 275-52-020 SALE OF PRODUCE.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-53-050 SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS.
 (2) WAC 275-53-055 REQUIREMENTS OF SALE AND NOTICE.
 (3) WAC 275-53-060 DISPLAY.
 (4) WAC 275-53-065 PROCEEDS OF SALE.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-76-005 DEFINITIONS.
 (2) WAC 275-76-010 PURPOSES OF DETAINERS.
 (3) WAC 275-76-020 FORM OF DETAINERS.
 (4) WAC 275-76-030 EVALUATION OF DETAINER REQUEST.
 (5) WAC 275-76-040 TRIAL OR PRETRIAL DETAINERS.
 (6) WAC 275-76-050 COMMITMENT DETAINERS.
 (7) WAC 275-76-060 PROBATION OR PAROLE REVOCATION DETAINERS.
 (8) WAC 275-76-070 MISCELLANEOUS DETAINERS.
 (9) WAC 275-76-080 RESIDENT TO BE MADE AVAILABLE.
 (10) WAC 275-76-090 REDUCED CUSTODY PROGRAMS.
 (11) WAC 275-76-100 REQUESTED RESIDENT ON PAROLE.
 (12) WAC 275-76-110 TRANSFER OF RESIDENT TO MENTAL HOSPITAL.
 (13) WAC 275-76-120 RECOMMENDATION FOR WITHDRAWAL OF DETAINER.
 (14) WAC 275-76-130 IDENTIFICATION OF REQUESTING AUTHORITY'S TRANSFERRING AGENCY.
 (15) WAC 275-76-140 FAILURE OF REQUESTING AUTHORITY TO TAKE CUSTODY.
 (16) WAC 275-76-150 DETAINER REQUEST BY NONSIGNATOR OF INTERSTATE AGREEMENT ON DETAINERS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-80-805 DEFINITIONS.
 (2) WAC 275-80-810 VISITS—PURPOSE.
 (3) WAC 275-80-815 VISITS—REGISTRATION.
 (4) WAC 275-80-840 PERSONAL VISITS—GENERAL.
 (5) WAC 275-80-842 PERSONAL VISITS—WHO MAY NOT VISIT.
 (6) WAC 275-80-844 PERSONAL VISITS—APPROVED VISITOR LISTS.
 (7) WAC 275-80-846 PERSONAL VISITS—ALTERATIONS TO VISITING LIST.
 (8) WAC 275-80-848 PERSONAL VISITS—TRANSFER OF RESIDENT.
 (9) WAC 275-80-852 PERSONAL VISITS—VISITING DAYS AND HOURS.
 (10) WAC 275-80-854 PERSONAL VISITS—HOSPITALIZED RESIDENT.
 (11) WAC 275-80-860 PROFESSIONAL VISITS.
 (12) WAC 275-80-870 GROUP VISIT—GENERAL.

- (13) WAC 275-80-872 GROUP VISIT—ARRANGEMENTS.
 (14) WAC 275-80-876 GROUP VISIT—CONDUCT.
 (15) WAC 275-80-878 GROUP VISIT—PRIVACY OF RESIDENTS.
 (16) WAC 275-80-890 NEWS MEDIA VISITS—GENERAL.
 (17) WAC 275-80-895 NEWS MEDIA VISITS—LIMITATIONS.
 (18) WAC 275-80-900 EXCHANGE OF MATERIAL OR ITEMS.
 (19) WAC 275-80-905 SEARCH OF VISITORS.
 (20) WAC 275-80-910 NOTICE OF SEARCH.
 (21) WAC 275-80-915 REFUSAL TO BE SEARCHED.
 (22) WAC 275-80-920 SEARCH AND DISCOVERY OF ILLEGAL ITEMS.
 (23) WAC 275-80-925 DENIAL OF VISITS.
 (24) WAC 275-80-930 SUSPENSION OF VISITING RIGHTS—DURATION.
 (25) WAC 275-80-935 APPEAL OF DENIAL OF VISITING RIGHTS.
 (26) WAC 275-80-940 EXCEPTIONS.
 (27) WAC 275-80-995 APPENDICES.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-82-005 DEFINITIONS.
 (2) WAC 275-82-010 ADMINISTRATIVE SEGREGATION.
 (3) WAC 275-82-015 NOTICE OF MEETING.
 (4) WAC 275-82-020 REPRESENTATION OF RESIDENT.
 (5) WAC 275-82-025 CONDUCT OF MEETING.
 (6) WAC 275-82-030 DECISION.
 (7) WAC 275-82-035 SEGREGATION STATUS—RIGHTS RETAINED.
 (8) WAC 275-82-040 APPEAL.
 (9) WAC 275-82-045 REVIEW OF ADMINISTRATIVE SEGREGATION STATUS.
 (10) WAC 275-82-050 TRANSFER OF RESIDENT.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-85-005 ESCORTED LEAVE OF ABSENCE—DEFINITIONS.
 (2) WAC 275-85-010 ESCORTED LEAVE OF ABSENCE—PURPOSE.
 (3) WAC 275-85-015 ESCORTED LEAVE OF ABSENCE—REASONS ALLOWED.
 (4) WAC 275-85-020 ESCORTED LEAVE OF ABSENCE—CONDITIONS.
 (5) WAC 275-85-025 ESCORTED LEAVE OF ABSENCE—APPLICATION.
 (6) WAC 275-85-030 ESCORTED LEAVE OF ABSENCE—APPROVAL.
 (7) WAC 275-85-035 ESCORTED LEAVE OF ABSENCE—ESCORT.
 (8) WAC 275-85-040 ESCORTED LEAVE OF ABSENCE—EXPENSES.
 (9) WAC 275-85-045 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY RESIDENT.
 (10) WAC 275-85-050 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY STATE.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-87-005 CONTRABAND—DEFINITIONS.
 (2) WAC 275-87-010 CONFISCATION.
 (3) WAC 275-87-015 DISPOSITION OF ILLEGAL ITEMS.
 (4) WAC 275-87-020 DISPOSITION OF OTHER ITEMS.
 (5) WAC 275-87-025 RECORDS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-88-005 PURPOSE.

- (2) WAC 275-88-006 DEFINITIONS.
 (3) WAC 275-88-010 SUPPLEMENTARY RULES.
 (4) WAC 275-88-015 NOTIFICATION.
 (5) WAC 275-88-020 DEFINITION OF MISCONDUCT.
 (6) WAC 275-88-025 GENERAL INFRACTIONS.
 (7) WAC 275-88-030 SERIOUS INFRACTIONS.
 (8) WAC 275-88-035 REPORTING TO LAW ENFORCE-
 MENT AUTHORITIES.
 (9) WAC 275-88-040 INFRACTIONS—ON-SITE
 ADJUSTMENT.
 (10) WAC 275-88-045 INFRACTIONS—REPORT ON.
 (11) WAC 275-88-050 GENERAL INFRACTION REPORT—
 ACTION ON REPORT.
 (12) WAC 275-88-055 APPEAL TO HEARING
 COMMITTEE.
 (13) WAC 275-88-060 APPEAL TO HEARING COMMIT-
 TEE—COMPOSITION OF COMMITTEE.
 (14) WAC 275-88-065 APPEAL TO HEARING COMMIT-
 TEE—DISQUALIFICATION OR ABSENCE OF MEMBER.
 (15) WAC 275-88-070 APPEAL TO HEARING COMMIT-
 TEE—JURISDICTION.
 (16) WAC 275-88-075 PREHEARING PROCEDURES—
 RIGHTS OF RESIDENTS.
 (17) WAC 275-88-080 PREHEARING PROCEDURES—RE-
 STRICTION OF RESIDENT.
 (18) WAC 275-88-085 HEARING COMMITTEE—PREPA-
 RATION FOR HEARING.
 (19) WAC 275-88-090 CONDUCT OF HEARING.
 (20) WAC 275-88-093 DECISION OF HEARING
 COMMITTEE.
 (21) WAC 275-88-095 FINDING OF NO INFRACTION.
 (22) WAC 275-88-097 LAY ADVISORS.
 (23) WAC 275-88-100 SANCTIONS—AUTHORITY TO
 IMPOSE.
 (24) WAC 275-88-105 SANCTIONS—TYPES.
 (25) WAC 275-88-110 SANCTIONS—LIMITATIONS.
 (26) WAC 275-88-115 APPEAL TO SUPERINTENDENT.
 (27) WAC 275-88-120 REPORTS TO THE PAROLE BOARD.
 (28) WAC 275-88-130 TIME LIMITATIONS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-91-011 MEDICAL/DENTAL CARE—GENER-
 AL POLICY.
 (2) WAC 275-91-021 MEDICAL/DENTAL SERVICES.
 (3) WAC 275-91-031 RIGHT TO REFUSE TREATMENT.
 (4) WAC 275-91-041 INVOLUNTARY TREATMENT—
 APPEALS.
 (5) WAC 275-91-050 USE OF ALLIED HEALTH
 PROFESSIONALS.
 (6) WAC 275-91-060 RECORDS.
 (7) WAC 275-91-070 SUPPLEMENTAL CARE.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-92-310 DEFINITIONS.
 (2) WAC 275-92-315 SECRETARY'S AUTHORITY TO
 GRANT OR DENY.
 (3) WAC 275-92-320 REASONS FOR WHICH GIVEN.
 (4) WAC 275-92-325 APPLICATION—WHO MAY APPLY.
 (5) WAC 275-92-330 APPLICATION—CONSIDERATION.
 (6) WAC 275-92-335 APPLICATION—DECISION.
 (7) WAC 275-92-340 PLAN—INVESTIGATION.
 (8) WAC 275-92-345 PLAN—APPROVAL OR DENIAL.
 (9) WAC 275-92-350 PLAN—RESTRICTIONS.
 (10) WAC 275-92-355 STANDARD RULES.
 (11) WAC 275-92-400 SUPERVISED FACILITY.
 (12) WAC 275-92-405 PROVISIONS OF SUPERVISION.
 (13) WAC 275-92-410 LIMITS OF CONFINEMENT.
 (14) WAC 275-92-415 SPONSOR—ESCORT.
 (15) WAC 275-92-510 TERMINATION OF PLAN.
 (16) WAC 275-92-515 SERVICE OF NOTICE OF PRO-
 POSED TERMINATION.

- (17) WAC 275-92-520 TERMINATION HEARING—
 NOTICE.
 (18) WAC 275-92-525 FACILITY REVIEW COMMITTEE.
 (19) WAC 275-92-530 TERMINATION HEARING—
 WAIVER.
 (20) WAC 275-92-535 TERMINATION HEARING—RULES
 OF EVIDENCE.
 (21) WAC 275-92-540 TERMINATION HEARING—FIND-
 INGS AND CONCLUSIONS.
 (22) WAC 275-92-545 TERMINATION HEARING—
 DISPOSITION.
 (23) WAC 275-92-550 TERMINATION HEARING—
 DECISION.
 (24) WAC 275-92-555 TERMINATION HEARING—
 APPEAL.
 (25) WAC 275-92-560 TIME LIMITS.
 (26) WAC 275-92-565 EXCEPTIONS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-93-005 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—DEFINITIONS.
 (2) WAC 275-93-010 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—SECRETARY'S
 AUTHORITY TO GRANT OR DENY.
 (3) WAC 275-93-020 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—PURPOSES.
 (4) WAC 275-93-040 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—WHO MAY
 APPLY.
 (5) WAC 275-93-050 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—CONDITIONS
 IMPOSED.
 (6) WAC 275-93-060 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—DURATION.
 (7) WAC 275-93-070 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—SPONSOR'S
 RESPONSIBILITIES.
 (8) WAC 275-93-080 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—CRITERIA FOR
 EVALUATING APPLICATION.
 (9) WAC 275-93-090 FURLOUGH OF PERSON CONFINED
 IN STATE CORRECTIONAL INSTITUTION—APPLICATION
 FOR FURLOUGH.
 (10) WAC 275-93-100 FURLOUGH OF PERSON CON-
 FINED IN STATE CORRECTIONAL INSTITUTION—NOTI-
 FYING RESIDENT OF DECISION ON APPLICATION.
 (11) WAC 275-93-110 FURLOUGH OF PERSON CON-
 FINED IN STATE CORRECTIONAL INSTITUTION—ESCAPE.
 (12) WAC 275-93-120 FURLOUGH OF PERSON CON-
 FINED IN STATE CORRECTIONAL INSTITUTION—REVO-
 CATION OR SUSPENSION.
 (13) WAC 275-93-130 FURLOUGH OF PERSON CON-
 FINED IN STATE CORRECTIONAL INSTITUTION—LAW
 ENFORCEMENT OFFICERS TO BE NOTIFIED.
 (14) WAC 275-93-140 FURLOUGH OF PERSON CON-
 FINED IN STATE CORRECTIONAL INSTITUTION—EXCEP-
 TIONS TO RULES.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-96-005 DEFINITIONS.
 (2) WAC 275-96-010 COMMUNICATION—PURPOSE.
 (3) WAC 275-96-015 COMMUNICATION—GENERAL
 LIMITATIONS.
 (4) WAC 275-96-021 OUTGOING MAIL.
 (5) WAC 275-96-022 INCOMING MAIL.
 (6) WAC 275-96-025 SPECIAL RULES—INCOMING PUB-
 LICATION LIMITATIONS AND CONTROLS.
 (7) WAC 275-96-030 SPECIAL RULES REGARDING
 PACKAGES—LIMITATIONS AND CONTROLS.
 (8) WAC 275-96-045 HANDLING OF MAIL.
 (9) WAC 275-96-050 TREATMENT OF CASH AND
 CHECKS.

- (10) WAC 275-96-055 LEGAL MAIL.
 (11) WAC 275-96-060 STATIONERY AND POSTAGE.
 (12) WAC 275-96-065 USE OF TELEPHONE.
 (13) WAC 275-96-070 PROCEDURE FOR DISAPPROVAL
 OF RESIDENT MAIL.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-102-475 DEFINITIONS.
 (2) WAC 275-102-480 DETAINED OR ARRESTED PROBATIONER OR PAROLEE—RIGHT TO PRELIMINARY HEARING.
 (3) WAC 275-102-485 PRELIMINARY HEARING—PREPARATION.
 (4) WAC 275-102-490 PRELIMINARY HEARING—CONDUCT.
 (5) WAC 275-102-495 PRELIMINARY HEARING—DISPOSITION OF DECISION.

WSR 81-16-001
PROPOSED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed July 23, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning the definition of the term "line of navigability", amending WAC 332-30-106(27);

that such agency will at 7:00 p.m., Tuesday, September 1, in the Spokane County Health Building, West 1101 College Avenue, Room 140, Spokane, WA; and at 7:00 p.m., Thursday, September 3, in the Capitol Campus, General Administration Building, Conference Room, First Floor, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, October 6, in the Public Lands Building, Room 201, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150, 79.01.120, 79.01.484 and 79.64.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1981, and/or orally at the above stated hearings in Spokane and Olympia.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-15-042 filed with the code reviser's office on July 14, 1981.

Dated: July 23, 1981

By: John De Meyer
 Division Manager

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

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

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

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

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

(4) "Aquatic land" means department of natural resources managed tidelands, shorelands, harbor areas, bedlands, bar islands, avulsively abandoned river beds and channels of all navigable river areas of the state. Aquatic land is also known as public lands (RCW 79-01.004). Such lands may be leased.

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

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

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

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

(9) "Commerce" means the exchange or buying and selling of commodities involving transportation from place to place. As it applies to aquatic land, commerce to be successful requires the land/water interface.

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

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

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

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

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

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

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

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

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

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

(20) "Harbor area" means a constitutionally defined area of normally navigable waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an

incorporated city or town by the board of natural resources acting as the state harbor lines commission in accordance with the provisions of section 1 of Article 15 of the state Constitution (RCW 79.01.012). The purpose of the harbor area is to provide for navigation and commerce.

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

(22) "Harbor line" means either or both: (a) A line (outer harbor line) located and established in navigable waters as provided for in section 1 of Article 15 of the state Constitution. (b) A line (inner harbor line) located and established in navigable waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area (RCW 79-01.008 and 79.01.016).

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

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

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

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

(27) "Line of navigability" (~~means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question;~~) is the boundary between shorelands and beds of navigable waters. On lakes, this line shall be a depth of three feet on lakes under 500 surface acres in size, five feet on lakes from 500 to 1,000 surface acres in size, and seven feet on lakes over 1,000 surface acres in size, all in reference to the ordinary high water mark of the lake, or at the ordinary low water mark of the lake as established from public records, whichever is further waterward; provided that, in shallow bays and coves, the line shall be established by the Commissioner of Public Lands at such shallow depth necessary to assure equitable access to the bed of navigable waters of the lake by shoreland owners. On rivers, this line shall be at the ordinary low water flow of the river as established from public records; or, where such records do not exist, as established by the Commissioner of Public Lands.

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

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

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

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

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

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

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

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

(36) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is

prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

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

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

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

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

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

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

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

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

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

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

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

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

(49) "Second class shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city or town (RCW 79.01.032).

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

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

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

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

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

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

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

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

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

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

WSR 81-16-002
ATTORNEY GENERAL OPINION
Cite as: AGLO 1981 No. 18
 [July 23, 1981]

OFFICES AND OFFICERS—STATE—ARCHIVIST—PUBLIC RECORDS—STATUS OF MACHINE READABLE RECORDS UNDER CHAPTER 40.14 RCW

The term "public records," as defined in RCW 40.14-.010, includes machine readable records, i.e., records on computer magnetic tapes, disc storage files, punchcards and other machine readable media.

Requested by:

Honorable Sidney F. McAlpin
 State Archivist
 218 General Administration Bldg.
 Olympia, Washington 98504

WSR 81-16-003
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-45—Filed July 24, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt the annexed rules relating to Instream Resources Protection Program—Kitsap Water Resource Inventory Area (WRIA) 15, adopting chapter 173-515 WAC.

This action is taken pursuant to Notice Nos. WSR 80-17-045, 81-09-020 and 81-13-009 filed with the code reviser on November 19, 1980, April 10, 1981 and June 10, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.22 and 90.54 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 10, 1981.
 By John F. Spencer
 Deputy Director

Chapter 173-515 WAC
INSTREAM RESOURCES PROTECTION PROGRAM—KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

NEW SECTION

WAC 173-515-010 GENERAL PROVISION. These rules apply to waters within the Kitsap Water Resource Inventory Area (WRIA) 15 as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program).

NEW SECTION

WAC 173-515-020 PURPOSE. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Kitsap Water Resource Inventory Area (WRIA) 15 with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality.

NEW SECTION

WAC 173-515-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) The following instream flows are established for each stream listed, from the point of influence of mean high tide at low flow to the stream's headwaters including tributaries except where indicated otherwise. Monitoring will take place at the control locations indicated.

INSTREAM FLOWS IN THE KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

*WAC 173-515-040(2) closes certain streams to additional consumptive appropriations during specific time periods. These closures are indicated by asterisks in the following table. Such closures supersede the indicated instream flow. The Union River closure extends upstream to McKenna Falls (RM 6.7).

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number**	#7	#44	#60
Stream Name	Union River	Tahuya River	Rendsland Cr.
Gage Number	12-0635.00	12-0680.00	
River Mile	2	2.5	near mouth
Sec., Twp., Rge.	20,23N.,1W.	12,22N.,3W.	19,22N.,3W.

Month	Day	cfs	cfs	cfs
Jan.	1	65*	90	18
	15	65*	90	18
Feb.	1	65*	90	18
	15	65*	90	18
Mar.	1	59*	90	18
	15	53*	90	18
Apr.	1	48*	72	18
	15	44*	58	16
May	1	40*	47	13.5
	15	36*	38	12
June	1	33*	31	10*
	15	29*	25*	9*
July	1	27*	18*	8*
	15	24*	12*	7*
Aug.	1	22*	8.5*	6*
	15	20*	5.5*	5*
Sept.	1	20*	5.5*	5*
	15	20*	5.5*	5*

Stream Number**	#7	#44	#60
Stream Name	Union River	Tahuya River	Rendsland Cr.
Gage Number	12-0635.00	12-0680.00	
River Mile	2	2.5	near mouth
Sec., Twp., Rge.	20,23N.,1W.	12,22N.,3W.	19,22N.,3W.

Month	Day	cfs	cfs	cfs
Oct.	1	20*	7*	5*
	15	20*	13*	7*
Nov.	1	27*	25	9.5
	15	35*	48	13
Dec.	1	47*	90	18
	15	65*	90	18

Stream Number**	#70	#96	#113
Stream Name	Dewatto River	Anderson Cr.	Stavis Cr.
Gage Number	12-0685.00		12-0695.00
River Mile	1.5	0.1	0.75
Sec., Twp., Rge.	23,23N.,3W.	17,24N.,2W.	25,25N.,2W.

Month	Day	cfs	cfs	cfs
Jan.	1	75	10.5	15
	15	75	10.5	15
Feb.	1	75	10.5	15
	15	75	10.5	15
Mar.	1	75	10.5	15
	15	75	10.5	15
Apr.	1	60	10.5	14
	15	49	10	13
May	1	39	9	12
	15	32	8.5	11
June	1	25	8	10
	15	22*	7.5	9.5
July	1	20*	7	9
	15	17.5*	6.5	8
Aug.	1	15.5*	6	7.5
	15	13.5*	6	7
Sept.	1	13.5*	6	7
	15	13.5*	6	7
Oct.	1	13.5*	6.5	7
	15	17*	7	8.5
Nov.	1	21	8	10.5
	15	39	8.5	12.5
Dec.	1	75	9.5	15
	15	75	10.5	15

Stream Number**	#121	#124	#192
Stream Name	Big Beef Cr.	Anderson Cr.	Grover's Cr.
Gage Number	12-0695.50		
River Mile	0.25	near mouth	near mouth
Sec., Twp., Rge.	22,25N.,1W.	13,25N.,1W.	4,26N.,2E.

Month	Day	cfs	cfs	cfs
Jan.	1	40	8	5.5
	15	40	8	5.5
Feb.	1	40	8	5.5
	15	40	8	5.5
Mar.	1	40	8	5.5
	15	40	8	5.5
Apr.	1	31	8	5.5
	15	24	6	4.5
May	1	18	4.5	4
	15	14*	3.5	3.5
June	1	11*	3*	3*
	15	8.5*	2*	2.5*
July	1	6.5*	1.5*	2.5*
	15	5*	1.5*	2*
Aug.	1	4*	1*	2*
	15	4*	1*	2*
Sept.	1	4*	1*	2*
	15	4.5*	1*	2.5*
Oct.	1	5.5*	1.5*	3*
	15	6*	1.5*	3.5*
Nov.	1	7*	2.5*	4
	15	12	4.5	4.5
Dec.	1	22	8	5.5
	15	40	8	5.5

Stream Number**	#223	#248	#259
Stream Name	Steel Creek	Strawberry/Kochs/Cooks	Dickerson Cr.
Gage Number			
River Mile	near mouth	near mouth	Confluence with Chico Cr.
Sec., Twp., Rge.	14,25N.,1E.	20,25N.,1E.	8,24N.,1E.

Month	Day	cfs	cfs	cfs
Jan.	1	6	7	3*
	15	6	7	3*
Feb.	1	6	7	3*
	15	6	7	3*
Mar.	1	6	7	3*
	15	6	7	3*
Apr.	1	6	7	2.5*
	15	5	5.5	2.5*
May	1	4.5	4.5	2*
	15	4	3.5	2*
June	1	3.5*	2.5*	1.5*
	15	3*	2*	1.5*
July	1	3*	1.5*	1.5*
	15	2.5*	1.5*	1.5*
Aug.	1	2.5*	1*	1*
	15	2.5*	1*	1*
Sept.	1	2.5*	1*	1*
	15	3*	1*	1*
Oct.	1	3.5*	1*	1*
	15	4*	1.5*	1.5*
Nov.	1	4.5	2.5	1.5*
	15	5	4	1.5*
Dec.	1	6	7	3*
	15	6	7	3*

Stream Number**	#259	#268	#294
Stream Name	Chico Cr.	Gorst Cr.	Curley Cr.
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	5,24N.,1E.	32,24N.,1E.	4,23N.,2E.

Month	Day	cfs	cfs	cfs
Jan.	1	15*	25	40
	15	15*	25	40
Feb.	1	15*	25	40
	15	15*	25	40
Mar.	1	15*	25	40
	15	15*	21	40
Apr.	1	15*	18	31
	15	13.5*	15	25
May	1	12*	13	20
	15	11*	11	16
June	1	10*	10.5	12.5
	15	9*	10	10*
July	1	8.5*	9	8*
	15	8*	8.5	6.5*
Aug.	1	7.5*	8	5*
	15	7*	7.5	5*
Sept.	1	7*	7.5	5*
	15	7*	7.5	5*
Oct.	1	7*	8	5*
	15	8*	8.5	8*
Nov.	1	9*	9	14
	15	11.5*	15	23
Dec.	1	15*	25	40
	15	15*	25	40

Stream Number**	#313	#321	#354
Stream Name	Olalla Cr.	Crescent Cr.	Purdy Cr.
Gage Number			12-0728.00
River Mile	near mouth	near mouth	0.1
Sec., Twp., Rge.	4,22N.,2E	32,22N.,2E.	24,22N.,1E.

Month	Day	cfs	cfs	cfs
Jan.	1	13	9	7
	15	13	9	7
Feb.	1	13	9	7
	15	13	9	7
Mar.	1	13	9	7
	15	13	9	6
Apr.	1	13	9	5.5

Stream Number**	#313	#321	#354
Stream Name	Olalla Cr.	Crescent Cr.	Purdy Cr.
Gage Number			12-0728.00
River Mile	near mouth	near mouth	0.1
Sec., Twp., Rge.	4,22N.,2E	32,22N.,2E.	24,22N.,1E.

Month	Day	cfs	cfs	cfs
	15	11	7.5	5
May	1	9.5	7	4.5
	15	8.5	6	4
June	1	7.5*	5*	3.5*
	15	6.5*	4.5*	3*
July	1	5.5*	4*	3*
	15	5*	3.5*	2.5*
Aug.	1	5*	3.5*	2.5*
	15	5*	3.5*	2.5*
Sept.	1	5*	3.5*	2.5*
	15	6*	4*	3*
Oct.	1	7*	5*	3*
	15	8*	5.5*	3.5*
Nov.	1	9	6.5	4.5
	15	11	7.5	5.5
Dec.	1	13	9	7
	15	13	9	7

Stream Number**	#369	#415	#425
Stream Name	Lackey Cr.	Rocky Cr.	Coulter Cr.a/
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	31,21N.,1E.	27,22N.,1W	9,22N.,1W.

Month	Day	cfs	cfs	cfs
Jan.	1	5	18	18
	15	5	18	18
Feb.	1	5	18	18
	15	5	18	18
Mar.	1	5	18	18
	15	4.5	18	18
Apr.	1	4	14.5	18
	15	3.5	11.5	17
May	1	3	9	16.5
	15	2.5	7.5	15.5
June	1	2.5*	6*	15
	15	2*	5.5*	14.5
July	1	2*	5*	13.5
	15	2*	4.5*	13
Aug.	1	1.5*	4.5*	13
	15	1.5*	4*	13
Sept.	1	1.5*	4*	13
	15	1.5*	4*	13
Oct.	1	2*	4*	13
	15	2*	5*	14
Nov.	1	2*	6	15
	15	2.5*	7	16.5
Dec.	1	3	18	18
	15	4	18	18

a/ Relating to the waters of Coulter Creek, the department is cognizant of a Settlement Agreement resulting from Cause No. 14262, in the Superior Court of the state of Washington for Mason County, "Peter E. Overton, et al., v. Washington Department of Fisheries, et al."

Although the Department of Ecology was not a party in this litigation, the department will, to the extent possible, give full consideration to the intent of the Settlement Agreement in any future water right actions involving said parties: PROVIDED, That, said actions must be consistent with the requirements of chapters 90.03 and 90.44 RCW, and satisfy the general intent of chapter 173-515 WAC.

(2) Instream flow hydrographs, as represented in the document entitled "Instream Resources Protection Program," shall be used for definition of instream flows on

those days not specifically identified in WAC 173-515-030(1).

(3) All consumptive water rights hereafter established shall be expressly subject to instream flows and closures established in WAC 173-515-030(1) and 173-515-040 (1) through (3). Closures override the instream flows where both are shown except as provided in WAC 173-515-070.

NEW SECTION

WAC 173-515-040 SURFACE WATER CLOSURES. (1) The department, having determined there are no waters available for further appropriation, closes the following streams to further consumptive appropriation. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream or Lake Name Sec., Twp., Rge. at Mouth	Tributary To	Date of Original Closure
Stansberry Lake and tributaries Sec. 19, T.22N., R.1E.	Carr Inlet	5-17-66
Mission Lake and tributaries Outlet: NE1/4NW1/4 Sec. 32, T.24N.,R.1W.	Mission Creek	7-19-78
#12 Mission Creek and tributaries NW1/4NE1/4 Sec. 1, T.22N., R.2W.	Hood Canal	12-5-51
#57 Unnamed Stream and tributaries Sec. 20, T.21N., R.4W.	Hood Canal	11-3-48
#117 Seabeck Creek and tributaries SE1/4SW1/4 Sec. 20, T.25N., R.1W.	Seabeck Bay	8-27-54
#158 Unnamed Stream (Gamble Creek, Christianson Creek) and tributaries SW1/4SW1/4 Sec. 20, T.27N., R.2E.	Port Gamble	8-15-75
#207 Unnamed Stream (Dogfish Creek, Harding Creek) and tributaries NE1/4NE1/4 Sec. 15, T.26N., R.1E.	Liberty Bay	8-21-75
#245 Barker Creek and tributaries SW1/4SW1/4 Sec. 22, T.25N., R.1E.	Dyes Inlet	2-21-61
#246 Clear Creek and tributaries SE1/4SW1/4 Sec. 16, T.25N., R.1E.	Dyes Inlet	7-27-53
#259 Chico Creek and tributaries above confluence of Dickerson Creek, (excluding Wildcat Lake). Sec. 5, T.24N., R.1E.	Chico Bay	11-3-52
#259 Kitsap Creek and tributaries Sec. 5, T.24N., R.1E.	Chico Creek	7-2-42
#259 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 17, T.24N., R.1E.	Kitsap Lake	12-8-52
#279 Blackjack Creek and tributaries NE1/4SE1/4 Sec. 25, T.24N., R.1E.	Sinclair Inlet	4-5-60
#285		

Unnamed Stream (Sullivan Creek) and tributaries NE1/4SW1/4 Sec. 19, T.24N., R.2E	Sinclair Inlet	5-9-75	SW1/4NW1/4 Sec. 7, T.24N., R.1E.		
#294 Salmonberry Creek and tributaries NW1/4SE1/4 Sec. 18, T.23N., R.2E.	Long Lake	1-7-48	#259 Chico Creek and tributaries below confluence of Dickerson Creek SW1/4SW1/4 Sec. 5, T.25N., R.1E.	Chico Bay	All year
#356 Burley Creek and tributaries, SW1/4NW1/4 Sec. 12, T.22N., R.1E.	Burley Lagoon	5-10-51	#294 Curley Creek and tributaries NE1/4NE1/4 Sec. 18, T.23N., R.2E.	Yukon Harbor	June 15-Oct. 15
#367 Minter Creek and tributaries SW1/4NE1/4 Sec. 29, T.22N., R.1E.	Henderson Bay.	12-28-73	#313 Olalla Creek and tributaries SE1/4NE1/4 Sec. 4, T.22N., R.2E.	Colvos Passage	June 1-Oct. 15
#402 Unnamed Stream (Dutcher Creek) and tributaries NE1/4NE1/4 Sec. 15, T.21N., R.1W.	Dutcher Cove	3-10-54	#321 Crescent Creek and tributaries SE1/4SW1/4 Sec. 32, T. 22N., R.2E.	Gig Harbor	June 1-Oct. 15
#510 Judd Creek and tributaries NE1/4NE1/4 Sec. 18, T.22N., R.3E.	Quartermaster Harbor	5-10-51	#354 Purdy Creek and tributaries NE1/4NW1/4 Sec. 12, T.22N., R.1E.	Henderson Bay	June 1-Oct. 31
			#369 Lackey Creek and tributaries SE1/4SW1/4 Sec. 31, T.21N., R.1E.	Carr Inlet	June 1-Nov. 15
			#415 Rocky Creek and tributaries SE1/4SE1/4 Sec. 27, T.22N., R.1E.	Case Inlet	June 1-Oct. 31

(2) The department has determined that (a) certain streams exhibit low summer flows and have a potential for drying up or inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations and in accordance with the general intent of RCW 75.20.050, the following streams are closed to further appropriation for the periods indicated:

New Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to	Period of Closure
#7 Union River and tributaries from the mouth to McKenna Falls (R.M. 6.7) SE1/4SW1/4 Sec. 29, T.23N., R.1W.	Hood Canal	All year
#44 Tahuya River and tributaries SE1/4SE1/4 Sec. 22, T.22N., R.3W.	Hood Canal	June 15-Oct. 15
#60 Rendsland Creek and tributaries NW1/4NW1/4 Sec. 19, T.22N., R.3W.	Hood Canal	June 1-Oct. 31
#70 Dewatto River and tributaries NW1/4SE1/4 Sec. 27, T.22N., R.3W.	Hood Canal	June 15-Oct. 31
#121 Big Beef Creek and tributaries SW1/4SE1/4 Sec. 15, T.25N., R.1W.	Hood Canal	May 15-Oct. 31
#124 Anderson Creek and tributaries NW1/4NW1/4 Sec. 13, T.26N., R.1W.	Hood Canal	June 1-Oct. 31
#192 Grover's Creek and tributaries NW1/4SW1/4 Sec. 4, T.26N., R.2E.	Puget Sound	June 1-Oct. 15
#223 Unnamed Stream (Steel Creek) and tributaries SE1/4SE1/4 Sec. 14, T.25N., R.1E.	Port Orchard	June 1-Oct. 15
#248 Unnamed Stream and tributaries (Strawberry/Cook's/Koch's Creek) SE1/4NE1/4 Sec. 20, T.25N., R.1E.	Dyes Inlet	June 1-Oct. 31
#259 Dickerson Creek and tributaries	Chico Creek	All year

(3) In the Kitsap Basin numerous small streams with estimated mean annual flow of 5 cfs or less have been identified as having high instream values for anadromous fish, aesthetics, water quality, and/or recreation. In accordance with the general intent of RCW 75.20.050 the department has determined that the total natural flow of these streams is required for protection and preservation of instream resources, and that no water is available for additional consumptive appropriation. The natural flow, in effect, constitutes the minimum flow for protection of the instream resources. The following streams possess such characteristics and are therefore closed year-round to further consumptive appropriation.

New Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to
#13 Little Mission Creek and tributaries SE1/4NW1/4 Sec. 1, T.22N., R.2W.	Hood Canal
#18 Stimson Creek and tributaries NW1/4NW1/4 Sec. 11, T.22N., R.2W.	Hood Canal
#31 Unnamed Stream (Little Shoefly Creek) and tributaries SW1/4NW1/4 Sec. 17, T.22N., R.2W.	Hood Canal
#34 Shoefly Creek and tributaries SE1/4SW1/4 Sec. 18, T.22N., R.2W.	Hood Canal
#46 Caldervin Creek and tributaries NE1/4NE1/4 Sec. 28, T.21N., R.3W.	Hood Canal
#50 Hall Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal
#52 Hoddy Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal
#54 Fay Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal

#55 Brown Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal
#56 Unnamed Stream (West Creek) and tributaries Sec. 20, T.22N., R.3W.	Hood Canal
#101 Harding Creek and tributaries NW1/4SW1/4 Sec. 9, T.24N., R.2W.	Hood Canal
#164 Unnamed Stream (Little Boston Creek) and tributaries SW1/4SW1/4 Sec. 5, T.27N., R.2E.	Port Gamble
#181 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 26, T.27N., R.2E.	Apple Tree Cove
#184 Unnamed Stream and tributaries NE1/4SW1/4 Sec. 36, T.27N., R.2E.	Apple Tree Cove
#190 Unnamed Stream and tributaries Sec. 9, T.26N., R.2E.	Puget Sound
#196 Cowling Creek and tributaries NW1/4NW1/4 Sec. 16, T.26N., R.2E.	Miller Bay
#198 Thompson Creek and tributaries SW1/4SE1/4 Sec. 29, T.26N., R.2E.	Port Orchard
#208 Johnson Creek and tributaries SE1/4NW1/4 Sec. 22, T.26N., R.1E.	Liberty Bay
#213 Scandia Creek and tributaries SW1/4NE1/4 Sec. 27, T.26N., R.1E.	Liberty Bay
#241 Moshier Creek and tributaries SW1/4NE1/4 Sec. 34, T.25N., R.1E.	Dyes Inlet
#272 Anderson Creek and tributaries SE1/4NE1/4 Sec. 33, T.24N., R.1E.	Sinclair Inlet
#275 Ross Creek and tributaries SE1/4SE1/4 Sec. 27, T.24N., R.1E.	Sinclair Inlet
#289 Beaver Creek and tributaries NW1/4SE1/4 Sec. 16, T.24N., R.2E.	Rich Passage
#322 North Creek and tributaries NE1/4SE1/4 Sec. 6, T.21N., R.2E.	Gig Harbor
#342 Unnamed Stream and tributaries NW1/4SE1/4 Sec. 10, T.21N., R.1E.	Henderson Bay
#343 Unnamed Stream (Meyer Creek) and tributaries SW1/4SW1/4 Sec. 2, T.21N., R.1E.	Hood Canal
#407 Unnamed Stream and tributaries SE1/4NW1/4 Sec. 2, T.21N., R.1W.	Vaughn Bay
#434 Unnamed stream and tributaries SE1/4SE1/4 Sec. 15, T.25N., R.2E.	Murden Cove
#461 Unnamed Stream and tributaries SE1/4NE1/4 Sec. 20, T.25N., R.2E.	Fletcher Bay
#514 Unnamed Stream (Fisher Creek) and tributaries SW1/4NW1/4 Sec. 19, T.22N., R.3E.	Quartermaster Harbor
#530 Jod Creek and tributaries NW1/4NW1/4 Sec. 14, T.22N., R.2E.	Colvos Passage
#540 Needle Creek and tributaries NE1/4SE1/4 Sec. 13, T.23N., R.3E.	Colvos Passage

(4) Closures listed in WAC 173-515-040 (2) and (3) will supersede low flow surface water source limitations previously imposed by administrative authority pursuant to chapter 75.20 RCW.

(5) Lakes perennially tributary to closed streams are closed to further consumptive appropriation.

NEW SECTION

WAC 173-515-050 GROUNDWATER. Future groundwater withdrawal proposals will not be affected by this chapter unless it is determined that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

NEW SECTION

WAC 173-515-060 LAKES. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

NEW SECTION

WAC 173-515-070 EXEMPTIONS. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved but will be subject to the establishment of appropriate protection flows for drought or low runoff periods.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for in-stream uses, then domestic in-house use shall be exempt if no alternative source is available.

(4) Stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted.

NEW SECTION

WAC 173-515-080 FUTURE RIGHTS. No right to divert or store public surface waters of the Kitsap Water Resource Inventory Area (WRIA) 15 shall hereafter be granted which shall conflict with the purpose of this chapter.

NEW SECTION

WAC 173-515-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology

may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-515-100 REGULATION REVIEW.
The rules in this chapter shall be reviewed by the department of ecology at least once in every five-year period.

WSR 81-16-004
PROPOSED RULES
BOARD OF HEALTH
[Filed July 24, 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:

Rep	ch. 248-60A WAC	Labor camps.
Rep	ch. 248-61 WAC	Standards for existing agricultural labor camps;

that such agency will at 9:00 a.m., Wednesday, September 9, 1981, in the Basement Conference Room, Yakima County Health District, 104 North First Street, Yakima, 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, September 9, 1981, in the Basement Conference Room, Yakima County Health District, 104 North First Street, Yakima, 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 September 9, 1981, and/or orally at 9:00 a.m., Wednesday, September 9, 1981, Basement Conference Room, Yakima County Health District, 104 North First Street, Yakima, WA.

Dated: July 23, 1981
By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Repealing chapter 248-60A WAC Labor Camps and chapter 248-61 WAC Standards for Existing Agricultural Labor Camps. The purpose of the rule change is to repeal those regulations which are outdated, create duplication of authority, and create an unnecessary liability for local health departments.

Statutory authority: RCW 43.20.050.

Summary of the rule change: The State Board of Health regulations will be repealed in their entirety.

Person responsible for the rule change: Carl Sagerser, Section Head, Food and Housing Section, Office of Environmental Health Programs, Phone: 753-5961, Mailstop: LD-11.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-60A-010 DEFINITIONS
- (2) WAC 248-60A-020 ADMINISTRATION
- (3) WAC 248-60A-030 WATER SUPPLY
- (4) WAC 248-60A-040 SEWAGE AND LIQUID WASTE DISPOSAL—EXISTING AND NEW CONSTRUCTION
- (5) WAC 248-60A-050 PLUMBING
- (6) WAC 248-60A-060 REFUSE DISPOSAL
- (7) WAC 248-60A-070 RODENT AND INSECT CONTROL
- (8) WAC 248-60A-080 LOCATION AND MAINTENANCE
- (9) WAC 248-60A-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS
- (10) WAC 248-60A-100 HEATING
- (11) WAC 248-60A-110 LIGHTING
- (12) WAC 248-60A-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES
- (13) WAC 248-60A-130 FOODHANDLING FACILITIES
- (14) WAC 248-60A-140 BEDS AND BEDDING
- (15) WAC 248-60A-150 FIRE AND SAFETY PROVISIONS
- (16) WAC 248-60A-160 SUPERVISION AND RESPONSIBILITY
- (17) WAC 248-60A-170 COMMUNICABLE DISEASE
- (18) WAC 248-61-001 PURPOSE
- (19) WAC 248-61-010 DEFINITIONS
- (20) WAC 248-61-015 PLAN OF IMPLEMENTATION
- (21) WAC 248-61-020 ADMINISTRATION
- (22) WAC 248-61-030 WATER SUPPLY
- (23) WAC 248-61-040 SEWAGE AND LIQUID WASTE DISPOSAL
- (24) WAC 248-61-050 PLUMBING
- (25) WAC 248-61-060 REFUSE DISPOSAL
- (26) WAC 248-61-070 RODENT AND INSECT CONTROL
- (27) WAC 248-61-080 LOCATION AND MAINTENANCE
- (28) WAC 248-61-090 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS
- (29) WAC 248-61-100 HEATING
- (30) WAC 248-61-110 LIGHTING
- (31) WAC 248-61-120 TOILET, HANDWASHING, BATHING AND LAUNDRY FACILITIES
- (32) WAC 248-61-130 FOODHANDLING FACILITIES
- (33) WAC 248-61-140 BEDS AND BEDDING
- (34) WAC 248-61-150 FIRE AND SAFETY PROVISIONS
- (35) WAC 248-61-160 SUPERVISION AND RESPONSIBILITY
- (36) WAC 248-61-170 COMMUNICABLE DISEASE
- (37) WAC 248-61-180 EXEMPTIONS

WSR 81-16-005
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1674—Filed July 24, 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 homemaker services, amending WAC 388-15-220.

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 chapter 340, Laws of 1981.

Such rules are therefore adopted as emergency rules to take effect on July 26.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED July 24, 1981.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1551, filed 10/2/80)

WAC 388-15-220 HOMEMAKER SERVICES.

(1) Homemaker services are emergency services to families with children under the age of eighteen residing in their own homes or in special group situations outside their homes which will help families overcome specific and temporary barriers to maintaining, strengthening, and safeguarding their functioning in the home. Such services may not exceed a maximum of: one hundred sixty-eight consecutive hours, or, thirty consecutive days of noncontinuous services not to exceed one hundred sixty-eight hours total.

(2) In ~~((an))~~ sudden or unforeseen emergent situations, services may be provided to individuals sixty years of age and older~~((, when due to sudden or unforeseen need;))~~ to enable the individual to return to or remain in own home~~((;))~~. Such ~~((emergency))~~ services may not ~~((to))~~ exceed seventy-two consecutive hours of homemaker care.

(3) Services include the casework functions of determination of need for service, the development with the clients, of a service plan, and ongoing evaluation of that plan during the period of placement. Homemaker services also include the direct provision of, as well as the formal and informal teaching of, limited personal care, home management of household budgets, maintenance and care of the home, food preparation and nutrition, the supervision and development of children and adults unable to care for themselves, and information and referral regarding community resources to improve home and family functioning. These services may be directed toward adult and ~~((children's))~~ child protective services situations, and include the observation, evaluation and reporting of individual functioning in the home.

~~((2))~~ (4) Goals for Homemaker Services shall be limited to those specified in WAC 388-15-010(1)(a) through (e). Also see WAC 388-15-010(2).

WSR 81-16-006
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1680—Filed July 24, 1981]

I, Bruce Ferguson, Assistant Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to verification of overpayment, amending WAC 388-44-115.

I, Bruce Ferguson, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 163, Laws of 1981.

Such rules are therefore adopted as emergency rules to take effect on July 26.

This rule is promulgated under the general rule-making authority of the secretary of Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED July 24, 1981.

By Bruce Ferguson
Assistant Secretary

AMENDATORY SECTION (Amending Order 800, filed 5/25/73)

WAC 388-44-115 VERIFICATION OF OVERPAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. It shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

(3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through WAC 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.

(4) A letter shall be sent to any recipient or payee whose liability for an overpayment has been established. This letter shall include the following information:

- (a) The amount of the overpayment,
 (b) The circumstances which brought about the overpayment,
 (c) The dates on which overpayment occurred,
 (d) A determination that fraud is or is not involved,
 (e) A statement that overpayments and any penalties for fraud are debts due the state,
 (f) A computation of the amount due the state,
 (g) A request that the person contact the ((local-office)) office of reimbursements to discuss the method of repayment,
 (h) A statement of the right to a fair hearing.
(5) A letter notifying a person of a fraud overpayment must include the following statements in addition to those items in subsection (4) of this section:
(a) Property of the debtor will be subject to collection action after the debtor terminates from public assistance.
(b) Property will be subject to lien and foreclosure, distraint and seizure, and sale or order to withhold and deliver.
(c) Net proceeds of subsection (5)(a) and (b) of this section will be applied to satisfy the overpayment debt.
(d) Action to collect the debt as in subsection (5)(a) and (b) of this section is lawful after ninety days from the debtors termination from public assistance or receipt of the notice of debt, whichever is later.
(6) A person who has incurred a fraud overpayment shall be notified of that debt by:
(a) Personal service, or
(b) Certified mail, return receipt requested, addressee only.
(7) Personal service may be made by:
(a) An employee of DSHS.
(b) The sheriff of the county in which the recipient of public assistance resides. When service is made by the sheriff, an affidavit of service on the county's form will routinely be furnished by the sheriff.
(c) Any other person eighteen years of age or older who is competent to be a witness in the action.
(8) Personal service can be made by delivering a copy of the overpayment letter as follows:
(a) If to a minor, to such minor personally, and also to his or her father, mother, guardian, or if there is none within the state, then to any person having the care, custody or control of such minor or who is the payee of the minor's grant, or with whom he or she resides or in whose service he or she is employed.
(b) If to any person for whom a guardian has been appointed for any cause, then to such guardian.
(c) If to a company or corporation, to the president or other head of the company or corporation, secretary, cashier, or managing agent thereof or the secretary, stenographer or office assistant of the president or other head of the company or corporation, secretary, cashier or managing agent.
(d) In all other cases, to the debtor personally or by leaving a copy of the letter at the residence of the debtor's usual abode with some person of suitable age and discretion residing therein.

(e) If joint liability exists, each debtor shall be provided a copy, except only one copy need be sent to spouses living together.

(f) Out-of-state service shall be the same as personal service within the state.

(g) Refusal of such notice by the debtor is proof of notice to the debtor of the debt owed.

(9) Nothing in this section precludes the department from recovering fraud overpayments by deduction from subsequent assistance payments.

WSR 81-16-007
PROPOSED RULES
COMMISSION FOR
VOCATIONAL EDUCATION
 [Filed July 24, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.05.050, that the Commission for Vocational Education intends to adopt, amend, or repeal rules concerning the amending of WAC 490-600-030 Definitions and 490-600-071 Minimum Cancellation and Refund Policy of the rules promulgated pursuant to the Educational Services Registration Act, chapter 28B.05 RCW;

that such agency will at 9:30 a.m., Thursday, September 24, 1981, in the offices of Education Services District 113, 601 McPhee Road S.W., Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at approximately 10:30 a.m., Thursday, September 24, 1981, in the offices of Educational Services District 113, 601 McPhee Road S.W., Olympia.

The authority under which these rules are proposed is RCW 28B.05.050.

Interested persons may submit data, views, or arguments to this agency orally at 9:30 a.m., Thursday, September 24, 1981, in the offices of Educational Services District 113, 601 McPhee Road S.W., Olympia.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-05-032 and 81-09-005 filed with the code reviser's office on February 18, 1981 and April 7, 1981.

Dated: July 24, 1981

By: Henry L. Polis
 Deputy Director

WSR 81-16-008
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 24, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning adopting WAC 296-62-071 Respiratory protection, WAC 296-62-07519 Thiram, amending

chapter 296-62 WAC Occupational health, to correct references and for housekeeping purposes and repealing WAC 296-24-081 Respiratory protection, 296-24-08101 Permissible practice, 296-24-08103 Requirements for a minimal acceptable program, 296-24-08105 Selection of respirators, 296-24-08107 Air quality, 296-24-08109 Use of respirators, 296-24-08111 Maintenance and care of respirators and 296-24-08113 Identification of gas mask canisters.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, July 24, 1981.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050 and 49.17.240.

This notice is connected to and continues the matter in Notice Nos. WSR 81-07-027 and 81-07-051 filed with the code reviser's office on March 13, 1981 and March 18, 1981.

By: Michael E. Tardif
Assistant Attorney General
for Sam Kinville, Director

WSR 81-16-009

PROPOSED RULES

JUDICIAL QUALIFICATIONS COMMISSION

[Filed July 24, 1981]

Reviser's Note: The following proposal has not been filed in accordance with chapter 34.04 RCW, and its publication in the Register establishes no presumption as to the propriety or impropriety of the procedure being followed by the Judicial Qualifications Commission.

I am writing in regard to publication of proposed rules for the Judicial Qualifications Commission in the Washington State Register. After considering the matter, the Judicial Qualifications Commission concluded that the requirements of RCW 34.04 are not applicable to the Commission. The Commission, nonetheless, would like to have its proposed rules published in the Washington State Register.

Section 10, Ch. 268, Laws of 1981 purports to require the Judicial Qualifications Commission to comply with those portions of the Administrative Procedures Act (RCW 34.04) which govern rule adoption by administrative agencies. The Judicial Qualifications Commission does not believe the legislature has the authority to impose these requirements on the Commission. Article IV, § 31 of the Constitution gives to the legislature the authority to "provide for commissioners' terms of office and compensation." The Judicial Qualifications Commission, however, is given complete authority to "establish rules of procedure for commission proceedings . . ." Necessarily included with establishing rules of procedure is the method of their adoption.

In addition to this specific constitutional authority to adopt rules of procedure, the Commission is a part of the judicial branch of government. As a separate and equal branch of the government, the judiciary has certain inherent powers which the legislature may not derogate. The legislature's attempt to impose a particular

scheme for the adoption of rules by the Commission violates this separation of powers.

Although the legislature may not require the Judicial Qualifications Commission to comply with RCW 34.04, the Commission does want its proposed rules published in the Washington Register and will accept both written and oral comment on the rules.

As Chairman of the Commission, I have been authorized to submit to the Code Reviser's Office the enclosed rules. The Judicial Qualifications Commission requests that the Code Reviser publish these proposed rules in the next available Washington State Register. I believe that you will receive the rules in time for their inclusion in Issue No. 81-16 to be distributed August 19th. It is our hope that you will treat these rules as you treat the rules of the Supreme Court. See RCW 34.08.020(5).

Incidentally, the Commission will conduct a public hearing regarding these proposed rules on Friday, September 25th. It will be held in the Auditorium on the Third Floor of the Seattle Public Library, 1000 Fourth Avenue, Seattle, commencing at 2:00 p.m.

F. Lee Campbell
Chairman
Judicial Qualifications Commission
July 13, 1981

JUDICIAL QUALIFICATIONS COMMISSION RULES

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JUDICIAL QUALIFICATIONS COMMISSION RULES

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July 13, 1981

RULE 1. SCOPE AND TITLE

(a) Scope. These rules apply to proceedings before the Judicial Qualifications Commission created by Article IV, Section 31, of the Constitution of the State of Washington, and governed by Ch. 268, Laws of 1981. These rules govern the procedure for considering allegations that a judge has violated a rule of judicial conduct, or has a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. These rules also govern petitions for reinstatement of eligibility to hold judicial office as provided for by Supreme Court rule.

(b) Title. These rules shall be known as the Judicial Qualifications Commission Rules and may be abbreviated as JQCR.

(c) Supreme Court Rules. Supreme Court consideration of Judicial Qualifications Commission recommendations is governed by the Discipline Rules for Judges (DRJ) adopted by the Supreme Court.

RULE 2. DEFINITIONS

In these rules,

(a) "Admonition" means a written informal disposition of an allegation consented to by the judge which cautions the

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judge not to engage in certain proscribed behavior and may contain agreed corrective action to be taken by the judge.

(b) "Allegation" means a statement or communication of alleged judicial misconduct or disability. An allegation may be made orally or in writing and may be made anonymously.

(c) "Chairperson" includes the acting chairperson.

(d) "Commission" means the Judicial Qualifications Commission.

(e) "Complaint" means the formal charge of judicial misconduct or disability filed by the commission and forming the basis for a fact-finding hearing.

(f) "Fact-finder" means the commission, or at the discretion of the commission, a three-member subcommittee of the commission or a master.

(g) "Hearing" means a meeting for the purpose of taking evidence and conducted by a fact-finder.

(h) "Judge" means a judge or justice and includes justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, and judges pro tempore. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

(i) "Master" means a person appointed by the commission to hear and take evidence with respect to charges against a judge.

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(j) "Meeting" means a meeting of the commission for any purpose other than the taking of evidence for fact-finding.

(k) "Member" means a member of the commission and includes alternates acting as members.

(l) "Party" means the judge or the commission.

RULE 3. ORGANIZATION OF THE COMMISSION

(a) Officers. The commission shall elect from its members a chairperson and a vice-chairperson, each of whom shall serve a term of two years or until they cease to be members of the commission, whichever period is shorter. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and vice-chairperson, the members present may select a temporary chairperson.

(b) Executive Director and Staff. The commission will hire an executive director, staff, masters, and counsel, as necessary to the effective performance of the commission's duties.

(c) Meetings.

(1) Meetings of the commission shall be held at the call of the chairperson or the written request of three members of the commission.

(2) The commission may conduct meetings by telephone conference call.

(d) Quorum. Four members must be present for the transaction of business by the commission. A final decision of the commission, other than a decision recommending discipline

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or retirement, must be supported by a majority of the members present. A final decision recommending discipline or retirement must be supported by four members of the commission.

(e) Alternates. The chairperson will call upon an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disabled, disqualified, or unable to serve. The chairperson shall announce when an alternate member is serving in the place of a commission member.

RULE 4. CONFIDENTIALITY OF PROCEEDINGS

(a) Generally. Except as otherwise provided in this rule, all papers filed with, and all proceedings before the commission, a subcommittee, or a master are confidential.

(b) Public Inspection of Recommendation. A commission recommendation of discipline or retirement, and the findings of fact and conclusions of law supporting the recommendation, shall be available for public inspection in the commission's office during regular business hours after the recommendation is filed with the Supreme Court.

(c) Release of Information. The commission may with due consideration for the interests of the judge make a public statement regarding a pending or completed proceeding which would otherwise be confidential in the following circumstances:

(1) If public statements that charges are pending before the commission are substantially unfair to a judge.

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(2) If a judge is publicly associated with violating a rule of judicial conduct or with having a disability, and the commission, after a preliminary investigation or a formal hearing, has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(3) If a formal hearing has been ordered in a proceeding in which the subject matter is generally known to the public and in which there is broad public interest, and in which confidence in the administration of justice is threatened due to misinformation or lack of information.

(d) Notice to Complainant. After final commission action on an allegation or complaint, the commission will disclose to the person making an allegation that after an investigation of the charges (i) the commission has found no basis for action by the commission against the judge, (ii) the commission has determined that the matter should be or should have been resolved by an appeal and involves no misconduct or disability, (iii) the commission has taken appropriate corrective action, or (iv) the commission has filed a recommendation with the Supreme Court for the censure, suspension, removal or retirement of the judge. The name of the judge in the discretion of the commission shall not be used in written communication to the complainant.

(e) Judge's Request for Release of Information. The commission may in its discretion release information

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concerning a pending or completed proceeding at the request of the judge who is the subject of the proceeding.

(f) Release of Information to Bar Association or Law Enforcement Agency. The commission may release information concerning a lawyer judge to the Washington State Bar Association or concerning any judge to law enforcement agencies when required in the interests of justice or to maintain confidence in the administration of the judiciary.

(g) Public Proceedings. If the commission determines that the public interest in maintaining confidence in the judiciary and the integrity of the administration of justice so require, it may order that some or all aspects of the proceeding before the commission may be publicly conducted or otherwise reported or disclosed to the public. The judge the subject of any hearing which may be made public will be given notice and an opportunity to be heard on the issue before the commission determines to make a hearing public.

(h) Contempt. Unless otherwise permitted by these rules, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person giving information to the commission or any member or employee of the commission is subject to a proceeding for contempt in superior court for disclosing information in violation of this rule.

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RULE 5. INITIAL PROCEEDINGS

(a) Allegations of Misconduct or Disability. Any person, including a member of the commission, may make an allegation of judicial misconduct or disability to the commission.

(b) Distinguished from Appeal. In the absence of grounds for recommending the discipline of a judge, the commission will not recommend the discipline of a judge for the exercise of discretion in making findings of fact, reaching a legal conclusion, or applying the law as the judge understands it. Claims of error shall be considered only on appeal.

(c) Screening by Executive Director. Upon receipt of an allegation of judicial misconduct or disability not obviously unfounded or frivolous, the executive director shall make a prompt, discreet, and confidential inquiry and evaluation. The executive director shall make a recommendation to the commission as to whether a preliminary investigation should be initiated on every allegation received.

(d) Commission Determination. If the commission determines at a meeting that a preliminary investigation should be initiated, the person making the allegation will be requested to file a verified statement with the commission. If a verified statement is not filed by the person making the allegation, the executive director shall prepare and file a verified statement.

(e) Contents of Verified Statement. A verified statement requesting that the commission investigate allegations

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of misconduct or disability must include facts showing that a judge may have violated a rule of judicial conduct or may be suffering a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

RULE 6. PRELIMINARY INVESTIGATION

(a) Conduct of Preliminary Investigation. If the commission orders a preliminary investigation, the executive director and/or a special investigator will conduct the investigation.

(b) Notification of Investigation. The judge who is the subject of a preliminary investigation will be notified by the commission within 7 days after the filing of a verified statement. The judge shall also be advised of the nature of the charge, and, in the discretion of the commission, the name of the individual making the verified statement, if any, or that the investigation is on the commission's own motion.

(c) Judge's Response. The judge shall be afforded a reasonable opportunity in the course of the preliminary investigation to present such matters as he or she may choose.

(d) Order for Medical Examination. If the preliminary investigation concerns a judge who may be suffering a possible physical and/or mental disability which may seriously impair the performance of judicial duties, the commission

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may order a judge to submit to physical and/or mental examinations at commission expense. The failure or refusal of a judge to submit to physical and/or mental examinations ordered by the commission may, in the discretion of the commission, preclude the judge from presenting the results of other physical and/or mental examinations on his or her own behalf. The commission may consider the failure or refusal to submit to physical and/or mental examinations as evidence that the judge has a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

(e) Result of Preliminary Investigation.

(1) If the commission determines at a meeting after a preliminary investigation that there are insufficient grounds for further commission proceedings, the judge and the person making the allegation will be so notified.

(2) If the commission determines at a meeting after a preliminary investigation that probable cause exists for believing that the judge has violated a rule of judicial conduct or that the judge may be suffering from a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent, the commission shall order the filing of a complaint pursuant to Rule 7 or may informally dispose of the matter pursuant to Rule 19.

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RULE 7. INITIATING FORMAL PROCEEDINGS

(a) Generally. The commission after a preliminary investigation may file a complaint alleging the violation of a rule of judicial conduct or the disability of a judge that is or is likely to become permanent. The complaint will be served on the judge within 7 days after filing of the complaint in the commission's office.

(b) Form of Complaint. The complaint will state in ordinary and concise language the basis for commission action and the facts supporting the complaint. The complaint shall also inform the judge that he or she may file a written answer to the charges as provided in paragraph (c).

(c) Answer. The judge may file with the commission an answer to the complaint. The answer must be filed within 14 days after service of the complaint on the judge. If the judge does not file a written answer, a general denial will be entered on behalf of the judge. The complaint and the answer shall be the only pleadings required.

RULE 8. SCHEDULING FACT-FINDING HEARING

A fact-finding hearing will be scheduled to take place within 42 days after the time for answer has expired or after the answer is filed. The executive director will set a time and place for the fact-finding hearing. The judge will be given at least 14 days notice of the fact-finding hearing. The notice will include the name or names of the fact-finder and the presiding officer, if any.

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RULE 9. DISQUALIFICATION OF FACT-FINDER

(a) Disqualification by Member. A member of the commission must disqualify himself or herself in any proceedings involving his or her own conduct or alleged disability. A member of the commission must disqualify himself or herself if he or she cannot impartially consider the complaint against a judge.

(b) Challenge for Cause. A judge may file an affidavit challenging for cause any member or a master who the judge believes will not impartially consider the complaint. The affidavit must be filed within 7 days after notice of the fact-finding hearing. The commission will decide any challenge for cause if the member does not disqualify himself or herself.

(c) Peremptory Challenge. A judge may file one peremptory challenge against one member of the commission. The challenge must be filed within 7 days after notice of a fact-finding hearing. If the judge has unsuccessfully challenged a member for cause, any peremptory challenge against that member must be filed within 3 days after service of notice of the determination of the challenge for cause.

RULE 10. PROCEDURAL RIGHTS OF JUDGE

(a) Generally. The judge has a right to notice of the allegations which have been made against the judge. The

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judge shall have the right and reasonable opportunity at a fact-finding hearing to defend against the allegations by the introduction of evidence. The judge has the privilege against self-incrimination. The judge may be represented by counsel and may examine and cross-examine witnesses. The judge has the right to testify or not to testify on his or her own behalf. The judge has the right to the issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters. The judge has the right to a prompt resolution of the allegations.

(b) Transcripts. The judge will be provided without cost a copy of any report of proceedings prepared by the commission. The judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at his or her own expense.

(c) Witness Fees. All witnesses shall receive fees and expenses in the statutorily allowed amount. Expenses of witnesses shall be borne by the party calling them, unless:

(1) Physical or mental disability of the judge is in issue, in which case the commission shall reimburse the judge for the reasonable expenses of the witnesses whose testimony related to the disability; or

(2) The judge is exonerated of the allegations, and the commission determines that the imposition of costs and expert witness fees would work a financial hardship or

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injustice upon the judge and orders that those fees be reimbursed.

RULE 11. GUARDIANS AD LITEM

If it appears to the commission at any time during the proceedings that the judge is not competent to act, or if it has been previously judicially determined that the judge is not competent to act, the commission will appoint a guardian ad litem for the judge unless the judge already has a guardian who will represent the judge's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge which the judge could have claimed, exercised, or made if competent. Any notice to be served on the judge will also be served on the guardian or guardian ad litem.

RULE 12. PROCEDURE BEFORE FACT-FINDING

(a) Request for Witnesses. Upon written demand of a party, the opposing party will disclose within 7 days the names and addresses of all witnesses whose testimony that party expects to offer at the hearing. A party will give to the opposing party copies of all written statements and transcripts of testimony of such witnesses in the party's

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possession which are relevant to the subject matter of the hearing and which have not previously been furnished. Witnesses not disclosed may be precluded from testifying.

(b) Discovery. The taking of depositions, the requesting of admissions and all other procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available upon stipulation of the parties or upon prior permission of the master or presiding officer. A request for discovery shall be granted, unless the master or presiding officer determines that the request is frivolous, will create an undue burden on the party, or will result in undue delay.

(c) Disclosure by Commission's Counsel. The commission's counsel shall disclose to the judge any material or information within his or her knowledge which tends to negate the allegations against the judge or mitigate the degree of discipline which may be imposed.

RULE 13. AMENDMENTS TO COMPLAINT OR ANSWER

The fact-finder, at any time prior to the conclusion of the hearing, or the commission, at any time prior to its decision, may allow or require amendments to the complaint or the answer. The complaint may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for

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amendments to conform to the proof at a fact-finding hearing, if an amendment substantially affects the nature of the charges, the judge will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

RULE 14. PROCEDURE AT FACT-FINDING HEARING

(a) Order of Presentation. The order of presentation shall be in the same manner as in civil cases in superior court.

(b) Commission Represented by Counsel. The case for the commission shall be presented by counsel retained by the commission.

(c) Rules of Evidence. The Rules of Evidence (ER) as applicable in civil proceedings shall govern the fact-finding hearing.

(d) Standard of Proof. The fact-finder must find by clear, cogent, and convincing evidence that the judge has violated a rule of judicial conduct or that the judge has a disability which is or is likely to become permanent and which seriously interferes with the performance of judicial duties.

(e) Presiding Officer. Unless the fact-finding hearing is before a master, the chairperson may appoint a member to be presiding officer or to rule on motions and objections made during the hearing. If the hearing is before the commission, a member may appeal a ruling to the commission members present. A majority vote will determine the motion.

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(f) Failure to Answer or Appear. The failure of a judge to answer or to appear at the hearing or to submit to a mental or physical examination required by the commission will not be sufficient in and of itself to constitute grounds for censure, suspension, removal, or retirement. The

failure may be considered with other evidence, unless it appears that such failure was due to circumstances beyond the judge's control.

(g) **Verbatim Record.** Unless the judge and the commission stipulate to a different record, a verbatim record will be made and kept of the fact-finding hearing. The commission shall determine whether the verbatim record will be by court reporter or electronic recording device.

RULE 15. REPORT OF FACT-FINDER

The fact-finder shall prepare a report containing a brief statement of the procedure followed and the proposed findings of fact, conclusions of law, and a recommendation with respect to the issues presented at the fact-finding hearing. The report shall be served on the parties within 21 days after the fact-finding hearing. The fact-finder may request the prevailing party to prepare the findings of fact and conclusions of law. The parties may stipulate to all or a portion of the report without the necessity of a hearing on the stipulated matters.

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RULE 16. APPEARANCE BEFORE COMMISSION

(a) **Objections.** A party may file with the commission a statement of objections to the report of the fact-finder filed with the commission. The statement shall set forth all objections to the report and state reasons in opposition to the findings, conclusions, or recommendations made by the fact-finder. The objections must be filed with the commission and served on the opposing party within 14 days after service of the report on the party.

(b) **No Objections Filed.** If no statement of objections to the report of the fact-finder is filed within the time provided in paragraph (a), or if the consent of the parties to the report of a subcommittee or master is filed, the report may be adopted by the commission without argument. The commission will determine what recommendation, if any, should be made to the Supreme Court based on the findings.

(c) **Objections Filed.** If a statement of objections is timely filed, or if the commission proposes to modify or reject the report of a subcommittee or master, the commission shall schedule a time for oral argument before the commission on the record before the fact-finder along with briefs of the parties. The parties shall be given at least 14 days written notice of the time and place for argument.

RULE 17. ADDITIONAL EVIDENCE

The commission may order a hearing for the taking of additional evidence at any time before its decision is

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final. The order will set the time and place of the hearing and will specify the matters on which the additional evidence is to be taken. A copy of the order shall be served upon the judge at least 14 days prior to the date set for hearing. The hearing will be conducted in the manner provided in Rules 8-16.

RULE 18. COMMISSION DECISION

(a) **Recommendation.** The commission will recommend the discipline or retirement of a judge only upon the affirmative vote of at least four members. A member must consider the verbatim record and the report of the fact-finder and be present at all relevant hearings before the commission in order to vote in a particular matter. If at least four members do not vote for the discipline or retirement of a judge, the complaint shall be dismissed. Any commission member may file a dissent.

(b) **Decision.** The commission's decision will include written findings of fact, conclusions of law, and a recommendation. The commission may adopt the report of the fact-finder, in whole or in part, by reference.

(c) **Notice to Judge.** The commission's decision will be served upon the judge and his or her counsel of record within 7 days after the decision is filed in the commission's office.

(d) **Motion for Reconsideration.** A party may file a motion for reconsideration of the commission decision. The

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motion must be filed within 14 days after filing the decision in the commission's office.

(e) **Finality of Decision.** The commission decision is final 14 days after filing in the commission's office unless a motion for reconsideration is earlier filed. If a motion for reconsideration is denied, the decision is then final. If the motion for reconsideration is granted, the reconsidered decision is final when filed in the commission's office.

(f) **Notice of Commission Decision.** When the decision is final, the commission will notify the person making the allegation of the general nature of its decision, in accordance with Rule 4(d).

RULE 19. INFORMAL DISPOSITION

An allegation of misconduct may be disposed of by a proposal to the judge for an admonition. The proposal will provide whether acceptance of the proposal may be considered as an admission of misconduct by the judge. If the judge accepts the proposal in writing within 14 days after service of the proposal, a letter of admonition will be issued and no further action will be taken by the commission. If the judge accepts the proposal, the person making the allegation shall be notified that the matter has been resolved, in accordance with Rule 4(d). If the judge does not accept or fails to respond to the proposal, proceedings will continue.

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RULE 20. SUPREME COURT PROCEDURES

(a) **Certification to Supreme Court.** Within 14 days after the decision is final, a commission decision recommending the discipline or retirement of a judge will be filed with the Supreme Court and served on the judge. The notice of the decision served on the judge shall state the date the decision was filed in the Supreme Court and shall specify the period during which the judge may challenge the commission recommendation as provided in Discipline Rules for Judges Rule 2.

(b) **Record for Supreme Court Review.** The chairperson shall certify the record of commission proceedings and transmit to the judge those portions of the record required by Discipline Rules for Judges Rule 4.

(c) **Objections to Record.** Objections to the record of the commission proceedings must be filed in the commission's office within 14 days after service of the record. Objection will be determined by the chairperson, or in his or her discretion, the fact-finder. The record shall be filed in the Supreme Court and served on the judge within 14 days after the objection is filed with the commission, or in the absence of objection, within 14 days after the time for objection has expired.

(d) **Remand from Supreme Court.** If the Supreme Court remands a case to the commission the chairperson shall assign the case to a fact-finder or the commission in accordance with the request of the Supreme Court.

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RULE 21. REINSTATEMENT OF ELIGIBILITY

A former judge whose eligibility for judicial office has been removed by the Supreme Court may file with the commission a petition for reinstatement of eligibility. Rules 4, 8 through 18, and 20 through 23 apply to commission review of a petition for reinstatement of eligibility. The commission will recommend to the Supreme Court that the former judge should or should not be reinstated to eligibility to hold judicial office.

RULE 22. EXTENSION OF TIME

Upon a showing of good cause the chairperson or fact-finder may enlarge the time within which an act must be done under these rules.

RULE 23. SERVICE

(a) **Service on Judge.** A complaint under Rule 7 shall be served on a judge in person, unless the judge cannot be found within the state. If the judge cannot be found, the complaint may be served by mail addressed to the judge's last known business and residence addresses. All other papers in commission proceedings may be served on a judge in person or by mail. If counsel has appeared for a judge, papers, other than a complaint, may be served on counsel in lieu of service upon the judge.

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(b) Service on Commission. Service of papers on the commission shall be given by delivering or mailing the papers to the commission's office.

(c) When Service Accomplished. If service is by mail, a paper is timely served if mailed within the time permitted for service. If a paper is served by mail, a time period dependent on that service begins to run 3 days after the paper is mailed.

RULE 24. RULE ADOPTION, AMENDMENT, OR REPEAL

(a) Generally. Any person may petition the commission requesting the adoption, amendment, or repeal of a commission rule.

(b) Petition. The petition must set out the proposed rule, or any amendments to an existing rule, in full. The petition must also include reasons in support of the request.

(c) Commission Review. The executive director shall recommend to the commission whether to adopt, amend, or repeal a rule as requested in a petition. The chairperson may order a public hearing for further consideration of the petition. The commission will order the publication of the proposal for public comment before taking final action to adopt, amend, or repeal a rule.

(d) Notice to Petitioner. The commission will notify the petitioner of its final action within a reasonable time after disposition of the petition.

WSR 81-16-010

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order DOL 634—Filed July 24, 1981]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vehicle trip permits, conforming chapter 308-97 WAC to chapter 318, Laws of 1981, amending WAC 308-97-230, adopting WAC 308-97-060, 308-97-090, 308-97-125, 308-97-175, 308-97-205 and repealing WAC 308-97-050, 308-97-080, 308-97-100, 308-97-150, 308-97-200, 308-97-210, 308-97-250, 308-97-270, 308-97-290, 308-97-330, 308-97-370 and 308-97-410.

This action is taken pursuant to Notice No. WSR 81-13-054 filed with the code reviser on June 17, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 46.16.160 and are intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1981.

By John Gonzalez
Director

NEW SECTION

WAC 308-97-060 DURATION, WEIGHT LIMIT AND CONVERTER GEAR. A trip permit is valid for:

(1) three consecutive calendar days beginning with the first day of operation on Washington highways; and

(2) for the maximum legal weight of the vehicle as provided under RCW 46.44.041, RCW 46.44.042 and RCW 46.44.050;

(3) a converter gear actually being utilized to convert a semi-trailer to a full trailer is considered to be an integral part of the trailer. A converter gear being towed that is not supporting a semi-trailer is considered to be a separate vehicle for the purpose of trip permits.

NEW SECTION

WAC 308-97-090 COMPLETING TRIP PERMITS. The vehicle operator or designee shall use permanent ink or typewriter to fill in the required information on a trip permit.

Located at the top of the trip permit are blocks containing months of the year and blocks of numbers indicating days of the month. The blocks containing the appropriate month(s) and three consecutive days for which the permit is to be used shall be blotted out (obliterated) with permanent ink. The dates so indicated will be the period for which the permit shall be valid. All blanks on the permit indicate required information or signature and must be completed prior to operation of the vehicle on Washington highways.

NEW SECTION

WAC 308-97-125 DISPLAY OF TRIP PERMITS. The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, and small trucks: affix permit to the inside lower left corner of the rear window.

(2) Trucks, truck tractors and motor homes: affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailers, converter gears, motorcycles and mopeds: permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

NOTE: If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.

NEW SECTION

WAC 308-97-175 BULK PURCHASE OF TRIP PERMITS. Trip permits may be purchased in bulk from the Prorate and Fuel Tax Division, Highways-Licenses Bldg., Olympia, WA 98504. Orders must be accompanied by a money order, cashier's or certified check in an amount equal to ten dollars for each permit ordered. The permits may be picked-up in Olympia or will be shipped with delivery charges collect. Street address must be provided for all shipments.

NEW SECTION

WAC 308-97-205 DESIGN OF TRIP PERMIT. The department shall design the trip permit and insure that an adequate supply of the permits is maintained to

meet the needs of the public. Other forms of the permit may be prescribed by the department for issuance via electronic transmission by agents of the department authorized to provide this service to the public.

AMENDATORY SECTION (Amending Order 591 DOL, filed 9/4/80)

WAC 308-97-230 APPOINTMENT OF VEHICLE ((LICENSE)) TRIP PERMIT AGENTS. The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle ((license)) trip permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle ((license interstate and intransit)) trip permits under the provisions of RCW 46.16.160 ~~((or special fuel tax trip permits under RCW 82.38.100))~~ shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than ~~((the county auditors or other state agencies of the state of Washington))~~ a governmental agency or a governmental agency sub-agent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter ~~((;))~~ and RCW 46.16.160 ~~((and RCW 82.38.100))~~; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, ~~((RCW 82.38.100;))~~ and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the ~~((estimated monthly))~~ monetary value of vehicle ((license)) trip permits ~~((sold by))~~ issued to such agent as determined by the department ~~((;)). ((PROVIDED, That the total amount of the bond or bonds shall never be less than five hundred dollars and no more than fifty thousand dollars.))~~

(3) The ~~((one dollar))~~ filing fee collected for each ~~((type of vehicle license))~~ permit ~~((interstate, intransit, and special fuel tax trip permits))~~ by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: PROVIDED, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle ((license)) trip permits ~~((interstate, intransit, and special fuel tax trip permits))~~ may be requested by the

permit applicant to be received via ~~((collect wire or))~~ collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle ((license)) trip permits via collect ~~((wire or))~~ facsimile or other electronic transmission has been so requested, such agent ~~((;))~~ may collect from the requestor, upon delivery of such ~~((wire or))~~ facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160 ~~((; RCW 46.01.110 and/or RCW 82.38.100))~~. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle ((license)) trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the ~~((average values of permits issued during the six-month period ending with the month in which the permit numbered immediately preceding the permit in question was issued; together with penalties and interest))~~ administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, ~~((RCW 82.38.100;))~~ WAC chapter 308-97, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle ((license)) trip permits then outstanding.

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

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-97-050 "GROSS WEIGHT" DEFINED.
WAC 308-97-080 "INTERSTATE OPERATION" DEFINED.

WAC 308-97-100 PREREQUISITES AND CONDITIONS FOR INTERSTATE PERMITS. ISSUED UNDER RCW 46.16.160.

WAC 308-97-150 PREREQUISITES AND CONDITIONS FOR INTRANSIT PERMITS. ISSUED PURSUANT TO RCW 46.16.160.

WAC 308-97-200 FEES — BOTH INTERSTATE AND INTRANSIT PERMITS.

WAC 308-97-210 INTRANSIT PERMITS.

WAC 308-97-250 ISSUANCE OF PERMIT BOOKS TO AUTHORIZED USERS.

WAC 308-97-270 USE OF PERMIT BOOKS RESTRICTED.

WAC 308-97-290 MISUSE OF PERMITS BY AUTHORIZED USER.

WAC 308-97-330 PAYMENT OF PERMIT FEES.

WAC 308-97-370 MAINTENANCE OF RECORDS BY AUTHORIZED PERMIT USERS.

WAC 308-97-410 DIRECTOR MAY DECLINE TO ISSUE PERMIT BOOKS.

WSR 81-16-011

ADOPTED RULES

APPLE ADVERTISING COMMISSION

[Order 9—Filed July 27, 1981]

Be it resolved by the Washington State Apple Advertising Commission, acting at Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, that it does promulgate and adopt the annexed rules relating to increasing the state apple advertising assessment from 16 cents cwt. gross billing weight to 21 cents cwt. gross billing weight, effective with the 1981 and subsequent crops of apples.

This action is taken pursuant to Notice No. WSR 81-11-030 filed with the code reviser on May 18, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 15.24.070(1) and 15.24.090 which directs that the Washington State Apple Advertising Commission has authority to implement the provisions of chapter 15.24 RCW.

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

APPROVED AND ADOPTED July 16, 1981.

By Ben H. Parsons
Chairman

AMENDATORY SECTION (Amending Order 8, filed 3/27/79)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of ~~((+4))~~ 16 cents of

each one hundred pounds (100 lbs.) gross billing weight applicable to the ~~((+1978))~~ 1980 ~~((and prior crops))~~ crop of apples, and an assessment of ~~((+6))~~ 21 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the ~~((+1979))~~ 1981 and subsequent crops of apples. Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

WSR 81-16-012

ATTORNEY GENERAL OPINION

Cite as: **AGO 1981 No. 9**

[July 24, 1981]

USURY—INTEREST—REAL ESTATE—CONTRACTS—BANKS AND BANKING—SALE—MAXIMUM INTEREST RATES UNDER 1981 STATE LEGISLATION

(1) In the light of 1981 legislation, the maximum rate of interest, or service charge, which may now lawfully be imposed in connection with designated types of transactions is as follows:

(a) Contract sales of real property—the higher of twelve percent per annum or four percentage points over the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the preceding calendar month (e.g. , for contracts entered into in June, 1981, 20.58 percent), except that this limitation is not applicable if the particular contract is not primarily entered into for personal, family or household purposes or if the transaction is for agricultural, commercial, investment or business purposes and the purchaser is not a natural person;

(b) Retail installment sales transactions—1-1/2 percent per month (or \$1 if greater) for retail charge agreement transactions (e.g. , purchases pursuant to a retailer's credit card) and, in the case of purchases covered by a retail installment contract, six percentage points above the average of the equivalent coupon yields of the bill rates for twenty-six week treasury bills for the last market auction conducted during February, May, August and November of the year prior to the year in which the contract is executed (e.g. , for retail installment contracts during calendar year 1981, 18.25 percent);

(c) Bank credit card transactions—the higher of (i) 12 percent, (ii) the rate computed by application of the same formula as now applies to real estate contracts, above, or (iii) 1 percent above the Federal Reserve Bank's discount rate;

(2) The foregoing interest rate limitations apply to (a) contracts for the sale of real property entered into on or after May 8, 1981, with the caveat that the general usury statute, chapter 19.52 RCW, should be deemed to have become applicable to such contracts as of February 11, 1981; (b) retail installment transactions likewise occurring on or after May 8, 1981 with, however, a limited exception involving certain existing agreements; and (c) bank credit card transactions entered into on or after May 8, 1981, the effective dates of chapters 77 and 78, Laws of 1981.

Requested by:

Honorable Barbara Granlund
St. Rep., 26th District
3777 Pine Tree Drive
Port Orchard, WA 98366

WSR 81-16-013

ATTORNEY GENERAL OPINION
Cite as: AGLO 1981 No. 19
[July 24, 1981]

INDUSTRIAL INSURANCE—WORKERS' COMPENSATION—RECOVERY OF INTERIM TIME LOSS PAYMENTS UPON ULTIMATE REJECTION OF CLAIM

When the Department of Labor and Industries pays temporary total disability (time loss) benefits to an industrial insurance claimant pursuant to RCW 51.32.210 prior to entry of an order, and then subsequently rejects the claim, the department is not entitled to recover back those time loss benefits in the absence of some clerical error, misrepresentation or fraud.

Requested by:

Honorable Sam Kinville
Director
Department of Labor and Industries
General Administration Building
Olympia, Washington 98504

WSR 81-16-014

ATTORNEY GENERAL OPINION
Cite as: AGLO 1981 No. 20
[July 24, 1981]

OFFICES AND OFFICERS—STATE—DEPARTMENT OF EMPLOYMENT SECURITY—ADMINISTRATIVE LAW—HEARINGS EXAMINERS—TRANSFER OF EMPLOYMENT SECURITY HEARINGS EXAMINERS TO OFFICE OF ADMINISTRATIVE HEARINGS

The provisions of chapter 67, Laws of 1981 (Substitute House Bill 101) require that such hearings examiners as are employed by the Employment Security Department's Appeal Tribunal be transferred to the Office of Administrative Hearings on July 1, 1982.

Requested by:

Honorable Norward Brooks
Commissioner
Employment Security Department
Employment Security Building
Olympia, Washington 98504

WSR 81-16-015
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 81-20—Filed July 27, 1981]

Paul
81-18-029
Order 81-21
8/27/81
Aug 26

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's office, the annexed rules relating to Occupational Health, to correct references and for housekeeping purposes, amending chapter 296-62 WAC.

This action is taken pursuant to Notice Nos. WSR 81-07-027, 81-07-051 and 81-16-008 filed with the code reviser on March 13, 1981, March 18, 1981 and July 24, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 24, 1981.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07306 REQUIREMENTS FOR AREAS CONTAINING CARCINOGENS LISTED IN WAC 296-62-07302. (1) A regulated area shall be established by an employer where listed carcinogens are manufactured, processed, used, re-packaged, released, handled or stored.

(2) All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with carcinogens within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where carcinogens are stored in sealed containers, or contained in a closed system including piping systems with any sample ports or openings closed while carcinogens are contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in WAC 296-62-07304(2)(l) are prohibited.

(d) Transfer from a closed system. Charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory-type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this section shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in a carcinogen handling operation shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter ((296-24)) 296-62 WAC, of the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under WAC 296-62-07310(2), (3) and (4).

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact

with carcinogens could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear, clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards;

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of carcinogens listed in WAC 296-62-07302.

(i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which carcinogens are handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of listed carcinogens shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310(2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for

purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310(2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where carcinogens are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of the carcinogens shall be maintained.

(xii) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-62-07329 VINYL CHLORIDE. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means Chief, Industrial Hygiene Section, Department of Labor and Industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of

the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons. A daily roster shall be made of authorized persons who enter.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator, except that until December 31, 1975, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until December 31, 1975, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(c) A respiratory protection program meeting the requirements of chapter ((296-24)) 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or (B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply.

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(iii) Not over 1,000 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or (C) Type C supplied air respirator, demand type, with full facepiece.
(v) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.
(vi) Not over 10 ppm	(A) Combination type C supplied-air respirator, demand type, with half facepiece, and auxiliary self-contained air supply; or (B) Type C supplied-air respirator, demand type, with half facepiece; or (C) Any chemical cartridge respirator with an organic vapor cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and

(ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, firefighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.

(f) Where air-purifying respirators are used:

(i) Air-purifying ((cannisters)) canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(g) Apparatus prescribed for higher concentrations may be used for any lower concentration.

(8) Hazardous operations.

(a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with subsections (3) and (6) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue

from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(b) Protective garments shall be provided clean and dry for each use.

(i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;

(B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

(D) Serum glutamic pyruvic transaminase (SGPT), and

(E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY**

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY**

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

**CONTAMINATED WITH VINYL CHLORIDE
CANCER-SUSPECT AGENT**

(d) Containers of polyvinyl chloride shall be legibly labeled:

**POLYVINYL CHLORIDE (OR TRADE NAME)
CONTAINS VINYL
CHLORIDE VINYL CHLORIDE IS A CANCER-
SUSPECT AGENT**

(e) Containers of vinyl chloride shall be legibly labeled either:

**VINYL CHLORIDE EXTREMELY FLAMMABLE
GAS UNDER PRESSURE CANCER-SUSPECT
AGENT (or)**

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring, medical records and authorized personnel rosters, shall be made and shall be available upon request for examination and copying to the director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) Authorized personnel rosters shall be maintained for not less than 30 years.

(iii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

**APPENDIX A SUPPLEMENTARY MEDICAL
INFORMATION**

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: hepatitis B antigen, and liver scanning.

**AMENDATORY SECTION (Amending Order 80-14,
filed 8/8/80)**

**WAC 296-62-07341 ACRYLONITRILE. (1)
Scope and application.**

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subsection (1)(b) and (c) of this section.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170° F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" – acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(b) "Action level" – a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" – any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Director" – the Director of Labor and Industries, or his authorized representative.

(e) "Emergency" – any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(f) "Polyacrylonitrile" or "PAN" – polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of (10) ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies.

(a) Use.

Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary

standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring.

(a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures

to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas.

(a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance.

(a) Engineering and work practice controls. (i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce

exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposure to within the permissible exposure limits and in emergencies. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate type of respirator from Table I and shall assure that the employee wears the respirator provided.

TABLE I
RESPIRATORY PROTECTION FOR
ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 10 x permissible exposure limits.	(1) Any chemical cartridge respirator with organic vapor cartridge(s) and half-mask; or (2) Any supplied air respirator with half-mask.

Concentration of AN or Condition of Use	Respirator Type
(b) Less than or equal to 50 x permissible exposure limits.	(1) Any organic vapor gas mask; or (2) Any supplied air respirator with full facepiece; or (3) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 2,000 x permissible exposure limits.	(1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 10,000 x permissible exposure limits.	(1) Supplied air respirator and auxiliary self-contained full facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e) Emergency entry into unknown concentration of firefighting.	(1) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(ii) The employer shall select respirators from those approved for use with AN by the National Institute for Occupational Safety and Health under the provisions of WAC ((296-24-081)) 296-62-071.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((296-24-081)) 296-62-071.

(ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

(iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of the filter elements necessary for this purpose.

(iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(9) Emergency situations.

(a) Written plans. (i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees. (i) Alarms. Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Evacuation. Employees not engaged in correcting the emergency shall be restricted from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a work shift and that an employee whose protective clothing becomes wet with liquid AN or PAN removes that clothing promptly to avoid skin contact with the liquid AN or PAN. Protective clothing shall be removed only in change rooms as required by subsection (14)(a) of this section.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(v) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vi) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping.

(a) Surfaces. (i) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(c) Lunchrooms. (i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance.

(a) General. (i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older, and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(c) Periodic examinations. (i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program. (i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

**DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

**DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD**

(17) Recordkeeping.

(a) Objective data for exempted operations. (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The results of testing and analysis of the material being processed;

(D) A description of the operation exempted; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07345 1,2-DIBROMO-3-CHLOROPROPANE. (1) Scope and application. This section

applies to all occupational exposures to 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry Number 96-12-8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane.

(c) "Director" - the Director of Labor and Industries, or his authorized representative.

(3) Permissible exposure limits.

(a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 50 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Exposure monitoring.

(a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor, within thirty days of the effective date of this section, each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (5) shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(6) Methods of compliance. The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices and personal protective equipment.

(a) Engineering controls. The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentrations of DBCP to within the permissible exposure limits.

(b) Work practices. The employer shall examine each work area in which DBCP is present and shall institute, as soon as possible, work practices to reduce employee exposure to DBCP. The work practices shall be described in writing and shall include, among other things, the following mandatory work practices:

(i) Limiting access to work areas where DBCP is present to authorized personnel only;

(ii) Prohibiting smoking and the consumption of food and beverages in work areas where DBCP is present; and

(iii) Establishing good maintenance and housekeeping practices including the prompt cleanup of spills, repair of leaks, and the practices required in subsection (9) of this section.

(c) Respiratory protection. Where engineering and work practice controls are not sufficient to reduce employee exposures to airborne concentrations of DBCP to within the permissible exposure limits, the employer shall provide at no cost to the employee, and assure that

employees wear respirators in accordance with subsection (7) of this section.

(d) Engineering and work practice control plan. (i) Within ninety days of the effective date of this section, the employer shall develop a written plan describing proposed means to reduce employee exposures to DBCP to the lowest feasible level solely by means of engineering and work practice controls.

(ii) Written plans required under subsection (6)(d) shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(7) Respirators.

(a) Required use. The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies.

(b) Respirator selection. (i) Where respirators are used to reduce employee exposures to within the permissible exposure limit and in emergencies, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee wears the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of WAC ((~~296-24-081~~)) 296-62-071.

TABLE I

RESPIRATORY PROTECTION FOR DBCP
RESPIRATORY PROTECTION

Concentration not greater than:

100 ppb:

- Any chemical cartridge respirator with pesticide cartridge(s).
- Any supplied-air respirator.
- Any self-contained cartridge breathing apparatus.

500 ppb:

- A chemical cartridge respirator with full facepiece and pesticide cartridge(s).
- A gas mask with full facepiece and pesticide canister.
- Any supplied-air respirator with full facepiece, helmet or hood.
- Any self-contained breathing apparatus with full facepiece.

5,000 ppb:

- A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.

20,000 ppb:

- A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, hood or helmet operated in continuous flow mode.

Greater than 20,000 ppb or entry and escape from unknown concentrations:

A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode.

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

Firefighting:

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((296-24-081)) 296-62-071.

(ii) Where air-purifying respirators (chemical cartridge or gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or the beginning of each shift, whichever occurs first.

(iii) Employees who wear respirators shall be allowed to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(8) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (13)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(9) Housekeeping.

(a) Surfaces. (i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (13)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(10) Hygiene facilities and practices. Hygiene facilities shall be provided and practices implemented in accordance with the requirements of WAC 296-24-12009.

(11) Medical surveillance.

(a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. Within 30 days of the effective date of this section or time of initial assignment, and whenever exposure to DBCP, the employer shall provide a medical examination including at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

- (A) Sperm count;
- (B) Complete urinalysis (U/A);
- (C) Complete blood count; and
- (D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made:

- (A) Serum multiphasic analysis (SMA 12);
- (B) Serum testosterone;
- (C) Serum follicle stimulating hormone (FSH);
- (D) Serum luteinizing hormone (LH).

(c) Information provided to the physician. The employer shall provide the following information to the examining physician:

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The level of DBCP to which the employee is exposed; and
- (iv) A description of any personal protective equipment used or to be used.

(d) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

- (A) The results of the medical tests performed;
- (B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;
- (C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and
- (D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(12) Employee information and training.

(a) Training program. (i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C*⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and description of the medical surveillance program required by subsection (11) of this section; and

(E) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(13) Signs and labels.

(a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(14) Recordkeeping.

(a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this standard.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (11) of this section.

(ii) This record shall include:

(A) A copy of the physician's written opinion.
 (B) Any employee medical complaints related to exposure to DBCP;

(C) A copy of the information provided the physician as required by subsection (11)(c) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for the effective period of this standard.

(c) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure monitoring records required by this section be made available upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

(iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(16) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. Appendices are available from:

The Technical Services Section
 Division of Industrial Safety and Health
 P.O. Box 207
 Olympia, WA 98504 (206) 753-6381

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-62-07347 INORGANIC ARSENIC.

(1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the Director of the Department of Labor and Industries, or his designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) By October 1, 1978, or within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his workplaces shall report in writing to the Department of Labor and Industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the Department of Labor and Industries.

(5) Exposure monitoring.

(a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency. (i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement. (i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to $10 \mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than $5 \mu\text{g}/\text{m}^3$ but less than $10 \mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(b) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls. (i) The employer shall institute at the earliest possible time but not later than December 31, 1979, engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaptation and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices by December 31, 1979, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the

discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. The employer shall assure that respirators are used where required under this section to reduce employee exposures to below the permissible exposure limit and in emergencies. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering or work practice controls;

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations in which engineering controls and supplemental work practice controls are not yet sufficient to reduce exposures to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respirators are required under this section the employer shall select, provide at no cost to the employee and assure the use of the appropriate respirator or combination of respirators from Table I for inorganic arsenic compounds without significant vapor pressure, or Table II for inorganic arsenic compounds which have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for particular gasses such as sulfur dioxide, any air purifying respirator supplied to the employee as permitted by this standard must have a combination high efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use.	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece self-contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.

Concentration of Inorganic Arsenic (as As) or Condition of Use.	Required Respirator
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. (B) Any half-mask supplied air respirator.

¹High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II
RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode. ²
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge. (B) Any half-mask supplied air respirator.

¹High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

²Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(iii) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage. (i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall perform qualitative fit tests at the time of initial fitting and at least semi-annually

thereafter for each employee wearing respirators, where quantitative fit tests are not required.

(iii) Employers with more than twenty employees wearing respirators shall perform a quantitative face fit test at the time of initial fitting and at least semi-annually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table I or II.

(iv) If an employee has demonstrated difficulty in breathing during the fitting test or during use, he or she shall be examined by a physician trained in pulmonary medicine to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC ((~~296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111~~)) 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

(e) Commencement of respirator use. (i) The employer's obligation to provide respirators commences on August 1, 1978, for employees exposed over $500 \mu\text{g}/\text{m}^3$ of inorganic arsenic, as soon as possible but not later than October 1, 1978, for employees exposed to over $50 \mu\text{g}/\text{m}^3$ of inorganic arsenic, and as soon as possible but not later than December 1, 1978, for employees exposed between 10 and $50 \mu\text{g}/\text{m}^3$ of inorganic arsenic.

(ii) Employees with exposures below $50 \mu\text{g}/\text{m}^3$ of inorganic arsenic may choose not to wear respirators until December 31, 1979.

(iii) After December 1, 1978, any employee required to wear air purifying respirators may choose, and if so chosen the employer must provide, if it will give proper protection, a powered air purifying respirator and in addition if necessary a combination dust and acid gas respirator for times where exposures to gases are over the relevant exposure limits.

(9) RESERVED.

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-24-07801(1) - (6).

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement. (i) The employer shall provide the protective clothing required in subsection

(10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over $100 \mu\text{g}/\text{m}^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful effects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

CAUTION: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or Federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) RESERVED.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms. (i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 $\mu\text{g}/\text{m}^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General. (i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are

performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. By December 1, 1978, for employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination;

(C) A sputum cytology examination; and

(D) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations. (i) The employer shall provide the examinations specified in subsections (14)(b)(i) and (14)(b)(ii)(A), (B) and (D) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsections (14)(b)(i) and (ii) of this section at least semi-annually for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further explanation or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program. (i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided by October 1, 1978, for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials. (i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs. (i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR
SWALLOWED
USE ONLY WITH ADEQUATE
VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X-ray;

(D) The X-rays for the most recent five years;

(E) Any X-rays with a demonstrated abnormality and all subsequent X-rays;

(F) The initial cytologic examination slide and written description;

(G) The cytologic examination slide and written description for the most recent five years; and

(H) Any cytologic examination slides with demonstrated atypia, if such atypia persists for three years, and all subsequent slides and written descriptions.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) The employer shall make available upon request records of employee exposure monitoring required by subsection (17)(a) of this section for inspection and copying to affected employees, former employees and their designated representatives.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Effective date. This standard shall become effective thirty days after filing with the Code Reviser.

(20) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(21) Startup dates.

(a) General. The startup dates of requirements of this standard shall be the effective date of this standard unless another startup date is provided for, either in other subsections of this section or in this subsection.

(b) Monitoring. Initial monitoring shall be commenced by August 1, 1978, and shall be completed by September 15, 1978.

(c) Regulated areas. Regulated areas required to be established as a result of initial monitoring shall be set up as soon as possible after the results of that monitoring is known and no later than October 1, 1978.

(d) Compliance program. The written program required by subsection (7)(b) as a result of initial monitoring shall be made available for inspection and copying as soon as possible and no later than December 1, 1978.

(e) Hygiene and lunchroom facilities. Construction plans for change-rooms, showers, lavatories, and lunchroom facilities shall be completed no later than December 1, 1978, and these facilities shall be constructed and in use no later than July 1, 1979. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by December 31, 1979, for affected employees, then such facilities need not be completed until one year after the engineering controls

are completed or December 31, 1980, whichever is earlier, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(f) Summary of startup dates set forth elsewhere in this standard.

STARTUP DATES

August 1, 1978 – Respirator use over $500 \mu\text{g}/\text{m}^3$.

AS SOON AS POSSIBLE BUT NO LATER THAN

September 15, 1978 – Completion of initial monitoring.

October 1, 1978 – Complete establishment of regulated areas. Respirator use for employees exposed above $50 \mu\text{g}/\text{m}^3$. Completion of initial training. Notification of use.

December 1, 1978 – Respirator use over $10 \mu\text{g}/\text{m}^3$. Completion of initial medical. Completion of compliance plan. Optional use of powered air-purifying respirators.

July 1, 1979 – Completion of lunch rooms and hygiene facilities.

December 31, 1979 – Completion of engineering controls.

All other requirements of the standard have as their startup date August 1, 1978.

AMENDATORY SECTION (Amending Order 80-16, filed 8/8/80)

WAC 296-62-07349 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" – employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" – the director of the department of labor and industries.

(c) "Lead" – metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have

been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action

level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Method of compliance.

(a) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance

with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead-acid battery manufacturing	(3)	2	5
Nonferrous foundries	(3)	1	5
Lead pigment manufacturing	(3)	3	5
All other industries	(3)	Not Applicable	1

¹ Includes ancillary activities located on the same worksite.

² Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.

³ On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 µg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to

determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC ((~~296-24-08103~~; ~~296-24-08107~~, ~~296-24-08109~~ and ~~296-24-08111~~)) 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe covers; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 $\mu\text{g}/\text{m}^3$ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED

WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood

lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 50

$\mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $60 \mu\text{g}/100 \text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above $50 \mu\text{g}/100 \text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above $80 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $60 \mu\text{g}/100 \text{ g}$ of whole blood;

(bb) For an employee removed due to a blood lead level at or above $70 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $50 \mu\text{g}/100 \text{ g}$ of whole blood;

(cc) For an employee removed due to a blood lead level at or above $60 \mu\text{g}/100 \text{ g}$, or due to an average blood lead level at or above $50 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an

employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The

employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act,

and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

**WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) the employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit

those records to the director if requested within the period.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206)753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07501 AIRBORNE CONTAMINANTS. (1) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the permissible limit, a smaller percentage may be affected more seriously by aggravation of a pre-existing condition or by development of an occupational illness.

(2) Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek.

The time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the eight-hour time-weighted average limit in Table 1, 2 or 3 for the material involved.

(3) Methods of compliance:

(a) To achieve compliance with these standards, the employer shall determine and implement feasible administrative or engineering controls.

(b) When administrative or engineering controls are not feasible to achieve full compliance, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

(c) Whenever full compliance cannot be achieved by the use of feasible administrative or engineering controls, approved respiratory protection shall be provided at no cost to the employee and shall be used in accordance with WAC ((296-24-081 through 296-24-08113)) 296-62-071.

(d) Any control equipment or technical measure utilized for the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person.

(e) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to cited violations of WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.

(4) An employee's exposure to any substance in Table 1 and 3, the name of which is not preceded by a "C," shall not exceed the excursion level limit which is computed by multiplying the appropriate factor below times eight-hour time-weighted average for the substance in the applicable table.

- PEL > 0-1 (ppm or mg/M³), Excursion Factor = 3
- PEL > 1-10 (ppm or mg/M³), Excursion Factor = 2
- PEL > 10-100 (ppm or mg/M³), Excursion Factor = 1.5
- PEL > 100-1000 (ppm or mg/M³), Excursion Factor = 1.25
- PEL > 1000 (ppm or mg/M³), Excursion Factor = 1

(5) Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate physical impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result of exposure to the permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Abate	—	10
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	10
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347		
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
C tert-Butyl chromate (as CrO ₃)—Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	10
Calcium arsenate See WAC 296-62-07347	—	—
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin ^[R])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Cellulose (paper fiber)	—	10
Chlordane—Skin	—	0.5
Chlorinated camphene—Skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacet(=)aldehyde	1	3
α-Chloroaceto(=)phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene malonitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroform (Tri-chloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
Chromium Metal & insol. salts	—	1
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
(Cobalt) Cobalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
Corundum (Al ₂ O ₃)	—	10
Cotton Dust (raw)	—	1
Crag ^[R] herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton ^[R] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon—skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R]	—	3

Substance	ppm (See note a)	mg/M ³ (See note b)
2-N Dibutylamino-ethanol—Skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloro-ethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl,1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec.octyl phthalate (Di-2-ethylhexyl-phthalate)	—	5
Emery	—	10
Endosulfan (Thiodan ^[R])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	Simple	Asphyxiant
Ethanethiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	Simple	Asphyxiant
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
Furfuryl alcohol	50	200
Glass, fibrous or dust (See note e)	—	10
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite (Synthetic)	—	10
Guthion [®] , see Azinphosmethyl	—	—
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
156 sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	Simple	Asphyxiant
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	10	55
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC	—	—

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
296-62-07349	—	0.2
Lead arsenate—See WAC 296-62-07347	—	0.15
Limestone	—	10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	10
Mesityl oxide	25	100
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan	—	—
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n-amyl) ketone (2-Heptanone)	100	465
Methyl bromide—Skin	15	60
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve—skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclo-hexanone—Skin	100	460
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007 (See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—	—
Nitrous Oxide	Simple	Asphyxiant
Octachloronaphthalene—Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	10
Pentane	500	1,500
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol—Skin	5	19
p-Phenylene diamine—Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether—Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene	—	—
Phenyl glycidyl ether (PGE)	10	60
Phenyldiazine—Skin	5	22
Phenothiazine—skin	—	5
Phosdrin (Mevinphos ^[R])—Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1
Pival ^[R] (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls	—	—
Propane	Simple	Asphyxiant
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—	—
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Rotenone (commercial)	—	5
Rouge	—	10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	10
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
Sucrose	—	10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
Thiram ^([R])	—	5
Tin (inorganic compounds, except SnH ₄ and SnO ₂) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	10
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane—Skin	10	45
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid	—	—
2,4,6-Trinitrophenylmethylnitramine, see Tetryl	—	—
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W	—	—
Soluble	—	1
Insoluble	—	5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V ₂ O ₅), as V Dust	—	0.5
Vinyl acetate	10	30
Vinyl bromide	250	1,100
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
- b) Approximate milligrams of substance per cubic meter of air.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personal control.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M ³	5 μg/M ³	25 μg/M ³	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M ³	0.6 mg/M ³		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.23-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M ³	0.04 mg/M ³		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Mercury (Z37.8-1971)	0.05 mg/M ³	0.1 mg/M ³		
Chromic acid and chromates (Z37.7-1973)	0.1 mg/M ³	0.3 mg/M ³		

NOTE: ^a Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+ TABLE 3
PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable)		10mg/M ³ m
		%SiO ₂ +2
Quartz (total dust)		30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value calculated from the mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M ³
		%SiO ₂
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO ₂)		2.4mg/M ³
		or
For more than 5% SiO ₂		10mg/M ³
		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction		5mg/M ³
Total dust		10mg/M ³
Total Particulates (less than 1% SiO ₂)		10mg/M ³
Respirable fraction		5mg/M ³

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-07517 ASBESTOS. (1) Definitions. For the purpose of this section, (a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(b) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(2) Permissible exposure to airborne concentrations of asbestos fibers. (a) The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(3) Methods of compliance.

(a) Engineering methods. (i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in (2) of this section, such as, but not limited to, saws, scorers,

abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (3)(a)(ii) of this section.

(b) Work practices. (i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with (4)(b)(iii) of this section and with special clothing in accordance with (4)(c) of this section.

(4) Personal protective equipment.

(a) Compliance with the exposure limits prescribed by (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by (3) of this section.

(ii) In work situations in which the methods prescribed in (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (4)(a)(i), (ii), or (iii) of this section, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (4)(a)(i), (ii), or (iii) of this section, it shall comply with the applicable provisions of (~~chapter 296-24~~) 296-62-071 WAC.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (4)(b)(ii) or (iii) of this section shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (4)(b)(iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when

the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) Establishment of a respirator program. (A) The employer shall establish a respirator program in accordance with the requirements of chapter ((296=24)) 296-62 WAC.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in (2)(b) of this section.

(d) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (4)(d) of this section to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(6) Monitoring.

(a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with (3) of this section.

(b) Personal monitoring. (i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by (2) of this section.

(c) Environmental monitoring. (i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(7) Caution signs and labels.

(a) Caution signs. (i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (7)(a)(i) of this section shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The

signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos _____	1" Sans Serif, Gothic or Block.
Dust Hazard _____	3/4" Sans Serif, Gothic or Block.
Avoid Breathing Dust _____	1/4" Gothic.
Wear Assigned Protective Equipment _____	1/4" Gothic.
Do Not Remain In Area Unless Your Work Requires It _____	1/4" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health _____	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels. (i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers will be released.

(ii) Label specifications. The caution labels required by (7)(b)(i) of this section shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

(8) Housekeeping.

(a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers.

(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping.

(a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by (6) of this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Director of the Department of Labor and Industries.

(b) Employee access. Every employee and former employee shall have reasonable access to any record required to be maintained by (9)(a) of this section, which indicates the employee's own exposure to asbestos fibers.

(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in (2) of this section shall be notified in writing of the

exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations.

(a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past 1-year period.

(f) Medical records. (i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) Access. The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the director of the Department of Labor and Industries, the Assistant Secretary of Labor for Occupational Safety and Health, the director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection and any other medical information related to occupational exposure to asbestos fibers.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-100 OXYGEN DEFICIENT ATMOSPHERES. (1) Definition. A lack of sufficient oxygen is deemed to exist if the atmosphere at sea level has less than 18% oxygen by volume or has a partial pressure of oxygen of 135 millimeters of mercury (mm. Hg) or less. This may deviate when working at higher elevations and should be determined for an individual location. Factors such as acclimatization, physical conditions of the persons involved, etc., must be considered for such circumstances and conditions.

(2) Entering areas with possible oxygen deficient atmospheres. Workmen entering any area where a lack of sufficient oxygen is probable shall be supplied with and shall use approved equipment (for specific requirements see applicable provisions of chapter ~~((296-24))~~ 296-62 WAC) capable of providing safe respirable air, or prior to entry and at all times when workmen are in such areas a sufficient supply of safe, respirable air shall be provided. All workers so exposed shall be under constant observation. If the oxygen content is unknown or may change during occupation, tests shall be required prior to and during occupation of questionable areas.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-11015 ABRASIVE BLASTING. (1) Definitions.

(a) "Abrasive" means a solid substance used in an abrasive blasting operation.

(b) "Abrasive-blasting respirator" means a continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(c) "Blast cleaning barrel" means a complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts to the action of an automatic blast spray.

(d) "Blast cleaning room" means a complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(e) "Blasting cabinet" means an enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(f) "Clean air" means air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(g) "Dust collector" means a device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(h) "Exhaust ventilation system" means a system for removing contaminated air from a space, comprising two or more of the following elements (i) enclosure or hood, (ii) duct work, (iii) dust collecting equipment, (iv) exhaust, and (v) discharge stack.

(i) "Particulate-filter respirator" means an air purifying respirator, commonly referred to as a dust or a fume

respirator, which removes most of the dust or fume from the air passing through the device.

(j) "Respirable dust" means airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(k) "Rotary blast cleaning table" means an enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(l) "Abrasive blasting" means the forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) Dust hazards from abrasive blasting.

(a) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(b) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in WAC 296-62-075 through 296-62-07515.

(c) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1-1961 (NFPA 91-1961), and American National Standard Electrical Code, C1-1968 (NFPA 70-1968). The blast nozzle shall be bonded and grounded to prevent the build-up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide, NFPA 68-1954.

(3) Blast-cleaning enclosures.

(a) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure, during the blasting operation.

(i) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particles into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(ii) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(iii) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(iv) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(v) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(A) Doors shall be flanged and tight when closed.

(B) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) Exhaust ventilation systems.

(a) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, and ANSI Z33.1-1961.

(i) When dust leaks are noted, repairs shall be made as soon as possible.

(ii) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(b) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(c) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) Personal protective equipment. See applicable provisions of chapters 296-24 and 296-62 WAC.

(a) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators:

(i) When working inside of blast-cleaning rooms, or

(ii) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(iii) Where concentrations of toxic dust dispersed by the abrasive-blasting may exceed the limits set in WAC 296-62-075 through 296-62-07515 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(b) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

(i) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where non-silica abrasives are used on materials having low toxicities.

(ii) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(c) A respiratory protection program as defined and described in applicable provisions of chapters 296-24 and 296-62 WAC, shall be established wherever it is necessary to use respiratory protective equipment.

(d) Refer to applicable provisions of chapter 296-24 WAC for operators personal protective equipment.

(6) Operational procedures and general safety. Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(7) Scope. This paragraph applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11019 SPRAY-FINISHING OPERATIONS. (1) Definitions. (a) "Spray-finishing operations" means employment of methods wherein organic or inorganic materials are utilized in dispersed form from deposit on surfaces to be coated, treated or cleaned. Such methods of deposit may involve either automatic, manual, or electrostatic deposition but do not include metal spraying or metallizing, dipping, flow coating, roller coating, tumbling, centrifuging, or spray washing and degreasing as conducted in self-contained washing and degreasing machines or systems.

(b) "Spray booth" spray booths are defined and described in WAC 296-24-370 through 296-24-37007. (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(c) "Spray room" means a room in which spray-finishing operations not conducted in a spray booth are performed separately from other areas.

(d) "Minimum maintained velocity" means the velocity of air movement which must be maintained in order to meet minimum specified requirements for health and safety.

(2) Location and application. Spray booths or spray rooms are to be used to enclose or confine all operations. Spray-finishing operations shall be located as provided in sections 201 through 206 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.

(3) Design and construction of spray booths.

(a) Spray booths shall be designed and constructed in accordance with WAC 296-24-370 through 296-24-37007 (see sections 301-304 and 306-310 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969), for general construction specifications.

NOTE: For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2-1960.

(i) Lights, motors, electrical equipment and other sources of ignition shall conform to the requirements of WAC 296-24-370. (See section 310 and chapter 4 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(ii) In no case shall combustible material be used in the construction of a spray booth and supply or exhaust duct connected to it.

(b) Unobstructed walkways shall not be less than 6 1/2 feet high and shall be maintained clear of obstruction from any work location in the booth to a booth exit or open booth front. In booths where the open front is the only exit, such exits shall be not less than 3 feet wide. In booths having multiple exits, such exits shall not be less than 2 feet wide, provided that the maximum distance from the work location to the exit is 25 feet or less. Where booth exits are provided with doors, such doors shall open outward from the booth.

(c) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of WAC 296-24-370. (See sections 304 and 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969.)

(i) Overspray filters shall be installed and maintained in accordance with the requirements of WAC 296-24-370, (See section 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33-1969), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

(ii) Where effective means, independent of the overspray filters are installed which will result in design air distribution across the booth cross section, it is permissible to operate the booth without the filters in place.

(d)(i) For wet or water-wash spray booths, the water-chamber enclosure, within which intimate contact of contaminated air and cleaning water or other cleaning medium is maintained, if made of steel, shall be 18 gauge or heavier and adequately protected against corrosion.

(ii) Chambers may include scrubber spray nozzles, headers, troughs, or other devices. Chambers shall be provided with adequate means for creating and maintaining scrubbing action for removal of particulate matter from the exhaust air stream.

(e) Collecting tanks shall be of welded steel construction or other suitable noncombustible material. If pits are used as collecting tanks, they shall be concrete, masonry, or other material having similar properties.

(i) Tanks shall be provided with weirs, skimmer plates, or screens to prevent sludge and floating paint from entering the pump suction box. Means for automatically maintaining the proper water level shall also be provided. Fresh water inlets shall not be submerged. They shall terminate at least one pipe diameter above the safety overflow level of the tank.

(ii) Tanks shall be so constructed as to discourage accumulation of hazardous deposits.

(f) Pump manifolds, risers, and headers shall be adequately sized to insure sufficient water flow to provide efficient operation of the water chamber.

(4) Design and construction of spray rooms.

(a) Spray rooms, including floors, shall be constructed of masonry, concrete, or other noncombustible material.

(b) Spray rooms shall have noncombustible fire doors and shutters.

(c) Spray rooms shall be adequately ventilated so that the atmosphere in the breathing zone of the operator shall be maintained in accordance with the requirements of (6)(b) of this section.

(d) Spray rooms used for production spray-finishing operations shall conform to the requirements of spray booths.

(5) Ventilation.

(a) Ventilation shall be provided in accordance with provisions of WAC 296-24-370, (See chapter 5 of the Standard for Spray Finishing Using Flammable or Combustible Materials, NFPA No. 33-1969), and in accordance with the following:

(i) Where a fan plenum is used to equalize or control the distribution of exhaust air movement through the booth, it shall be of sufficient strength or rigidity to withstand the differential air pressure or other superficially imposed loads for which the equipment is designed and also to facilitate cleaning. Construction specifications shall be at least equivalent to those of (5)(c) of this section.

(ii) All fan ratings shall be in accordance with Air Moving and Conditioning Association Standard Test Code for Testing Air Moving Devices, Bulletin 210, April 1962.

(b) Inlet or supply ductwork used to transport makeup air to spray booths or surrounding areas shall be constructed of noncombustible materials.

(i) If negative pressure exists within inlet ductwork, all seams and joints shall be sealed if there is a possibility of infiltration of harmful quantities of noxious gases, fumes, or mists from areas through which ductwork passes.

(ii) Inlet ductwork shall be sized in accordance with volume flow requirements and provide design air requirements at the spray booth.

(iii) Inlet ductwork shall be so supported throughout its length to sustain at least its own weight plus any negative pressure which is exerted upon it under normal operating conditions.

(c) Ducts shall be so constructed as to provide structural strength and stability at least equivalent to sheet steel of not less than the following thickness:

DIAMETER OR GREATER DIMENSION	(U.S. gauge)
Up to 8 inches inclusive	No. 24
Over 8 inches to 18 inches inclusive	No. 22
Over 18 inches to 30 inches inclusive	No. 20
Over 30 inches	No. 18

(i) Exhaust ductwork shall be adequately supported throughout its length to sustain its weight plus any normal accumulation in interior during normal operating conditions and any negative pressure exerted upon it.

(ii) Exhaust ductwork shall be sized in accordance with good design practice which shall include consideration of fan capacity, length of duct, number of turns and elbows, variation in size, volume, and character of materials being exhausted. See American National Standard Z9.2-1960 for further details and explanation concerning elements of design.

(iii) Longitudinal joints in sheet steel ductwork shall be either lock-seamed, riveted, or welded. For other than steel construction, equivalent securing of joints shall be provided.

(iv) Circumferential joints in ductwork shall be substantially fastened together and lapped in the direction of airflow. At least every fourth joint shall be provided with connecting flanges, bolted together or of equivalent fastening security.

(v) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between clean-out doors may be greater for larger pipes. (See 8.3.21 of American National Standard Z9.1-1960.) A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

(vi) Where ductwork passes through a combustible roof or wall, the roof or wall shall be protected at the point of penetration by open space or fire-resistive material between the duct and the roof or wall. When ducts pass through fire-walls, they shall be provided with automatic fire dampers on both sides of the wall, except that three-eighth-inch steel plates may be used in lieu of automatic fire dampers for ducts not exceeding 18 inches in diameter.

(vii) Ductwork used for ventilating any process covered in this standard shall not be connected to ducts ventilating any other process or any chimney or flue used for conveying any products of combustion.

(6) Velocity and air flow requirements.

(a) Except where a spray booth has an adequate air replacement system, the velocity of air into all openings of a spray booth shall be not less than that specified in Table 14 for the operating conditions specified. An adequate air replacement system is one which introduces replacement air upstream or above the object being sprayed and is so designed that the velocity of air in the booth cross section is not less than that specified in Table 14 when measured upstream or above the object being sprayed.

TABLE 14
MINIMUM MAINTAINED VELOCITIES
INTO SPRAY BOOTHS

Operating conditions for object completely inside booth	Crossdraft f.p.m.	Airflow Velocities, f.p.m.	
		Design	Range
Electrostatic and automatic airless operation contained in booth without operator.	Negligible	50 large booth 100 small booth	50-75 75-125

TABLE 14
MINIMUM MAINTAINED VELOCITIES
INTO SPRAY BOOTHS

Operating conditions for object completely inside booth	Crossdraft f.p.m.	Airflow Velocities, f.p.m.	
		Design	Range
Air-operated guns, manual or automatic	Up to 50	100 large booth	75-125
		150 small booth	125-175
Air-operated guns, manual or automatic	Up to 100	150 large booth	125-175
		200 small booth	150-250

NOTES:

- (1) Attention is invited to the fact that the effectiveness of the spray booth is dependent upon the relationship of the depth of the booth to its height and width.
- (2) Crossdrafts can be eliminated through proper design and such design should be sought. Crossdrafts in excess of 100 fpm (feet per minute) should not be permitted.
- (3) Excessive air pressures result in loss of both efficiency and material waste in addition to creating a backlash that may carry overspray and fumes into adjacent work areas.
- (4) Booths should be designed with velocity shown in the column headed "Design." However, booths operating with velocities shown in the column headed "Range" are in compliance with this standard.
- (b) In addition to the requirements in (6)(a) of this section the total air volume exhausted through a spray booth shall be such as to dilute solvent vapor to at least 25 percent of the lower explosive limit of the solvent being sprayed. An example of the method of calculating this volume is given below.

Example: To determine the lower explosive limits of the most common solvents used in spray finishing, see Table 15. Column 1 gives the number of cubic feet of vapor per gallon of solvent and column 2 gives the lower explosive limit (LEL) in percentage by volume of air. Note that the quantity of solvent will be diminished by the quantity of solids and nonflammable contained in the finish.

To determine the volume of air in cubic feet necessary to dilute the vapor from 1 gallon of solvent to 25 percent of the lower explosive limit, apply the following formula:

$$\text{Dilution volume required per gallon of solvent} = \frac{4 (100 - \text{LEL}) (\text{cubic feet of vapor per gallon})}{\text{LEL}}$$

Using toluene as the solvent.

(1) LEL of toluene from Table 15, column 2, is 1.4 percent.

(2) Cubic feet of vapor per gallon from Table 15, column 1, is 30.4 cubic feet per gallon.

$$\text{Dilution volume required} = \frac{4 (100 - 1.4) 30.4}{1.4} = 8,564 \text{ cubic feet.}$$

(4) To convert to cubic feet per minute of required ventilation, multiply the dilution volume required per gallon of solvent by the number of gallons of solvent evaporated per minute.

TABLE 15
LOWER EXPLOSIVE LIMIT OF SOME
COMMONLY USED SOLVENTS

Solvent	Cubic feet of vapor per gallon of liquid at 70°F.	Lower explosive limit in percent by volume of air at 70°F.
	Column 1	Column 2
Acetone	44.0	2.6
Amyl Acetate (iso)	21.6	1.0 ¹
Amyl Alcohol (n)	29.6	1.2
Amyl Alcohol (iso)	29.6	1.2
Benzene	36.8	1.4 ¹
Butyl Acetate (n)	24.8	1.7
Butyl Alcohol (n)	35.2	1.4
Butyl Cellosolve	24.8	1.1
Cellosolve	33.6	1.8
Cellosolve Acetate	23.2	1.7
Cyclohexanone	31.2	1.1 ¹
1,1 Dichloroethylene	42.4	5.6
1,2 Dichloroethylene	42.4	9.7
Ethyl Acetate	32.8	2.5
Ethyl Alcohol	55.2	4.3
Ethyl Lactate	28.0	1.5 ¹
Methyl Acetate	40.0	3.1
Methyl Alcohol	80.8	7.3
Methyl Cellosolve	40.8	2.5
Methyl Ethyl Ketone	36.0	1.8
Methyl n-Propyl Ketone	30.4	1.5
Naphtha (VM&P) (76° Naphtha)	22.4	0.9
Naphtha (100° Flash) Safety Solvent-		
Stoddard Solvent	23.2	1.1
Propyl Acetate (n)	27.2	2.0
Propyl Acetate (iso)	28.0	1.8
Propyl Alcohol (n)	44.8	2.1
Propyl Alcohol (iso)	44.0	2.0
Toluene	30.4	1.4
Turpentine	20.8	0.8
Xylene (o)	26.4	1.0

¹At 212°F.

(c)(i) When an operator must position himself in a booth downstream of the object being sprayed, an air supplied respirator or other type of respirator listed in the applicable provisions of chapter ((296-24)) 296-62 WAC ((or specified in ANSI Z88.2-1969)) for the material being sprayed should be used by the operator.

(ii) Where downdraft booths are provided with doors, such doors shall be closed when spray painting.

(7) Make-up air.

(a) Clean fresh air, free of contamination from adjacent industrial exhaust systems, chimneys, stacks, or vents, shall be supplied to a spray booth or room in quantities equal to the volume of air exhausted through the spray booth.

(b) Where a spray booth or room receives make-up air through self-closing doors, dampers, or louvers, they shall be fully open at all times when the booth or room is in use for spraying. The velocity of air through such doors, dampers, or louvers shall not exceed 200 feet per minute. If the fan characteristics are such that the required air flow through the booth will be provided, higher velocities through the doors, dampers, or louvers may be used.

(c)(i) Where the air supply to a spray booth or room is filtered, the fan static pressure shall be calculated on the assumption that the filters are dirty to the extent that they require cleaning or replacement.

(ii) The rating of filters shall be governed by test data supplied by the manufacturer of the filter. A pressure gauge shall be installed to show the pressure drop across the filters. This gauge shall be marked to show the pressure drop at which the filters require cleaning or replacement. Filters shall be replaced or cleaned whenever the pressure drop across them becomes excessive or whenever the air flow through the face of the booth falls below that specified in Table 14.

(d)(i) Means of heating make-up air to any spray booth or room, before or at the time spraying is normally performed, shall be provided in all places where the outdoor temperature may be expected to remain below 55°F. for appreciable periods of time during the operation of the booth except where adequate and safe means of radiant heating for all operating personnel affected is provided. The replacement air during the heating seasons shall be maintained at not less than 65°F. at the point of entry into the spray booth or spray room. When otherwise unheated make-up air would be at a temperature of more than 10°F. below room temperature, its temperature shall be regulated as provided in section 3.6 of ANSI Z9.2-1960.

(ii) As an alternative to an air replacement system complying with the preceding section, general heating of the building in which the spray room or booth is located may be employed provided that all occupied parts of the building are maintained at not less than 65°F. when the exhaust system is in operation or the general heating system supplemented by other sources of heat may be employed to meet this requirement.

(iii) No means of heating make-up air shall be located in a spray booth.

(iv) Where make-up air is heated by coal or oil, the products of combustion shall not be allowed to mix with the make-up air, and the products of combustion shall be conducted outside the building through a flue terminating at a point remote from all points where make-up air enters the building.

(v) Where make-up air is heated by gas, and the products of combustion are not mixed with the make-up air but are conducted through an independent flue to a point outside the building remote from all points where make-up air enters the building, it is not necessary to comply with (7)(d)(vi) of this section.

(vi) Where make-up air to any manually operated spray booth or room is heated by gas and the products of combustion are allowed to mix with the supply air, the following precautions must be taken:

(A) The gas must have a distinctive and strong enough odor to warn workmen in a spray booth or room of its presence if in an unburned state in the make-up air.

(B) The maximum rate of gas supply to the make-up air heater burners must not exceed that which would yield in excess of 200 p.p.m. (parts per million) of carbon monoxide or 2,000 p.p.m. of total combustible gases in the mixture if the unburned gas upon the occurrence of flame failure were mixed with all of the makeup air supplied.

(C) A fan must be provided to deliver the mixture of heated air and products of combustion from the plenum

chamber housing the gas burners to the spray booth or room.

(8) Scope. Spray booths or spray rooms are to be used to enclose or confine all spray finishing operations covered by this paragraph. This paragraph does not apply to the spraying of the exteriors of buildings, fixed tanks, or similar structures, nor to small portable spraying apparatus not used repeatedly in the same location.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-11021 OPEN SURFACE TANKS.

(1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations.

(a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of Class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or

mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

NOTE A:

$$\frac{c_1}{PEL} + \frac{c_2}{PEL} + \frac{c_3}{PEL} + \dots + \frac{c_N}{PEL} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (ppm)	Mist (mg/m ³)	Flash point (in degrees F.)
A.....	0-10	0-0.1
B.....	11-100	0.11-1.0	Under 100
C.....	101-500	1.1-10	100-200
D.....	Over 500	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of;

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (See Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

**TABLE 17
DETERMINATION OF RATE OF GAS,
VAPOR, OR MIST EVOLUTION¹**

Rate	Liquid temperature, °F	Degrees below boiling point	evaporation ²	Relative Gassing ³
1	Over 200	0-20	Fast	High
2	150-200	21-50	Medium	Medium
3	94-149	51-100	Slow	Low
4	Under 94	Over 100	Nil	Nil

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in *Industrial and Engineering Chemistry*, vol. 27, p. 1169, (3) where time for 100— percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in *American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960*.

(4) Control requirements.

(a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

**TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE
(F.P.M.)
FOR UNDISTURBED LOCATIONS**

Class (See Sub- paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ Paragraph (4)(iii)	Canopy hood ² (See Sub- paragraph (4)(iv)) (See Sub- paragraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use
A-3 (Note ²), B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note ³)	65	90	75	100	150
A-4 (Note ³), C-3, and D-2 (Note ³)	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4	General room ventilation required.				

¹See Table 19 for computation of ventilation rate.

²Do not use canopy hood for Hazard Potential A processes.

³Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in

such a manner as to significantly interfere with the performance of the exhaust hood.

**TABLE 19
MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST**

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ¹				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0

Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.²
Also for a manifold along tank centerline.³

50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300

Hood along one side or two parallel sides of free standing tank not against wall or baffle.

50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.

²Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyorized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design.

(a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(i) Entrance losses into the hood.

(ii) Resistance to airflow in branch pipe including bends and transformations.

(iii) Entrance loss into the main pipe.

(iv) Resistance to airflow in main pipe including bends and transformations.

(v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation.

(a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection.

(a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute

where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. (See WAC 296-24-078.)

(f) When, during emergencies as described in (11)(e) of this section, workers must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section, or oxygen concentrations are less than 18 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall meet the applicable provisions of chapter ((296-24)) 296-62 WAC and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with the applicable provisions of chapter ((296-24)) 296-62 WAC, and persons who may require them shall be trained in their use.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (See WAC 296-24-12009.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility

of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation.

(a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 18 percent.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks.

(a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope.

(a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-14507 TOXIC ATMOSPHERES.

(1) Atmospheres where contamination is below permissible exposure limits as defined in chapter 296-62 WAC ((296-62-075 through 296-62-07517)) may be entered without respiratory protection.

(2) Atmospheres where contamination is above the permissible exposure limits but below values immediately hazardous to life or health may be entered when respiratory protective equipment as defined in the

applicable provisions of chapter ((296-24)) 296-62 WAC is properly worn.

(3) Atmospheres immediately hazardous to life may be entered only in the event of emergency and then only when employees are protected by equipment approved for such exposures.

(4) Atmospheres where the toxicity is not known shall require full protection.

(5) Entry into spaces which contain or could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require equipment to prevent skin and/or eye contact.

AMENDATORY SECTION (Amending Order 80-14, filed 8/8/80)

WAC 296-62-14531 EXPOSURE TO COTTON DUST IN COTTON GINS. (1) Scope and application. This section applies to the control of employee exposure to cotton dust in cotton gins.

(2) Definitions. For the purposes of this section:

(a) "Blow down" - the cleaning of equipment and surface with compressed air.

(b) "Cotton dust" - dust present in the air during the handling or processing of cotton which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods.

(c) "Director" - The Director of the Department of Labor and Industries, or his designated representative.

(3) Work practices. Each employer shall immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the written work practices program:

(a) General. (i) All surfaces shall be maintained as free as practicable of accumulations of cotton dust.

(ii) The employer shall inspect, clean, maintain and repair, all engineering control equipment, production equipment and ventilation systems including power sources, ducts, and filtration units of the equipment, and at a minimum, tape or cover leaks in valves, flashing, elbows, and bands on air lines.

(iii) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which most effectively reduces exposure to the lowest level feasible.

(b) Specific. (i) Floors and other accessible surfaces contaminated with cotton dust may not be cleaned by the use of compressed air.

(ii) Cleaning of clothing with compressed air is prohibited.

(iii) Floor sweeping shall be performed by a vacuum or with methods designed to minimize dispersal of dust.

(iv) Compressed air "blow-down" cleaning shall be prohibited, except where alternative means are not feasible. Where compressed air "blow-down" is done, respirators shall be worn by the employees performing the "blow-down," and employees in the area whose presence is not required to perform the "blow-down" shall be required to leave the area during this cleaning operation.

(c) Work practice plan. A written work place plan shall be kept which shall list appropriate schedules for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be made available for inspection by the director.

(4) Use of respirators.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection.

(b) Use of respirators. Respirators shall be used in the following circumstances:

(i) By workers identified by medical surveillance under subitem (5)(f)(i)(D) of this subsection; or

(ii) During operations such as maintenance and repair activities in which work practice controls are not feasible; or

(iii) In operations specified under subitem (3)(b)(iv) of this subsection.

(c) Availability upon request. Respirators shall be made available upon request, to any employee exposed to cotton dust.

(d) Respirator selection. (i) Where respirators are required under this section, the employer shall select, provide and assure the use of any respirator tested and approved for protection against dust by the National Institute Of Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) Where respirators are required by this subsection, the employer shall provide either any NIOSH approved respirator or at the option of each affected worker, a NIOSH approved powered air purifying respirator with a high efficiency filter.

(e) Respirator program. The employer shall institute a respirator program in accordance with WAC ((296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111)) 296-62-071.

(f) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected by the employee, and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(5) Medical surveillance.

(a) General. (i) Each employer who has an operating gin in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. For each ginning season, at the time of initial assignment, the employer shall provide each employee who is or may be exposed to cotton dust, with an opportunity for medical surveillance that shall include:

(i) A medical history;

(ii) The standardized questionnaire in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_1), and the percentage that the measured values of FEV_1 and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV_1 and FVC for blacks shall be multiplied by 0.85 to adjust for racial differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Mid-season retest. The determinations required under subsection (5)(b) of this section shall be made again for each employee after at least 14 days of employment and before the termination of employment for the season. The determinations shall be made following at least 24 hours or one working day after previous exposure to cotton dust. The pulmonary function tests shall be repeated during the shift, no sooner than four and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(d) Periodic examinations. (i) The employer shall provide the medical surveillance under this subsection (5) annually.

(ii) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(iii) An employee whose FEV_1 is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) A description of any personal protective equipment used or to be used; and

(iv) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of the

written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests, including any determinations made under subitem (5)(d)(ii) of this section.

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators;

(D) The physician's recommendations for the employee's use of a respirator where dust effects could be suppressed by respirator use;

(E) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnosis unrelated to occupational exposure.

(g) Spanish speaking employees. An employer whose workforce consists of a significant percentage of Spanish speaking workers who cannot communicate effectively in English, shall provide bilingual administration of the medical surveillance requirements, including use of the Spanish questionnaire provided in Appendix B.

(h) Nonduplication of medical surveillance. (i) During any one ginning season, an employer is not required to provide medical surveillance as described in subsection (5) of this section for any employee who can demonstrate that both the background medical surveillance and the mid-season retest required by subsection (5) of this section were administered during that ginning season while in the employment of another gin employer.

(ii) If an employee can demonstrate that the background medical surveillance has been administered but not the mid-season retest, the employer shall provide the mid-season medical retest of subdivision (5)(c) of this section, and comply with provisions of subdivision (5)(d)-(5)(f) of this section. Where the employer is administering only the mid-season retest, the employer shall provide the mid-season retest after at least 14 days of employment in his gin and before termination of employment for the season.

(iii) For purposes of this section, where the employer does not administer any medical surveillance, the employer shall be satisfied that an employee has undergone the medical surveillance required under subdivisions (5)(a) to (5)(c) of this section upon receipt of written notification from the employer who administered the test, or upon receipt by the physician supervising the program, of a copy of the results of medical surveillance.

(6) Employee education and training.

(a) Training program. (i) Each employer who operates an active gin shall institute a training program for all his employees, prior to initial assignment, and shall assure that each employee is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust;

(B) The measures, including work practices, required by subsection (3) of this section, necessary to protect the employee from excess exposures;

(C) The purpose, proper use and limitations of respirators required by subsection (4) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (5) of this section; and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the director upon request.

(iii) An employer whose workforce consists of a significant percentage of Spanish speaking employees who cannot communicate effectively in English shall provide bilingual administration of the provisions of this section.

(iv) In addition to the information required by subdivision (6)(a), the employer shall include as part of his training program and distribute to employees any materials pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that act, and to this cotton dust standard which are made available by the director.

(7) Signs.

(a) The employer shall post the following warning sign in each work area where there is potential exposure to cotton dust:

WARNING:

**COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED
LUNG INJURY (BYSSINOSIS).**

(b) An employer whose workforce consists of a significant percentage of Spanish-speaking employees who cannot communicate effectively in English shall provide bilingual versions of the sign required by subdivision (7)(a) of this section.

(8) Recordkeeping.

(a) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (5) of this section.

(ii) The record shall include:

(A) The name, social security number and description of the duties of the employee;

(B) A copy of the medical surveillance results including the medical history, questionnaire responses, results of all tests and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) The type of protective devices worn, and length of time worn;

(F) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees: provided that he

references the standard in the medical surveillance records of each employee.

(iii) The employer shall maintain this record for at least 10 years.

(b) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (8) of this section to the director for examination and copying.

(ii) The employer shall make available an employee's medical records required by this section, for examination and copying, to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employee.

(c) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (8) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(9) Effective date. This emergency rule shall become effective immediately upon filing with the Code Reviser.

(10) Appendices. Appendices to this section are found in the Federal Register, Vol. 43, No. 122, dated 6-23-78, and the corrections in Vol. 43, No. 153, dated 8-8-78; the contents of these appendices are mandatory. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-14533 COTTON DUST. (1) Scope and application.

(a) This section applies to the control of employee exposure to cotton dust in all workplaces, except as provided in subsection (1)(b) of this section.

(b) This section does not apply to:

(i) The harvesting of cotton;

(ii) The ginning of cotton (exposure to cotton dust in cotton ginning is covered by WAC 296-62-14531);

(iii) Maritime operations are covered by chapters 296-56 and 296-304 WAC;

(iv) The handling or processing of woven or knitted materials; and

(v) The handling or processing of washed cotton.

(c) This section provides mandatory requirements for the control of employee exposure to cotton dust. The mandatory nature of these requirements is not intended, however, to discourage or inhibit the development of different, equally effective means of providing the required protection. The variance and procedure section,

WAC 296-24-010, provides a mechanism for employers to obtain variances from the provisions of this section where the employer has developed alternative procedures which are "as safe and healthful as" those required by this section. As implemented by the procedural regulations in WAC 296-24-010, the variance provisions permit the flexibility which contributes to efficient compliance with the standard. To aid in the expeditious processing of variance applications, the procedures allow, where appropriate, for the grant of interim orders pending a decision on the merits of the variance as well as for the consideration of variances applicable to groups of employers. We encourage interested employers to utilize the variance provisions where equally safe and healthful protective means are available.

(2) Definitions applicable to this section:

(a) "Blow down" – the cleaning of equipment and surfaces with compressed air.

(b) "Cotton dust" – dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using new or waste cotton fibers or cotton fiber byproducts from textile mills are considered cotton dust.

(c) "Director" – the director of labor and industries or his authorized representative.

(d) "Lint-free respirable cotton dust" – particles of cotton dust of approximately 15 microns or less aerodynamic equivalent diameter.

(e) "Vertical elutriator cotton dust sampler" – a dust sampler which has a particle size cut-off at approximately 15 microns aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters per minute.

(f) "Yarn manufacturing" – all textile mill operations from opening to, but not including, slashing and weaving.

(g) "Washed cotton" – cotton which has been thoroughly washed in hot water and is known in the cotton textile trade as purified or dyed. Washed cotton does not include steamed, autoclaved cotton or cotton washed solely in solvents.

(3) Permissible exposure limits.

(a) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing is exposed to airborne concentrations of lint-free respirable cotton dust greater than $200 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(b) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than $750 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-

hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(c) The employer shall assure that no employee who is exposed to cotton dust (except for exposures in yarn manufacturing and slashing and weaving covered by subsection (3)(a) and (b) of this section is exposed to airborne concentrations of lint-free respirable cotton dust greater than $500 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or a method of equivalent accuracy and precision.

(4) Exposure monitoring and measurement.

(a) General. (i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or a method of equivalent accuracy and precision.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency by demonstrating that the alternative sampling devices:

(A) Collect respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(B) Replicate exposure data in side-by-side field comparisons; and

(C) Are equivalent within an accuracy and precision range of plus or minus twenty-five percent for ninety-five percent of the samples over the range of 0.5 to 2 times the permissible exposure limit.

(b) Initial monitoring. Each employer who has a place of employment in which cotton dust is present, shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(c) Periodic monitoring. (i) The employer shall repeat the measurements required by subsection (4)(b) of this section at least every six months.

(ii) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements required by subsection (4)(b) of this section for those employees affected by the change or increase.

(d) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in subsection (3) of this section, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(5) Methods of compliance.

(a) Engineering and work practice controls. The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in subsection (3) of this section, except to the extent that the employer establishes that such controls are not feasible.

(b) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to immediately reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of subsection (6) of this section.

(c) Compliance program. (i) Each employer shall establish and implement a written program sufficient to reduce exposures to or below the permissible exposure limit solely by means of engineering controls and work practices as required by subsection (5)(a) of this section.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with subsection (4) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion no later than March 27, 1984.

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or their designated representatives.

(vi) The written programs required under subsection (5)(c) of this section shall be revised and updated at least every six months to reflect the current status of the program and current exposure levels.

(d) Mechanical ventilation. When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every six months. Measurements of the system's effectiveness to control exposures shall also be made within five days of any change in production, process or control which may result in any increase in airborne concentrations of cotton dust.

(6) Use of respirators.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection (6). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit;

(iv) In operations specified under subsection (7)(a) of this section; and

(v) Whenever an employee requests a respirator.

(b) Respirator selection. (i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than—	
(a) 5 x the applicable permissible exposure limit.	1. Any dust respirator, including single use.
(b) 10 x the applicable permissible exposure limit.	1. Any dust respirator, except single use or quarter mask; or 2. Any supplied air respirator; or 3. Any self-contained breathing apparatus.
(c) 100 x the applicable permissible exposure limit.	1. High efficiency particulate filter respirator with a full facepiece; or 2. Any supplied air respirator with full facepiece, helmet or hood; or 3. Any self-contained breathing apparatus with full facepiece.
(d) Greater than 100 x the applicable permissible exposure limit.	1. A powered air-purifying respirator with high efficiency particulate filter; or 2. A self-contained breathing apparatus with a full facepiece operated in pressure demand or other positive pressure mode; or 3. A type "C" supplied air respirator operated in pressure demand or other positive pressure mode; or 4. A combination respirator which includes a type "C" supplied-air respirator with a full facepiece operated in pressure or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in pressure demand or other positive pressure mode.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 5 x the applicable permissible exposure limit, the employer shall provide and permit the employee to use, at the employee's option, single use dust respirator in preference to any respirator specified in paragraph (a) of Table I.

(iv) Whenever respirators are required by this section for concentrations not greater than 100 x the applicable permissible exposure limit, the employer shall, upon the

request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(v) Whenever a physician determines that an employee is unable to wear any form of respirator, including a power air purifying respirator, the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL. The employer shall assure that an employee who is transferred due to an inability to wear a respirator suffers no loss of earnings or other employment rights or benefits as a result of the transfer.

(vi) Until September 27, 1980, the employer shall provide any dust respirator, including single use, to all employees exposed to cotton dust, unless the employer has conducted the monitoring required by subsection (4)(b) of this section or otherwise has monitored employee exposure. As soon as monitoring has been conducted, the employer shall select the appropriate respirator from Table I.

(c) Respirator program. The employer shall institute a respirator program in accordance with WAC (~~296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111~~) 296-62-071.

(d) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(7) Work practices. Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the work practices program:

(a) Compressed air "blow down" cleaning shall be prohibited, where alternative means are feasible. Where compressed air "blow down" is done, respirators shall be worn by the employees performing the "blow down", and employees in the area whose presence is not required to perform the "blow down" shall be required to leave the area during this cleaning operation.

(b) Cleaning of clothing or floors with compressed air shall be prohibited.

(c) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(d) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(e) The employer shall inspect, clean, maintain, and repair, all engineering control equipment and ventilation systems including power sources, ducts, and filtration units of the equipment.

(8) Medical surveillance.

(a) General. (i) Each employer who has a place of employment in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. The employer shall provide each employee who is or may be exposed to cotton dust with an opportunity for medical surveillance. For new employees this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in WAC 296-62-14537; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in one second (FEV₁), and the percentage that the measured values of FEV and FVC differ from the predicted values, using the standard tables in WAC 296-62-14539. The predicted FEV₁ and FVC for blacks shall be multiplied by 0.85 to adjust for racial differences.

These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, following at least thirty-five hours after previous exposure to cotton dust. The tests shall be repeated during the shift, no sooner than four and no more than ten hours after the beginning of the work shift, and, in any event, no more than one hour after cessation of exposure.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Periodic examinations. (i) The employer shall provide annual medical surveillance for all employees exposed to cotton dust which shall include at least an update of the medical history and standardized questionnaire (the abbreviated questionnaire, App. B-III) and the pulmonary function measurements in subsection (8)(b) of this section.

(ii) Medical surveillance as required in subsection (8)(c)(i) of this section shall be provided every six months for all employees in the following categories:

(A) An FEV₁ of greater than eighty percent of the predicted value, but with an FEV₁ decrement of five percent or 200 ml. on a first working day;

(B) An FEV₁ of less than eighty percent of the predicted value; or

(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests has occurred.

(iii) An employee whose FEV₁ is less than sixty percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(e) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(9) Employee education and training.

(a) Training program.

(i) The employer shall provide a training program for all employees in all workplaces where cotton dust is present, and shall assure that each employee in these workplaces is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust at or above the permissible exposure limit;

(B) The measures, including work practices required by subsection (7) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(C) The purpose, proper use and limitations of respirators required by subsection (6) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (8) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated at least annually.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the director upon request.

(iii) In addition to the information required by subsection (9)(a) of this section, the employer shall include as part of the training program, and shall distribute to employees, any materials, pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that act, and this cotton dust standard, which are made available to the employer by the director.

(10) Signs. The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING

COTTON DUST WORK AREA

May Cause Acute or Delayed Lung Injury

(Byssinosis)

RESPIRATORS REQUIRED IN THIS AREA

(11) Recordkeeping.

(a) Exposure measurements. (i) The employer shall establish and maintain an accurate record of all measurements required by subsection (4) of this section.

(ii) The record shall include:

(A) A log containing the items listed in WAC 296-62-14535(4)(a), and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security number, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least twenty years.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (8) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire responses, results of all tests, and the physician's recommendation;

- (C) A copy of the physician's written opinion;
- (D) Any employee medical complaints related to exposure to cotton dust;
- (E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and
- (F) A copy of the information provided to the physician as required by subsection (8)(d) of this section.
- (iii) The employer shall maintain this record for at least twenty years.
- (c) Availability. (i) The employer shall make all records required to be maintained by subsection (11) of this section available to the director for examination and copying.
- (ii) The employer shall make employee exposure measurement records required by this section available to affected employees or their designated representatives for examination and copying.
- (iii) The employer shall make all records indicating a former employee's own exposure to cotton dust available to the former employee or his designated representative for examination and copying.
- (iv) The employer shall make an employee's medical records required to be maintained by this section, available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees, for examination and copying.
- (d) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (11) of this section.
- (ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.
- (iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.
- (12) Observation of monitoring.
- (a) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to subsection (4) of this section.
- (b) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.
- (c) Without interfering with the measurement, observers shall be entitled to:
- (i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) An opportunity to record the results obtained.

(13) Effective date.

(a) General. This emergency rule is effective upon filing with the code reviser, except as otherwise provided below.

(b) Startup dates. (i) Initial monitoring. The initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible but no later than September 27, 1980.

(ii) Methods of compliance; engineering and work practice controls. Engineering and work practice controls required by subsection (5) of this section shall be implemented no later than March 27, 1984.

(iii) Compliance program. The compliance program required by subsection (5)(c) of this section shall be established no later than March 27, 1981.

(iv) Respirators. The respirators required by subsection (6) of this section shall be provided no later than April 27, 1980. Until September 27, 1980, the provisions of subsection (6)(b)(vi) of this section apply.

(v) Work practices. The work practices required by subsection (7) of this section shall be implemented no later than June 27, 1980.

(vi) Medical surveillance. The initial medical surveillance required by subsection (8) of this section shall be completed no later than March 27, 1981.

(vii) Employee education and training. The initial education and training required by subsection (9) of this section shall be completed as soon as possible but no later than June 27, 1980.

(14) Appendices.

(a) Appendix B, WAC 296-62-14537, Appendix C, WAC 296-62-14539 and Appendix D, WAC 296-62-14541 are incorporated as part of this chapter and the contents of these appendices are mandatory.

(b) Appendix A, WAC 296-62-14535 contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20011 RESPIRATORY PROTECTION. (1) General.

(a) Where respiratory protection is required under this section, the employer shall provide and assure the use of respirators which comply with the requirements of this section. Compliance with the permissible limit exposure may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activity in which engineering and work practice controls are technologically not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; or

(iv) In emergencies.

(b) Notwithstanding any other requirement of this section, until January 20, 1978, the wearing of respirators shall be at the discretion of each employee where the employee is not in the vicinity of visible emissions.

(2) Selection.

(a) Where respirators are required under this section, the employer shall select, provide and assure the use of the appropriate respirator or combination of respirators from Table I below.

TABLE I
RESPIRATORY PROTECTION FOR COKE
OVEN EMISSIONS

Airborne concentration of coke oven emissions	Required respirator
(i) Any concentration.	(A) A Type C supplied air respirator operated in pressure demand or other positive pressure or continuous flow mode; or (B) A powered air-purifying particulate filter respirator for dust, mist, and fume; or (C) A powered air-purifying particulate filter respirator combination chemical cartridge and particulate filter respirator for coke oven emissions.
(ii) Concentrations not greater than 1500 ((Hg/m ³)) µg/m ³ .	(A) Any particulate filter respirator for dust, mist and fume, except single-use respirator; or (B) Any particulate filter respirator or combination chemical cartridge and particulate filter respirator for coke oven emissions; or (C) Any respirator listed in subsection (2)(a)(i) of this section.

(b) Not later than January 20, 1978, whenever respirators are required by this section for concentrations not greater than 1500 ((Hg/m³)) µg/m³, the employer shall provide, at the option of each affected employee, either a particulate filter respirator as provided in subsection (2)(a)(ii) of this section, or a powered air purifying respirator as provided in subsection (2)(a)(i) of this section.

(c) The employer shall select respirators from among those approved for protection against dust, fume, and mist by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11, except that not later than January 20, 1979, the employer shall select respirators from among those approved by NIOSH for protection against coke oven emissions.

(3) Respirator program. The employer shall institute a respiratory protection program in accordance with WAC ((296-24-0810) through 296-24-0813)) 296-62-071.

(4) Respirator usage.

(a) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly. The employer shall perform quantitative fit tests annually for each employee who uses a nonpowered, particulate filter respirator.

(b) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) The employer shall allow employees who wear respirators to wash their face and respirator facepiece to prevent skin irritation associated with respirator use.

WSR 81-16-016
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 81-19—Filed July 27, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's office, the annexed rules relating to the adopting of WAC 296-62-071 Respiratory protection, 296-62-07519 Thiram, amending chapter 296-62 WAC Occupational health, to correct references and repealing WAC 296-24-081 Respiratory protection, 296-24-08101 Permissible practice, 296-24-08103 Requirements for a minimal acceptable program, 296-24-08105 Selection of respirators, 296-24-08107 Air quality, 296-24-08109 Use of respirators, 296-24-08111 Maintenance and care of respirators and 296-24-08113 Identification of gas mask canisters.

This action is taken pursuant to Notice Nos. WSR 81-07-027, 81-07-051 and 81-16-008 filed with the code reviser on March 13, 1981, March 18, 1981 and July 24, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 24, 1981.

By Sam Kinville
Director

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 81-16-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-59—Filed July 27, 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 rules.

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 scheduled fisheries is Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D are currently under IPSFC control. Scheduled fisheries in Areas 7B and 7C allow a harvest of chinook salmon. All other Puget Sound areas are closed to all citizen commercial fishing to prevent overharvest of salmon stocks.

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

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

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

APPROVED AND ADOPTED July 27, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-47-601 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY—WEEK OF JULY 26, 1981. Notwithstanding the provisions of WAC 220-47-403, effective July 26 through August 1, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A – Closed except under International Pacific Salmon Fisheries Commission (IPSFC) and United States Department of Commerce (USDOC) rules set forth in Emergency Order 81-48. It is unlawful for gill nets to have a mesh size greater than 5-7/8 inches. All chinook salmon taken with purse seine gear must be released immediately.

Area 6B – Closed.

Area 6C – Closed except under IPSFC and USDOC rules set forth in Emergency Order 81-48. It is unlawful for gill nets to have a mesh size greater than 5-7/8 inches. All chinook salmon taken with purse seine gear must be released immediately.

Area 6D – Closed.

Areas 7 and 7A – Closed except under IPSFC and USDOC rules set forth in Emergency Order 81-48. It is unlawful for gill nets to have a mesh size greater than 5-7/8 inches. All chinook salmon taken with

purse seine or reef net gear must be released immediately.

Areas 7B and 7C – Closed except gill nets may fish Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 9:30 a.m. It is unlawful for gill nets to have a mesh size less than 5 inches. The Fidalgo Bay Salmon Preserve and that portion of 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220-47-307.

Area 7D – Closed except under IPSFC and USDOC rules set forth in Emergency Order 81-48. It is unlawful for gill nets to have a mesh size greater than 5-7/8 inches. All chinook salmon taken with purse seine gear must be released immediately.

Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-600 Puget Sound All-Citizen Commercial Salmon Fishery (81-57)

WSR 81-16-018

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-60—Filed July 27, 1981]

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 angling rules.

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 this order allows a sport fishery on anticipated large runs of pink salmon.

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

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

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

APPROVED AND ADOPTED July 27, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-37000A PUYALLUP RIVER. Notwithstanding the provisions of WAC 220-57-370, effective August 1 through November 30, 1981 it is lawful to take, fish for and possess salmon, including pink salmon, for personal use from that portion of the Puyallup River downstream from the mouth of the Carbon River to the 11th Street Bridge. BAG LIMIT: B.

NEW SECTION

WAC 220-57-42500B SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective August 1, 1981 until further notice, it is lawful to take, fish for and possess salmon, including pink salmon, for personal use from that portion of the Skagit River downstream from Gilligan Creek, including the north and south forks. BAG LIMIT: B.

NEW SECTION

WAC 220-57-45000A SNOHOMISH RIVER. Notwithstanding the provisions of WAC 220-57-450, effective August 1, through December 31, 1981 it is lawful to take, fish for and possess salmon, including pink salmon, for personal use from that portion of the Snohomish River downstream from the confluence of the Skykomish and Snoqualmie Rivers. BAG LIMIT: B.

NEW SECTION

WAC 220-57-46500B STILLAGUAMISH RIVER. Notwithstanding the provisions of WAC 220-57-465, effective August 1, 1981 until further notice, it is lawful to take, fish for and possess salmon, including pink salmon, for personal use from that portion of the Stillaguamish River downstream from the confluence of the north and south forks. BAG LIMIT: B.

WSR 81-16-019
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
 [Order 26, Resolution 121—Filed July 27, 1981]

Be it resolved by the Washington State Transportation Commission, acting at Room 1D2, Highway Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the establishment of limited access highway facilities and the conduct of public hearings, chapter 468-54 WAC. The authority for approval for revisions to establishing limited access highway facilities, chapter 468-58 WAC.

We, the Washington State Transportation 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 chapter 95, Laws of 1981, transferred responsibility for establishment of limited access highways and conduct of public hearings from the Secretary of Transportation to the Transportation Commission. WAC rules must be amended to conform with that transfer of authority.

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

This rule is promulgated pursuant to RCW 47.52.133, 47.52.145 and 47.52.210 and chapter 95, Laws of 1981 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 21, 1981.

By Vaughn Hubbard
Chairman

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-020 ESTABLISHMENT OF LIMITED ACCESS FACILITIES—INITIATION. Proceedings to establish a limited access facility may be initiated by interested persons owning property in the vicinity of the proposed facility or by the department of transportation. If the secretary of transportation ascertains that there is merit in the proposal, he will ~~((adopt))~~ prepare an order designating the portion of the highway, road or street where the limited access highway may be established. The ~~((secretary or his designee))~~ administrator of the transportation commission shall by order fix the date and place where the proposal may be heard.

AMENDATORY SECTION (Amending Order 32, filed 7/23/79)

WAC 468-54-050 CONDUCT OF HEARING. At such hearing ~~((the secretary of transportation))~~ a member of the transportation commission shall preside, or the commission may designate some suitable person to preside as examiner. The hearing may, at the option of the ~~((secretary))~~ commission, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced. Such evidence must be material to the issues before the ~~((secretary))~~ commission and shall be presented in an orderly manner. Any such evidence and statements or counterproposals shall receive reasonable consideration

by the ~~((secretary or his designee))~~ commission before any proposal is adopted.

AMENDATORY SECTION (Amending Order 32, filed 7/23/79)

WAC 468-54-065 HEARING OFFICER. The ~~((secretary))~~ commission may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the ~~((secretary or his designee))~~ commission, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and
- (8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-070 HEARING—FINDINGS OR ORDER—FINALITY. At the conclusion of such hearing the ~~((secretary or his designee))~~ commission shall consider the evidence taken at such hearing and shall make specific findings in the case of each proposal or counterproposal and shall adopt a plan with such modifications, if any, ~~((he))~~ it deems proper and necessary. ~~((He))~~ The commission may order the adoption of any proposal or counterproposal in its entirety or in part, or may modify or reject any such proposal or counterproposal. ~~((His))~~ Its findings or order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing and upon the county commissioners of the county affected and/or the mayor of the city or town affected. The ~~((department))~~ commission shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the ~~((secretary or his designee))~~ commission shall become final within thirty days after such mailing unless a review is taken as by statute provided. In case of an appeal by any party the order shall be final as to all parties not appealing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-54-030 INITIATION OF PROPOSAL BY DEPARTMENT OF TRANSPORTATION.

AMENDATORY SECTION (Amending Order 34, filed 7/23/79)

WAC 468-58-020 REVISION TO LIMITED ACCESS HIGHWAY FACILITIES. Subject to the requirements for public hearings, the ~~((secretary of))~~ transportation ~~((or his designee))~~ commission may adopt revisions to duly established limited access highway facilities, or may delegate authority for such revisions to the secretary of transportation. The secretary, at his discretion, may further delegate such authority.

WSR 81-16-020

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed July 27, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.52.133, 47.52.145 and 47.52.210, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the establishment of limited access highway facilities and the conduct of public hearings, chapter 468-54 WAC. The authority for approval for revisions to establishing limited access highway facilities, chapter 468-58 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, September 16, 1981, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.52.133, 47.52.145, 47.52.210 and chapter 95, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 16, 1981, and/or orally at 9:30 a.m., Tuesday, September 16, 1981, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: July 27, 1981

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amending WAC 468-54-020, 468-54-050, 468-54-065, 468-54-070 and 468-58-020 and repealing 468-54-030.

Summary of Rule: The amended sections of chapter 468-54 WAC provide for direct authority by the commission in the conduct of limited access hearings and establishment of limited access facilities. WAC 468-54-030 is repealed rather than amended since WAC 468-54-020 contains adequate material to cover this subject. WAC 468-58-020 is amended to recognize direct responsibility of the commission for the establishment of

limited access facilities, and to authorize delegation by the commission for authority for revisions to established limited access plans.

For Further Information: Mr. A. D. Andreas, Assistant Secretary, Highway Division, Room 2B4, Highway Administration Building, Olympia, WA 98504, Phone 753-7355, is responsible for the drafting, implementation and enforcement of the work.

Proponent of the Rule: Washington State Transportation Commission.

Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-020 ESTABLISHMENT OF LIMITED ACCESS FACILITIES—INITIATION. Proceedings to establish a limited access facility may be initiated by interested persons owning property in the vicinity of the proposed facility or by the department of transportation. If the secretary of transportation ascertains that there is merit in the proposal, he will ~~((adopt))~~ prepare an order designating the portion of the highway, road or street where the limited access highway may be established. The ~~((secretary or his designee))~~ administrator of the transportation commission shall by order fix the date and place where the proposal may be heard.

AMENDATORY SECTION (Amending Order 32, filed 7/23/79)

WAC 468-54-050 CONDUCT OF HEARING. At such hearing ~~((the secretary of transportation))~~ a member of the transportation commission shall preside, or the commission may designate some suitable person to preside as examiner. The hearing may, at the option of the ~~((secretary))~~ commission, be conducted in accordance with federal laws and regulations governing highway design public hearings. The department shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of the evidence presented by the department, evidence and statements or counterproposals bearing upon the reasonableness of the proposal may be introduced. Such evidence must be material to the issues before the ~~((secretary))~~ commission and shall be presented in an orderly manner. Any such evidence and statements or counterproposals shall receive reasonable consideration by the ~~((secretary or his designee))~~ commission before any proposal is adopted.

AMENDATORY SECTION (Amending Order 32, filed 7/23/79)

WAC 468-54-065 HEARING OFFICER. The ~~((secretary))~~ commission may designate any suitable person as examiner with respect to hearings on any limited access proposal. Subject to later review and ruling by the ~~((secretary or his designee))~~ commission, such examiner may:

- (1) Examine witnesses, and receive evidence;
- (2) Admit evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs, giving effect to the rules of privilege recognized by law and excluding incompetent, irrelevant, immaterial and unduly repetitious evidence;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing;
- (5) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (6) Dispose of procedural requests or similar matters;
- (7) Accept statements as to the reasonableness of the proposal; and
- (8) Establish time limits for speakers, when necessary to assure that all persons attending will have an opportunity to present relevant and material statements without undue repetition.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-54-070 HEARING—FINDINGS OR ORDER—FINALITY. At the conclusion of such hearing the ~~((secretary or his~~

~~designee))~~ commission shall consider the evidence taken at such hearing and shall make specific findings in the case of each proposal or counterproposal and shall adopt a plan with such modifications, if any, ~~((he))~~ it deems proper and necessary. ~~((He))~~ The commission may order the adoption of any proposal or counterproposal in its entirety or in part, or may modify or reject any such proposal or counterproposal. ~~((His))~~ Its findings or order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing and upon the county commissioners of the county affected and/or the mayor of the city or town affected. The ~~((department))~~ commission shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the ~~((secretary or his designee))~~ commission shall become final within thirty days after such mailing unless a review is taken as by statute provided. In case of an appeal by any party the order shall be final as to all parties not appealing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-54-030 INITIATION OF PROPOSAL BY DEPARTMENT OF TRANSPORTATION.

AMENDATORY SECTION (Amending Order 34, filed 7/23/79)

WAC 468-58-020 REVISION TO LIMITED ACCESS HIGHWAY FACILITIES. Subject to the requirements for public hearings, the ~~((secretary of))~~ transportation ~~((or his designee))~~ commission may adopt revisions to duly established limited access highway facilities, or may delegate authority for such revisions to the secretary of transportation. The secretary, at his discretion, may further delegate such authority.

WSR 81-16-021 PROPOSED RULES STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

[Filed July 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning operations of community college institutional long-term loan programs;

that such agency will at 10 a.m., Friday, September 11, 1981, in the Olympia Technical Community College, 2011 Mottman Road S.W., Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is section 9, chapter 257, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10 a.m., Friday, September 11, 1981, Olympia Technical Community College, 2011 Mottman Road S.W., Olympia, WA.

Dated: July 27, 1981
By: Gilbert J. Carbone
Assistant Director

STATEMENT OF PURPOSE

Title: Rules for implementation of the institutional long-term loan fund.

Purpose: In the legislation that increased tuition and fee charges, the legislature created an institutional long-term loan fund. The State Board for Community College Education is authorized to adopt necessary rules and regulations to implement this loan program.

Authority: Section 9, chapter 257, Laws of 1981.

Summary of rule: The rules define eligibility to receive loans, limitations on loan amounts, terms and conditions of such loans, procedures for servicing and collecting loans, and the basis for investing uncommitted monies in the loan fund.

Agency personnel responsible for drafting: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, Washington 98504, (206) 753-3650.

Agency personnel responsible for implementation: Roy J. Flores, Assistant Director, 319 7th Avenue, Olympia, Washington 98504, (206) 753-4694.

Agency personnel responsible for enforcement: John N. Terry, Executive Director, 319 7th Avenue, Olympia, Washington 98504, (206) 753-7412.

Proposing organization: State Board for Community College Education.

Agency comments: These rules will allow the colleges to implement the institutional loan program by fall quarter 1981.

Court action relationship: None.

Chapter 131-36 WAC
INSTITUTIONAL LONG-TERM LOAN FUND

NEW SECTION

WAC 131-36-010 PURPOSE AND INTENT. (1) The purpose of chapter 131-36 WAC is to implement the institutional long-term loan program established by section 9, chapter 257, Laws of 1981.

(2) It is the intent of this chapter to provide for a loan program that will be operational in all Washington community colleges no later than spring quarter, 1982.

NEW SECTION

WAC 131-36-050 DEFINITIONS. For the purposes of chapter 131-36 WAC, the following definitions shall apply:

(1) "Fund" shall mean the institutional long-term loan fund established by section 9, chapter 257, Laws of 1981.

(2) "Private financial institution" shall mean an eligible lender as defined by the rules of the WSLGA.

(3) "Uniform methodology" shall mean the method of determining financial need based on a comparison of assets and income with estimated costs of college attendance as prescribed by the United States department of education.

(4) "WSLGA" shall mean the Washington Student Loan Guarantee Association, a private student loan guaranteeing association authorized to guarantee loans granted pursuant to 20 U.S. Code Section 1071.

NEW SECTION

WAC 131-36-100 ELIGIBILITY. (1) Loans from the fund shall be made only to resident, needy students who are enrolled for six or

more credit hours of instruction or the equivalent thereof, except as otherwise provided in this section.

(2) The following individuals who have been granted statutory resident status for tuition and fee purposes pursuant to RCW 28B.15.014 and 28B.15.553 shall not be eligible to receive loans from the fund:

(a) Persons employed twenty hours or more per week at a Washington public higher education institution and their children and spouses;

(b) Military and federal employees residing or stationed in the state of Washington and their children or spouses;

(c) Veterans, as defined by RCW 41.04.005, whose final permanent duty station was in the state of Washington, so long as such veteran is receiving federal vocational or educational benefits concurred by virtue of his or her military service;

(d) Nonimmigrant aliens residing in the state of Washington pursuant to a treaty of commerce and navigation and their children and spouses.

(3) No individual shall be eligible for a loan from the fund unless he or she shall have applied for and been unable to obtain an educational loan from at least one private financial institution in the state of Washington known to be granting or with a record of having granted such loans.

(4) Students seeking loans from the fund shall provide the college with either a letter of denial from a private financial institution or with an affidavit attesting to such denial if unable to obtain evidence of denial in writing.

(5) No individual shall be eligible for loans from the fund if currently in default on any WSLGA or other federally guaranteed loan.

NEW SECTIONWAC 131-36-150 LIMITATION ON AMOUNT OF LOANS.

(1) No loans shall be made from the fund in an amount that exceeds the demonstrated financial need of an eligible student.

(2) For purposes of this section, demonstrated financial need shall be the amount determined by application of uniform methodology as defined by WAC 131-36-050(3).

NEW SECTIONWAC 131-36-200 TERMS AND CONDITIONS OF LOANS.

(1) The terms and conditions of loans made from the fund, including, but not limited to, maximum annual loan amount, maximum aggregate loan amount, loan initiation fee, guarantee fee, repayment, cancellation, consolidation of loans, deferment, default, and forbearance shall be the same as those set forth by the WSLGA and federal guaranteed student loan regulations.

(2) All loans granted from the fund for periods in excess of one academic quarter shall be disbursed in quarterly installments through proration of the total loan amount.

NEW SECTIONWAC 131-36-250 INITIATING, SERVICING, AND COLLECTING LOANS.

(1) Community colleges shall utilize the loan collecting and servicing agency designated by the state board for community college education and the WSLGA.

(2) The state director of community colleges shall determine and designate on behalf of the state board an appropriate entity to conduct servicing and collection activities with regard to loans made from the fund.

(3) The state director of community colleges shall, when he determines that it is in the best interest of the college system, determine and designate on behalf of the state board an appropriate entity to perform loan initiation activities and transaction reporting regarding loans made from the fund.

(4) Subsequent to granting loans from the fund each college shall cooperate with the WSLGA and the servicing and collection agency through informing students of their rights and responsibilities regarding such loans; timely provision of student status verification information and information pertaining to determinations of default, forbearance, and deferment of loans; consolidation of loans; and records maintenance.

NEW SECTIONWAC 131-36-300 INVESTMENT OF FUND PRINCIPAL.

(1) Moneys in the fund not committed to loans may be invested by each college for periods of time not inconsistent with the efficient operation

of the loan program, provided that such investments may be made only after all eligible students have been afforded a reasonable opportunity to apply for loans from the fund.

(2) Investment of moneys from the fund shall be confined to certificates, notes, or bonds of the United States or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States.

(3) Colleges shall comply with all other laws or regulations regarding the investment of state funds when investing uncommitted portions of the fund.

(4) Interest earned through such investments shall be credited to the fund.

WSR 81-16-022
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed July 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school bus transportation, chapter 180-20 WAC;

that such agency will at 9:00 a.m., Thursday, September 17, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, September 18, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

The authority under which these rules are proposed is RCW 28A.24.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 17, 1981, and/or orally at 9:00 a.m., Thursday, September 17, 1981, Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

Dated: July 27, 1981

By: Wm. Ray Broadhead
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-20 WAC School Bus Transportation.

Rule section(s): WAC 180-20-106 School bus operation for extracurricular use.

Statutory authority: RCW 28A.24.055.

Purpose of rule(s): To impose condition on the use of school buses for extracurricular activities.

Summary of new rule(s) and/or amendment(s): Eliminates necessity to compute schedule of statewide average costs and substitutes actual costs within each school district as control factor. Requires inclusion of both direct and indirect costs in control calculation.

Reasons which support the proposed action(s): The current method of reimbursement to school districts does not make it

practical for the Superintendent of Public Instruction to publish statewide average costs.

Person or organization proposing rule(s): Superintendent of Public Instruction, Government.

Agency personnel responsible for drafting of the rules: Ralph E. Julnes, Legal Services, OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-2298; Implementation: Don E. Carnahan, Pupil Transportation, OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-0235; and Enforcement: Charles McNurlin, Asst. Supt., Financial Services, OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-6742.

The rule(s) is (are) necessary as the result of federal law, federal court action, state court action. (If so, attach a copy of the law or decision.) [No information supplied by agency]

Agency comments, if any, regarding statutory language, implementation, enforcement and fiscal matter pertaining to rule(s): Will provide a better method of comparing school district costs with commercial charter services.

AMENDATORY SECTION (Amending Order 8-75, filed 7/22/75)

WAC 180-20-106 SCHOOL BUS OPERATION FOR EXTRACURRICULAR USE. (1) Limitations. Under provisions of RCW 28A.24.055, school buses may be used for extracurricular activities only when commercial service is "not reasonably available," and when school buses are used, districts must charge users an amount sufficient to reimburse the district for its complete cost incurred by reason of such use. Users of such school bus service shall be limited to those directly involved in extracurricular activities sponsored by the school district.

(2) Approval conditions. For practical administration of the law, approval of the state board of education is hereby granted for the use of school buses for extracurricular activities when such use is determined by the board of directors of the school district to meet the following conditions:

(a) Commercial service is not physically available at the required time; or

(b) The quoted cost for commercial service exceeds the ~~((schedule of statewide average))~~ actual costs ~~((plus ten percent of school bus operation as determined by the state superintendent of public instruction based on pertinent annual reports of school districts, such schedule subject to change as change in average costs dictate))~~ of the school district operated buses.

(3) School district computation procedure. For the purpose of determining whether the quoted charge for the use of a commercial charter bus is "reasonable" within the intent of RCW 28A.24.055, the school district shall calculate estimated trip costs using ~~((schedules and instructions provided annually by the state superintendent of public instruction))~~ all direct and indirect costs associated with the use of the district buses.

When the cost so computed is less than the commercial charter bus quoted cost, the school district may use its school district bus for the district-sponsored extracurricular activity. The charge to the users of such service shall be as provided in subsection (1) above.

WSR 81-16-023
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed July 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning instructional materials, chapter 180-48 WAC;

that such agency will at 9:00 a.m., Thursday, September 17, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, September 18, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

The authority under which these rules are proposed is RCW 28A.04.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 17, 1981, and/or orally at 9:00 a.m., Thursday, September 17, 1981, Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

Dated: July 27, 1981

By: Wm. Ray Broadhead
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-48 WAC Instructional Materials.

Rule section(s): WAC 180-48-010 Selection of instructional materials—School district policy in writing.

Statutory authority: RCW 28A.04.120.

Purpose of rule(s): To require school districts to have written policies regarding challenge by parents of instructional materials.

Summary of new rule(s) and/or amendment(s): Repeals the section, which is entire chapter.

Reasons which support the proposed action(s): RCW 28A.58.103 governs and requires written policy regarding selection of instructional materials. The current state board rule is not necessary.

Person or organization proposing rule(s): Superintendent of Public Instruction, Government.

Agency personnel responsible for drafting of the rules: Ralph E. Julnes, Legal Services, OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-2298; Implementation: Jean Wieman, Instructional and Professional Services, OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-3760; and Enforcement: Dr. Monica Schmidt, Asst. Supt., OSPI, 7510 Armstrong St. S.W., FG 11, Tumwater, WA 98504, 206/753-6701.

The rule(s) is (are) necessary as the result of federal law, federal court action, state court action. (If so, attach a copy of the law or decision.) [No information supplied by agency]

Agency comments, if any, regarding statutory language, implementation, enforcement and fiscal matter pertaining to rule(s): Elimination is consistent with agency intent to repeal unnecessary rules.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-48-010 SELECTION OF INSTRUCTIONAL MATERIALS—SCHOOL DISTRICT POLICY IN WRITING.

WSR 81-16-024
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed July 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning state plans adopted pursuant to federal law, chapter 180-63 WAC;

that such agency will at 9:00 a.m., Thursday, September 17, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, September 18, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 17, 1981, and/or orally at 9:00 a.m., Thursday, September 17, 1981, Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

Dated: July 27, 1981

By: Wm. Ray Broadhead
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-63 WAC State Plans Adopted Pursuant to Federal Law.

Rule section(s): Entire chapter.

Statutory authority: Not applicable.

Purpose of rule(s): Filing of state plans adopted pursuant to federal law.

Summary of new rule(s) and/or amendment(s): Repeal entire chapter.

Reasons which support the proposed action(s): Governor's Executive Order 78-2, designating the Council for Postsecondary Education as approval agency for academic schools pursuant to PL 89-358, entitled Veterans' Readjustment Benefits Act of 1966.

Person or organization proposing rule(s): State Board of Education, Government.

Agency personnel responsible for drafting of the rules: Wm. Ray Broadhead, State Board of Education, 753-6715.

The rule(s) is (are) necessary as the result of federal law, federal court action, state court action. (If so, attach a copy of the law or decision.) [No information supplied by agency]

Agency comments, if any, regarding statutory language, implementation, enforcement and fiscal matter pertaining to rule(s): Eliminates a practice now assigned to Council for Postsecondary Education.

REPEALER

The state plan entitled "Veterans' Readjustment Benefits Act—Standards and regulations governing approval of academic institutions for the education and training of veterans under Public Law 89-358," filed 7/27/66 by the State Board of Education is hereby repealed.

**WSR 81-16-025
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed July 28, 1981]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning special education, chapter 180-68 WAC; that such agency will at 9:00 a.m., Thursday, September 17, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, September 18, 1981, in the Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

The authority under which these rules are proposed is 1961 Appropriations Act, RCW 72.20.080 (repealed RCW 28A.02.020 and 28A.16.020).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 17, 1981, and/or orally at 9:00 a.m., Friday, September 18, 1981, Oyster Bay Room, Holiday Inn, 5640 Kitsap Way, Bremerton, WA.

Dated: July 27, 1981
By: Wm. Ray Broadhead
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-68 WAC Special Education.

Rule section(s): WAC 180-68-010 Criteria of educability of pupils in state institutions, 180-68-045 Educational program for Maple Lane School, 180-68-050 Graduation diplomas for inmates of penal institutions and 180-68-100 Superior student program—

Authority—Program approval—Excess costs defined.

Statutory authority: WAC 180-68-010 1961 Appropriations Act, 180-68-045 RCW 72.20.080 (repealed), 180-68-050 RCW 28A.02.020 and 180-68-100 RCW 28A.16.020.

Purpose of rule(s): WAC 180-68-010 Define term "educability" in 1961-63 biennial budget act, 180-68-045 Establish program standards for residential school, 180-68-050 Establish procedures for penal inmates to secure high school diploma and 180-68-100 Delegation of authority by State Board of Education to Superintendent of Public Instruction to adopt rules for superior student programs.

Summary of new rule(s) and/or amendment(s): Repealing WAC 180-68-010, 180-68-045, 180-68-050 and 180-68-100.

Reasons which support the proposed action(s): WAC 180-68-010 Provision is obsolete, 180-68-045 RCW 72.20.080 has been repealed and rule is obsolete, 180-68-050 Rule is obsolete and program is governed by chapter 28B.50 RCW and 180-68-100 1981 Legislature substituted block grants for categorical funding of the program.

Person or organization proposing rule(s): Superintendent of Public Instruction, Government.

Agency personnel responsible for drafting of the rules: Ralph E. Julnes, OSPI, 7510 Armstrong St. S.W., FG-11, Tumwater, WA, 206/753-2298; and Implementation: Judy Schrag, Asst. Supt., Special Services, OSPI, 7510 Armstrong St. S.W., FG-11, Tumwater, WA, 206/754-1842.

The rule(s) is (are) necessary as the result of federal law, federal court action, state court action. (If so, attach a copy of the law or decision.) [No information supplied by agency]

Agency comments, if any, regarding statutory language, implementation, enforcement and fiscal matter pertaining to rule(s): Repeal of WAC 180-68-010, 180-68-045 and 180-68-050 is housekeeping. Repeal of WAC 180-68-100 is consistent with legislative policy to fund the program through block grants.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-68-010 CRITERIA OF EDUCABILITY OF PUPILS IN STATE INSTITUTIONS.
- (2) WAC 180-68-045 EDUCATIONAL PROGRAM FOR MAPLE LANE SCHOOL.
- (3) WAC 180-68-050 GRADUATION DIPLOMAS FOR INMATES OF PENAL INSTITUTIONS.

(4) WAC 180-68-100 SUPERIOR STUDENT PROGRAM—AUTHORITY—PROGRAM APPROVAL—EXCESS COSTS DEFINED.

WSR 81-16-026
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 8-81—Filed July 28, 1981]

Be it resolved by the State Board of Education, acting at Kelso, Washington, that it does promulgate and adopt the annexed rules relating to practice and procedure, chapter 180-08 WAC.

This action is taken pursuant to Notice No. WSR 81-13-003 filed with the code reviser on June 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 34.04 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 24, 1981.

By Wm. Ray Broadhead
 Secretary

NEW SECTION

WAC 180-08-005 ADMINISTRATIVE PRACTICES REGARDING HEARINGS AND RULE PROCEEDINGS. The state board of education is governed by the State Administrative Procedures Act, chapter 34.04 RCW. This act governs the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010(2) and (3). Appearances in representative capacities before the state board of education; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the state board of education shall be as set forth in rules of the state code reviser as now or hereafter amended. The rules of the code reviser are currently set forth in chapter 1-08 WAC.

All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 180-08-010 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—WHO MAY APPEAR.

(2) WAC 180-08-020 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—APPEARANCE IN CERTAIN PROCEEDINGS MAY BE LIMITED TO ATTORNEYS.

(3) WAC 180-08-030 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—SOLICITATION OF BUSINESS UNETHICAL.

(4) WAC 180-08-040 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—STANDARDS OF ETHICAL CONDUCT.

(5) WAC 180-08-050 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—APPEARANCE BY FORMER EMPLOYEE OF BOARD OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF.

(6) WAC 180-08-060 APPEARANCE AND PRACTICE BEFORE THE STATE BOARD OF EDUCATION—APPEARANCE OF FORMER EMPLOYEE AS EXPERT WITNESS.

(7) WAC 180-08-070 COMPUTATION OF TIME.

(8) WAC 180-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

(9) WAC 180-08-090 SERVICE OF PROCESS—BY WHOM SERVED.

(10) WAC 180-08-100 SERVICE OF PROCESS—UPON WHOM SERVED.

(11) WAC 180-08-110 SERVICE OF PROCESS—SERVICE UPON PARTIES.

(12) WAC 180-08-120 SERVICE OF PROCESS—METHOD OF SERVICE.

(13) WAC 180-08-130 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.

(14) WAC 180-08-140 SERVICE OF PROCESS—FILING WITH AGENCY.

(15) WAC 180-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.

(16) WAC 180-08-240 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.

(17) WAC 180-08-250 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.

(18) WAC 180-08-260 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.

(19) WAC 180-08-270 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEponents.

(20) WAC 180-08-280 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS EXAMINATION.

(21) WAC 180-08-290 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RECORDATION.

(22) WAC 180-08-300 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.

(23) WAC 180-08-310 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.

(24) WAC 180-08-320 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEONENTS.

(25) WAC 180-08-330 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.

(26) WAC 180-08-340 DEPOSITIONS UPON INTERROGATORIES—INTERROGATION.

(27) WAC 180-08-350 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.

(28) WAC 180-08-360 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.

(29) WAC 180-08-370 OFFICIAL NOTICE—MATTERS OF LAW.

(30) WAC 180-08-380 OFFICIAL NOTICE—MATERIAL FACTS.

(31) WAC 180-08-390 PRESUMPTIONS.

(32) WAC 180-08-400 STIPULATIONS AND ADMISSIONS OF RECORD.

(33) WAC 180-08-410 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

(34) WAC 180-08-420 DEFINITION OF ISSUES BEFORE HEARING.

(35) WAC 180-08-430 PREHEARING CONFERENCE RULE.

(36) WAC 180-08-440 PREHEARING CONFERENCE RULE—RECORD OF CONFERENCE ACTION.

(37) WAC 180-08-450 SUBMISSION OF DOCUMENTARY EVIDENCE IN ADVANCE.

(38) WAC 180-08-460 EXCERPTS FROM DOCUMENTARY EVIDENCE.

(39) WAC 180-08-470 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—NUMBER AND QUALIFICATIONS OF WITNESSES.

(40) WAC 180-08-480 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—WRITTEN SWORN STATEMENTS.

(41) WAC 180-08-490 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—SUPPORTING DATA.

(42) WAC 180-08-500 EXPERT OR OPINION TESTIMONY AND TESTIMONY BASED ON ECONOMIC AND STATISTICAL DATA—EFFECT OF NONCOMPLIANCE WITH WAC 180-08-470 OR WAC 180-08-480.

(43) WAC 180-08-510 CONTINUANCES.

(44) WAC 180-08-520 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.

(45) WAC 180-08-530 RULES OF EVIDENCE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.

(46) WAC 180-08-540 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—WHO MAY PETITION.

(47) WAC 180-08-550 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—REQUISITES.

(48) WAC 180-08-560 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—AGENCY MUST CONSIDER.

(49) WAC 180-08-570 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL—NOTICE OF DISPOSITION.

(50) WAC 180-08-580 DECLARATORY RULINGS.

(51) WAC 180-08-590 FORMS.

WSR 81-16-027
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
[Memorandum—July 24, 1981]

Notice is hereby given that the Board of Trustees of Community College District 9 has changed its meeting schedule from the third Thursday of the month to the second Thursday of the month commencing with the September, 1981, meeting.

The regular monthly meetings will begin at 8:00 a.m., with a study session in the conference room of Building 1, Highline Community College, Midway, Washington, followed by the action session at approximately 10:00 a.m., in the Board Room on the fifth floor of Building 25.

The meeting schedule for the balance of 1981 is as follows: September 10, October 8, November 12, and December 20.

WSR 81-16-028
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed July 28, 1981]

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

- Amd WAC 356-15-060 Shift differential provisions and compensation.
- Amd WAC 356-15-080 Standby provisions and compensation.
- Amd WAC 356-18-090 Vacation leave—Accrual.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-26-030 Register designation.
- Amd WAC 356-26-070 Certification—Registers—Order of rank—Exception;

that such agency will at 10:00 a.m., Thursday, September 10, 1981, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto;

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 8, 1981, and/or orally at 10:00 a.m., Thursday, September 10, 1981, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: July 27, 1981

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-15-060.

Title: Shift Differential Provisions and Compensation.

Purpose: Provides premium pay schedule for evening and night work shifts.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposes to increase the rate of pay for employees eligible for shift differential pay.

Reasons: Salary Survey indicated that as of July, 1980, the state of Washington shift differential provisions are not competitive with the private sector and other governmental units.

Responsibility for Drafting: Robert Boysen, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5377; Implementation and Enforcement: Agency Personnel Officers.

Proposed by: Washington Federation of State Employees, Employee Organization.

Comments: The Office of Financial Management has indicated that funds are not available for an increase in shift differential pay previously recommended by the State Personnel Board (submitted by the Department of Personnel).

Amend WAC 356-15-080.

Title: Standby Provisions and Compensation.

Purpose: States requirements to be met to be eligible for standby compensation; defines manner in which standby compensation will be paid.

Statutory Authority: RCW 41.06.150(9) and (17) and 41.06.160(4).

Summary: Proposal would exempt exception work period employees from standby compensation coverage.

Reasons: Sponsor relates that standby is expected as part of the required job for positions having the exception work period designation.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone:

753-2460; Implementation: Agency Personnel and Payroll Offices; and Enforcement: State Department of Personnel.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: The Department of Personnel feels the reason for the proposed changes is too simply stated for the department to comment.

Amend WAC 356-18-090.

Title: Vacation Leave—Accrual.

Purpose: Provides the vacation leave accrual schedule for state employees.

Statutory Authority: Chapter 41.06 RCW and RCW 43.01.040.

Summary: Proposal increases the vacation leave accrual rate from the seventh year of service and changes total accumulation from 22 days per annum to 27 days.

Reasons: Based on information obtained from 13 states during the last salary survey, Washington State's accrual schedule is inferior in the average accrual rate after the fifth year of service. The proposal would bring Washington's vacation leave accrual rate in line with the middle or average amount of accrual from the 13 states surveyed.

Responsibility for Drafting: Washington Federation of State Employees, Robert Boysen, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5377; Implementation and Enforcement: Agency Personnel Offices.

Sponsored by: Department of Personnel, Governmental Agency and Washington Federation of State Employees, Employee Organization.

Amend WAC 356-18-140.

Title: Leave Without Pay.

Purpose: Specifies reasons, and provides limitations, for authorization of leave without pay.

Statutory Authority: RCW 41.06.150(8).

Summary and Reasons: Basically, changes are a rearranging of wording in order to clarify the existing rule and make it easier to read and understand.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation: Agency Personnel and Payroll Offices; and Enforcement: Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: The proposed change has no impact on the intent of the rule.

Amend WAC 356-26-030.

Title: Register Designation.
Purpose: Specifies the composition, method of ranking, life of registers and special provisions of registers used in the State Civil Service System.

Statutory Authority: RCW 41.06.150(4).
Summary: Proposed language will delete the provisions that a trial service employee must revert to the class in which they held permanent status; clarifies the fact that they revert to their former class and status.

Reasons: There is presently a conflict in language both within this rule itself and with the provisions of WAC 356-30-320 with respect to the treatment of reverted employees.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; **Implementation:** Agency Personnel Offices; and **Enforcement:** Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: The Department of Personnel supports this proposed change.

Amend WAC 356-26-070.
Title: Certification—Registers—Order of Rank—Exception.

Purpose: The rule defines how registers are to be ranked normally; provides for and stipulates how a combined register is to be made.

Statutory Authority: Chapter 41.06 RCW.
Summary: Proposed changes to the rule would require the agencies requesting the use of the combined register to assure the Department of Personnel that they have considered the overall effect on the affirmative action program, their collective bargaining agreement, and the best interests of the state.

Reasons: The employee groups feel there has been abuse of the rule as it is presently written.

Responsibility for Drafting: Roger Sanford, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928 and Larry Goodman, Washington Federation of State Employees, 201 West 5th Avenue, Room 401, Olympia, WA, Phone: 352-7603; and **Implementation and Enforcement:** Department of Personnel.

Sponsored by: Washington Federation of State Employees, Employee Organization; and Department of Personnel, Governmental Agency.

Comments: Although the intent is the same, the Washington Federation of State Employees and the Department of Personnel have different language changes proposed.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

WAC 356-15-060 SHIFT DIFFERENTIAL PROVISIONS AND COMPENSATION. (1) Any employee working a shift shall be paid a shift premium (as shown in the Shift Differential Schedule) under any one of the following conditions:

(a) When her/his scheduled working hours extend before 6 a.m. or beyond 6 p.m., she/he shall receive the premium rate for those hours that so extend.

(b) The premium rate shall be paid for all hours worked on a scheduled evening or night shift. Evening or night shifts are defined as those in which four or more hours of a scheduled shift extend beyond 6 p.m. or in which three or more hours of a scheduled shift are completed prior to 6 a.m.

(2) **Monthly Shift Differential Rates:** In cases where shift differential hours are regularly scheduled over a year, agencies may pay shift differential at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve (12) into the amount of shift premium an employee would earn in a year if the hourly rules in sub-section (1) of this Rule were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift differential rates higher or lower than those set by the Personnel Board.

(3) **Shift Differential and Overtime:** When a scheduled work period employee works overtime on a shift which qualifies for shift differential, her/his overtime shall be computed as one-and-one-half times her/his basic salary and shift differential combined.

(4) **Payment During Leave Periods:** Employees eligible for shift differential will receive the shift differential rate for authorized periods of paid leave, i.e., vacation leave, sick leave, military leave, holiday leave, etc.

SHIFT DIFFERENTIAL SCHEDULE
 (Eff. ((7-1-75)) 10-1-81) 50¢ PER HOUR

(CODE)	TITLE	HOURLY PREMIUM
5630-5634	Registered Nurses	23¢
0628-0641	Liquor Store Personnel/ working in the stores	23¢
	All other classes	20¢))

AMENDATORY SECTION (Amending Order 98, filed 1/13/77)

WAC 356-15-080 STANDBY PROVISIONS AND COMPENSATION. (1) **Requirements:**

(a) An employee is in standby status when she/he is required to put in time (outside her/his normal working hours) during which both of the following conditions exist:

(i) She/he is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.

(ii) She/he is required by her/his agency to be prepared to do full time work if the need arises, although the need for her/him to work might not arise.

NOTE : Standing by must include restriction to a specific location. When the nature of a duty station confines an employee during her/his off duty hours (e.g., a ship), and that duty station is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (b) (outside her/his normal working hours) when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

Standby status (b) shall not be considered time worked for any employee.

(2) **Payment:** Any scheduled or non scheduled work period employee required by her/his agency to stand by shall be paid the hourly standby rate as shown in the Standby Pay Schedule. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this Rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the Personnel Board.

AMENDATORY SECTION (Amending Order 157, filed 6/15/81)

WAC 356-18-090 VACATION LEAVE—ACCRUAL. (1) Full time employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave under the same conditions as a full time employee. The hours credited shall be at the respective ratio of payroll hours to the payroll hours requirement for full time employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth(;) and sixth(~~(-and seventh)~~) years of current continuous employment — 120 hours (15 days) per annum.

(e) During the seventh and eighth(~~(-ninth, and tenth)~~) total years of employment — 128 hours (16 days) per annum.

(f) During the ninth and tenth (~~(eleventh, twelfth, and thirteenth)~~) total years of employment — 136 hours (17 days) per annum.

(g) During the eleventh and twelfth (~~(fourteenth, fifteenth, and sixteenth)~~) total years of employment — 144 hours (18 days) per annum.

(h) During the thirteenth and fourteenth (~~(seventeenth, eighteenth, and nineteenth)~~) total years of employment — 152 hours (19 days) per annum.

(i) During the fifteenth and sixteenth (~~(twentieth, twenty-first, and twenty-second)~~) total years of employment — 160 hours (20 days) per annum.

(j) During the seventeenth and eighteenth (~~(twenty-third, twenty-fourth, and twenty-fifth)~~) total years of employment — 168 hours (21 days) per annum.

(k) During the nineteenth and twentieth (~~(twenty-sixth)~~) years of total employment (~~(and after)~~) — 176 hours (22 days) per annum.

(l) During the twenty-first and twenty-second total years of employment — 184 hours (23 days) per annum.

(m) During the twenty-third and twenty-fourth total years of employment — 192 hours (24 days) per annum.

(n) During the twenty-fifth and twenty-sixth total years of employment — 200 hours (25 days) per annum.

(o) During the twenty-seventh and twenty-eighth total years of employment — 208 hours (26 days) per annum.

(p) During the twenty-ninth and thirtieth total years of employment and after — 216 hours (27 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the Director of Personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the Director of personnel.

(3) Leave (~~(of absence)~~) without pay shall not (~~(be allowed to an extent aggregating)~~) total more than 12 months in any consecutive (~~(period of)~~) five-year(~~(s)~~) period, except for: (~~(leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120.)~~)

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation; or

(d) Educational leaves under provisions of WAC 356-39-120.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency Reduction-in-Force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-Wide Reduction-in-Force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-Agency Reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class (~~(in which they held permanent)~~) and status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency Promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those permanent employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status.

(5) Service-Wide Reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class ((in which they held permanent)) and status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary Demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of Ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-Wide Promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past

permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of Ranking.

(i) This register shall be unranked.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographical area.

(10) Open Competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of Ranking.

(i) This register shall be ranked by the final score.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.

(d) Special Provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 138, filed 11/30/79)

WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The Director of Personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

~~((However, if the Director of Personnel and appointing authority establish that it is in the best interest of the State to broaden the competition, the initial certification may be made from those names standing highest when registers (4), (8), and (10) are considered as one. A written request from the appointing authority must be submitted prior to recruitment.))~~ However, agencies may request the Director of Personnel to certify names combined from registers (4), (8), and (10) provided:

- (1) There are no eligible names on registers (1), (2), (3), and (5);
 (2) That the written request to the Director shall be evidence of assurance that:
 (a) The productivity of the State will be enhanced.
 (b) Recruiting history is demonstrated that normal certification process would negatively impact programs of the agency.
 (c) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.
 (d) That there is no potential conflict with existing collective bargaining agreements.
 (e) That the request is not intended to circumvent 356-30-150.
 (3) Request for combined registers must be made on a position by position basis and prior to recruitment or certification.

ALTERNATE PROPOSAL

AMENDATORY SECTION (Amending Order 138, filed 11/30/79)

WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The Director of Personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

~~((However, if the Director of Personnel and appointing authority establish that it is in the best interest of the State to broaden the competition, the initial certification may be made from those names standing highest when registers (4), (8), and (10) are considered as one. A written request from the appointing authority must be submitted prior to recruitment.))~~ However, agencies may request the Director of Personnel to certify names combined from registers (4), (8), and (10) provided:

- (1) That the written request to the Director shall be evidence of assurance that:
 (a) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.
 (b) That there is no potential conflict with existing collective bargaining agreements.
 (c) That the request is in the best interest of the State and not solely intended to circumvent the policy of promotion from within the State as provided in 356-30-150.
 (2) Request for combined registers must be made on a position-by-position basis and prior to recruitment.

WSR 81-16-029**EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Order 1746—Filed July 28, 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 chapter 296, Laws of 1981, relating to historical depositors and new depositors of agricultural commodities.

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 the legislature amended the

Warehouse Act, defining a historical depositor for agricultural commodities. This amendment becomes effective July 26, 1981. This emergency regulation needs to be placed in effect immediately, in order to offer protection to the depositor of agricultural commodities and the warehousemen since the harvest of these commodities is presently in process.

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 July 28, 1981.

By M. Keith Ellis
 Director

NEW SECTIONWAC 16-224-040 HISTORICAL DEPOSITOR.

Prior to allocating warehouse space on the basis of historical deposits, each warehouseman shall, for the purposes of the definition of "historical depositor" as set forth in RCW 22.09.010(15), file with the department of agriculture a policy statement setting forth the criteria that identifies a person who in the normal course of business operations has consistently made deposits, in the same warehouse, of commodities produced on the same land. Any subsequent changes in this policy shall be filed with the department.

WSR 81-16-030**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 81-61—Filed July 28, 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 and 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 is necessary to protect chinook salmon.

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

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

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

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

APPROVED AND ADOPTED July 28, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-28-003F0D **CLOSED AREA.** *Effective 6:00 p.m. July 29, 1981 until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Hoh River.*

NEW SECTION

WAC 220-57-27000G **HOH RIVER.** *Notwithstanding the provisions of WAC 220-57-270, effective 6:00 p.m. July 29 through September 15, 1981, the personal use salmon bag limit in that portion of the Hoh River downstream from a marker approximately one-quarter mile above the Highway 101 Bridge is BAG LIMIT C.*

WSR 81-16-031

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Radiation Control)

[Order 1683—Filed July 28, 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	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.

This action is taken pursuant to Notice No. WSR 81-12-026 filed with the code reviser on June 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.121 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1981.

By David A. Hogan
Director, Division of Administration

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 I 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 I.

(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)) Regulations.

(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 (uCi) = 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)) deuterons, 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) "Source container" means a device in which sealed sources are transported or stored.

(60) "Source material milling" means any activity that results in the production of byproduct material as defined in WAC 402-12-050(6)(b).

(61) "Special form." See WAC 402-12-210.

((-)) (62) "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:

$$\begin{array}{r}
 \frac{175(\text{grams contained U-235})}{350} + \\
 \frac{50(\text{grams U-233})}{200} + \\
 \frac{50(\text{grams Pu})}{200} < 1
 \end{array}$$

~~((61))~~ (61) "Source container" means a device in which sealed sources are transported or stored.

~~((62))~~ (62) (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))~~ (63) (64) "Test" means a method for determining the characteristics or condition of sources of radiation or components thereof.

~~((64))~~ (64) (65) "These regulations" mean all parts of "Rules and Regulations for Radiation Protection" of the state of Washington.

~~((65))~~ (65) (66) "Transport group." See WAC 402-12-200(2).

~~((66))~~ (66) (67) "Type A Quantity." See WAC 402-24-125.

~~((67))~~ (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))~~ (68) (69) "Uncontrolled area." See "unrestricted area."

~~((69))~~ (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))~~ (70) (71) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

~~((71))~~ (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))~~ (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))~~ (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 independently 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, irrevocable 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 in WAC 402-22-070(6)(d), 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 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) accrued as specified in WAC 402-22-070(6)(d) 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. Contributions by a licensee to the long-term care trust fund pursuant to chapter 70-121 RCW shall be transferred to cover the costs assessed under this criterion.

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 402-22-040, 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) Prior to issuance of a license, a public hearing shall be held. The scope shall extend to the question of license issuance and the adequacy of the reclamation, disposal, decommissioning, and decontamination plans.

(4) 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.

(5) Prior to issuance of the license, the mill operator shall establish financial surety arrangements consistent with the requirements of WAC 402-22-040(6).

(6) 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 byproduct 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.

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 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 free from 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 on the order of 10 meters or greater; impoundment slopes are 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.

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 (riprap). 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 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 of suspended particles. 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 groundwater quality. Any existing groundwater supplies shall be protected from any deterioration in their current or potential use.

The following steps shall be considered to accomplish this criterion:

(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 prevent movement of toxic substances.

Where groundwater is affected at an existing site due to seepage, action shall be taken to alleviate conditions that lead to excessive seepage and restore groundwater to its quality 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 chemi-

sorption 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 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 United States Nuclear Regulatory Commission 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.

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 81-16-032
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1684—Filed July 29, 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 medical assistance, amending chapters 388-87, 388-91 and 388-92 WAC and limited casualty program, adopting chapters 388-99 and 388-100 WAC.

This action is taken pursuant to Notice No. WSR 81-12-042 filed with the code reviser on June 3, 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 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) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 29, 1981.

By David A. Hogan
Director, Division of 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 81-16-033
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1685—Filed July 29, 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 medical assistance, amending chapters 388-80, 388-81, 388-82, 388-83, 388-84, 388-85 and 388-86 WAC.

This action is taken pursuant to Notice No. WSR 81-12-043 filed with the code reviser on June 3, 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 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) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 29, 1981.

By David A. Hogan
Director, Division of 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 81-16-034
ADOPTED RULES
FRUIT COMMISSION**

[Order 4, Resolution 4—Filed July 29, 1981]

Be it resolved by the Washington State Fruit Commission, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to increase of the assessment on Bartlett pears, amending WAC 224-12-090.

This action is taken pursuant to Notice No. WSR 81-11-037 filed with the code reviser on May 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 15.28.160 and 15.28.180 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 21, 1981.

By Lowell Lancaster
Chairman

AMENDATORY SECTION (Amending Order 3, Resolution 3, filed 5/20/80, effective 7/1/80)

WAC 224-12-090 BARTLETT PEAR ASSESSMENT RATE. As provided for by RCW 15.28.160 and 15.28.180, there is hereby levied on Bartlett pears (~~as provided for by RCW 15.28.160 and 15.28.180~~), an assessment of (~~five~~) up to a maximum of twenty-five cents per standard box equivalent (approximately forty-four pounds) of Bartlett pears shipped fresh, and an assessment of six dollars for each two(=)thousand pounds of Bartlett pears delivered to processors.

**WSR 81-16-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed July 29, 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 Voluntary admission—Involuntary commitment, treatment and/or evaluation of mentally ill persons, amending chapter 275-55 WAC.

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-33C
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 Franklin, Olympia, Washington, Phone (206) 753-7015, by September 8, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, September 22, 1981, in the Auditorium, Office Building #2,

12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 30, 1981, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 71.05.560.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 22, 1981, and/or orally at 10:00 a.m., Tuesday, September 22, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 27, 1981

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend chapter 275-55 WAC.

Purpose of the change is to place the main subject at the beginning of the title.

The reason the change is necessary is to eliminate ambiguity and to clarify the scope of the chapter.

Statutory authority: RCW 71.05.560.

Summary of change: Title changed to Mentally Ill Persons: Voluntary Treatment—Involuntary Commitment, Evaluation and/or Treatment.

Amend WAC 275-55-010, Purpose.

Purpose of the rule change is to update statutory references, and to cross-reference additional RCW, (chapter 72.23 RCW).

The reason(s) this rule change is necessary is to further clarify application to voluntary and minor patients. The language is otherwise modified to be consistent with chapter 275-55 WAC title change.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Changes "chapter 142, Laws of 1973, 1st ex. sess." to chapter 71.05 RCW, and adds chapter 72.23 RCW.

Amend WAC 275-55-020, Definitions.

Purpose of the rule change is to expand definitions.

The reason(s) this rule change is necessary is to update designations, reflect changes to date in statute, and provide clarifying definitions for other rule amendments and proposed new rules made elsewhere is chapter 275-55 WAC.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Amends definitions for: Director, Facility, Chapter, Seventy-two hour period, Designated mental health professional, Mental health professional, and Professional person in charge.

Adds new definitions: Superintendent, Available physician or other professional person, Agency, Person, Component, Evaluation and treatment facility, Evaluation and treatment program, Medical evaluation, Patient, Mental disorder, Involuntary patient, Detention, Initial detention, Provisional acceptance, Admission, Discharge, Transfer, Release from commitment, Early release, Conditional release, Outpatient treatment, and Shock treatment.

New WAC 275-55-021, Application of Rules to Minors.

Purpose of the new rule is to permit chapter 275-55 WAC to more clearly and more consistently apply to minors.

The reason(s) these rules are necessary to close gaps existing in responding to the need for services by minors.

Statutory authority: RCW 71.05.560.

Summary of the rule: Allows any rule in chapter 275-55 WAC to apply to a minor where the minor is not specifically referenced in the rule, and where no other specific rule in the chapter or in related RCW sections apply.

Amend WAC 275-55-030, Private Institutions Which May Admit Voluntary Patients. Purpose of the rule change is to update this section.

The reason(s) this rule change is necessary is to delete language already defined, to modify title to be consistent with changes in Definitions, WAC 275-55-020 and to facilitate logical grouping of sections related to voluntary patients, and to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Title changed to Private Agencies Which May Admit Voluntary Patients. Deletes "Mental illness or derangement" and "Department or ward." Substitutes agency for "institution, hospital, or sanitarium. . ."

Amend WAC 275-55-040, Voluntary Admission to Public or Private Institution—Adult Patient—No Conservator or Guardian.

Purpose of the rule change is to update this section.

The reason(s) this rule change is necessary is to coordinate language and intent with changes in Definitions section and other related rules, and to modify title to be consistent with changes in Definitions, WAC 275-55-020 and to facilitate logical grouping of sections related to voluntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Title changed to Admission to Public or Private Agency—

Voluntary Adult. Substitutes agency for "institution, hospital, or sanitarium. . ."

Repeal WAC 275-55-041, Voluntary Adult Patient—Detention.

Purpose of the rule change is to delete reproduction of statute.

The reason(s) this rule change is necessary is that the rule duplicates RCW 71.05.050.

Statutory authority: RCW 71.05.560.

Amend WAC 275-55-050, Voluntary Admission—Minor.

Purpose of the rule change is to safeguard individual rights.

The Reason(s) this rule change is necessary is to clarify age groups, to circumscribe use of medications, to specify rights of minors, and to modify title to facilitate logical grouping of sections related to voluntary patients.

Statutory authority: RCW 71.05.510[71.05.560].

Summary of the rule change: Specifies conditions under which a minor may apply for voluntary treatment, by age group; restricts use of inpatient care and/or psychotropic medications for self-admitted minors; assures rights of persons 17 years of age or under; title changed to Application for Admission—Voluntary Minor.

Amend WAC 275-55-060, Voluntary Admission to Public Institutions, Hospitals, Sanitariums or Facilities—Minor.

Purpose of the rule change is to update this section and to clarify reporting procedure.

The reason(s) this rule change is necessary to specify to whom the county designated mental health professional submits a written evaluation, to coordinate language and intent with changes in Definitions section and other related rules, to modify title to be consistent with changes in Definitions, WAC 275-55-020 and to facilitate logical grouping of sections related to voluntary patients. Statutory authority: RCW 71.05.560.

Summary of the rule change: County designated mental health professional submits written recommendations to appropriate agency person. Substitutes agency for "institution, hospital, or sanitarium. . . ." Title changed to Admission to Public Agency—Voluntary Minor.

Repeal WAC 275-55-061, Voluntary Admission—Adult—Conservator.

Purpose of the rule change is to delete reproduction of statute.

The reason(s) this rule change is necessary is that the rule duplicates Guardianship statute.

Statutory authority: RCW 71.05.560.

Repeal WAC 275-55-070, Forwarding Information to Department.

Purpose of the rule change is to delete reproduction of statute.

The reason(s) this rule change is necessary is that the rule duplicates RCW 71.12.560.

Statutory authority: RCW 71.05.560.

New WAC 275-55-071, Discharge—Voluntary Minor.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-130, that section is moved to this location to become part of a logical grouping of sections related to voluntary patients. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Additionally, changes are made in the rule to coordinate language and intent with changes in Definitions section and other related rules, and to clarify age groups for minors.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Specifies conditions under which a voluntarily admitted minor may be released upon self or other appropriate request, by age group; substitutes involuntary detention for "involuntary commitment."

Repeal WAC 275-55-080, Alternatives to Admittance to Inpatient Treatment.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-301.

The reason(s) this rule change is necessary is to give greater visibility to the issue of exploring less restrictive alternatives.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-301.

New WAC 275-55-081, Periodic Review—Voluntary Patient.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-150, that section is moved to this location to become part of a logical grouping of sections related to voluntary patients. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Section otherwise modified to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Substitutes professional person in charge for "professional person having chief clinical responsibility within the facility."

Amend WAC 275-55-090, Voluntary Patients—Limitations on Length of Stay—Readmission.

Purpose of the rule change is to modify title.

The reason(s) this rule change is necessary is to modify title to facilitate logical grouping of sections related to voluntary patients. Statutory authority: RCW 71.05.560.

Summary of the rule change: Title changed to Limitations on Length of Stay—Readmission—Voluntary Patient.

Repeal WAC 275-55-100, Mental Health Professional, Psychologist, Social Worker, Psychiatric Nurse.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-251.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-251.

Amend WAC 275-55-110, Release of Voluntary and Involuntary Patient.

Purpose of the rule change is to separate and expand original section into this and other sections to more clearly specify grounds and procedures for discharge of patient by type of admission, and to better assure patient's right to confidentiality of clinical records.

The reason(s) this rule change is necessary is to coordinate language and intent with changes in Definitions section and other related rules: to facilitate logical grouping of sections related to voluntary patients, involuntary patients, and patient rights; and to otherwise accomplish the objectives stated under "Purpose", above.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Title changed Discharge of Voluntary Patient—Release of Clinical Summary. Section rewritten to apply only to voluntary patients. Deletes wording referring to effect of admission on competency and refers to new section WAC 275-55-221. States clearly that patient permission required for release of clinical summary. Transfers requirement for notification of court of early release of involuntary patient to new section WAC 275-55-171. Transfers requirement for transportation of non-admitted, involuntarily detained person to new section WAC 275-55-131.

Repeal WAC 275-55-120, Conditional Release of Patient.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-181.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to inpatient treatment, specifically types of release.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-181.

New WAC 275-55-121, Involuntary Detention and Commitment—Minor.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-140, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Additionally, minor changes are made in the rule to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule: Deletes the words "care" and "observation" and adds involuntarily detained for evaluation. Specifies that the accepting facility must be certified pursuant to new section, WAC 275-55-331, relating to facilities serving minors.

Repeal WAC 275-55-130, Voluntary Minor—Release.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-071.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to voluntary patients, specifically minors.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-071.

New WAC 275-55-131, Non-admission of Involuntarily Detained Person—Transportation.

Purpose of the new rule is to give prominence to the issue of responsibility for transportation of non-admitted, involuntarily detained persons, and to group sections according to type of patient.

The reason(s) these rules are necessary is, in addition to the specified purpose, to specify priority for admission and grounds for denial of admission, and to reflect current changes in statute related to detention at facility until pick-up by arresting officer.

Statutory authority: RCW 71.05.560.

Summary of the rule: This section was formerly WAC 275-55-110(5). As rewritten, now specifies first priority for admission for involuntarily detained person, admission cannot be denied except pursuant to new WAC 275-55-263(3), and an arrested person who is not admitted must be held by the facility for not over 8 hours when requested by peace officer for pick-up.

Repeal WAC 275-55-140, Involuntary Commitment and Detention of Minor.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-121.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-121.

New WAC 275-55-141, Protection of Patient's Property—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-200, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients.

Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, extends reasonable protection to involuntary patient's home.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Adds requirement that reasonable efforts be made to lock and secure patient's domicile after initial detention.

Repeal WAC 275-55-150, Voluntary Patient—Periodic Review.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-081.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to voluntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-081.

New WAC 275-55-151, Evaluation and Examination—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-180, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Additionally, assures elimination of conflict of interest.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Retains essence of original section. Deletes "... unless no other mental health professional is reasonably available and specific exemption has been granted by the director."

Repeal WAC 275-55-160, Available Physician or Other Professional Person.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-020(8).

The reason(s) this rule change is necessary is to group definitions in one section.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-020(8).

New WAC 275-55-161, Treatment Prior to Hearing—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-190, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, assures patient right to refuse treatment beginning 24 hours prior to any hearing.

Statutory authority: RCW 71.05.560.

Summary of the rule: Any involuntary patient may refuse treatment beginning 24 hours prior to a hearing, must be informed of this right at admission and again one hour prior to commencement of the 24-hour period, and must indicate his decision in writing where possible. Procedure must be documented. Allows facility to use restraints or emergency lifesaving treatment where appropriate.

Repeal WAC 275-55-170, Advising Patient of Rights.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-211.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to patient rights.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-211.

New WAC 275-55-171, Early Release/Discharge of Involuntary Patient—Release of Clinical Summary—Notification of Court.

Purpose of the new rule is to separate and expand original section WAC 275-55-110 into this and other sections to more clearly specify grounds and procedures for discharge of patient by type of admission, and to better assure patient's right to confidentiality of clinical records.

The reason(s) these rules are necessary is to coordinate language and intent with changes in Definitions section and other related rules; to facilitate logical grouping of sections related to voluntary patients, involuntary patients, and patient rights; and to

otherwise accomplish the objectives stated under "Purpose", above.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Formerly part of WAC 275-55-110, this section written to apply only to involuntary patients. Cites specific grounds upon which early release and/or discharge may be granted an involuntary patient, and refers to new section WAC 275-55-181 for guidance when conditional release is considered. Deletes wording referring to effect of admission on competency and refers to new section (WAC 275-55-221).

Repeal WAC 275-55-180, Involuntary Patient—Evaluation and Examination.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-151.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-151.

New WAC 275-55-181, Conditional Release—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient, better specify procedures, and better assure patient's right to adequate treatment.

The reason(s) these rules are necessary is: Formerly WAC 275-55-120, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients, specifically types of release. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Additionally, these rules are necessary to bring this section more clearly in line with the intent of RCW 71.05.340, and to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Title changed to Conditional Release—Involuntary Patient. States patient's home community should be considered as release location. Specifies procedures to assure timely consideration for conditional release, and specifies standards for receiving facilities and components by reference to new sections WAC 275-55-263 and 275-55-271. More clearly specifies notifications to and receipt thereof by patient.

Repeal WAC 275-55-190, Involuntary Patients—Treatment Prior to Hearings.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-161.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-161.

New WAC 275-55-191, Revocation of Conditional Release—Secretary's Designee—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient.

The reason(s) these rules are necessary is: Formerly WAC 275-55-230, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients, specifically types of release. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Retains essence of original section. Substitutes division for "bureau". Changes subsection (2) to directly refer to RCW 71.05.340.

Repeal WAC 275-55-200, Protection of Patients' Property.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-141.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary patients.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-141.

New WAC 275-55-201, Discharge of Indigent Patient—Involuntary Patient.

Purpose of the new rule is to group sections according to type of patient, and to expand coverage for involuntary indigent patients.

The reason(s) these rules are necessary is: Formerly WAC 275-55-240, that section is moved to this location to become part of a logical grouping of sections related to involuntary patients, specifically types of release. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, minor changes in the rule necessary to reduce hardship for indigents under initial detention.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Retains essence of original section. Subsections numbered for easier reading and reference. Changes "... any 14-day or longer involuntary confinement period ..." to any involuntary confinement period. Adds new subsection (2) to define procedure for the provision of suitable clothing and funds to an indigent patient under initial detention.

Repeal WAC 275-55-210, Voluntary Treatment of Involuntary Patient.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-231.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to patient rights.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-231.

New WAC 275-55-211, Advising Patient of Rights.

Purpose of the new rule is to group sections according to major subject area, specifically patient rights, and to further specify those rights.

The reason(s) these rules are necessary is: Formerly WAC 275-55-170, that section is moved to this location to become part of a logical grouping of sections related to patient rights. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, changes in the rule necessary to clarify notification rights of patient, depending on type of admission.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Retains essence of original section. Specifies procedure for advising patient of rights upon admission to an inpatient or emergency component, and further specifies that an involuntary patient shall be informed of who has been notified concerning his admission. New subsection added which specifies procedure for advising patient of rights, and lists rights to be given, for person involuntarily admitted for initial detention to an outpatient component.

Repeal WAC 275-55-220, Professional Persons in Charge.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-020(7).

The reason(s) this rule change is necessary is to group definitions in one section.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-020(7).

New WAC 275-55-221, Competency—Effect of Admission for Mental Disorder.

Purpose of the new rule is to group sections according to major subject area.

The reason(s) these rules are necessary is: Formerly the second sentence of WAC 275-55-110(1), that piece is moved to this location to become part of a logical grouping of sections related to patient rights. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, rule gives greater

visibility and easier reference to issue of non-effect upon competency of admission for mental disorder.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Wording remains essentially unchanged. Specifies when patient must be advised.

Repeal WAC 275-55-230, Revocation of Conditional Release.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-191.

The reason(s) this rule change is necessary to facilitate logical grouping of sections related to involuntary patients, specifically types of release.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-191.

New WAC 275-55-231, Conversion to Voluntary Status by Involuntary Patient—Rights.

Purpose of the new rule is to group sections according to major subject area.

The reason(s) these rules are necessary is: Formerly WAC 275-55-210, that section is moved to this location to become part of a logical grouping of sections related to patient rights. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Specifies rights by referral to new section WAC 275-55-241(1), (2). Wording otherwise unchanged.

Repeal WAC 275-55-240, Release of Indigent Patients.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-201.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary patients, specifically type of release.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-201.

New WAC 275-55-241, Rights of Patient.

Purpose of the new rule is to group sections according to major subject area, specifically patient rights, and to further clarify certain rights.

The reason(s) these rules are necessary is: Formerly WAC 275-55-270, that section is moved to this location to become part of a logical grouping of sections related to patient rights. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required.

Additionally, rule change necessary to further assure confidentiality of records and to define 72 hour period.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Substitutes agency for "institution, hospital, or sanitarium. . ." Specifies location for posting of rights for both inpatient and outpatient units. In subsection (1)(a), deletes "physician in charge of patient". In subsection (1)(d), deletes "...for canteen expenses and for small purchases". Adds subsection (1)(o), which specifies confidentiality of records. In subsection (3)(a), adds further definition of 72 hours. In subsection (3)(d), rewords right to be told how statements made by involuntary patient may be used. Wording in remainder of section 241 is unchanged.

Repeal WAC 275-55-250, Research.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-351.

The reason(s) this rule change is necessary is to facilitate logical grouping of other related sections.

Statutory authority: RCW 71.05.560.

Summary of the rule: See new WAC 275-55-351.

New WAC 275-55-251, Mental Health Professional, Psychologist, Social Worker, Psychiatric Nurse.

Purpose of the new rule is to group sections according to major subject area.

The reason(s) these rules are necessary is: Formerly WAC 275-55-100, that section is moved to this location to become part of a logical grouping of sections related to certification standards. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, adds necessary definitions to further specify qualifications for mental health professionals.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Expands definition in subsection (1), reduces years of experience from three to two in subsection (1)(b), requires a physician to be licensed in the state of Washington in subsection (1)(c), increases years of experience from two to three in subsection (1)(d)(ii). Replaces subsection (2) with definition for "Psychiatrist". Definitions for "Psychologist", "Social Worker", and "Psychiatric Nurse" moved to subsections (3), (4), and (5), respectively. Adds subsection (6), new definition for "Psychiatric Nurse Clinician".

Repeal WAC 275-55-260, Release of Information.

Purpose of the rule change is to delete reproduction of statute.

The reason(s) this rule change is necessary is that the rule duplicates RCW 71.05.390 and 71.05.400.

Statutory authority: RCW 71.05.560.

New WAC 275-55-261, Requirements for Certifying Evaluation and Treatment Components—County Responsibility—Role of Department.

Purpose of the new rule is to group sections according to major subject area, to separate and expand original section WAC 275-55-280 into this and other sections to more clearly specify standards and procedures for certification of evaluation and treatment components, and to establish the framework for the development of a unified evaluation and treatment program.

The reason(s) these rules are necessary is: Formerly WAC 275-55-280, parts of that section are moved to this location to become part of a logical grouping of sections related to certification standards. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, these rules are necessary to: Assure the implementation of RCW 71.05.010(2), (4), (5), and (6), relating to legislative intent to provide prompt evaluation, short term treatment and continuity of care, as well as to encourage full use of resources and provision of services within the community; and to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule: This section is largely new and promulgates the rules for the establishment of an evaluation and treatment program, wherein county responsibility for operation of the program, designation of administrative authority for the program, and the requirement for binding contractual relationships between the county, administrative authority and operating components of the program are specifically delineated.

The development of such a unified operational and administrative approach is designed to ensure the coordination of services and continuity of care for the involuntary patient, a systematic approach that does not now exist in the state in any reasonably consistent fashion.

Subsection (1) provides specific definitions for County, County Designated Mental Health Professional, and Coordinator; subsections (2)(a), (2)(b) specify that the county is responsible for the operation of the evaluation and treatment program, and details the options that are available for designation of administrative authority by the county; subsection (3) requires that arrangements for an evaluation and treatment

program be contractual, in compliance with new section WAC 275-55-321; subsection (4) details additional responsibilities for the administrator of the program; subsection (5) specifies that an agency desiring certification of a component must first apply to the county or designee; subsections (6) and (7) details department's responsibilities for certification, and for periodic inspections after certification; and subsection (8) expands former subsection WAC 275-55-280(2)(n) to specify additional information concerning certified components which must be included in the county's annual mental health plan.

New WAC 275-55-263, Certification Standards for Evaluation and Treatment Components.

Purpose of the new rule is to group sections according to major subject area, and to separate and expand original section WAC 275-55-280 into this and other sections to more clearly specify standards for certification of evaluation and treatment components.

The reason(s) these rules are necessary is: Formerly WAC 275-55-280, parts of that section are moved to this location to become part of a logical grouping of sections related to certification standards. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, these rules are necessary to: Assure the implementation of RCW 71.05.010(2), (4), (5), and (6), relating to legislative intent to provide prompt evaluation, short term treatment and continuity of care, as well as to encourage full use of resources and provision of services within the community; to further safeguard individual rights pursuant to RCW 71.05.010(3); to further assure the right to adequate treatment pursuant to RCW 71.05.360(2); and to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This section is substantially the same as former section WAC 275-55-280. Some subsections have been combined, some expanded, and others added as new.

Subsection (1) defines "transfer"; subsections (2)(a), (2)(b) combines former subsections 280(1), (2)(1), (3) and further specifies the requirements for contractual relationships; subsection (2)(c) is new, and requires that an agency be responsible for the compliance of its components; subsection (2)(d) essentially repeats former subsection 280(3)(d) and refers to new section WAC 275-55-331 for minors; subsections (2)(e), (2)(f)(i), (2)(f)(ii), (2)(f)(iii), (2)(f)(iv),

(2)(f)(vi) essentially repeat former subsections 280(2)(m), (2)(f), elements of (2)(l), and (2)(h), respectively; subsection (2)(f)(v) is new, and assures immediate transfer of patient between outpatient and inpatient or emergency components when necessary; subsection (2)(g) is new, and specifies how an agency shall make application for certification; subsection (3) essentially consolidates former subsections 280(3)(a), (3)(b), (3)(c), and refers to new sections WAC 275-55-271, 281, and 291 for specific requirements for each of the service components; subsection (3)(a) is new and specifies that initially detained persons have first priority for admission, and shall not be denied admission. Five exceptions are listed; subsections (3)(b), (3)(c) essentially repeat former subsections 280(3)(b)(iv), (2)(b), (2)(c), respectively; subsection (3)(d) incorporates the principal elements of former subsections 280(3)(b)(ii), (2)(e), (2)(i), respectively.

Subsection (3)(e) repeats former subsection 280(2)(p). Sequence of actions have been altered slightly. Terminology has been modified in keeping with current language usage (e.g. seclusion replaces "isolation"); subsection (3)(f) is new. Requires that each involuntary patient be evaluated for release from commitment at specified times during the commitment period; subsection (3)(g) is based on former subsection 280(2)(k). Requirements for training additionally include: Managing assaultive behavior; related services as specified; the provisions and requirements of chapter 275-55 WAC and chapter 71.05 RCW; and subsection (3)(h) is based, in part, on former subsections 280(2)(g), (2)(a), (2)(d), and adds as new the prominent posting of the facility's organizational structure, objectives, and philosophy, as well as procedures for managing assaultive patient behavior.

Repeal WAC 275-55-270, Patient's Rights. Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-241.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to patient rights.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-241.

New WAC 275-55-271, Outpatient Component.

Purpose of the new rule is to group sections according to major subject area, and to expand original section WAC 275-55-282 to more clearly specify standards for certification of evaluation and treatment components, thereby further assuring the right to

adequate treatment pursuant to RCW 71.05.360(2).

The reason(s) these rules are necessary is: Formerly WAC 275-55-282, that section is moved to this location to become part of a logical grouping of sections related to certification standards, specifically type of component. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Although this section remains substantially the same as former section WAC 275-55-282, deletions have been made in order to consolidate requirements applying to each type of evaluation and treatment component into one subsection. Changes have been made in the order in which subsections appeared in former section WAC 275-55-282.

Subsection (1) replaces "encourage growth" with facilitates recovery; subsection (2)(a) requires that outpatient services be available 8 hours per day, five days per week; subsection (2)(c) is transferred from former subsection 280(2)(j); deletes requirement for training package (transferred to new subsections 263(3)(g)(iv), (3)(g)(v)); amends subsections (2)(d) and (2)(f) to permit the mental health professional to modify review or consultation periods; and deletes requirement for availability of outpatient services for persons discharged from involuntary treatment (now covered by new subsection WAC 275-55-321(4)(d)(v)).

Repeal WAC 275-55-280, Standards for Certification of Evaluation and Treatment Facilities.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-263 and 275-55-261.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-263 and 275-55-261.

New WAC 275-55-281, Emergency Component.

Purpose of the new rule is to group sections according to major subject area.

The reason(s) these rules are necessary is: Formerly WAC 275-55-284, that section is moved to this location to become part of a logical grouping of sections related to certification standards, specifically type of component. Such grouping facilitates reading

and understanding the rules, and the sequential actions that may be required. Further, to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Although this section remains substantially the same as former section WAC 275-55-284, deletions have been made in order to consolidate requirements applying to each type of evaluation and treatment component into one subsection. Other changes are minor.

Subsection (2)(a) adds or to arrange for such admission to an inpatient component; deletes "access to licensed physician" (former subsection WAC 275-55-284(1)(c) and transfers to new subsection WAC 275-55-263(3)(b); deletes "immediate availability of professional personnel" (former subsection WAC 275-55-284(1)(d) and transfers to new subsection WAC 275-55-263(3)(d); deletes "medical and psychosocial evaluation" (former subsection, WAC 275-55-284(1)(f) and transfers to new subsection, WAC 275-55-263(3)(b).

Repeal WAC 275-55-282, Outpatient Component.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-44-271.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards, specifically type of component.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-271.

Repeal WAC 275-55-284, Emergency Component.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-281.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards, specifically type of component.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-281.

Repeal WAC 275-55-286, Inpatient Component.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-291.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards, specifically type of component.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-291.

Repeal WAC 275-55-288, Standards for Evaluation and Treatment Facilities Serving Minors.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-331.

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to certification standards.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-331.

Repeal WAC 275-55-290, Financial Assistance to Counties.

Purpose of the rule change is to transfer rule to a different location in chapter 275-55 WAC, See new WAC 275-55-361, 275-55-363, 275-55-365, 275-55-367 and 275-55-369.)

The reason(s) this rule change is necessary is to facilitate logical grouping of sections related to involuntary evaluation and treatment costs.

Statutory authority: RCW 71.05.560.

Summary of the rule change: See new WAC 275-55-361, 275-55-363, 275-55-365, 275-55-367 and 275-55-369.

New WAC 275-55-291, Short-Term Inpatient Component.

Purpose of the new rule is to group sections according to major subject area.

The reason(s) these rules are necessary is: Formerly WAC 275-55-286, that section is moved to this location to become part of a logical grouping of sections related to certification standards, specifically type of component. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Although this section remains substantially the same as former section WAC 275-55-286, deletions have been made in order to consolidate requirements applying to each type of evaluation and treatment component into one subsection. Additions are as noted. Some changes in order in which subsections appeared in former section WAC 275-55-286. Subsection (2) adds definition for "short-term inpatient" (based on JCAH Standard 125.5.1.2 - Principles for Accreditation of Community Mental Health Service Programs); subsection (3)(a) deletes "surgical" and "skilled nursing facility"; deletes "access to licensed physician" (former subsection WAC 275-55-286(1)(c) and transfers to new subsection WAC 275-55-263(3)(b);

deletes "medical and psychosocial evaluation" (former subsection WAC 275-55-286(1)(f) and transfers to new subsection WAC 275-55-263(3)(b); and adds subsection (3)(h), requiring periodic evaluation of each involuntary patient for conditional release.

New WAC 275-55-293, Certification Procedure—Waivers—Provisional Certification—Renewal of Certification.

Purpose of the new rule is to provide rules, not previously specified, to remove ambiguities and inconsistent practices from the certification procedure.

The reason(s) these rules are necessary is to assure a uniform approach to the certification of evaluation and treatment components, and to permit reasonable flexibility in response to unpredictable situations.

Statutory authority: RCW 71.05.560.

Summary of the rule: Certification of a component by the department requires a formal request from the county, to be followed by a department site visit to the component. Based on its inspection of the component, the department may issue: Full certification, if the component is in full compliance with the applicable rules; provisional certification in accordance with division guidelines, if the component is in substantial compliance; or a variance from full compliance, pursuant to new section WAC 275-55-371. Certification renewal is required annually, and requires a new, complete site visit before such recertification can be granted.

New WAC 275-55-295, Decertification.

Purpose of the new rule is to give greater visibility to the department's responsibility to monitor compliance with standards.

The reason(s) these rules are necessary is to assure the implementation of RCW 71.05.010(2), (4), (5) and (6), relating to legislative intent to provide prompt evaluation, short term treatment and continuity of care, as well as to encourage full use of resources and provision of services within the community, and to further safeguard individual rights and assure the right to adequate treatment.

Statutory authority: RCW 71.05.560.

Summary of the rule change: The department may decertify any component in accordance with statutory provisions, and guidelines and procedures set forth by the division.

New WAC 275-55-297, Appeal Procedure.

Purpose of the new rule is to provide rules, not previously promulgated, permitting an agency recourse in the event of denial of certification or decertification.

The reason(s) these rules are necessary is to safeguard agency rights.

Statutory authority: RCW 71.05.560.

Summary of the rule: Any agency whose component(s) has been denied certification or has been decertified, may appeal to the Secretary in accordance with a specified format. An administrative review and re-determination must be conducted by the department within 30 days of the appeal, and the written findings forwarded to the affected agency.

New WAC 275-55-301, Alternatives to Inpatient Treatment.

Purpose of the new rule is to assure prompt, appropriate treatment.

The reason(s) these rules are necessary is: Formerly WAC 275-55-080, that section is moved to this location to give greater visibility to the issue of exporting less restrictive alternatives to inpatient treatment.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This section remains substantially the same as former section WAC 275-55-080. Adds preferably within the patient's home community.

New WAC 275-55-321, Contractual Arrangements for Evaluation and Treatment Services, and Evaluation and Treatment Programs.

Purpose of the new rule is to require the development and maintenance of a unified evaluation and treatment program, and to assure the coordination of services therein.

The reason(s) these rules are necessary is to assure the implementation of RCW 71.05.010(2), (4), (5) and (6), relating to legislative intent to provide prompt evaluation, short term treatment and continuity of care, as well as to encourage full use of resources and provision of services within the community; to further safeguard individual rights pursuant to RCW 71.05.010(3); and to further assure the right to adequate treatment pursuant to RCW 71.05.360(2).

Statutory authority: RCW 71.05.560.

Summary of the rule: Requires a binding contractual relationship between the county and its designee, or between the county and its affiliates for the purpose of operating an evaluation and treatment program, and between any designee or agency and their affiliates for the purpose of providing evaluation and treatment services. Details specific provisions that must be included within the contract.

New WAC 275-55-331, Requirements for Evaluation and Treatment Facilities Serving Minors.

Purpose of the new rule is to group sections according to major subject area, and to further assure adequate treatment for and protection of the rights of minors.

The reason(s) these rules are necessary is: Formerly WAC 275-55-288, that section is moved to this location to become part of a logical grouping of sections related to certification standards. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required. Further, these rules are necessary to clarify joint use of services by adults and minors, and to coordinate language and intent with changes in Definitions section and other related rules.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This section remains substantially the same as former section WAC 275-55-288. From former subsection WAC 388-55-288(1)(a)[275-55-288(1)(a)], deletes "These evaluations must be used to determine the nature of the disorder and the treatment(s) required." Adds, as new, subsection (3) prohibiting placement of a minor on an adult inpatient unit except where no other alternative or an emergency exists. Expands former subsection WAC 275-55-288(1)(d) to better specify type of professionals permitted to evaluate and treat minors.

New WAC 275-55-341, Use of Restraints and Seclusion by Agency not Certified as an Evaluation and Treatment Facility.

Purpose of the new rule is to further safeguard patient rights.

The reason(s) these rules are necessary is to cover usage of restraints and seclusion by uncertified facilities.

Statutory authority: RCW 71.05.560.

Summary of the rule: States that an uncertified facility may use restraints and seclusion only in compliance with new subsection WAC 275-55-263(3)(e).

New WAC 275-55-352, Research.

Purpose of the new rule is to facilitate grouping of unrelated sections.

The reason(s) these rules are necessary is: Formerly WAC 275-55-250, that section is moved to this location to be generally positioned with those sections not specifically related to major subject areas.

Statutory authority: RCW 71.05.560.

Summary of the rule change: Unchanged, except for location in chapter.

New WAC 275-55-361, Involuntarily Evaluation and Treatment Costs—Responsibility of Involuntary Patient.

Purpose of the new rule is to separate and expand original section WAC 275-55-290 into this and four other directly related sections in order to clearly delineate levels of

responsibility for collection and payment of involuntary evaluation and treatment costs.

The reason(s) these rules are necessary is: Formerly WAC 275-55-290, that section has been separated into new sections WAC 275-55-361, 275-55-363, 275-55-365, 275-55-367 and 275-55-369, and moved to this location to become a logical grouping of sections related to involuntary evaluation and treatment costs. Such grouping facilitates reading and understanding the rules, and the sequential actions that may be required.

Primarily, these rules are necessary to: Remove, or otherwise reduce, ambiguities and inconsistent practices in the identification, assessment, and collection of costs; stipulate what costs are properly reimbursable by the department; stipulate levels of accountability for audit and other fiscal control purposes; clearly establish that payment of state funds shall be for evaluation and treatment services, only if such services are certified; stipulate "maintenance of effort" level for reimbursement of administrative expenses; and clearly establish that reimbursement by the department is subject to the availability of state and federal funds.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This rule is original subsection WAC 275-55-290(6) rewritten and expanded. Clearly specifies: Involuntary patient is responsible for costs of evaluation and treatment; to which service entity payment is to be made by patient, and which service entity has responsibility for billing and collecting such payment; and in the event inability to pay is determined, the county is responsible for bearing any unpaid costs pursuant to stated limits.

New WAC 275-55-363, Involuntary Evaluation and Treatment Costs—Collection by Agency.

Purpose of the new rule: See statement for "Purpose" under WAC 275-55-361(67)b. of this document.

The reason(s) these rules are necessary: See statement for "Reasons" under WAC 275-55-361(67)c. of this document.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This rule is derived, in part, from original subsections WAC 275-55-290(6)(a), (6)(b), (6)(c) and (6)(d). The main text is substantially new. This rule specifies: Full collection of costs for involuntary evaluation and treatment is the responsibility of the non-department agency; such agency must make every reasonable effort to collect from the patient, and may refer apparently eligible patients to a local Community Services Office for determination of Title XIX or "inability to

pay" eligibility; such agency may bill the county for the balance of costs not collectable by any actions specified in the section, and such billing must be pursuant to stated requirements; if a patient is determined able to pay, and refuses to do so, the non-department agency is responsible for collecting and cannot bill the county; and such agency is required to maintain appropriate records of billings and collections, and must permit authorized reviews of these records.

New WAC 275-55-365, Involuntary Evaluation and Treatment Costs—Responsibility of County.

Purpose of the new rule: See statement for "Purpose" under WAC 275-55-361(67)b. of this document.

The reason(s) these rules are necessary: See statement for "Reasons" under WAC 275-55-361(67)c. of this document.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This rule is derived, in part, from original subsection WAC 275-55-290(6). The main text is substantially new. This rule specifies that the county is responsible for paying any uncollected balance of involuntary evaluation and treatment costs, and may subsequently seek reimbursement from the department for such payment pursuant to stated requirements. These requirements include appropriate cross-references to applicable chapter sections.

New WAC 275-55-367, Involuntary Evaluation and Treatment Costs—Responsibility of Department.

Purpose of the new rule: See statement for "Purpose" under WAC 275-55-361(67)b. of this document.

The reason(s) these rules are necessary: See statement for "Reasons" under WAC 275-55-361(67)c. of this document.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This rule is original subsections WAC 275-55-290(1), (2), (3), (4) and (5) rewritten and, in places, expanded.

The requirements, as transferred from the original subsections, remain substantially the same. Added as new are:

Subsection (1), Definitions. Specifies meanings for involuntary patient, (qualifying) agency, Title XIX rate, initial 17-day period, and 1973 Amendatory Act; reimbursements made by the department to the counties are subject to the availability of state and federal funds, subsection (2); basic level of department funding for county's increased administrative costs is specified (also called "maintenance of effort"), subsection (3), (3)(b); and the department will reimburse the counties for uncollected costs of

involuntary evaluation and treatment provided by qualifying agencies, subsection (4). New WAC 275-55-369, Involuntary Evaluation and Treatment Costs—Reimbursement Procedure—Department.

Purpose of the new rule: See statement for "Purpose" under WAC 275-55-361(67)b. of this document.

The reason(s) these rules are necessary: See statement for "Reasons" under WAC 275-55-361(67)c. of this document.

Statutory authority: RCW 71.05.560.

Summary of the rule change: This rule is derived, in part, from original section WAC 275-55-290 and its subsections (1) through (6). The main text is substantially new. This rule specifies, as new:

The county will certify that the person being billed for was in fact an involuntary patient for the period specified, subsection (2)(b)(i); the department will reimburse the county directly for evaluation and treatment costs other than Title XIX payments. However, the county may elect to have such reimbursement made directly to a qualifying designee, subsection (3); payment to the county or its designee for billings from non-qualifying agencies will not be approved, subsection (4); the county is required to maintain appropriate records of billings, collections, and reimbursements, and must permit authorized reviews of these records, subsection (5); and the secretary may withhold department reimbursements for non-compliance as specified, subsection (6).

New WAC 275-55-371, Exception to rules—Waivers.

Purpose of the new rule is to facilitate adequate development of evaluation and treatment potential, in order to better implement legislative intent as detailed in RCW 71.05.010.

The reason(s) these rules are necessary is to permit reasonable flexibility in responding to unpredictable situations, unusual conditions, and marked differences in utilization of available resources.

Statutory authority: RCW 71.05.560.

Summary of the rule: States that any person or agency subject to the provisions of this chapter may seek a waiver of any requirement therein. This rule stipulates: What must be contained within an application for a waiver; how the division director must appoint a review board to consider the application, and the constituency of that board; what the review board must take into account in their deliberations, and what must be included in a majority recommendation filed with the director; the procedure for the director to follow in granting or denying the waiver; to whom an appeal may be made;

and what requirements are not subject to waiver.

Person or persons responsible for the drafting, implementation and enforcement of the rule(s): Lyle Quasim, Assistant Director, Institutions, Mental Health Division, Phone: 234-5414, Mailstop: OB-42F.

The person or organization (if other than DSHS) who proposed these rules is: None.

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

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 or agency typed material exceeding the volume limitations of WAC 12-035 or 1-13-035, as appropriate.

WSR 81-16-036

ADOPTED RULES

BOARD OF PHARMACY

[Order 162—Filed July 29, 1981]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the adding of new sections WAC 360-17-010, 360-17-020, 360-17-030, 360-17-040, 360-17-050, 360-17-060, 360-17-070, 360-17-080, 360-17-090 and 360-17-100.

This action is taken pursuant to Notice Nos. WSR 81-06-075, 81-10-024 and 81-14-035 filed with the code reviser on March 4, 1981, April 28, 1981 and June 29, 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 Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

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

APPROVED AND ADOPTED July 16, 1981.

By Charles James
Acting Executive Secretary

CHAPTER 360-17 WAC
HOSPITAL PHARMACY STANDARDS

WAC	
360-17-010	DEFINITIONS
360-17-020	APPLICABILITY
360-17-030	LICENSURE
360-17-040	PERSONNEL
360-17-050	ABSENCE OF A PHARMACIST
360-17-060	PHYSICAL REQUIREMENTS
360-17-070	DRUG PROCUREMENT, DISTRIBUTION AND CONTROL

360-17-080
360-17-090
360-17-100

ADMINISTRATION OF DRUGS
INVESTIGATIONAL DRUGS
ADDITIONAL RESPONSIBILITIES OF PHARMACY SERVICE

NEW SECTION

WAC 360-17-010 DEFINITIONS. For the purpose of these rules and regulations, the following definitions apply:

(1) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(2) "Controlled substance" means those drugs, substances or immediate precursors listed in Schedule I through V, 69.50 RCW, State Uniform Controlled Substance Act, as now or hereafter amended.

(3) "Drug" means any product referenced in RCW 18.64.011(3) as now or hereafter amended.

(4) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) reviewing it with a verified transcription, a direct copy, or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(5) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(6) "Hospital" means any institution licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW.

(7) "Hospital pharmacy" means that portion of a hospital which is engaged in the manufacture, production, preparation, dispensing, sale, and/or distribution of drugs, components, biologicals, chemicals, devices and other materials used in the diagnosis and treatment of injury, illness and diseases; and which is licensed by the state board of pharmacy pursuant to the Washington state pharmacy practice act, chapter 18.64 RCW.

(8) "Immediate supervision" means visual and/or physical proximity that insure adequate safety and controls.

(9) "Investigational drug" means any article which has not been approved for use in the United States, but for which an Investigational Drug Application (IND) has been approved by the F.D.A.

(10) "Nurse" means a registered nurse or a licensed practical nurse licensed pursuant to chapter 18.88 RCW or chapter 18.78 RCW.

(11) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs in RCW 18.64.011(9).

(12) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy.

(13) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(14) "Pharmacy Assistant Level A and Level B" means persons certified under chapter 18.64A RCW.

(15) "Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice in the state of Washington.

(16) "Practice of pharmacy" means the definition given in RCW 18.64.011(11) now or hereafter amended.

(17) "Protocol" means a written set of guidelines.

(18) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(19) "Self-administration of drugs" means that a patient administers or takes his/her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing that the drugs are used correctly and that the patient is responding appropriately.

(20) "Shall" means that compliance with regulation is mandatory.

(21) "Should" means that compliance with a regulation or standard is recommended.

NEW SECTION

WAC 360-17-020 **APPLICABILITY.** The following rules and regulations are applicable to all facilities licensed pursuant to chapter 70.41 RCW and chapter 71.12 RCW.

NEW SECTION

WAC 360-17-030 **LICENSURE.** Hospital pharmacists shall be licensed by the board of pharmacy in accordance with chapter 18.64 RCW.

NEW SECTION

WAC 360-17-040 **PERSONNEL.** (1) Director of Pharmacy. The pharmacy, organized as a separate department or service, shall be directed by a licensed pharmacist appropriately qualified by education, training, and experience to manage a hospital pharmacy. The patient care and management responsibilities of the director of pharmacy shall be clearly delineated in writing and shall be in accordance with currently accepted principles of management, safety, adequate patient care and treatment. The responsibilities shall include the establishment and maintenance of policies and procedures, ongoing monitoring and evaluation of pharmaceutical service, use and control of drugs, and participation in relevant planning, policy and decision making activities. Hospitals which do not require, or are unable to obtain the services of a full-time director shall be held responsible for the principles contained herein and shall establish an ongoing arrangement in writing with an appropriately qualified pharmacist to provide the services. Where the director of pharmacy is not employed full time, then the hospital shall establish an ongoing arrangement in writing with an appropriately qualified

pharmacist to provide the services described herein. The director of pharmacy shall be responsible to the chief executive officer of the hospital or his/her designee.

(2) Supportive Personnel. The director of pharmacy shall be assisted by sufficient numbers of additional pharmacists and/or pharmacy assistants and clerical personnel required to operate safely and efficiently to meet the needs of the patients.

(3) Supervision. All of the activities and operations of each hospital pharmacy shall be professionally managed by the director or a pharmacist designee. Functions and activities shall be under the immediate supervision of a pharmacist and shall be performed according to written policies and procedures. When the hospital pharmacy is decentralized, each decentralized section(s) or separate organizational element(s) shall be under the immediate supervision of a pharmacist responsible to the director.

NEW SECTION

WAC 360-17-050 **ABSENCE OF A PHARMACIST.** (1) General. Pharmaceutical services shall be available on a 24-hour basis. If round-the-clock services of a pharmacist are not feasible, arrangements shall be made in advance by the director of pharmacy to provide reasonable assurance of pharmaceutical services.

(2) Access to the pharmacy. Whenever a drug is required to treat an immediate need and not available from floor stock when the pharmacy is closed, the drug may be obtained from the pharmacy by a designated registered nurse, who shall be accountable for his/her actions. One registered nurse shall be designated in each hospital shift for removing drugs from the pharmacy.

(a) The director of pharmacy shall establish written policy and recording procedures to assist the registered nurse who may be designated to remove drugs from the pharmacy, when a pharmacist is not present, in accordance with Washington state pharmacy practice act, RCW 18.64.255(2), which states that the director of pharmacy and the hospital be involved in designating the nurse.

(b) The stock container of the drug or similar unit dose package of the drug removed shall be left with a copy of the order of the authorized practitioner to be checked by a pharmacist, when the pharmacy reopens, or as soon as is practicable.

(c) Only a sufficient quantity of drugs shall be removed in order to sustain the patient until the pharmacy opens.

(d) All drugs removed shall be completely labeled in accordance with written policy and procedures, taking into account state and federal rules and regulations and current standards.

NEW SECTION

WAC 360-17-060 **PHYSICAL REQUIREMENTS.** (1) Area. The pharmacy facilities shall include:

(a) Appropriate transportation and communications systems for the distribution and control of drugs within the hospital.

(b) Sufficient space and equipment for secure, environmentally controlled storage of drugs and other pharmaceutical supplies.

(2) In order to meet the medical services' need for drugs throughout the hospital, the pharmacy facilities should include:

(a) Space for the management and clinical functions of the pharmaceutical service.

(b) Space and equipment for the preparation of parenteral admixtures, radiopharmaceuticals, and other sterile compounding and packaging.

(c) Other equipment necessary.

(3) Access to unattended areas. All areas occupied by the hospital pharmacy shall be locked by key or combination in order to prevent access by unauthorized personnel. The director of pharmacy shall designate in writing, by title and/or position those individuals who shall be authorized access to particular areas within the pharmacy, including authorization of access to keys and/or combinations.

(4) Current pharmaceutical reference materials shall be provided in order to furnish the pharmaceutical, medical and nursing staff with adequate information concerning drugs. References related to the following subjects should be available:

- (a) Drug identification
- (b) Toxicology
- (c) Pharmacology
- (d) Drug interaction
- (e) Drug compatibility
- (f) Drug source
- (g) Pharmacy law
- (h) Microbiology
- (i) Sterilization and disinfection
- (j) Pharmacy technology
- (k) Patient counseling
- (l) Rational therapy
- (m) Pathology
- (n) Chemistry

(5) Drug storage areas. Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security.

(a) It is the joint responsibility of the director of pharmacy and the director of nursing to ensure that drug handling, storage, and preparation are carried out in conformance with established policies, procedures, and accepted standards.

(b) Locked storage or locked medication carts shall be provided for use on each nursing service area or unit.

(6) Flammable storage. All flammable material shall be stored and handled in accordance with applicable local and state fire regulations, and there shall be written policy and procedures for the destruction of these flammable materials.

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

NEW SECTION

WAC 360-17-070 DRUG PROCUREMENT, DISTRIBUTION AND CONTROL. (1) General. Pharmaceutical services shall include:

(a) Procurement, preparation, storage, distribution and control of all drugs throughout the hospital.

(b) A monthly inspection of all nursing care units or other areas of the hospital where medications are dispensed, administered or stored. Inspection reports shall be maintained for one year.

(c) Monitoring the drug therapy.

(d) Provisions for drug information to patients, physicians and others.

(e) Surveillance and reporting of adverse drug reactions and drug product defect(s).

(2) Additional pharmaceutical services should include:

(a) Obtaining and recording comprehensive drug histories and participation in discharge planning in order to affect appropriate drug use.

(b) Preparation of all sterile products (e.g., IV admixtures, piggybacks, irrigation solutions), except in emergencies.

(c) Distribution and control of all radiopharmaceuticals.

(d) Administration of drugs.

(e) Prescribing.

(3) The director shall be responsible for establishing specifications for procurement, distribution and the maintenance of a system of accountability for drugs, IV solutions, chemicals, and biologicals related to the practice of pharmacy.

(4) The director shall establish, annually review and update when necessary comprehensive written policies and procedures governing the responsibilities and functions of the pharmaceutical service. Policies affecting patient care and treatment involving drug use shall be established by the director of pharmacy with the cooperation and input of the medical staff, nursing service and the administration.

(5) Labeling:

(a) Inpatient. All drug containers in the hospital shall be labeled clearly, legibly and adequately to show the drug's name (generic and/or trade) and strength when applicable. Accessory or cautionary statements and the expiration date shall be applied to containers as appropriate.

(b) Outpatients. Labels on medications used for outpatients, emergency room, and discharge drug orders shall meet the requirements of RCW 18.64.246.

(c) Parenteral and irrigation solutions. When drugs are added to intravenous solutions, a suitable label shall be affixed to the container. As a minimum the label shall indicate name and location of the patient, name and amount of drug(s) added, appropriate dating, initials of the personnel who prepared and checked the solution.

(6) Medication orders. Drugs are to be dispensed and administered only upon orders of authorized practitioners. A pharmacist shall review the original order or direct copy thereof, prior to dispensing any drug, except for emergency use or as authorized in WAC 360-17-050.

(7) Controlled substance accountability. The director of pharmacy shall establish effective procedures and maintain adequate records regarding use and accountability of controlled substances, and such other drugs as

appropriate, in compliance with state and federal laws and regulations.

(a) Complete, accurate, and current records shall be kept of receipt of all controlled substances and in addition, a Schedule II perpetual inventory shall be maintained.

(b) The pharmacy shall maintain records of Schedule II drugs issued from the pharmacy to other hospital units which include:

- (i) date
- (ii) name of the drug
- (iii) amount of drug issued
- (iv) name and/or initials of the pharmacist who issued the drug
- (v) name of the patient and/or unit to which the drug was issued.

(c) Records shall be maintained by any unit of the hospital which utilizes Schedule II drugs indicating:

- (i) date
- (ii) time of administration
- (iii) name of the drug (if not already indicated on the records
- (iv) dosage of the drug which was used which shall include both the amount administered and any amount destroyed.

(v) name of the patient to whom the drug was administered

- (vi) name of the practitioner who authorized the drug
- (vii) signature of the licensed individual who administered the drug.

(d) When it is necessary to destroy small amounts of controlled substances following the administration of a dose by a nurse, the destruction shall be witnessed by a second nurse who shall countersign the records of destruction.

(e) The director of the pharmacy shall develop written procedures for the proper destruction of controlled substances not covered by (d) above conforming with federal and state statutes. A copy of the procedures shall be forwarded to the Drug Enforcement Administration (DEA) and the State Board of Pharmacy. As a minimum, procedures shall include the following:

- (i) All destructions shall render the drugs unrecoverable.
- (ii) Destruction shall be accomplished by the pharmacist and one other licensed health professional.
- (iii) Records of all destructions shall be maintained by the pharmacy. Quarterly summary reports shall be mailed to the DEA with copies to the State Board of Pharmacy.

(iv) A copy of the destruction record shall be maintained in the pharmacy for five years.

(f) Periodic monitoring of controlled substances records shall be performed by a nurse or a pharmacist to determine whether the drugs recorded on usage records have also been recorded on the patient's chart.

(g) Use of multiple dose vials of controlled substances shall be discouraged.

(h) Controlled substances, Schedule II and III, which are floor stocked, in any hospital patient or nursing service area shall be checked by actual count at the

change of each shift by two authorized persons licensed to administer drugs.

(i) All controlled substance records shall be kept for five years.

(j) Hospitals wishing to use record systems other than that described above shall make application and receive written approval from the board of pharmacy prior to implementation.

(k) Significant losses or disappearances of controlled substances and the facts surrounding the discrepancy shall be reported to the board of pharmacy, the Drug Enforcement Agency, the chief executive officer of the hospital and other appropriate authorities.

(8) Drug recall. The director shall develop and implement a recall procedure to assure that potential harm to patients within the hospital is prevented and that all drugs included on the recall are returned to the pharmacy for proper disposition.

(9) All medications administered to inpatients shall be recorded in the patient's medical record.

(10) Adverse drug reactions. All adverse drug reactions shall be appropriately recorded in the patient's record and reported to the prescribing practitioner and to the pharmacy.

(11) Drug errors. All drug errors shall upon discovery be recorded in an incident report and reported to the prescribing practitioner and to the pharmacy.

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

NEW SECTION

WAC 360-17-080 ADMINISTRATION OF DRUGS. (1) **General.** Drugs shall be administered only upon the order of a practitioner who has been granted clinical privileges to write such orders. Verbal orders for drugs shall only be issued in emergency or unusual circumstances and shall be accepted only by a licensed nurse, pharmacist, or physician, and shall be immediately recorded and signed by the person receiving the order. Such orders shall be authenticated by the prescribing practitioner within 48 hours.

(2) **Administration.** Drugs shall be administered only by appropriately licensed personnel in accordance with state and federal laws and regulations governing such acts and in accordance with medical staff approved hospital policy.

(3) **Patient's drugs.** The hospital shall develop written policies and procedures for the administration of drugs brought into the hospital by or for patients.

(a) Drugs brought into the hospital by or for the patient shall be administered only when there is a written order by a practitioner. Prior to use, such drugs shall be identified and examined by the pharmacist to ensure acceptable quality for use in the hospital.

(b) Drugs from outside the hospital which are not used during the patient's hospitalization shall be packaged and sealed, if stored in the hospital, and returned to the patient at time of discharge or given to the patient's family.

(c) Return of drugs may be prohibited due to possible jeopardy of the patient's health.

(d) Written procedures shall be developed for the disposal of unreturned drugs.

(4) Self-administration. Self-administration of drugs shall occur only within approved protocols in accordance with a program of self-care or rehabilitation. Policy and specific written procedures, approved by the appropriate medical staff, nursing service and administration shall be established by the director of pharmacy.

NEW SECTION

WAC 360-17-090 INVESTIGATIONAL DRUGS. (1) Distribution. Storage, distribution, and control of approved investigational drugs used in the institution shall be the responsibility of the director of pharmacy or his designee. The pharmacy shall be responsible for maintaining and providing information on approved investigational drugs.

(2) General. Investigational drugs shall be properly labeled and stored for use only under the explicit direction of the authorized principal investigator or co-investigator(s). Such drugs shall be approved by an appropriate medical staff committee.

(3) Administration. On approval of the principal investigator or co-investigator(s), those authorized to administer drugs may administer these drugs after they have been given basic pharmacological information about the drug. Investigational drugs shall be administered in accordance with approved written protocol that includes any requirements for the patient's appropriate informed consent.

NEW SECTION

WAC 360-17-100 ADDITIONAL RESPONSIBILITIES OF PHARMACY SERVICE. (1) General. The pharmacy service shall participate in other activities and committees within the hospital affecting pharmaceutical services, drugs and drug use.

(2) Quality assurance. The pharmaceutical service shall establish a pharmacy quality assurance program.

(3) Clinical activities. The director of pharmacy should develop clinically oriented programs, including but not limited to obtaining and recording comprehensive drug histories and participation in discharge planning to affect appropriate drug use, a formal drug information service, prescribing, and administration of drugs.

REPEALER

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

WAC 360-16-110 HOSPITAL PHARMACY STANDARDS

No Notice

WSR 81-16-037
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed July 30, 1981]

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

- Amd WAC 356-06-010 Definitions.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-18-220 Leave—Extension of anniversary date—Periodic increment date—Effect—Exceptions.
- Amd WAC 356-26-060 Certification—General methods.
- Amd WAC 356-30-220 Reemployment—Status.
- Amd WAC 356-30-330 Reduction-in-force—Rules, regulations—Procedure;

that such agency will at 10:00 a.m., Thursday, September 10, 1981, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 8, 1981, and/or orally at 10:00 a.m., Thursday, September 10, 1981, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: July 29, 1981
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-010.

Title: Definitions.

Purpose: Provides the definitions for common words or terms used throughout the WAC.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposed change revises the definition of "Reemployment"; deletes the requirement that the appointment be made from the reemployment register.

Reasons: Would allow reemployment of former permanent employees without having to refer to a register, thus simplifying the reemployment process for former permanent employees and agencies.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation: All State Agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: The Department of Personnel supports this proposal.

Summary: Proposed change revises the definition of "Seniority"; to credit seniority for leaves of absence without pay taken to reduce the effects of Reduction-In-Force (RIF) and when drawing Workmen's Compensation.

Reasons: For those cases when an employee is asked to take a leave of absence without pay to reduce the effect of an agency RIF, such leave will be credited to their seniority; or when an employee is disabled on the job.

Responsibility for Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-7125; Implementation and Enforcement: Agencies under the jurisdiction of the State Personnel Board.

Sponsored by: Department of Personnel, Governmental Agency.

Amend WAC 356-18-140.

Title: Leave Without Pay.

Purpose: Specifies reasons, and provides limitations, for authorization of leave without pay.

Statutory Authority: RCW 41.06.150(8).

Summary: Proposal would permit the voluntary taking of leave without pay in order to reduce the effect of an agency reduction-in-force and in such cases extends length of time from 12 months to 24 months.

Reasons: Would encourage employees to take leave without pay during times of R.I.F., thus saving agency salary dollars.

Responsibility for Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-7125; Implementation: All State Agencies; and Enforcement: Department of Personnel.

Sponsored by: Department of Personnel, Governmental Agency.

Amend WAC 356-18-220.

Title: Leave—Extension of Anniversary Date—Periodic Increment Date—Effect—Exceptions.

Purpose: Defines the effect on an employee's anniversary and/or periodic increment date of taking leave without pay.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposal would allow leave without pay time taken in order to help reduce the effect of an agency R.I.F. to be credited for vacation accrual rate purposes and toward later periodic increment increases.

Reasons: Adoption would lessen the impact on employees who voluntarily take leave of absence without pay to save agency salary dollars.

Responsibility for Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-7125; Implementation: Department of Personnel; and Enforcement: Agency Personnel and Payroll Offices.

Sponsored by: Department of Personnel, Governmental Agency.

Amend WAC 356-26-060.

Title: Certification—General Methods.

Purpose: Specifies the various methods by which names of eligible candidates are submitted to agencies for consideration of appointment to State Civil Service positions.

Statutory Authority: RCW 41.06.150(4).

Summary: Proposal would expand application of selective criteria to referrals from Reduction-In-Force registers if selective is approved upon establishment of a new position or reallocation of an existing position.

Reasons: Sponsor feels it is not logical to automatically preclude selective certification for a new position or reallocated position because of the availability of a reduction-in-force candidate.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation and Enforcement: Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: This proposal is under study by the staff of the Department of Personnel.

Amend WAC 356-30-220.

Title: Reemployment—Status.

Purpose: Defines the status of a past permanent employee who is appointed to a position from the Reemployment Register.

Statutory Authority: RCW 41.06.150(4).

Summary: Change would allow reemployment of former permanent employees without having to refer to a register.

Reasons: Would simplify the reemployment process for former permanent employees and state agencies.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation: Agency Personnel Offices; and Enforcement: Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: The Department of Personnel supports this proposal.

Amend WAC 356-30-330.

Title: Reduction-In-Force—Rules, Regulations—Procedure.

Purpose: States conditions under which reduction-in-force action may be taken; specifies procedures to be followed; defines manner in which options are to be offered to employees within their layoff units.

Statutory Authority: RCW 41.06.150(10).

Summary: New language may require bumping employees to possess specialized qualifications that have been determined to be essential for the successful performance of a position.

Reasons: Due to the broad classification structure within State Government, some positions with a general classification may require a special qualification to perform the duties (i.e., physician specialties, teacher specialties, etc.). Upon approval by the Director of Personnel these special qualifications could be taken into consideration when offering bump options to employees scheduled for R.I.F.

Responsibility for Drafting: Fred Richardson, Personnel Analyst, Department of Personnel, 3400 Capitol Blvd., MS: QE-12, Tumwater, WA, Phone: 753-1670; **Implementation:** Department of Personnel, Agency Personnel Offices; and **Enforcement:** Department of Personnel.

Sponsored by: Department of Personnel, Governmental Agency.

Comments: Proposal is the result of an Inter-agency Review Committee on R.I.F.

Summary: New language would require R.I.F.'d employees to meet approved selective criteria to exercise bump options.

Reasons: To avoid putting employees in positions for which they do not qualify.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; **Implementation:** Department of Personnel, Agency Personnel Offices; and **Enforcement:** Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: This rule deals with the layoff of employees; rule proposal appears to deal with both layoff and return from layoff. Returning from layoff should be in other section (comments by the Department of Personnel).

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

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

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

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

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

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

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

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

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

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

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

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

BOARD – The state personnel board.

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

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

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

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

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

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

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

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

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

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

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

DIRECTOR – The director of the department of personnel.

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

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

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

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

ELIGIBLE – An applicant whose name is on a register.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

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

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

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

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

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

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

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

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

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

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

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

REEMPLOYMENT – An appointment(~~(- made from the reemployment register;)~~) of a former employee who had permanent status.

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

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

RESIGNATION – A voluntary separation from employment.

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

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

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

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the ~~((s))State ((p))Personnel ((b))Board~~. Service in positions brought under the jurisdiction of the ~~((s))State ((p))Personnel ((b))Board~~ by statute is counted as though it had previously been under the jurisdiction of the ~~((s))State ((p))Personnel ((b))Board~~. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force is not credited. Leaves of absence granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the ~~((h))Higher ((e))Education ((p))Personnel ((b))Board~~ will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

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

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

SUSPENSION – An enforced absence without pay for disciplinary purposes.

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

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

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

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

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

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

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

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

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

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

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

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

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

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is

equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

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

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

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

WORKSHIFT – Scheduled working hours within the workday.

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

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

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-18-140 LEAVE WITHOUT PAY. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.
- (d) Military and U.S. Public Health Service and Peace Corps leave.
- (e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the director of personnel.
- (f) Leave taken voluntarily to reduce the effect of an agency reduction-in-force.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78)

WAC 356-18-220 LEAVE—EXTENSION OF ANNIVERSARY DATE—PERIODIC INCREMENT DATE—EFFECT—EXCEPTIONS. When an employee is on leave of absence without pay for any period in excess of 15 consecutive calendar days, except military and U.S. Public Health Service leave, State service in an exempt position, or from government service which had Director of Personnel approval or on leave following injuries sustained while performing the State-position duties, the anniversary date and periodic increment date of such employees shall be moved forward in amount equal to the entire duration of that leave of absence. A leave of absence without pay of 15 calendar days or less will not affect the anniversary date. The periodic increment date and anniversary date will be continued if the leave of absence was an educational leave of absence in accordance with the provisions of WAC 356-39-120, or if the leave of absence is taken voluntarily by an employee to help reduce the effect of an agency reduction-in-force.

When an employee is in a position assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a 12-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

AMENDATORY SECTION (Amending Order 151, filed 1/12/81)

WAC 356-26-060 CERTIFICATION—GENERAL METH-
ODS. Upon receipt of a request for certification, the Director of Per-
sonnel shall normally certify to the appointing authority a list of names
equal in number to two more than there are vacancies to be filled from
the ranked registers except:

(1) One name will constitute a complete certification when referrals
are made from the agency reduction-in-force register; the service-
wide reduction-in-force register; or the dual agency reversion register
provided such eligible candidate meets a selective certification require-
ment that was approved by the Department of Personnel based upon
special qualifications as intended by the first paragraph in WAC 356-
26-130 when the position was established, reallocated or last filled.

(2) Where all names are certified exclusively from an open competi-
tive register, the Director of Personnel may certify in ranked order up
to all of the names from the open competitive register: PROVIDED,
That the appointing authority shall select from those eligibles available
from the highest ranking names which constitute three names per vac-
ancy to be filled.

(3) When more than one candidate has the same examination rat-
ing, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers
when completing a certification. When an unranked register is used to
complete a certification, all names appearing on that register shall be
certified; however, if a complete certification is possible when an un-
ranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel, upon request and after consultation
with the employing department and employee representatives, may de-
clare positions, groups of positions or classes of positions as training
positions. Such positions may be filled from the next lower level regis-
ter in the class series as designated by the Director of Personnel with
employees being automatically advanced after completion of one year's
service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's
Affirmative Action goals as established by their approved Affirmative
Action Plan, the Director of Personnel may, except where there are
employees on the reduction-in-force register, refer up to three addi-
tional names per vacancy of individuals who are on existing registers
and who are members of the protected groups under Title VII of the
1964 Civil Rights Act and chapter 49.60 RCW, State Law Against
Discrimination, or for Federal Contract Compliance Purposes, veterans
and disabled veterans as defined in the Vietnam Era Veteran's Read-
justment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Af-
firmative Action Obligations of Contractors and Subcontractors for
Disabled Veterans and Veterans of the Vietnam Era." This action may
be taken when necessary to comply with the best standards of person-
nel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determi-
nation prior to the utilization of this rule as to whether there are
members of the protected groups on existing registers. If there are no
such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the
following classes, a sufficient number of names to assure that request-
ing agencies have not less than three names available to fill the
position:

Messenger Clerk
Receptionist
Clerk 1
Clerk 2
Clerk-Steno 1 Visually Handicapped
Clerk-Steno 2 Visually Handicapped
Clerk-Typist 1
Clerk-Typist 2
Dictating Machine Transcriber
Word Processing Operator 1
Word Processing Operator 2
Clerk-Steno 1
Clerk-Steno 2
PBX Operator
Data Entry Operator 1
Data Entry Operator 2

If such certification contains three or more available promotional
candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for con-
sideration of appointment(;) shall be notified by the agency at the

time of the referral. Upon appointment the agency shall advise those
employees certified, but not appointed of the action taken.

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 in-
dicated by the use of these markings.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-30-220 REEMPLOYMENT—STATUS. ((+)) Any
person who has received permanent appointment to a position in the
state service and who has separated therefrom, may be reemployed to
a position with the same or similar duties to those ((he)) previously
performed(~~—provided he has been certified from the reemployment
register~~).

AMENDATORY SECTION (Amending Order 112, filed 11/7/77)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES((=)),
REGULATIONS—PROCEDURE. (1) Employees may be separated
in accordance with the statutes and the agencies' approved reduction-
in-force procedures after fifteen calendar days' notice in writing, with-
out prejudice, because of lack of funds or curtailment of work, or good
faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employ-
ees will have the rights and options of the approved procedures devel-
oped as prescribed below when the positions are being reclaimed in
accordance with RCW 41.06.070(22), RCW 41.06.100, and WAC
356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which
shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by admin-
istrative units or both, so as to limit the disruption of an agency's total
operation; but not so small as to unduly restrict the options available to
employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to
the same layoff unit.

(i) Classifications in which the "bumping" employee previously held
permanent status.

(ii) Position at the current salary range of the employee doing the
bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by
an agency only ((then)) when such options are in accordance with the
agency's procedure which has been approved by the Director of
Personnel.

(e) The rights for employees who have been scheduled for reduc-
tion-in-force to take a transfer or a voluntary demotion to a vacancy
that is to be filled in their own layoff unit for which they qualify, as
determined by the Director of Personnel. This right to be exercised ac-
cording to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options
offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be
"bumped" has received fifteen calendar days' notice of the scheduled
action.

(h) The statement that, "No permanent employee shall lose a posi-
tion through reduction-in-force without being offered those positions
within the layoff unit for which he/she qualifies, currently being held
by emergency, temporary, provisional, or probationary employees; but
only within fifteen calendar days prior to what would be the permanent
employee's effective separation."

(i) That ties in seniority will be broken by first measuring the em-
ployees' last continuous time within their current classification; if the
tie still exists, by measuring the employees' last continuous time in
their current agency; if the tie still exists by measuring the employees'
total accumulative service within the State; and if the tie still exists by
lot.

(j) The salary of an employee who has accepted a lower position will
be reduced to the top of the range of the lower class unless the previ-
ous salary is within the range of the new class, in which case it will re-
main unchanged.

(3) The agency shall file the procedure with the Director of Person-
nel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the Department of Personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the Director of Personnel.

(6) Bumping employees may be required to possess specialized qualifications essential for the successful performance of the duties of the position as determined by the Director of Personnel.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification has been authorized, the employee must possess the required prerequisite skill(s) called for in the selective certification.

WSR 81-16-038

EMERGENCY RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-169, Cause No. TV-1528—Filed July 30, 1981]

In the matter of amending WAC 480-12-195, relating to the transportation of hazardous materials by common and contract carriers operating in the state of Washington.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this 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 provisions of WAC 480-12-195 adopt by reference federal hazardous materials regulations in effect "on the effective date of this rule", which date was September 8, 1980. There have been changes in federal requirements since that time. In order to reflect such changes in as prompt a fashion as possible, emergency rule-making is used. It is contemplated that a notice of intent to amend rules on a permanent basis will be filed contemporaneously.

This rule amendment is being promulgated pursuant to RCW 80.01.040, 81.80.211 and 81.80.290.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This amendment to WAC 480-12-195 affects no economic values.

In viewing the entire record herein, it has been determined that WAC 480-12-195 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-12-195 as amended, will update state hazardous materials rules to coincide with federal standards at July 29, 1981.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-195 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 29th day of July, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-149, Cause No. TV-1365, filed 8/7/80)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) *The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on ~~((the effective date of this rule))~~ July 29, 1981, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, ~~((marketing))~~ ~~((marking))~~ marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.*

(2) *In addition to the shipping paper requirements identified in subsection (1) of this section; when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.*

(3) *In addition to any accident reporting requirement now or hereafter prescribed by the commission, every*

common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 81-16-039
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed July 30, 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. TV-1526, relating to transportation of hazardous materials by common and contract carriers operating in the state of Washington. Written and/or oral admissions may also contain data, views, and arguments concerning the effect of the rule changes on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 9, 1981, in the Commission's Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040, 81.80.211 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1981, and/or orally at 8:00 a.m., Wednesday, September 9, 1981, Commission's Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

Dated: July 29, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-195, relating to transportation of hazardous materials by common and contract carriers operating in the state of Washington.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.211 and 81.80.290, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW. The rules proposed by the Washington Utilities and Transportation Commission are designed to update current hazardous material regulations to be consistent with recent changes in federal rules in this area.

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

rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 81.80.211 and 81.80.290.

The rule changes proposed will affected no economic values, and are not necessary as the result of federal law or federal or state court action.

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

AMENDATORY SECTION (Amending Order R-149, Cause No. TV-1365, filed 8/7/80)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on ~~((the effective date of this rule))~~ July 29, 1981, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, ~~((marketing))~~ marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.

(3) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 81-16-040
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-170, Cause No. TG-1529—Filed July 30, 1981]

In the matter of amending WAC 480-70-400, relating to transportation of hazardous materials by garbage and/or refuse collection companies operating under chapter 81.77 RCW.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is the provisions of WAC 480-70-400 adopt by reference federal hazardous materials regulations in effect "on the effective date of this rule", which date was September 8, 1980. There have been changes in federal requirements since that time. In order to reflect such changes in as prompt a fashion as possible, emergency rule-making is used. It is contemplated that a notice of intent to amend rules on a permanent basis will be filed contemporaneously.

This rule amendment and rule adoption are being promulgated pursuant to RCW 80.01.040 and 81.77.030.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

This amendment to WAC 480-70-400 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-70-400 should be amended, to read as set forth in Appendix A attached hereto and made a part hereof by this reference. WAC 480-70-400 as amended, will update state hazardous materials rules to coincide with federal standards at July 29, 1981.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-400 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 29th day of July, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-145, Cause No. TG-1357, filed 8/7/80)

WAC 480-70-400 EQUIPMENT—SAFETY. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe

and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on ~~((the effective date of this rule))~~ July 29, 1981, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date

of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 81-16-041
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 30, 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. TG-1527, relating to transportation of hazardous materials by garbage and/or refuse collection companies operating under chapter 81.77 RCW. Written and/or oral admissions may also contain data, views, and arguments concerning the effect of the rule changes on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 9, 1981, in the Commission's Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040 and 81.77.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1981, and/or orally at 8:00 a.m., Wednesday, September 9, 1981, Commission's Conference Room, Highways-Licenses Building, Olympia, Washington 98504.

Dated: July 29, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-70-400, relating to transportation of hazardous materials by garbage and/or refuse collection companies operating under chapter 81.77 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.77.030 which direct that the commission has authority to implement the provisions of chapter 81.77 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to update current hazardous materials regulations to be consistent with recent changes in federal rules in this area.

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

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.77.030.

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

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

AMENDATORY SECTION (Amending Order R-145, Cause No. TG-1357, filed 8/7/80)

WAC 480-70-400 EQUIPMENT-SAFETY. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102,

393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on ~~((the effective date of this rule))~~ July 29, 1981, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

WSR 81-16-042

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 81-7—Filed July 30, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions, and requirements; chapter 392-140 WAC.

This action is taken pursuant to Notice Nos. WSR 81-13-043 and 81-15-087 filed with the code reviser on June 17, 1981 and July 22, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 July 27, 1981.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE—AUTHORITY AND PURPOSES. The provisions of WAC 392-140-010 through 392-140-023 are adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170 and the provisions of the legislative appropriations act for the common schools, chapter 340, Laws of 1981. The purposes of WAC 392-140-010 through 392-140-023 are (1) to set forth the standards and procedures which the superintendent of public instruction shall use to determine whether or not each school district is in compliance with that portion of section 92, chapter 340, Laws of 1981, the 1981-83 biennial appropriations act, which establishes limits on the amount and/or percentage of salary and compensation increases which school districts may grant to employees in the 1981-82 and 1982-83 school years (hereinafter referred to as the salary-compensation lid), and (2) to determine whether or not a school district is in compliance with the salary-compensation lid.

(NOTE: Compliance with the provisions of the salary-compensation lid as defined herein does not necessarily insure that the same school district will be in compliance with the several provisions of chapter 16, Laws of 1981—i.e., Substitute House Bill No. 166).

NEW SECTION

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE—DEFINITIONS. As used in WAC 392-140-010 through 392-140-023, the term:

(1) "Basic education certificated staff" shall mean all full time equivalent certificated staff in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and
- (e) General support, program 97.

(2) "Basic education classified staff" shall mean all full time equivalent classified staff in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and

(e) General support, program 97.

(3) "Certificated staff salaries" shall mean those moneys which a school district has agreed to pay all basic education certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract as reported to the superintendent of public instruction on Form S-275. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

(4) "Classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of overtime pay, to all basic education classified staff who are employed as of November 1 of each school year for employment services to the district for the school year as reported to the superintendent of public instruction on Form S-277. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018.

(5) "Insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining process as reported to the superintendent of public instruction for basic education certificated staff on Form S-275 and for basic education classified staff on Form S-277.

(6) "Compensation" shall mean the total dollar amount which a district has agreed to provide basic education staff, directly or indirectly, for employment services to the district for 1981-82 or 1982-83 in the form of salary and insurance benefits as those terms are defined in this section.

(7) "LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981 at 11:35 a.m.

(8) "LEAP Document 2" shall mean the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981 at 2:02 p.m.

(9) "Staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-121.

(10) "District staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-125.

(11) "1981-82 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent certificated staff for 1981-82 as defined in WAC 392-121-115 to obtain an average salary amount for 1981-82;

(b) The 1981-82 average salary amount is then divided by the district staff mix factor for 1981-82; and

(c) The quotient obtained is the 1981-82 district derived base salary.

(12) "1982-83 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent certificated staff for 1982-83 as defined in WAC 392-121-115 to obtain an average salary amount for 1982-83;

(b) The 1982-83 average salary amount is then divided by the district staff mix factor for 1982-83; and

(c) The quotient obtained is the 1982-83 district derived base salary.

(13) "1981-82 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent classified staff for 1981-82 as defined in WAC 392-121-115.

(14) "1982-83 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent classified staff for 1982-83 as defined in WAC 392-121-115.

(15) "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee.

(16) "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, work assignment, hourly rate of pay, hours worked per day, days worked per year, amount of fringe benefits and insurance benefits for the year.

(17) "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

(18) "Report 1191F" shall mean the end-of-the-year statement of a school district's actual basic education allocation for the school year just completed. This report is calculated by the superintendent of public instruction and distributed to school districts after the close of the school year when all actual data are known.

(19) "Day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

NEW SECTION

WAC 392-140-012 1981-83 SALARY-COMPENSATION LID COMPLIANCE—APPLICATION TO BASIC EDUCATION STAFF. The superintendent of public instruction shall determine whether or not a district is in compliance with the salary-compensation lid separately for basic education certificated staff and basic education classified staff and separately for the 1981-82 school year and the 1982-83 school year.

NEW SECTION

WAC 392-140-013 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—GENERAL. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid. The superintendent of public instruction shall provide each district with the necessary report forms or reporting format and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DISTRICT EDIT OF PERSONNEL DATA. The superintendent of public instruction, by the third Wednesday in December, shall return to each school district appropriate personnel data in a standard format including individual staff mix factors for basic education certificated staff and individual salary or compensation amounts for both certificated and classified staff. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days of receipt of such data.

NEW SECTION

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. Within fifteen calendar days of receipt of district edited data, the superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid pursuant to WAC 392-140-019 and 392-140-020. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is

in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid may request in writing that the superintendent of public instruction provide an informal review of additional data and its bearing on the district's status regarding such determination: PROVIDED, The superintendent of public instruction receives the request within twenty calendar days from the date. If the superintendent of public instruction does not receive such a timely request, the district shall be notified that five percent of its basic education allocation will be withheld pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-140-017 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid. The superintendent of public instruction shall notify any district that is in violation of the salary-compensation lid and shall withhold five percent of the district's annual basic education allocation until such time as the district demonstrates compliance pursuant to WAC 392-140-023.

NEW SECTION

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE. In the event a school district increases the rate of salary payment for a job classification—e.g., superintendent, assistant superintendent, principal, assistant principal, teacher, counselor, director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections of appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the

superintendent of public instruction within twenty calendar days. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-140-015 through 392-140-017 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education certificated staff, if the 1981-82 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year.

(2) For basic education certificated staff, if the 1982-83 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement shown on LEAP Document 2 for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year.

(3) The district compliance calculation shall not include compensation of certificated employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of certificated staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of certificated staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1982-83.

NEW SECTION

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education classified staff, if the 1981-82 district average classified salary exceeds the district's

1980-81 average classified salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year.

(2) For basic education classified staff, if the 1982-83 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year.

(3) The district compliance calculation shall not include compensation of classified employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of classified staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of classified staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1982-83.

NEW SECTION

WAC 392-140-021 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF INSURANCE BENEFITS. Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per month per full time equivalent staff unit in 1981-82 and \$137 per month per full time equivalent staff unit in 1982-83.

NEW SECTION

WAC 392-140-022 1981-83 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE. (1) Certificated employees. If the superintendent of public instruction has determined that a district's average derived base salary for either 1981-82 or 1982-83 exceeds the allowed derived base pursuant to WAC 392-140-019, or a district's payment for insurance benefits exceeds the amounts specified for 1981-82 or 1982-83 in the appropriations act, but the district certifies to the superintendent of public instruction that it gave no salary increase

pursuant to WAC 392-140-019 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year.

(2) Classified employees. If the superintendent of public instruction has determined that a district's average salary for either 1981-82 or 1982-83 exceeds the allowed average salary pursuant to WAC 392-140-020, or a district's payment for insurance benefits exceeds the amounts specified for 1981-82 or 1982-83 in the appropriations act, but the district certifies to the superintendent of public instruction that it gave no salary increase pursuant to WAC 392-140-020 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year.

NEW SECTION

WAC 392-140-023 1981-83 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid pursuant to WAC 392-140-010 through 392-140-022, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold five percent of the district's annual basic education allocation as shown in item A.8 of Report 1191. The initial amount withheld shall be five percent of the most current estimate of the annual basic education allocation as shown in item A.8 of the district's Report 1191. The actual amount withheld will be based on the annual entitlement shown in item A.8 of the district's Report 1191F.

The amount to be withheld shall be entered as a negative adjustment in the monthly apportionment payment cycle on line C.4 of Report 1191 as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon that school year's data, but withhold the appropriate amount from the district's annual basic education allocation for the following year.

WSR 81-16-043

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-63—Filed July 30, 1981]

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

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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7, and 7A are for protection of adult Fraser River chinook salmon and some Puget Sound chinook salmon stocks. Restrictions in 6B, 9, 10 and 11 are for protection of Nisqually pink salmon stocks. Restrictions in Areas 10B, 10C, 10D and Cedar River are for protection of Puget Sound sockeye stock. Restrictions in Area 6D, 7C, 8, 12C, 12D, Skagit River and various other rivers are for protection of Puget Sound origin chinook stocks.

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

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

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

APPROVED AND ADOPTED July 30, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-28-101 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear except marine set nets must release chinook salmon over 28 inches when open.

Area 5 – Drift gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear except marine set nets must release chinook salmon over 28 inches when open.

**Areas 6 and 6A – Gill nets restricted to 5-7/8-inch maximum mesh, and all other net*

gear except marine set nets must release chinook salmon over 28 inches when open.

Area 6B - Gill nets restricted to 7-1/2-inch minimum mesh when open and purse seines prohibited.

Area 6C - Drift gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear except marine set nets must release chinook salmon over 28 inches when open.

Area 6D - Gill nets restricted to 6-inch maximum mesh size when open.

*Areas 7 and 7A - Gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear must release chinook salmon over 28 inches when open.

Area 7C - Closed to all commercial fishing southeasterly of a line projected from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

*Area 8 - Closed to all commercial fishing through August 15, 1981.

Area 9 - Gill nets restricted to 7-1/2-inch minimum mesh when open and purse seines prohibited.

Area 10 - Gill nets restricted to 7-1/2-inch minimum mesh when open, and purse seines prohibited.

Area 10B, 10C, 10D - Closed to all commercial fishing.

Area 11 - Gill nets restricted to 7-1/2-inch minimum mesh when open purse seines prohibited.

Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Warfield Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay including Dewatto Bay.

Area 12D - Closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

Dungeness River - Gill nets restricted to 6-inch maximum mesh.

*Minter Creek - Closed to all commercial fishing through July 31, 1981.

Samish River - Closed to all commercial fishing.

*Skagit River - Closed to all commercial fishing through August 15, 1981, below the Old Faber Ferry Landing including all tributaries.

Closed to all commercial fishing until further notice above the Old Faber Ferry Landing including all tributaries.

* White River - Closed to all commercial fishing through July 31, 1981.

Clallam River, Deep Creek, Hoko River, Lyre River, Pysht River, Sail River, Salt Creek, Sekiu River, East Twin River, West

Twin River - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-100 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (81-56)

WSR 81-16-044 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 81-64—Filed July 30, 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 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 this order sets regulations that conform with the recommendations of the Pacific Fishery Management Council.

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

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

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

APPROVED AND ADOPTED July 30, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-00400Q TROLL SIZE RESTRICTION (1) Effective immediately until further notice, it is unlawful for any treaty Indian fisherman to take, fish for or possess chinook salmon less than 24 inches in length or coho salmon less than 16 inches in length taken with troll gear for commercial purposes in Coastal Salmon Management and Catch Reporting Areas 4 and 4A.

(2) Effective immediately until further notice, it is unlawful for any treaty Indian fisherman to take, fish for or possess chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length taken with troll gear for commercial purposes in Coastal Salmon Management and Catch Reporting Areas 2 and 3.

WSR 81-16-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-62—Filed July 30, 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 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 these rules are adopted pursuant to the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED July 30, 1981.

By Rolland A. Schmitten
 Director

NEW SECTION

WAC 220-32-02200F **LAWFUL GEAR—STURGEON (1)** *Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken with gillnet gear for commercial purposes except that it is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Area 1A, 1B, 1C, 1D and 1E.*

(2) It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1).

NEW SECTION

WAC 220-32-04000L **STURGEON—SETLINE** *Notwithstanding the provisions of WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a dead-line marker on the Washington shore except at those times, with the gear and provisions designated below:*

12:00 noon August 1 until 12:00 noon December 31, 1981

Setline gear is limited to 3 lines with not more than 500 hooks per line.

Buoys must be marked on each end with the fishing license number.

It is unlawful to retain any surgeon not of lawful size, as provided in WAC 220-20-020(1).

NEW SECTION

WAC 220-32-05700J **SEASON—STURGEON** *Notwithstanding the provisions of WAC 220-32-057, it is unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish with setline gear from 12:00 noon August 1 to 12 noon December 31, 1981. Setline gear is limited to not more than 100 hooks per setline.*

WSR 81-16-046
EMERGENCY RULES
DEPARTMENT OF GAME
 [Order 131—Filed July 31, 1981]

Be it resolved by the undersigned, Frank R. Lockard, Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to emergency 90-day fishing season extension on Wapato Lake (Chelan County), beginning July 31, 1981 and extending to October 28, 1981, WAC 232-28-60308.

I, Frank R. Lockard, find that an emergency exists and that foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is in 1981, the normal season on Wapato Lake (Chelan County) ends on July 31. This closing date has been in effect for several years to prevent premature harvest of rainbow trout fry planted in May. Because of low survival and growth rates caused by competitive species, rainbow fry were not stocked this spring, thus eliminating the need for an early closure. The season extension will allow additional recreational opportunity and harvest on bluegill, bass and a few carry-over rainbow trout. Such rule is therefore adopted as an emergency rule to take effect upon filing with the code reviser.

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

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

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

APPROVED AND ADOPTED July 28, 1981.

Frank R. Lockard
Director

NEW SECTION

WAC 232-28-60308 EMERGENCY 90-DAY FISHING SEASON EXTENSION ON WAPATO LAKE (CHELAN COUNTY), BEGINNING JULY 31, 1981 AND EXTENDING TO OCTOBER 28, 1981. Notwithstanding the provisions of WAC 232-28-603, Wapato Lake (Chelan County) shall have an emergency 90-day fishing season extension beginning July 31, 1981.

**WSR 81-16-047
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 81-8—Filed July 31, 1981]**

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State Board of Education—Election of Members, chapter 392-109 WAC.

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 state board election commences in August and these rules are necessary to implement the law.

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.04-.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 31, 1981.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-055 PUBLICITY. The superintendent of public instruction shall annually publicize information concerning the election of state board of

education members beginning in May. ((Such information shall include the names of the public school directors and the private schools that voted in the last election for the positions for which the election is to be held:))

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-060 CALL OF ELECTION. On or before August twenty-fifth of each year the superintendent of public instruction shall give written notice of an election to be held for each voting position on the state board of education subject to election and for the non-voting position if it is subject to election. Notice shall be accomplished by:

(1) Mailing the call of election notice, ((pertinent instructions)) calendar and rules to each member of a public school district board of directors; and

(2) Mailing copies of the call of election notice, ((pertinent instructions)) calendar and rules to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the call of election notice, ((instructions)) calendar and rules if necessary and provide a copy of each to each member of the private school's board of directors.

NEW SECTION

WAC 392-109-077 WITHDRAWAL OF CANDIDACY. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the superintendent of public instruction on or before 5:00 p.m. September 21. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-085 BALLOTS AND ENVELOPES—MAILING TO VOTERS. (1) On or before October 1 ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope shall:

- (a) Be labeled "official ballot;"
- (b) Be preaddressed with the "superintendent of public instruction" as addressee;
- (c) Have prepaid postage affixed; and
- (d) Have provision for the identification of the voter, his or her school district or school and his or her congressional district if pertinent.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and the two envelopes to be used for voting purposes and candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

(3) One official ballot, a number of copies of the ballot, two envelopes to be used for voting purposes (~~and~~), any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the ballot (~~and~~), biographical data and pertinent instructions for voting purposes if necessary and provide a copy to each member of the private school's board of directors.

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

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/81)

WAC 392-109-115 CERTIFICATION OF ELECTION. ~~((1) The election board shall immediately certify in writing the name of each candidate elected by a majority of the electoral points accruing for each position.~~

~~((2)) Within ten days after the date upon which the votes were counted, the superintendent of public instruction shall officially certify the name or names of candidates elected by((:~~

~~(a) Providing)) signing and forwarding written notice to the secretary of state((;~~

~~(b) Providing written notice by certified mail to each candidate elected; and~~

~~(c) Providing written notice by certified mail to each chairperson of a private school board of directors that voted in the election. The notice to chairpersons shall be addressed in the same manner as notice of the call of election)).~~

NEW SECTION

WAC 392-109-117 PUBLISHING OF NAMES. As soon as reasonably possible after each annual election the superintendent of public instruction shall publish the names of the directors and private schools who voted in the election in "Your Public Schools."

WSR 81-16-048
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-65—Filed July 31, 1981]

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

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 Areas 4B, 5, 6, 6A, 6C, 7 and 7A are restricted to protect Fraser River and some Puget Sound adult chinook salmon. Area 6D is restricted and Strait tributaries are closed to protect chinook salmon in Strait tributaries. Area 7C and Samish River restrictions protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect summer-fall Skagit River chinook salmon. Areas 6B, 9, 10, 11 and 13 restrictions protect Nisqually River pink salmon. Area 10B restrictions protect Lake Washington sockeye. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C and Area 12D are closed to protect Hoodspout, Dewatto and lower Hood Canal fall chinook.

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

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

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

APPROVED AND ADOPTED July 31, 1981.

By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-28-102 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective August 2, 1981 until further notice, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

* Area 4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

* Area 5 - Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

* Area 6 - Gill nets restricted to 5-7/8-inch maximum mesh when open.

* Area 6A - Gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear must release chinook salmon over 28 inches when open.

Area 6B - Gill nets restricted to 7-1/2-inch minimum mesh when open and purse seines prohibited.

* Area 6C - Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

* Area 6D - Gill nets restricted to 6-inch maximum mesh size, and all other net gear must release chinook salmon over 28 inches in length, when open.

* Areas 7 and 7A – Gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 7C – Closed to all commercial fishing southeasterly of a line projected from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

Area 8 – Closed to all commercial fishing through August 15, 1981.

Area 9 – Gill nets restricted to 7-1/2-inch minimum mesh when open and purse seines prohibited.

Area 10 – Gill nets restricted to 7-1/2-inch minimum mesh when open, and purse seines prohibited.

Area 10B – Gill nets restricted to 6-1/2-inch minimum mesh when open.

Areas 10C and 10D – Closed to all commercial fishing.

Area 11 – Gill nets restricted to 7-1/2-inch minimum mesh when open, and purse seines prohibited.

Areas 12C – Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Warfield Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay including Dewatto Bay.

Area 12D – Closed to all commercial fishing.

* Area 13 – Gill nets restricted to 7-1/2-inch minimum mesh size when open, and purse seines prohibited.

Cedar River – Closed to all commercial fishing.

Dungeness River – Gill nets restricted to 6-inch maximum mesh.

Samish River – Closed to all commercial fishing.

Skagit River – Closed to all commercial fishing through August 15, 1981, below the Old Faber Ferry Landing including all tributaries.

Closed to all commercial fishing until further notice above the Old Faber Ferry Landing including all tributaries.

Clallam River, Deep Creek, Hoko River, Lyre River, Pysht River, Sail River, Salt Creek, Sekiu River, East Twin River, West Twin River – Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 2, 1981:

WAC 220-28-101 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. (81-63)

WSR 81-16-049
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-67—Filed July 31, 1981]

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 angling.

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 this order allows a sport fishery on harvestable chinook salmon.

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

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

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

APPROVED AND ADOPTED July 31, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-17500G COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-175, effective August 3, 1981 until further notice, in that portion of the Cowlitz River downstream from markers 400 feet below the Cowlitz Salmon Hatchery Barrier Dam downstream to the mouth, the personal use salmon bag limit in any one day is six salmon not less than ten inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 3, 1981:

WAC 220-57-17500F COWLITZ RIVER (81-30)

WSR 81-16-050
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-68—Filed July 31, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at

Olympia, Washington, the annexed rules relating to commercial fishing rules.

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 this order is adopted pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 31, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-47-909 COMMERCIAL SOCKEYE SALMON FISHERY. (1) *Effective August 2 through August 8, 1981 commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 81-48 of the Director of Fisheries and as published in the Federal Register June 25, 1981 are superceded in part by this section.*

(2) *It is unlawful to take, fish for or possess sockeye salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 4B, 5, 6, 6A, 6C, 7, 7A and 7D from August 2 through August 8, 1981.*

Area 7B - Gill nets restricted to 7-1/2 minimum mesh size.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective August 2, 1981:

WAC 220-47-908 COMMERCIAL SOCKEYE SALMON FISHERY. (81-51)

WSR 81-16-051
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-69—Filed July 31, 1981]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at

Olympia, Washington, the annexed rules relating to commercial fishing rules.

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 Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D are currently under IPSFC control. Mesh restriction in Area 7B was established by IPSFC. Scheduled fisheries in Areas 7B and 7C allow a harvest of chinook salmon. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

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

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

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

APPROVED AND ADOPTED July 31, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-47-602 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY—WEEK OF AUGUST 2, 1981. *Notwithstanding the provisions of WAC 220-47-403, effective August 2 through August 8, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

* *Areas 4B, 5, 6, 6A - Closed under International Pacific Salmon Fisheries Commission (IPSFC) and United States Department of Commerce (USDOC) rules set forth in Emergency Orders 81-48 and 81-68.*

Area 6B - Closed.

* *Area 6C - Closed under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-68.*

Area 6D - Closed.

* *Areas 7 and 7A - Closed under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-68.*

* *Areas 7B and 7C - Closed except gill nets may fish Monday, Tuesday, and Wednesday nights from 7:00 p.m. to 9:30 a.m. It is unlawful for gill nets to have a mesh size less than 5 inches in Area 7C. IPSFC rules set forth in Emergency Order 81-68 set 7-1/2-inch minimum mesh size for gill nets in Area 7B. The Fidalgo Bay Salmon Preserve*

and that portion of 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220-47-307.

* Area 7D - Closed under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-68.

Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 2, 1981:

WAC 220-47-601 Puget Sound All-Citizen Commercial Salmon Fishery (81-59).

WSR 81-16-052

EMERGENCY RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 81-9—Filed August 3, 1981]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—General apportionment, chapter 392-121 WAC.

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 these rules are necessary to implement the 1981-83 biennial budget for common schools and must be available to school districts for budget planning purposes.

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

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

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

APPROVED AND ADOPTED July 31, 1981.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME-EQUIVALENT STUDENT. As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time-equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time-equivalent students" shall mean the quotient obtained by dividing the annual total of full-time-equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time-equivalent students which is obtained by subtracting the district's average annual full-time-equivalent students in the current school year from the district's average annual full-time-equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: PROVIDED, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) No student shall be counted as more than one full-time-equivalent for purposes of basic education allocation.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-115 ((~~OTHER~~)) DEFINITIONS—CERTIFICATED AND CLASSIFIED EMPLOYEES—FULL-TIME EQUIVALENT. As used in this chapter the terms:

(1) ("Certificated employee" shall mean an individual who is contracted to provide services for a school district in a position requiring a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80, and 180-84 WAC.) "Certificated employee" shall mean a person who holds a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80 and 180-84 WAC and who is employed by a school district in a position for which such certificate is required by statute, rule of the state board of education, or written policy or practice of the employing school district: PROVIDED, That in all cases, the school district superintendent shall be deemed to be a certificated employee.

(2) "Full-time-equivalent certificated employee" shall mean each certificated employee of the school district who, as of October 1 of each school year, is contracted to provide services for not less than 180 full work days, the length of such days to be determined by the district. In cases where an employee is contracted to provide services for 180 partial days, the employee shall be counted as a part of a full-time-equivalent employee, such part to be the quotient to the nearest tenth obtained by dividing that part of the day worked by the full day as determined by the district. In cases where an employee is contracted to provide services for less than 180 full work days, the employee shall be counted as a part of a full-time-equivalent employee, such part to be the quotient obtained by dividing the number of work days contracted for by 180 and rounding to the nearest tenth: PROVIDED, That if the normal annual full-time contract for the position exceeds 180 working days, the greater number of work days normally contracted for shall be used as the divisor. No certificated employee shall be counted as more than one full-time-equivalent employee.

(3) "Classified employee" shall mean a person who is employed by a school district in a position which does not meet any of the requirements set forth in the definition of certificated employee in subsection (1) of this section.

(4) "Full-time-equivalent classified employee" shall mean an employee who is employed in a position which does not require certification for not less than 2,080 hours during a school year. A classified employee who is employed for less than 2,080 hours shall be counted as that part of a full time employee as the number of hours employed bears to 2,080 hours as determined by the school district and rounded to the nearest tenth. No classified employee shall be counted as more than one full-time-equivalent employee.

~~((4) "Certificated staff salaries" shall mean those monies which a school district has agreed to pay all certificated employees who are employed on or before October 1 of each school year under terms of basic or regular employment contracts between the district and certificated employees, exclusive of those monies which are to be paid for a certificated employee's summer or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract.~~

~~(5) "Classified staff salaries" shall mean monies which a district has agreed to pay to all classified employees who are employed on or before November 1 of each school year for employment services to the district for that school year, exclusive of overtime pay, as reported to the superintendent of public instruction as of the first school day in November of each school year.)~~

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-120 ((~~ADDITIONAL~~)) DEFINITION—LEAP DOCUMENT 1. ((~~As used in this chapter, the term "staff mix table (LEAP Document 1)" shall mean the list of factors to which incremental values have been assigned in order to provide appropriate recognition of certificated staff salary costs pursuant to RCW 28A.41.140(1) attributable to the various levels of educational training and years of professional experience of certificated employees. The staff mix table is set forth below:~~

**STAFF MIX FACTOR TABLE DEVELOPED BY
LEGISLATIVE EVALUATION AND
ACCOUNTABILITY PROGRAM
(LEAP Table from LEAP Document 1)
EDUCATION EXPERIENCE**

Years of Service	BA				
	15	30	45	90	
0	1.000	1.027	1.055	1.083	1.173
1	1.037	1.065	1.094	1.124	1.217
2	1.075	1.104	1.134	1.167	1.262
3	1.115	1.145	1.176	1.211	1.308
4	1.156	1.188	1.220	1.257	1.357
5	1.199	1.232	1.265	1.305	1.407
6	1.244	1.277	1.312	1.355	1.459
7	1.290	1.324	1.360	1.406	1.513
8	1.337	1.373	1.410	1.460	1.569
9		1.424	1.463	1.515	1.627
10			1.517	1.573	1.687
11				1.633	1.750
12					1.815
13					1.882

Years of Service	BA MA PHD PHD				
	135	MA	45	MA + 90	45
0	1.231	1.173	1.244	1.305	1.368
1	1.276	1.217	1.290	1.353	1.419
2	1.323	1.262	1.338	1.403	1.471
3	1.372	1.308	1.387	1.455	1.526
4	1.423	1.357	1.438	1.509	1.582
5	1.476	1.407	1.492	1.564	1.641
6	1.530	1.459	1.547	1.622	1.701
7	1.587	1.513	1.604	1.682	1.764
8	1.646	1.569	1.663	1.745	1.830
9	1.707	1.627	1.725	1.809	1.897
10	1.770	1.687	1.789	1.876	1.968

Years of Service	BA	MA	PHD	PHD
	135	MA	45	MA + 90
11	1.835	1.750	1.855	1.945
12	1.903	1.815	1.924	2.017
13	1.973	1.882	1.995	2.092
14	2.046	1.951	2.069	2.169

"LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:35 a.m.

NEW SECTION

WAC 392-121-121 DEFINITION—STAFF MIX FACTOR. As used in this chapter, "staff mix factor" shall mean any one of the numbers to three decimal places which appears on LEAP Document 1 dated April 20, 1981, at 11:35 a.m.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-125 ((~~ADDITIONAL~~)) DEFINITION—DISTRICT STAFF MIX FACTOR. As used in this chapter the term "district staff mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a staff mix factor from ~~((the staff mix factor table))~~ LEAP Document 1 dated April 20, 1981, at 11:35 a.m. to each certificated employee of the school district who is employed in the school district's basic education program as determined by the school district on October 1 of each school year depending upon the employee's placement on the appropriate years of service line and on the appropriate education column. Placement on ~~((the staff mix table))~~ LEAP Document 1 shall be according to the following criteria:

(a) Number of years of experience as defined in WAC 392-121-130: PROVIDED, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half of a year or more; and

(b) The highest degree level as defined in WAC 392-121-135 and credits earned after that degree as defined in WAC 392-121-140 at the highest placement level for each employee: PROVIDED, That in cases where the number of credits earned after a degree by an employee falls between the education columns, that employee shall be placed on the lower column except in cases where the credit equivalency is one-half a quarter hour or less below the next highest education column, that person shall be placed on the higher column;

(2) Multiplying the number of full-time ~~((=equivalent))~~ employees as of October 1 with assigned staff mix factors by those ~~((mix))~~ factors;

(3) For part-time employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective mix factors;

(4) Adding the products obtained in (2) and (3) above; and

~~((4))~~ (5) Dividing the total obtained in ~~((4))~~ (4) above by the district's total number of full-time-equivalent certificated employees in basic education as of October 1 with assigned staff mix factors.

NEW SECTION

WAC 392-121-126 DEFINITION—SYSTEM-WIDE STAFF MIX FACTOR. As used in this chapter, the term "system-wide staff mix factor" shall mean the composite staff mix factor for all full-time-equivalent certificated staff in the state-wide basic education program as of October 1 of each school year. The factor shall be calculated as follows:

(1) The superintendent of public instruction shall first total the products obtained by (a) multiplying the number of full-time basic education certificated employees by their respective and appropriate staff mix factors and (b) for part-time basic education certificated employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective and appropriate mix factors. Rounding shall be accomplished by increasing the last required digit to the next highest number when the next digit to the right of the last required digit has a numeric value of five or more. The last required digit shall remain constant when the next digit to the right is less than five.

(2) The superintendent shall then divide the sum obtained in subsection (1) of this section by the total number of full-time-equivalent employees in the state-wide basic education program and round to four decimal places using the rounding process set forth in subsection (1) of this section.

(3) The quotient obtained in subsection (2) of this section shall be the system-wide staff mix factor.

NEW SECTION

WAC 392-121-127 PRORATION OF SCHOOL DISTRICT STAFF MIX FACTOR. If the system-wide staff mix factor exceeds 1.6182 in 1981-82 and 1982-83, each district's staff mix factor shall be prorated down by a uniform percentage to the extent necessary to bring the system-wide staff mix factor to 1.6182 in each of those years. The superintendent shall make the initial calculation of the system-wide staff mix factor no later than the last business day in January of each year. The superintendent shall incorporate the revised district staff mix factor into the calculations governing the February payment of basic education allocation funds. If school districts submit revised staff data which would change the district's staff mix factor, the superintendent will accept such revisions until the last business day in March of each year. The superintendent shall make a final determination of the system-wide staff mix factor and uniform percentage rate for reducing each district's staff

mix factor pursuant to this section and incorporate that uniform percentage rate in the calculation of each district's basic education allocation.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-145 PLACEMENT OF NONDEGREE CERTIFICATED PERSONNEL ON ((STAFF MIX TABLE)) LEAP DOCUMENT 1. Certificated employees without college degrees shall be placed on ((the staff mix table)) LEAP Document 1 as follows:

(1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.

(2) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed ((upon the staff mix factor table)) on LEAP Document 1 as follows:

(a) Persons meeting the minimum certification requirements shall be placed on the BA column; and

(b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in chapter 180-77 WAC each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits column with this process shall be placed on the MA column.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-155 PLACEMENT ON STAFF MIX TABLE—DOCUMENTATION REQUIRED. School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on ((the staff mix table)) LEAP Document 1.

Districts shall document the date of awarding or conferring of the degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: **PROVIDED**, That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation.

For certificated employees having no degree of ((bachelor's)) bachelor's level or higher, no credits earned beyond degree may be reported: **PROVIDED**, That if a person has no degree and has current vocational certification, districts may count and should report as quarter hour credits earned the following:

(1) Approved vocational teacher training at the rate of one quarter hour credit for each ten clock hours of training received after meeting minimum vocational certification requirements;

(2) Occupational experience at the rate of one quarter hour credit for each 100 clock hours of occupational experience gained after meeting minimal vocational certification requirements.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-170 BASIC EDUCATION ALLOCATION—RESIDENT AND NONRESIDENT STUDENTS. (1) State basic education allocation funds shall be paid for students enrolled in grades kindergarten through twelve who are under twenty-one years of age at the beginning of the school year.

(2) State basic education allocation funds shall be ((granted)) paid to each school district for resident students and nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance)((;)). Such funds shall be paid to the school district in which the student attends school.

AMENDATORY SECTION (Amending Order 80-36, filed 10/8/80)

WAC 392-121-175 BASIC EDUCATION ALLOCATION—DEDUCTIBLE REVENUES. In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.41.130 and 28A.41.140:

(1) Proceeds from the sale of tax title real property managed by a county or of property rights appurtenant thereto;

(2) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county;

(3) State forest funds;

(4) Proceeds from the state timber excise tax reserve fund;

(5) Federal in-lieu-of tax payments; and

(6) County in-lieu-of tax payments: **PROVIDED**, That otherwise deductible revenues from any of the foregoing sources received by a school district during the 1979-80 school year and any school year thereafter due solely to the district's levy of a building and capital projects fund or bond interest and redemption fund excess tax levy shall constitute nongeneral fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

NEW SECTION

WAC 392-121-186 PROCEDURE FOR CREDITING PORTION OF BASIC EDUCATION ALLOCATION FOR CAPITAL PURPOSES IN SCHOOL

DISTRICTS. If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's Building and Capital Projects Fund or Bond Interest and Redemption Fund pursuant to RCW 28A.41.143, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's Building and Capital Projects Fund and/or Bond Interest and Redemption Fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund is to begin. Without a properly executed resolution, this office shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to the general fund cannot be subsequently transferred to the credit of another fund.

Resolutions requesting this office to direct a portion of the district's basic education allocation to the Building and Capital Projects Fund and/or the Bond Interest and Redemption Fund will not be approved by this office if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a redirection of revenue will need to revise the general fund budget document to the point of being in balance following appropriate budget modification or extension procedures in order for this office to approve the resolution. A budget modification or extension may be necessary for the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund.

Upon approval of the resolution by this office, payments will commence to the Building and Capital Projects Fund and/or Bond Interest and Redemption Fund in accordance with the apportionment schedule set forth in RCW 28A.48.010. Such payments shall reduce general fund apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount of the approved resolution is paid, subject to moneys available in the district's basic education allocation.

NEW SECTION

WAC 392-121-195 FIRE DISTRICT ALLOCATION. In addition to those funds distributed for basic education purposes, school districts are entitled per RCW 52.36.020 to be reimbursed for funds expended for the purchase of fire protection services from fire protection districts. Only school plants located in unincorporated areas shall be eligible for such funds.

Payment to districts shall be made each July as a part of the monthly apportionment allocation. The amount of

payment shall be \$1.00 per student for those students enrolled in each eligible school plant.

The enrollment count used to compute each district's reimbursement will be taken each October 1 of the calendar year preceding the month of allocation. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any funds allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

If the funds appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate of \$1.00 per student, the rate shall be reduced equally for all eligible districts on a pro rata basis.

WSR 81-16-053

ATTORNEY GENERAL OPINION

Cite as: AGLO 1981 No. 21

[July 30, 1981]

COURTS—SUPERIOR—COUNTIES—COMPOSITION OF CERTAIN JUDICIAL DISTRICT

The failure of Pend Oreille to have approved the additional judicial position for Ferry, Pend Oreille and Stevens Counties, jointly, which was conditionally provided for by chapter 65, Laws of 1981, does not mean that Ferry County is to continue to be treated as part of a judicial district with Okanogan County.

Requested by:

Honorable Howard S. Primer
Administrator for the Courts
Temple of Justice
Olympia, Washington 98504

WSR 81-16-054

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum, Director—July 31, 1981]

The Interagency Committee for Outdoor Recreation will hold a Special Meeting on September 10, 1981, Thursday, in the City of Olympia Council Chambers, 8th and Plum Streets, beginning at 9:00 a.m.

The proposed legislative program of the committee for 1982 will be discussed, as well as routine reports concerning fiscal matters and projects and planning information.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided at this meeting. Request for this aid must be received by August 28, 1981. Please

contact Robert L. Wilder, Director, 4800 Capitol Boulevard, Olympia, 206-753-3610. The meeting site is barrier free.

WSR 81-16-055
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed August 3, 1981]

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

- Amd WAC 356-30-080 Temporary employment—Exempt service.
- Amd WAC 356-35-010 Disability—Separation—Appeals—Procedures.
- Amd WAC 356-46-130 State housing committee—Responsibilities.
- New WAC 356-47-010 Career executive program—Purpose.
- New WAC 356-47-020 Career executive program—Application of rules.
- New WAC 356-47-030 Career executive program—General provisions.
- New WAC 356-47-040 Career executive program—Position nomination—Approval—Procedures.
- New WAC 356-47-050 Career executive program—Nomination of position and incumbent.
- New WAC 356-47-051 Career executive program—Recruitment—Procedures.
- New WAC 356-47-052 Career executive program—Appointments—Endorsed candidate lists—Procedures—Probationary period.
- New WAC 356-47-060 Career executive program—Position removal—Incumbent removal—Return rights—Procedures.
- New WAC 356-47-070 Career executive program—Agreement of participation.
- New WAC 356-47-080 Career executive program—Performance appraisal—Performance recognition—Performance pay.
- New WAC 356-47-090 Career executive program—Development and training.
- New WAC 356-47-100 Career executive program—Classification—Allocation.
- New WAC 356-47-110 Career executive program—Inter-agency transfers—Intra-agency transfers.
- New WAC 356-47-120 Career executive program—Appeals;

that such agency will at 10:00 a.m., Thursday, September 10, 1981, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 8, 1981, and/or orally at 10:00 a.m., Thursday, September 10, 1981, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: July 31, 1981
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-30-080.

Title: Temporary Employment—Exempt Service.

Purpose: Provides exemption from the rules of appointments to temporary positions; specifies conditions that must be met for such appointments to be considered temporary.

Statutory Authority: RCW 41.06.040(12) and 41.06.150(4).

Summary: Proposed language is simply a rewrite of that portion of the rule dealing with the time limitation of a temporary appointment; meaning is not changed.

Reasons: Sponsor feels new language will clarify the existing rule and be easier to read and understand.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation: Agency Personnel Offices; and Enforcement: Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Comments: This proposal is under study by the staff of the Department of Personnel.

Amend WAC 356-35-010.

Title: Disability—Separation—Appeals—Procedures.

Purpose: Provides for voluntary or involuntary separation of a disabled employee; stipulates rights of agency and employee; defines appeal rights and subsequent reemployment procedures.

Statutory Authority: RCW 41.06.150(1).

Summary: New language would allow waiver of the required 60 days notice when mutually agreed to by the employee and agency.

Reasons: Employees have requested disability separations and have not wanted to wait the 60 days for the effective date.

Responsibility for Drafting: Reggie Taschereau, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-2460; Implementation: Agency Personnel Offices; and Enforcement: Department of Personnel.

Sponsored by: Department of Social and Health Services, Governmental Agency.

Amend WAC 356-46-130.

Title: State Housing Committee—Responsibilities.

Purpose: Identifies purpose and sets responsibilities of the State Housing Committee as an advisory body to the State Personnel

Board; identifies organizations that are members.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposed change adds the Department of Corrections as a member of the State Housing Committee.

Reasons: The Department of Corrections was established by legislative action effective July 1, 1981; institutions having agency-supplied housing were transferred from the Department of Social and Health Services to the Department of Corrections; therefore, the new agency is entitled to representation on the committee.

Responsibility for Drafting, Implementation and Enforcement: Bob Makula, Chairperson, State Housing Committee, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-2529.

Proposed by: Department of Personnel, Governmental Agency.

New chapter 356-47 WAC.

Title: Career Executive Program.

Statutory Authority: Chapter 41.06 RCW.

New Sections: WAC 356-47-010 Career Executive Program—Purpose, 356-47-020 Career Executive Program—Application of Rules and 356-47-030 Career Executive Program—General Provisions.

Summary: Defines the intent and purpose of the Career Executive Program; specifies the percentage of state employees that may be included in the program and general conditions of their inclusion.

New Sections: WAC 356-47-040 Career Executive Program—Position Nomination—Approval—Procedures, 356-47-050 Career Executive Program—Nomination of Position and Incumbent, 356-47-051 Career Executive Program—Recruitment—Procedures, 356-47-052 Career Executive Program—Appointments—Endorsed Candidate Lists—Procedures—Probationary Period and 356-47-060 Career Executive Program—Position Removal—Incumbent Removal—Return Rights—Procedures.

Summary: Defines criteria and specifies procedures to be used for inclusion of position(s) in program; defines criteria and specifies procedures for recruitment and nomination of individuals for inclusion in the program; details rights of employees in the program; outlines conditions under which position(s) and/or appointees may be removed from the program and specifies such appointees' return rights.

New Section: WAC 356-47-070 Career Executive Program—Agreement of Participation.

Summary: This rule requires that the appointing agency and the employee in the Career Executive Program enter into an agreement that specifies certain conditions of employment such as performance objectives, incentives, developmental plans, and duration limitations.

New Section: WAC 356-47-080 Career Executive Program—Performance Appraisal—Performance Recognition—Performance Pay.

Summary: Specifies requirements for performance appraisal and recognition; provides for performance pay to appointees achieving pre-established goals under specified performance standards; specifies amount and manner of performance pay.

New Section: WAC 356-47-090 Career Executive Program—Development and Training.

Summary: Outlines requirements on the part of an agency to prepare and implement an employee development plan for Career Executive participants; specifies requirements on the part of participants.

New Section: WAC 356-47-100 Career Executive Program—Classification—Allocation.

Summary: Outlines general conditions under which Career Executive positions will be classified and reclassified.

New Section: WAC 356-47-110 Career Executive Program—Inter-Agency Transfers—Intra-Agency Transfers.

Summary: Outlines the conditions under which incumbents in the Career Executive Program may be transferred between agencies; outlines the conditions under which position(s) and/or incumbents in the program may be transferred within any agency.

New Section: WAC 356-47-120 Career Executive Program—Appeals.

Summary: States conditions under which procedures or provisions of the Career Executive Program may be appealed.

Reasons: Development of the proposed rules is mandated by chapter 41.06(7) RCW which establishes the Career Executive Program for the state of Washington.

Responsibility for Drafting: Julia Larson-Graham, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-6697; Implementation and Enforcement: Leonard Nord, Director, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5358.

Proposed by: Department of Personnel, Governmental Agency.

Comments: Mandated by sections 7 through 10, chapter 118, Laws of 1980 (RCW 41.06.430 and 41.06.440, appropriation, and severability section).

AMENDATORY SECTION (Amending Order 148A, filed 1/20/81)

WAC 356-30-080 TEMPORARY EMPLOYMENT—EX-EMPT SERVICE. Appointments to temporary positions as defined in WAC 356-06-020(15) are exempt from these Rules provided:

- (1) There is no involvement in federal grant-in-aid.
- (2) Positions have been reported to the Director of Personnel.
- (3) Compensation and minimum qualifications of appointees are consistent with those for comparable classified positions.

(4) ~~((That the appointment lasts for no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a continuous twelve month period, except when a temporary employee replaces a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140 and WAC 356-39-120 and 130. In such cases, the temporary appointment may extend to the date the employee on leave is scheduled to return.))~~ Temporary appointments shall not exceed nine months cumulatively in any twelve-month period. Temporary appointments for purposes of replacing employees granted educational leave or leave without pay are exempt from nine month restriction in accordance with WAC 356-18-190 Interim employee rights .

(5) That a two-month break in service has occurred since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in (4) above.

Established registers, certification, and referral service are available for use in filling temporary positions. A temporary employee, appointed following certification from the register, may enter a probationary period and subsequently gain permanent status, when a change in agency needs results in the permanent availability of the position.

AMENDATORY SECTION (Amending Order 58, filed 9/10/73)

WAC 356-35-010 DISABILITY—SEPARATION—APPEALS—PROCEDURES. (1) When a permanent employee becomes disabled, ~~((his))~~ employment may be terminated by the appointing authority after a minimum of 60 calendar days written notice, provided that the employee shall be allowed to exhaust ~~((his))~~ accrued sick leave before separation if ~~((his))~~ the disability prevents ~~((his))~~ attendance at work. When a disabled employee chooses to receive time loss compensation as provided in WAC 356-18-080, ~~((he))~~ the employee shall not be separated due to disability until all ~~((of his))~~ accrued sick leave is exhausted. Separations due to disability shall not be considered disciplinary actions and shall be appealable to the Personnel Board on grounds that a disability does not exist. The 60 calendar days notice shall not be required when the employee and appointing authority agree on a shorter notice period.

(2) For purposes of this Rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a physician's written statement. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician of the agency's choice. In such cases, the agency shall provide the physician with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician regarding the employee's physical ability to perform the specified duties.

(3) At the time of notification that his/her employment will be terminated because of disability, the employee shall be informed by the appointing authority of ~~((his))~~ the right to appeal. The appeal must be filed in writing at the office of the Director~~((s office))~~ of Personnel within 30 days after notice of separation is given. The Director shall forward the written notice of appeal to the Personnel Board and the agency concerned and shall aid in arranging an appeal hearing before the separation becomes effective, if possible.

(4) During the notice period required by paragraph (1) an employee being separated due to disability shall be counseled by the agency regarding benefits for which ~~((he))~~ the employee may be eligible through employees' insurance plans, social security, ~~((workmen's))~~ worker's compensation, veteran's benefits, public assistance, disability retirement, vocational rehabilitation, and such other related programs as may be available ~~((to him)).~~

(5) The names of permanent employees who have been separated because of disability shall be placed on reduction-in-force and promotional registers by the Director of Personnel as provided in WAC 356-26-030 upon submission of a physician's statement that they are physically able to perform the duties of the class(es) for which the registers are established.

AMENDATORY SECTION (Amending Order 121, filed 6/12/78)

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the Personnel Board in determining policy and establishing rental and utility charges and allowances for employees residing in agency-supplied housing, there is hereby created a State Housing Committee consisting of:

(a) A chairperson appointed by the Director of Personnel and from the staff of the Department of Personnel.

- (b) A representative from:
- (1) Department of Social and Health Services
 - (2) Department of Transportation
 - (3) Department of Natural Resources
 - (4) Department of Fisheries
 - (5) Department of Game
 - (6) Parks and Recreation Commission
 - (7) Department of Veterans Affairs~~((, and))~~
 - (8) Department of Corrections, and

~~((#))~~ (9) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

- (a) Establish procedures for
- (1) conducting committee business on a scheduled basis,
 - (2) reviewing problems concerning rent, utilities, and housing maintenance, and
 - (3) facilitating communications between affected agencies and employees; and

(b) Recommend to the Personnel Board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing shall determine the rental and utility rates to charge employees according to the guidelines and the findings approved by the Personnel Board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the Personnel Board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

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

Chapter 356-47

CAREER EXECUTIVE PROGRAM

WAC

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| 356-47-010 | Career Executive Program—Purpose. |
| 356-47-020 | Career Executive Program—Application of Rules. |
| 356-47-030 | Career Executive Program—General Provisions. |
| 356-47-040 | Career Executive Program—Position Nomination—Approval—Procedures. |
| 356-47-050 | Career Executive Program—Nomination of Position and Incumbent. |
| 356-47-051 | Career Executive Program—Recruitment—Procedures. |
| 356-47-052 | Career Executive Program—Appointments—Endorsed Candidate Lists—Procedures—Probationary Period. |
| 356-47-060 | Career Executive Program—Position Removal—Incumbent Removal—Return Rights—Procedures. |
| 356-47-070 | Career Executive Program—Agreement of Participation. |
| 356-47-080 | Career Executive Program—Performance Appraisal—Performance Recognition—Performance Pay. |

- 356-47-090 Career Executive Program—Development and Training.
 356-47-100 Career Executive Program—Classification—Allocation.
 356-47-110 Career Executive Program—Inter-Agency Transfers—Intra-Agency Transfers.
 356-47-120 Career Executive Program—Appeals.

WAC 356-47-010 CAREER EXECUTIVE PROGRAM—PURPOSE. The purpose of the Career Executive Program is to recognize the profession of management and to recognize excellence in managerial skills in order to identify, attract and retain highly qualified executive candidates, to provide outstanding employees a broad opportunity to career development, and to provide for the mobility of such employees among agencies.

WAC 356-47-020 CAREER EXECUTIVE PROGRAM—APPLICATION OF RULES. Insofar as they do not conflict with the provisions of Chapter 356-47, the remainder of the merit system rules shall apply. If there is an apparent conflict between Chapter 356-47 and the remainder of the merit system rules, the provisions of Chapter 356-47 shall apply.

WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. No more than one percent of employees covered by 41.06 RCW may be placed in the Career Executive Program at one time. Employees shall not be placed in positions in the Career Executive Program without their prior written agreement.

WAC 356-47-040 CAREER EXECUTIVE PROGRAM—POSITION NOMINATION—APPROVAL—PROCEDURES. (1) The Personnel Board shall approve appropriate positions for inclusion in the Career Executive Program. Only positions assigned management responsibility will be placed in the program. The responsibilities of such positions shall include the formulation or determination of policies and the direction and control of a division, program, unit, or section. Such positions are usually assigned at range 47 (1980/81 schedule) or above and equivalent ranges following that date.

(2) Agency directors may nominate classified and exempt positions meeting the requirements of paragraph (1) for inclusion in the Program. Position nominations shall be filed with the Director of Personnel, or designee, in accordance with procedures published by the Department of Personnel. Nominations shall be published on the 20-Day Notice for consideration at regular Personnel Board Meetings. The 20-Day Notice shall include the following information:

- (a) Requesting agency.
- (b) Class and number of the position proposed for inclusion.
- (c) Description of the major duties and responsibilities of the position.

WAC 356-47-050 CAREER EXECUTIVE PROGRAM—NOMINATION OF POSITION AND INCUMBENT. Employees with permanent status in positions nominated for inclusion in the Career Executive Program shall automatically move with their positions into the Program when their positions are approved by the Personnel Board.

WAC 356-47-051 CAREER EXECUTIVE PROGRAM—RECRUITMENT—PROCEDURES. (1) Recruitment shall be conducted to file vacancies in the Career Executive Program if the agency director intends to consider persons who are not permanent state employees, unless those persons are already endorsed candidates as described in WAC 356-47-052.

(2) If the agency director wishes to limit consideration to permanent state employees, recruitment shall be conducted within the appointing agency or in all agencies as the appointing agency director shall determine.

(3) The recruitment plan for any individual vacancy or group of vacancies shall be developed jointly by the appointing agency and the Department of Personnel.

(4) Candidate nominations shall be submitted to the Director of Personnel, or designee. Nominations may be submitted by either the agency director or the nominees if recruitment for a vacancy is conducted. If recruitment is not conducted, nominations may be submitted only by the appointing agency director only.

WAC 356-47-052 CAREER EXECUTIVE PROGRAM—APPOINTMENTS—ENDORSED CANDIDATE LISTS—PROCEDURES—PROBATIONARY PERIOD. (1) Appointment of individuals in the Career Executive Program shall be the responsibility of the agency director. Appointments shall be made with due regard to agency Affirmative Action plans. Appointments may be made without regard to established minimum qualifications.

(2) Except as provided in WAC 356-47-050, all appointments shall be made from lists of endorsed candidates maintained by the Department of Personnel. The endorsed candidate lists shall be composed of:

(a) All candidates who have successfully undergone a structured evaluation of managerial qualifications developed and administered by the Director of Personnel, or designee;

(b) All employees with permanent status in Career Executive positions who indicate a willingness to be considered for other Career Executive positions; and

(c) All employees who gained permanent status in Career Executive positions and were subsequently removed for reasons other than unacceptable performance who wish to be considered for available Career Executive positions.

(3) The agency director may consider the names of all endorsed candidates when filling vacant positions in the Program.

(4) Appointing agencies shall notify the Director of Personnel, or designee, of appointments to Career Executive positions within 15 days after the appointment. Such notification shall include:

- (a) Appointing agency
- (b) Effective date of appointment
- (c) Starting salary
- (d) Class of position
- (e) Position number

(5) Positions in the Career Executive Program may be filled by more than one incumbent for orientation purposes only; PROVIDED That such occupancy shall not exceed a period of 30 days.

(6) Employees who receive appointments to classified Career Executive positions and who did not hold permanent status upon appointment shall serve a probationary period of twelve months.

WAC 356-47-060 CAREER EXECUTIVE PROGRAM—POSITION REMOVAL—INCUMBENT REMOVAL—RETURN RIGHTS—PROCEDURES. (1) Agencies may remove positions from the Career Executive Program upon written notice from the agency director to the Director of Personnel, or designee. An incumbent of a classified position that is being removed may remain in the position provided that permanent status in the position has been achieved.

(2) The Personnel Board may remove a position from the Career Executive Program if the nature or use of the position is found to be inconsistent with the purposes of the Program.

(3) A Career Executive employee may voluntarily leave the program at any time.

(4) The agency director may impose a limit on the duration of an employee's participation in a Career Executive position provided that the employee is informed of that limitation upon entry into the Program. The agency director may remove the employee from the position at the end of the pre-determined duration period. The decision of the agency director is final.

(5) An agency director may remove an incumbent from a position in the Career Executive Program for unacceptable performance; or may remove an incumbent from the Program if the position is abolished for reasons of lack of funds, good faith reorganization, or lack of work.

(6) Agencies shall notify the Director of Personnel, or designee, of Career Executive position vacancies within 30 days after the position is vacated.

(7) Any permanent classified state employee, upon entering a position in the Career Executive Program, shall be entitled subsequently to revert to any class or position previously held with permanent status, or, if such position is not available, revert to a position similar in nature and salary to the position previously held. The priority of the reversion process shall be as follows:

(a) The employee reverts to the same or similar position and class held immediately prior to entering the Program within the agency removing the employee from the Program; or, if unavailable,

(b) The employee reverts to the same or similar position and class held immediately prior to entering the Program within the agency that he/she was then employed; or, if unavailable,

(c) If the employee entered the Program with his or her position, then the position must be moved from the Program with the employee; or, if inapplicable or unavailable,

(d) The employee reverts to a lower position that is most similar in nature and salary to the position held immediately prior to entering the Program.

(8) Employees who acquire permanent status in a Career Executive position and who subsequently are removed due to unacceptable performance may appeal their removal to the Personnel Board, provided that the consequence of removal is dismissal from state employment. The appeal must be filed with the Director of Personnel within 15 days after notification of removal.

(9) Employees who acquire permanent status in a Career Executive position and who subsequently are removed from the program due to reasons other than unacceptable performance may have their names placed in the candidate pool, upon submitting a request to the Director of Personnel, or designee.

(10) Employees who promote into Career Executive positions and who are subsequently removed from the positions shall not have their names placed on the reduction-in-force register for the higher level class.

WAC 356-47-070 CAREER EXECUTIVE PROGRAM—AGREEMENT OF PARTICIPATION. (1) Upon appointment in the Career Executive Program, the employee and the appointing agency shall enter into an agreement specifying the conditions of participation in the program. Such agreement shall include the following items:

(a) The performance objectives and standards prescribed by WAC 356-47-080 (1) and (2).

(b) The conditions of performance recognition and reward as prescribed in WAC 356-47-080 (3) and (4).

(c) The employee development and training plan prescribed in WAC 356-47-090.

(d) A statement of whatever pre-established limits on participant duration the program that are imposed by the agency, as allowed in WAC 356-47-060 (4).

(2) A copy of the agreement of participation must be filed with the Director of Personnel, or designee, within 45 calendar days after the effective date of the employee's inclusion in the Career Executive Program.

WAC 356-47-080 CAREER EXECUTIVE PROGRAM—PERFORMANCE APPRAISAL—PERFORMANCE RECOGNITION—PERFORMANCE PAY. (1) Appointing authorities shall evaluate the performance of each Career Executive employee on the basis of results achieved and the manner in which they were achieved.

(2) The performance appraisal process shall be conducted in accordance with procedures and forms developed by the Department of Personnel.

(3) Agencies and the Director of Personnel, or designee, shall develop specific means of recognizing and rewarding superior performance.

(4) Agencies may provide performance pay as a reward for superior performance, provided that:

(a) Performance pay shall be paid only for the superior achievement of pre-established goals set forth in a written agreement between the employing agency and the employee. The pre-established goals shall relate directly to the effective and efficient performance of the incumbent and shall:

- (i) Be stated in objective, unambiguous terms;
- (ii) Exceed the normal requirements of the position;
- (iii) Be attainable with a 12-month evaluation period; and
- (iv) Include performance standards for their superior achievement.

(b) A copy of the performance pay agreement shall be filed with the Director of Personnel, or designee.

(c) Performance pay shall be paid in a lump sum equal to 2.5%, 5.0%, 7.5% or 10% above the incumbent's annual salary. Specific plans of performance pay administration shall be developed by the Director of Personnel, or designee.

(d) The agency director, at the end of the 12-month evaluation period, shall determine whether the terms of the agreement have been met. The determination of the agency director is final.

(e) The Director of Personnel, or designee, shall be notified when performance pay is paid. Notification shall include the amount and date of payment, and a statement that the pre-established goals have been successfully attained.

(f) The amount received through performance pay shall not be included in the calculation of retirement benefits.

(g) In lieu of providing money as performance pay an agency director may, with the consent of the employee, approve the awarding of additional annual leave or educational opportunities, provided that the

cost to the agency of these non-monetary rewards is equivalent to the monetary performance pay earned.

WAC 356-47-090 CAREER EXECUTIVE PROGRAM—DEVELOPMENT AND TRAINING. (1) Career Executive employees shall be afforded development and training opportunities specifically designed to develop exceptional managerial knowledge, skills, and abilities.

(2) Each agency shall prepare a specific development and training plan for a 12-month period for each of its Career Executive employees. Each plan shall:

(a) Be based on an assessment of the individual's developmental needs insofar as they relate to the profession of management.

(b) Wherever possible, include a plan for short-term mobility assignments within the agency, within other agencies, within other governmental entities, and/or in private organizations.

(c) Contain an evaluation process to determine the effectiveness of developmental activities.

(d) Be filed with the Director of Personnel, or designee, within 45 days after an employee's appointment in the Career Executive service and, subsequently, within 30 days after each annual evaluation period.

(3) The Department of Personnel shall provide agencies with procedures and guidelines and, upon request, assistance in the preparation of development and training plans for Career Executives employees.

(4) Career Executive employees shall be required to attend periodic program-wide seminars coordinated by the Department of Personnel.

WAC 356-47-100 CAREER EXECUTIVE PROGRAM—CLASSIFICATION—ALLOCATION. (1) All classified positions in the Career Executive Program shall be allocated to Board-approved classes, provided that the established minimum qualifications need not be applied in filling vacant Career Executive Program positions.

(2) Agencies with approved positions in the Career Executive Program may be authorized by the Director of Personnel, or designee, to reallocate such positions to appropriate classes when and if changes in duties or responsibilities occur, provided that a new classification questionnaire shall be provided to the Director of Personnel, or designee, within 30 days after each decentralized reallocation.

(3) Employees in Career Executive positions may be assigned duties outside their job classification, provided that such assignments are temporary and for developmental purposes. Such assignments need not be reported to the Department of Personnel and are not grounds for position reallocation.

WAC 356-47-110 CAREER EXECUTIVE PROGRAM—INTER-AGENCY TRANSFERS—INTRA-AGENCY TRANSFERS.

(1) Incumbents in the Career Executive Program, with their concurrence, may be transferred between agencies at any time with the agreement of the two agency directors. Such transfers shall be reported to the Director of Personnel, or designee, not later than 30 days after the transfer.

(2) Positions and/or incumbents in the Career Executive Program may be transferred within an agency at any time with the employee's consent or providing such moves are within a reasonable commuting distance for the employee. Such transfers shall be reported to the Director of Personnel, or designee, within 30 days after the transfer.

(3) In (1) and (2) above, agencies should consider the reduction-in-force register in making appointments.

WAC 356-47-120 CAREER EXECUTIVE PROGRAM—APPEALS. The provisions of WAC 356-34-090 shall not apply to the Career Executive Program.

WSR 81-16-056

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-66—Filed August 3, 1981]

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 angling.

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 is necessary to protect depressed summer chinook salmon and upriver chinook salmon stocks.

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

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

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

APPROVED AND ADOPTED August 3, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-16000K COLUMBIA RIVER. (1) Effective August 4 through September 1, 1981, the personal use salmon bag limit in that portion of the Columbia River from the Interstate 5 Bridge to the Hood River Bridge shall be BAG LIMIT C.

(2) Effective August 4, 1981 until further notice the personal use salmon bag limit in that portion of the Columbia River upstream from the Hood River Bridge shall be BAG LIMIT C.

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

WSR 81-16-057
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-70—Filed August 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 angling.

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 restrictions in the Puyallup and Skagit Rivers are to preclude overharvest of chinook salmon returning to those streams. The Puget Sound bag limit is modified to meet allocation needs in that area.

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

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

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

APPROVED AND ADOPTED August 3, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-19000E PUGET SOUND BAG LIMIT. Notwithstanding the provisions of WAC 220-56-190, effective August 7, 1981 until further notice, in salmon punch card areas 5 through 13, as described in WAC 220-56-185 Marine Area Codes, the personal use salmon bag limit in any one day is three salmon, not more than two of which may be chinook salmon. Chinook salmon must be not less than 20 inches in length but there is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-57-37000A PUYALLUP RIVER. Notwithstanding the provisions of WAC 220-57-370, effective August 7, 1981 until further notice, it is unlawful to take, fish for or possess for personal use chinook salmon over 28 inches in length from the waters of the Puyallup River.

NEW SECTION

WAC 220-57-42500B SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective August 7, 1981 until further notice, it is unlawful to take, fish for or possess for personal use chinook salmon over 28 inches in length in that portion of the Skagit River downstream from Gilligan Creek.

WSR 81-16-058
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-71—Filed August 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 commercial 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 this order is adopted pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 3, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-910 COMMERCIAL SOCKEYE SALMON FISHERY. (1) *Effective August 3 through August 8, 1981 commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 81-48 of the Director of Fisheries and as published in the Federal Register June 25, 1981 are superceded in part by this section.*

(2) *It is unlawful to take, fish for or possess sockeye salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 4B, 5, 6, 6A, 6C, 7, 7A and 7D except as follows:*

Reef Net

Monday August 3, 1981 9:00 A.M. to 9:30 P.M.

Tuesday August 4, 1981 9:00 A.M. to 9:30 P.M.

Gill Net

7:00 P.M. Monday August 3 to 9:30 A.M. Tuesday August 4, 1981.

7:00 P.M. Tuesday August 4 to 9:30 A.M. Wednesday August 5, 1981.

NOTE: Area 7B - Gill nets restricted to 7-1/2 inch minimum mesh size.

Purse Seine

Tuesday August 4, 1981 5:00 A.M. to 9:30 P.M.

Wednesday August 5, 1981 5:00 A.M. to 9:30 P.M.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-909 COMMERCIAL SOCKEYE SALMON FISHERY. (81-68)

WSR 81-16-059 EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 81-72—Filed August 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 commercial 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 scheduled fisheries in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D are currently under IPSFC control. Mesh restriction in Area 7B was established by IPSFC. Scheduled fisheries in Areas 7B and 7C allow a harvest of chinook salmon. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

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

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

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

APPROVED AND ADOPTED August 3, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-603 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY—WEEK OF AUGUST 2, 1981. *Notwithstanding the provisions of WAC 220-47-403, effective August 2 through August 8, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

* Areas 4B, 5 and 6 - Closed except under International Pacific Salmon Fisheries Commission (IPSFC) and United States Department of Commerce (USDOC) rules set forth in Emergency Orders 81-48 and 81-71. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

* Area 6A - Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-71. Gill nets restricted to 5-7/8-inch maximum mesh size when open, and purse seines must release all chinook salmon over 28 inches in length when open.

Area 6B - Closed.

* Area 6C - Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-71. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

Area 6D - Closed.

* Areas 7 and 7A - Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-71. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

* Areas 7B and 7C - Closed except gill nets may fish Monday, Tuesday, and Wednesday nights from 7:00 p.m. to 9:30 a.m. It is unlawful for gill nets to have a mesh size less than 5 inches in Area 7C. IPSFC rules set forth in Emergency Order 81-71 set 7-1/2-inch minimum mesh size for gill nets in Area 7B. The Fidalgo Bay Salmon Preserve and that portion of 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220-47-307.

* Area 7D - Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-71. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-602 Puget Sound All-Citizen Commercial Salmon Fishery (81-69).

WSR 81-16-060 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF LICENSING

[Memorandum—July 31, 1981]

The Director of the Department of Licensing or his designee will conduct a public hearing on Monday, August 31, 1981 at 2 p.m. in the Fourth Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Pursuant to RCW 43.99.030, the director ". . . shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel." The director has authorized the making of a preliminary study to assist him in this determination and this study is available for public inspection and copying at the office of the director.

The purpose of this public hearing is to afford all interested persons a reasonable opportunity to submit data, views and arguments on the findings of the preliminary study prior to making a final determination.

WSR 81-16-061

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to repeal rules concerning designation of official custodian of right of way maps, WAC 468-30-090;

that such agency will at 10:00 a.m., Friday, September 11, 1981, in the Board Room, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 47.01.101(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10:00 a.m., Friday, September 11, 1981, Board Room, Highway Administration Building, Olympia, Washington.

Dated: August 4, 1981

By: A. D. Andreas
for Deputy Secretary

STATEMENT OF PURPOSE

Title: Repeal of WAC 468-30-090. Designation of official custodian of right of way maps.

Result of Federal Law or Federal or State Court Action: Not applicable.

Statutory Authority: RCW 47.01.101(5), Secretary—Authority and duties.

Summary of Rule: The rule designates the Engineering Services Manager, Highway Development, as official custodian of right of way maps with authority to certify copies for court purposes.

Reason for Rule: This repealer is necessary to comply with the current authority specified in WAC 468-06-050 assigning the Manager, Administrative Services, as Department Public Records Officer with certification responsibilities of true copies of documentation to the courts or other entities.

For Further Information: Mr. T. N. Townley, Administrative Assistant, Pre-Contract Administration, Design Group for the Department of Transportation, Room 2B10, Highway Administration Building, phone 753-6157, is responsible for drafting and implementing this repealer.

Proponents of Rule: The Washington State Department of Transportation is the proponent of this repealer.

Agency Comments or Recommendations: Recommend repeal of rule.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-30-090 DESIGNATION OF OFFICIAL CUSTODIAN OF RIGHT OF WAY MAPS.

WSR 81-16-062**PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed August 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to repeal rules concerning use of space beneath structures on limited access highways, WAC 468-58-040 and adding a new section to chapter 468-30 WAC to include all non-highway use of airspace on state highways;

that such agency will at 10:00 a.m., Friday, September 11, 1981, in the Board Room, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules shall take place immediately following such hearing.

The authority under which these rules are proposed is RCW 47.01.101(5) and 47.12.120, lease of unused highway land or air space.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10:00 a.m., Friday, September 11, 1981, Board Room, Highway Administration Building, Olympia, Washington.

Dated: August 4, 1981

By: A. D. Andreas
for Deputy Secretary

STATEMENT OF PURPOSE

Title: Repeal of WAC 468-58-040, Use of space beneath structures on limited access highways and adoption of new section WAC 468-30-110, Nonhighway use of airspace on state highways.

Result of Federal Law or Federal or State Court Action: Not applicable.

Statutory Authority: RCW 47.01.101(5), Secretary—Authority and duties, and RCW 47.12.120, Lease of unused highway land or airspace.

Summary of Rule: The rule sets forth the policy under which members of the public or governmental agencies may use airspace on state highways.

Reason for the Rule: This repealer and new section is necessary to comply with authority specified in RCW 47.12.120, Lease of unused highway land or airspace, whereby the department is authorized to lease airspace, including that used or to be used for both

limited access and conventional highways. The existing rule addresses leases of airspace only on limited access highways.

For Further Information: Mr. Harold Blecha, Supervisor Property Management and Relocation Assistance, Department of Transportation, Room 2D19, Highway Administration Building, Olympia, Washington 98504, phone 753-2929, is responsible for drafting and implementing this repealer and new section.

Proponents of Rule: The Washington State Department of Transportation is the proponent of this rule.

Agency Comments or Recommendations: Recommend repeal of obsolete section and adoption of new rule.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-58-040 USE OF SPACE BENEATH STRUCTURES ON LIMITED ACCESS HIGHWAYS.

NEW SECTION

WAC 468-30-110 NONHIGHWAY USE OF AIRSPACE ON STATE HIGHWAYS. (1) Definitions:

(a) "Airspace" is that space located above, at or below the highway's established gradeline lying within the approved right of way limits.

(b) "Department" is the Washington State Department of Transportation.

(2) Any use of such space shall be subject to approval of the Federal Highway Administration.

(3) Any use of such space shall be subject to compliance with all applicable city, town or county zoning requirements.

(4) Any application to the department for the lease of such space shall describe in detail the use to be made of such space and the physical facilities to be installed and maintained on state right of way.

(5) The lessee shall be solely responsible and shall hold the state harmless for liability for any and all damage to persons or to public or private property that may result from or be caused by the use of such space or from the erection or maintenance of any structure or facility upon the highway right of way. The lessee shall be liable to the department for any moneys expended by it for the protection or repair of any state facility required as a result of any such use.

(6) The lessee shall be required to carry liability and property damage insurance in amounts required by the department.

(7) No use of such space shall be allowed which subjects the highway facility or the public to undue risk or impairs the use of the facility for highway purposes.

(8) Use of such space shall be covered by a properly executed airspace lease.

(9) Consideration for occupancy:

(a) Where the airspace can be developed and used as an entity the consideration shall be economic rent.

(b) Where the proposed use of the airspace is in conjunction with an abutting tract, rent shall be based on its contribution value to the abutting property but not less than economic rent.

(c) When the use of the property constitutes a highway purpose the rent may be offset in part or in whole with other valuable considerations as determined by the department.

(10) The granting of any use of such space shall be subject to the discretion of the department and upon such terms and conditions in addition to those stated herein as it shall deem proper.

(11) No assignment of any lease by the lessee shall be of any force and effect unless prior written approval of such assignment has been given by the department.

WSR 81-16-063
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order PT 81-9—Filed August 4, 1981]

I, Glenn R. Pascall, director of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to county boards of equalization, amending WAC 458-14-125, hearing on petition.

I, Glenn R. Pascall, 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 several county boards of equalization have had a large number of appeals filed. Under the present regulations many of these counties would be forced to spend more money than had been budgeted in order to handle these appeals. This change in regulations will allow the several boards of equalization to operate more efficiently, thereby saving taxpayer dollars. To delay adoption of this amendatory section would do nothing to alleviate the aforementioned problem.

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

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010(2).

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

APPROVED AND ADOPTED August 4, 1981.

By Trevor W. Thompson
 Assistant Director

AMENDATORY SECTION (Amending PT 71-3, filed 4/29/71)

WAC 458-14-125 HEARING ON PETITION.
The county board of equalization shall hold an individual hearing on each petition which shall be numbered as received and shall be heard in the order received or at a time fixed by the board. Each petitioner and county assessor shall be notified by the clerk of the board at least three days in advance of the hearing time scheduled for his petition.

The petitioner and all witnesses shall be sworn. The board may use the following or other appropriate oath:

Chairman or clerk of the board:

Do you solemnly swear that the testimony you are about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God.

Appellant: I do.

The petitioner shall be given adequate time to present his case either in person or through his attorney or other authorized representative. Upon conclusion of the petitioner's case the county assessor shall present his case

which shall include ((executed Forms 500-BE-53 and 55 as the case may be, and)) any documentary evidence deemed material.

If the county assessor is not going to respond to a petition, he shall so inform the board.

The board shall consider all evidence and facts presented in each appeal and shall render a decision on every petition prior to adjournment. If a decision in each appeal cannot be made prior to adjournment date as provided by law, the board shall request to be reconvened to enable it to complete its duties.

~~*((The board may appoint one or more of its members as an examiner for the purpose of holding prehearing conferences with the petitioner. Such prehearing conferences shall not be required by the board as a condition precedent to the petitioner's obtaining an individual hearing before the full board, and the function of such prehearing conferences shall be limited to defining the issues raised by the petitioner as may be required to assist the petitioner in the hearing before the full board. If, after a prehearing conference, a petitioner wishes to waive his right to a hearing before the full board, such waiver shall be in writing. The full board may require of the examiner such written reports, as it deems appropriate.))*~~

The board may appoint one or more of its members to act as an examiner to assist the board in completing its duties. The board member examiner may hold hearings separate from the full board and take testimony from both the appellant and the assessor's staff. The examiner shall submit the testimony of the appellant and assessor and report his/her findings to the full board. The board shall make the final decision as to the value of the property under appeal. The board member examiner's report to the full board will be in lieu of the appearance of the appellant and assessor's personnel; Provided, that if the full board so desires, testimony may be taken from the appellant and assessor's personnel.

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

WSR 81-16-064
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed August 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning the amending of WAC 251-06-080, Position Reallocation—Effect on Incumbent to clarify that an employee occupying position which is reallocated to class with lower salary maximum will be subject to layoff provisions of the rules;

that such agency will at 10:00 a.m., Thursday, September 17, 1981, in Room 230 of Anderson Hall, Wenatchee Valley College, Wenatchee, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

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 September 17, 1981, and/or orally at 10:00 a.m., Thursday, September 17, 1981, Room 230 of Anderson Hall, Wenatchee Valley College, Wenatchee, Washington.

This notice is connected to and continues the matter in Notice Nos. WSR 81-10-005 and 81-15-002 filed with the code reviser's office on April 24, 1981 and July 2, 1981.

Dated: August 4, 1981

By: Douglas E. Sayan
Director

WSR 81-16-065
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
[Filed August 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning the amending of WAC 251-18-330, Trial Service Period to clarify that upon reversion during the trial service period, an employee has pre-emptive rights to his/her former position in which he/she last held permanent status;

that such agency will at 10:00 a.m., Thursday, September 17, 1981, in Room 230 of Anderson Hall, Wenatchee Valley College, Wenatchee, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

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 September 17, 1981, and/or orally at 10:00 a.m., Thursday, September 17, 1981, Room 230 of Anderson Hall, Wenatchee Valley College, Wenatchee, Washington.

Dated: August 4, 1981

By: Douglas E. Sayan
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the Code Reviser on August 4, 1981 and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-18-330, Trial Service Period.

Authority: RCW 28B.16.100.

Purpose of Existing Rule: Provides for reversion of an employee during the trial service period.

Summary of Proposed Change: Provides language to clarify that upon reversion during the trial service period, an employee has pre-emptive rights to his/her former position in which he/she last held permanent status.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director-HEPB, FT-11, Olympia 98504; Scan 234-3730.

Organization Proposing Change: HEPB Staff.

The agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-330 TRIAL SERVICE PERIOD. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class, unless

(a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) the class is lower in that same class series, or

(c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service is not appealable to the board when prior to the reversion the employee was provided written notice detailing the deficiencies in performance and specific changes required, and was given an opportunity to overcome the deficiencies. Such opportunity is not required when the employee lacks a technical skill that would require more training time to acquire than is available in the trial service period.

(4) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

(5) Successful completion of the trial service period shall result in permanent status in the class.

(6) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

WSR 81-16-066
ADOPTED RULES
URBAN ARTERIAL BOARD

[Order 81-03, Resolution 686—Filed August 4, 1981]

Be it resolved by the Urban Arterial Board, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to design standards for urban arterials, WAC 479-16-060.

This action is taken pursuant to Notice Nos. WSR 81-10-043 and 81-15-052 filed with the code reviser on April 30, 1981 and July 16, 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 Urban Arterial Board as authorized in chapter 47.26 RCW.

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

APPROVED AND ADOPTED July 30, 1981.

By Robert A. Plaquet
 Executive Secretary

AMENDATORY SECTION (Amending Order 460, filed 9/16/77)

WAC 479-16-060 DESIGN STANDARDS FOR URBAN ARTERIALS. Cities and counties within federal urban areas shall, in preparing and implementing their urban arterial programs, follow the Design Standards for ~~((City and County))~~ Urban Arterials in the state of Washington dated ~~((September 5, 1968, or as amended))~~ July 30, 1981.

Incorporated cities outside federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standard "~~((Neighborhood))~~ Collector Arterial" found in the Design Standards for ~~((City and County))~~ Urban Arterials in the state of Washington dated ~~((September 5, 1968, or as amended))~~ July 30, 1981.

A copy of these standards shall be available upon request to the office of the Urban Arterial Board. These standards shall be used for all projects presented for approval of Urban Arterial Trust Funds on July 30, 1981, and thereafter.

WSR 81-16-067
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 81-73—Filed August 4, 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 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 Areas 4B, 5, 6, 6A, 6C, 7 and 7A are restricted to protect Fraser River and some Puget Sound adult chinook salmon. Area 6D is restricted and Strait tributaries are closed to protect chinook salmon in Strait tributaries. Area 7C and Samish River restrictions protect escapement of Samish Hatchery fall chinook salmon. Area 8 and the Skagit River are closed to protect summer-fall Skagit River chinook salmon. Areas 6B, 9, 10 and 11 are closed to protect Nisqually River pink salmon and Puyallup River chinook salmon. Area 11A and Puyallup River restrictions protect Puyallup River chinook. Area 13 restrictions protect Nisqually River pink salmon. Area 10B restrictions protect Lake Washington sockeye. Areas 10C, 10D and the Cedar River are closed to protect Lake Washington sockeye and fall chinook. Portions of Area 12C and Area 12D are closed to protect Hoodspout, Dewatto and lower Hood Canal fall chinook.

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

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

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

APPROVED AND ADOPTED August 4, 1981.

By Rolland A. Schmitten
 Director

NEW SECTION

WAC 220-28-103 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B - Troll-caught chinook under 24 inches in length and troll-caught coho under 16 inches in length must be released. Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 5 - Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 6 - Gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 6A - Gill nets restricted to 5-7/8-inch maximum mesh, and all other net gear must release chinook salmon over 28 inches when open.

* Area 6B - Closed to all commercial net fishing.

Area 6C - Drift gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 6D - Gill nets restricted to 6-inch maximum mesh size, and all other net gear must release chinook salmon over 28 inches in length, when open.

Areas 7 and 7A - Gill nets restricted to 5-7/8-inch maximum mesh when open.

Area 7C - Closed to all commercial fishing southeasterly of a line projected from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

Area 8 - Closed to all commercial fishing through August 15, 1981.

* Area 9 - Closed to all commercial fishing.

* Area 10 - Closed to all commercial fishing.

Area 10B - Gill nets restricted to 6-1/2-inch minimum mesh when open.

Areas 10C and 10D - Closed to all commercial fishing.

* Area 11 - Closed to all commercial fishing.

* Area 11A - Gill nets restricted to 6-inch maximum mesh size when open.

Areas 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Warfield Trailer Park, and within 1/4 mile of a line connecting the outermost points of Dewatto Bay including Dewatto Bay.

Area 12D - Closed to all commercial fishing.

Area 13 - Gill nets restricted to 7-1/2-inch minimum mesh size when open, and purse seines prohibited.

* Puyallup River - Gill nets restricted to 6-inch maximum mesh size when open.

Cedar River - Closed to all commercial fishing.

Dungeness River - Gill nets restricted to 6-inch maximum mesh.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing through August 15, 1981, below the Old Faber Ferry Landing including all tributaries. Closed to all commercial fishing until further notice above the Old Faber Ferry Landing including all tributaries.

Clallam River, Deep Creek, Hoko River, Lyre River, Pysht River, Sail River, Salt Creek, Sekiu River, East Twin River, West Twin River - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-102 Puget Sound Commercial Fishery Restrictions (81-65)

WSR 81-16-068

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-74—Filed August 4, 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 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 this order is adopted pursuant to RCW 75.40.060.

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

This rule is promulgated pursuant to RCW 75.40.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 4, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-911 COMMERCIAL SOCKEYE SALMON FISHERY. (1) Effective August 4 through August 8, 1981 commercial sockeye salmon fishing rules of the United States Department of Commerce, as adopted by Order 81-48 of the Director of Fisheries and as published in the Federal Register June 25, 1981 are superceded in part by this section.

(2) It is unlawful to take, fish for or possess sockeye salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 4B, 5, 6, 6A, 6C, 7, 7A and 7D except as follows:

Reef Net

Tuesday, August 4, 1981 9:00 A.M. to 9:30 P.M.

Wednesday, August 5, 1981 5:00 A.M. to 9:30 P.M.

Gill Net

7:00 P.M. Tuesday, August 4 to 9:30 A.M. Wednesday, August 5, 1981.

7:00 P.M. Wednesday, August 5 to 9:30 A.M. Thursday, August 6, 1981.

Purse Seine

Tuesday, August 4, 1981 5:00 A.M. to 9:30 P.M.

Wednesday, August 5, 1981 5:00 A.M. to 9:30 P.M.

Thursday, August 6, 1981 5:00 A.M. to 9:30 P.M.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-910 COMMERCIAL SOCKEYE SALMON FISHERY. (81-71)

**WSR 81-16-069
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-75—Filed August 4, 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 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 scheduled fisheries in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D are currently under IPSFC control. Scheduled fisheries in Areas 7B and 7C allow a harvest of chinook salmon. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

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

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

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

APPROVED AND ADOPTED August 4, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-604 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY—WEEK OF AUGUST 2, 1981. Notwithstanding the provisions of WAC 220-47-403, effective August 2 through August 8, 1981, it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

* Areas 4B, 5 and 6 – Closed except under International Pacific Salmon Fisheries Commission (IPSFC) and United States Department of Commerce (USDOC) rules set forth in Emergency Orders 81-48 and 81-74. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

* Area 6A – Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-74. Gill nets restricted to 5-7/8-inch maximum mesh size when open, and purse seines must release all chinook salmon over 28 inches in length when open.

Area 6B – Closed.

* Area 6C – Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-74. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

Area 6D – Closed.

* Area 7 and 7A – Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-74. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

* Areas 7B and 7C – Closed except gill nets may fish Monday, Tuesday, and Wednesday nights from 7:00 p.m. to 9:30 a.m. It is unlawful for gill nets to have a mesh size less than 5 inches in Area 7C. The Fidalgo Bay Salmon Preserve and that portion of 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220-47-307.

* Area 7D – Closed except under IPSFC and USDOC rules set forth in Emergency Orders 81-48 and 81-74. Gill nets restricted to 5-7/8-inch maximum mesh size when open.

Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-603 Puget Sound All-Citizen Commercial Salmon Fishery (81-72).

**WSR 81-16-070
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed August 5, 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 232-12-075 Unlawful possession of wildlife during the open season.
- New WAC 232-12-189 Duplicate licenses, tags, etc.—Rules for issuance.
- Amd WAC 232-12-001 Definition of terms.
- Amd WAC 232-12-004 Classification of wild birds.
- Amd WAC 232-12-007 Classification of wild animals.
- Amd WAC 232-12-017 Deleterious exotic wildlife.

Amd	WAC 232-12-027	Game farm license provisions.
Amd	WAC 232-12-044	Use of game for training dogs or for field trials—Tagging requirements.
Amd	WAC 232-12-047	Unlawful firearms for hunting.
Amd	WAC 232-12-061	Tagging requirements.
Amd	WAC 232-12-134	Report required of licensed trappers.
Amd	WAC 232-12-137	Unlawful to use game species for trapping.
Amd	WAC 232-12-147	Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful.
Amd	WAC 232-12-164	Fishing near dams, hatcheries—Diversions unlawful.
Amd	WAC 232-12-241	Requirements of license dealers;

that such agency will at 9:00 a.m., Monday, October 5, 1981, in the Black Angus Motor Inn, 107 North 2nd, Walla Walla, WA 99362, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, October 5, 1981, in the Black Angus Motor Inn, 107 North 2nd, Walla Walla, WA 99362.

The authority under which these rules are proposed is RCW 77.12.040 and 77.32.256.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 5, 1981, and/or orally at 9:00 a.m., Monday, October 5, 1981, Black Angus Motor Inn, 107 North 2nd, Walla Walla, WA 99362.

Dated: August 5, 1981

By: Wallace F. Kramer
Chief, Wildlife Enforcement Division

STATEMENT OF PURPOSE

Title: New sections WAC 232-12-075, Unlawful Possession of Wildlife During the Open Season; and 232-12-189, Duplicate Licenses, Tags, Etc.—Rules for Issuance. Amendatory sections WAC 232-12-001, Definition of Terms; 232-12-004, Classification of Wild Birds; 232-12-007, Classification of Wild Animals; 232-12-017, Deleterious Exotic Wildlife; 232-12-027, Game Farm License Provisions; 232-12-044, Use of Game for Training Dogs or for Field Trials—Tagging Requirements; 232-12-047, Unlawful Firearms for Hunting; 232-12-061, Tagging Requirements; 232-12-134, Report Required of Licensed Trappers; 232-12-137, Unlawful to use Game Species for Trapping; 232-12-147, Maximum Number of Fishing Lines and Hooks—Snagging and Gaffing Fish Unlawful; 232-12-164, Fishing Near Dams, Hatcheries—Diversions Unlawful; and 232-12-241, Requirements of License Dealers.

Summary: Adopts new sections and amends sections relating to protection, and perpetuation of the wildlife resources as outlined in the text of each section listed.

Reasons in Support of Rule: To properly manage the wildlife resource.

Agency Personnel Responsible for Drafting: Dave Schult, Assistant Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504; Telephone: 753-5740; Implementation and Enforcement: Wallace F. Kramer, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740.

Person or Organization Proposing Rule: Washington State Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: None.

Is Rule Required by Federal Law, Federal Court Action or State Court Action: No.

NEW SECTION

WAC 232-12-075 UNLAWFUL POSSESSION OF WILDLIFE DURING THE OPEN SEASON. During the open season, it is unlawful for a person to have in his possession any wild animal, wild bird or game fish which was taken or possessed contrary to law or rules of the commission.

NEW SECTION

WAC 232-12-189 DUPLICATE LICENSES, TAGS, ETC. — RULES FOR ISSUANCE. Application for replacement of licenses, permits, tags, stamps or punchcards required by RCW 77.32, which have been lost, mutilated, or stolen, must be made on a form supplied by the Department.

All applicable information indicated on the form must be provided and the form must be notarized.

Duplicate licenses, permits, tags, stamps and punchcards may be issued only at Department offices or by Department employees authorized by the Director.

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:))~~ A valid license, permit, tag, stamp or punchcard means: A license, permit, tag, stamp, or punchcard 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.

(9) A lure means: Any object made of artificial materials which has attached thereto one or more hooks.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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 *Syrmatius reevesi*; gray or Hungarian partridge; *Perdix perdix*, 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)))~~

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 165, filed 6/1/81)

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*, and nuttallii (~~(and audubonii)~~); snowshoe hare, *Lepus americanus*; black-tailed jackrabbit, *Lepus californicus*; white-tailed jackrabbit, *Lepus townsendii*; bullfrog, *Rana catesbiana*; 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*.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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*
- (5) Wild boar, *Sus scrofa* and hybrids involving the species *Sus scrofa*.

It is unlawful to import or possess live specimens of deleterious exotic wildlife.

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 165, filed 6/1/81)

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.))~~ Transfers of wildlife other than those species listed under 2(a), (b), (c), or (d) 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 *Syrmatius reevesi*; wild turkeys of the species *Meleagris gallopavo*; Hungarian partridge (~~(and chukar partridge)~~) of the genus *Perdix*; ~~chukar partridge of the genus~~ *Alectoris*; quail, of the genus *Lophortyx*, *Colinus*, and *Oreortyx*; (~~(and)~~) waterfowl of the family Anatidae, and tinamou of the genus *Nothoprocta*

(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.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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, except captive reared mallard ducks.

(1) Game birds to be used for training or field trials must be banded before being transported to such trials or training areas, with the exception of captive reared mallard ducks. Bands must remain on the bird or animal so tagged during use and transportation.

(2) Captive reared mallard ducks shall be banded or be physically marked by removal of the hind toe from the right foot prior to four weeks of age.

~~((2))~~ (3) 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))~~ (4) 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.

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

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

AMENDATORY SECTION (Amending Order 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.

(c) A rifle with a bore diameter less than .240 of an inch (6mm), ~~((and))~~ or barrel length less than ~~((+8))~~ 16 inches.

(d) A cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy as 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.

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 165, filed 6/1/81)

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(;) of the edible parts.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-134 REPORT REQUIRED OF LICENSED TRAPPERS. It is unlawful for a licensed trapper (~~(not)~~) to fail to report to the director, within thirty days after the close of the trapping season, on a form supplied by the department, the number of each species of animal(s) taken, (within thirty days after the close of each trapping season:)

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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, **EXCEPT**

(1) Non-edible parts of game fish and game animals may be used when they are buried or remain concealed from plain view.

(2) Game bird feathers may be used as an attractor.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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:)~~

(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 hooks 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.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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, passing, or holding fish. It is unlawful to fish in an irrigation canal or ditch, when the area is posted as closed waters.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

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, stamps, punchcards, 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.

WSR 81-16-071

PROPOSED RULES

STATE BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Filed August 5, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning tuition and fee charges to be made by community colleges for certain ungraded courses;

that such agency will at 10 a.m., Friday, September 11, 1981, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is section 8, chapter 257, Laws of 1981.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10 a.m., Friday, September 11, 1981, Olympia Technical Community College, 2011 Mottman Road, Olympia, WA.

Dated: August 5, 1981

By: Gilbert J. Carbone

Assistant Director

STATEMENT OF PURPOSE

Title: Tuition and Fee Charges for Certain Ungraded Courses.

Purpose: These rules implement section 4 of RCW 28B.15.500.

Authority: RCW 28B.15.500.

Summary: The rules provide a definition of courses described as ungraded and specify the tuition and fees to be charged for such courses.

Drafting: Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, WA 753-3650.

Implementation and Enforcement: Harold Jacobsen, Associate Director, 319 7th Avenue, Olympia, WA 753-3670.

Proposing Organization: State Board for Community College Education

Comments: The existing rule is amended to make minor changes in definitions and to indicate a revised schedule of tuition and fees.

Court Action Relationship: These rules are not related to any federal or state court action.

AMENDATORY SECTION (Amending Order 71, Resolution 78-29, filed 6/30/78)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the State Board.

(b) shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

(i) That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in (~~RCW 28B-15-500~~) chapter 28B.15 RCW,

(ii) that the required nonresident differential is charged to students registered for seven or more credits.

(c) shall be assessed for part-time students, exclusive of services and activities fees, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and operating fees charged to full-time students consistent with (~~RCW 28B-15-500~~) chapter 28B.15 RCW.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For community service courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 71, Resolution 78-29, filed 6/30/78)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by (~~RCW 28B-15-500 and~~) WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the State Director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a (~~discrete~~) discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the State Board as occupational supplementary, occupational (~~non-wage-earning~~) homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
(a) Courses offered for the purpose of satisfying (education) related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and Training	\$(13.50) <u>24.00</u> per year	\$(13.50) <u>24.00</u> per year	No Charge
(b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	No Charge	No Charge	No Charge
(c) Parent education involving cooperative pre-school program	((One-half)) <u>The combined</u> stand- ard district charge per credit ((per)) ((quarter)) <u>hour for</u> <u>tuition and</u> <u>operating fees</u> less ((one-half of)) <u>the</u> pre-school cooperative fee, with any remainder divid- <u>ed equally be-</u> <u>tween tuition</u> <u>and operating</u> <u>fee</u>	((the)) ((stand-)) ((ard)) ((district)) ((charge per)) ((credit per)) ((quarter)) ((fess)) ((one-half of)) ((of)) ((pre-school)) ((cooperative)) ((fee))	No Charge

Course	Tuition	Operating Fee	Services and Activities Fee
(d) Farm management and small business management	\$(20.00) <u>\$36.00</u> per year per person enrolled, minimum charge \$(40.00) <u>\$72.00</u> per year	\$(20.00) <u>\$36.00</u> per year per person enrolled, minimum charge \$(40.00) <u>\$72.00</u> per year	No Charge
(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge
(f) Emergency Medical Technician	<u>\$9.00 per course</u>	<u>\$9.00 per course</u>	<u>No Charge</u>
(g) Senior Citizen courses	<u>\$1.00 per credit hour</u>	<u>\$1.00 per credit hour</u>	<u>No Charge</u>

For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.

(5) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

WSR 81-16-072
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed August 5, 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 rules and regulations for operation of hostels, chapter 352-52 WAC;

that such agency will at 9 a.m., Thursday, September 17, 1981, in the Ridpath Hotel, West 515 Sprague Avenue, Spokane, WA 99210, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 43.51.375 and 43.51.060(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, September 16, 1981, and/or orally at 9 a.m., Thursday, September 17, 1981, Ridpath Hotel, West 515 Sprague Avenue, Spokane, WA 99210.

Dated: August 5, 1981
 By: D. W. Lowell
 Rules Coordinator

STATEMENT OF PURPOSE

Title: Hostels.

Description of Purpose: The purpose of this rule is to carry out legislative mandate and provide guidance for processing grants or money for support of hostels.

Statutory Authority: RCW 43.51.375 and 43.51.060(1).

Summary of Rule: The rule gives guidance accepting grants or money from any federal and private source and for the disbursement of these funds to public agencies for operation of hostels. Guidance for the operation of these hostels is provided in American Youth Hostel Inc. AYH Hostel Operating Manual.

Reasons Supporting Proposed Action: To provide a minimum of regulation yet providing maximum adherence to accepted and standardized operation.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yvonne Ferrell, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane KY-11, Olympia, Washington 98504. 206-753-2010.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended statutory language is contained in the attached proposed new rule. The rule will be implemented and enforced by agency staff.

Federal Law Court Action: Not applicable.

Chapter 352-52 WAC
HOSTELS

NEW SECTION

WAC 352-52-010 PURPOSE. This chapter is promulgated to carry out the commission's duties and responsibilities as contained in RCW 43.51.375.

NEW SECTION

WAC 352-52-020 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated.

(1) "Hostel" means a simple basic structure which serves as a safe, low-cost overnight accommodation for mobile people of all ages from this country and abroad.

(2) "Director" means the director of the Washington State Parks and Recreation Commission.

(3) "Commission" means the Washington State Parks and Recreation Commission.

NEW SECTION

WAC 352-52-030 GRANTS OR MONEYS FOR SUPPORT OF HOSTELS. The commission will accept grants or moneys from any federal or private source for support of hostels. The commission, at its discretion, will apportion and transfer any such moneys to public agencies which have contracted for the operation of a hostel or hostels, or to political subdivisions which operate hostels. Application for such moneys shall be made on a form provided by the director, which may be obtained upon request by writing in care of the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504: PROVIDED, That no contracting agency or political subdivision will be eligible to receive any such moneys in support of hostels unless their hostels are operated in accordance with WAC 352-52-040.

NEW SECTION

WAC 352-52-040 OPERATION OF HOSTELS. Hostels shall be operated in substantial compliance with the operating standards and customs established by American Youth Hostels, Inc. (AYH), as reflected in the AYH Hostel Operations Manual, January, 1977 revision. Copies of the manual are available upon request by writing in care of

the director, whose address is given in WAC 352-52-030. There will be a charge for copying the manual according to the fees established in WAC 352-40-090 for copying public records.

WSR 81-16-073
NOTICE OF PUBLIC MEETINGS
PLANNING AND
COMMUNITY AFFAIRS AGENCY
(Governor's Select Committee
on the Columbia River Gorge)
(Manufactured Housing Task Force)
 [Memorandum, Deputy Director—August 5, 1981]

Governor's Select Committee
 on the Columbia River Gorge

The Governor's Select Committee on the Columbia River Gorge was established by ESSB 3945 to make recommendations to the governor and the legislature by December 1, 1981, on a management plan for the gorge. The group will also perform certain other tasks, including making an inventory of sensitive areas in the gorge. The committee will be holding a number of meetings in the coming weeks. Because the meeting times may be irregular, interested parties wishing to be notified of the meetings should contact Jeff Breckel of the Columbia River Gorge Commission at (509) 427-8866 or Patrick Dunn of the Planning and Community Affairs Agency at (206) 753-2222.

Manufactured Housing Task Force

Substitute House Bill 397 established a nine-member task force chaired by the Director of the Planning and Community Affairs Agency to develop a model ordinance for the siting of manufactured housing and to perform other tasks. The task force will report to the legislature by December 1, 1981. The first meeting of the task force is scheduled for August 21, 1981, at 2 p.m. in the PCAA conference room, fifth floor of the Ninth and Columbia Building, Olympia. Persons wishing to be notified of future meetings should call Doris Coates, Planning and Community Affairs Agency, at (206) 754-1238.

WSR 81-16-074
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—August 3, 1981]

Cancellation of August 6, 1981, Meeting of the Board
 of Trustees of Western Washington University

In accordance with RCW 42.30.070, I hereby inform you of the cancellation of the August 6, 1981, meeting of the Board of Trustees of Western Washington University. This information is for publication in the State Register.

WSR 81-16-075
PROPOSED RULES
HIGHLINE COMMUNITY COLLEGE
 [Filed August 5, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Highline Community College intends to adopt, amend, or repeal rules concerning bylaws of the Board of Trustees, WAC 132I-104-060. To amend the time, date and location of the meetings of the Board of Trustees of Community College District 9.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 10, 1981, in the Board Room of the Library, Building 25, Highline Community College, Midway, Washington.

The authority under which these rules are proposed is chapter 28B.19 RCW and 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 September 10, 1981, and/or orally at 10:00 a.m., Thursday, September 10, 1981, Board Room of the Library, Building 25, Highline Community College, Midway, Washington.

Dated: August 3, 1981
 By: Edward M. Command
 Vice President

STATEMENT OF PURPOSE

Title: Bylaws of the Board of Trustees, chapter 132I-104 WAC.

Purpose: To amend the time, date, and location of the meetings of the Board of Trustees of Community College District 9.

Statutory Authority: Chapter 28B.19 RCW and RCW 28B.50.140.

Summary of Rule: These rules establish the organization and method of conducting the business of the Board of Trustees for Community College District 9. This change reflects minor changes in the meeting date, time, and place for the regular meeting.

Reasons Supporting Proposed Action: This change accommodates scheduling commitments of board members and administrative personnel of the college.

Responsibility for Drafting, Implementation and Enforcement: Edward M. Command, Vice President, Highline Community College, 878-3710 (203).

Organization Proposing Rule: Board of Trustees of Community College District 9, Public.

Institution Comments: None.

These rules are not necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 005, filed 2/27/74)

WAC 132I-104-060 MEETINGS OF THE BOARD OF TRUSTEES. Normally the ((The)) Board of Trustees shall hold one regular meeting each month except during the month of August.

(1) ((Time of regular meeting.)) Regular meetings: The regular monthly meeting shall be held on the ((third)) second Thursday of

each month, commencing at ~~((8:30))~~ 8:00 a.m. with a study session. The action session will commence at 10:00 a.m. ~~((Regular meetings may be cancelled with consent of the majority of the Board:))~~

~~((2) Place of regular meeting:))~~ The study session shall be held in the ~~((Board))~~ Conference Room of the Administration Building. ~~((AH))~~ The action session and other meetings, both regular and special, shall be held in the ~~((Gold Room of the Performing Arts Center; provided, however, that the place of the meeting may be changed to such location as the Chairman may direct and 24 hours written notice of the change of place of the meeting shall be given to each member of the Board:))~~ Board Room of the Library.

The time and place of the meeting may be changed as the Chairman may direct provided 24 hours written notice of the changes shall be given to each member of the Board.

Regular meetings may be cancelled with consent of the majority of the Board.

~~((3) Special meetings:))~~ (2) Special meetings: Special meetings of the Board may be convened by the Chairman, provided written notice of such meeting is given to each individual Trustee at least 24 hours prior to a special meeting unless notice be waived in writing or by actual attendance at the meeting. Such notice shall specify the date, time, and place of the special meeting and the business to be transacted.

~~((4) Executive sessions:))~~ (3) Executive sessions: The Board may convene executive sessions whenever it is deemed necessary in the interest of the College for the purpose of discussing matters or items for which Executive Sessions are authorized in Chapter 42.30 RCW as it now exists or amended hereafter.

WSR 81-16-076

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

(Cranberry Commission)

[Filed August 5, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Cranberry Commission intends to adopt, amend, or repeal rules concerning time, place and method for payment and collection of assessments, WAC 16-565-041;

that such agency will at 11:15 a.m., Friday, September 18, 1981, in the North Willapa Harbor Grange Hall, Grayland, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.65.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 18, 1981, and/or orally at 11:15 a.m., Friday, September 18, 1981, North Willapa Harbor Grange Hall, Grayland, Washington.

Dated: August 5, 1981

By: Robert P. Quinby
Chairman

STATEMENT OF PURPOSE

Title: WAC 16-565-041 Time, Place, and Method for Payment and Collection of Assessments.

Description of purpose: Provides directions and deadline date for payment and collection of Washington Cranberry Commission assessments.

Statutory authority: RCW 15.65.410.

Summary of rule: Directs the first handlers to deduct the assessment from the remittance to growers and, for those growers selling to other than first handlers, to pay their assessment director to the commission. Also sets the date when payment is due and authorizes a penalty fee for late payment.

Agency personnel responsible for drafting: Roger L. Roberts, State Department of Agriculture, Agricultural Development Division, Olympia, WA 98504, 753-5046; implementation: Robert P. Quinby, Chairman, Washington Cranberry Commission, Star Route 1, Box 154, Grayland, WA 98547, 267-4214; and enforcement: Washington State Department of Agriculture, Olympia, WA 98504, 753-5046.

Organization proposing rule: Washington Cranberry Commission, Governmental.

Agency comments: Rule is necessary to establish payment and collection procedures.

Rule is not necessary as result of federal law or federal or state court action.

NEW SECTION

WAC 16-565-041 TIME, PLACE, AND METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS. Effective with the 1981 crop, the following procedure is established for the reporting and payment of assessments levied pursuant to RCW 15.65.410 and WAC 16-565-040:

(1) All first handlers of cranberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments are due and payable on or before February 28 following the harvest period.

(2) All growers selling cranberries other than to first handlers for resale, including selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission on or before February 28 following the harvest period.

(3) Any assessment paid after the above deadline shall be accompanied by a penalty fee of ten percent as provided for in RCW 15.65.440.

WSR 81-16-077

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 81-22—Filed August 5, 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 Burlington, City of, amending WAC 173-19-3707.

This action is taken pursuant to Notice No. WSR 81-12-054 filed with the code reviser on June 3, 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 July 15, 1981.

By John F. Spencer
Deputy Director

NEW SECTION

WAC 173-19-3707 BURLINGTON, CITY OF.
City of Burlington master program approved July 15, 1981.

WSR 81-16-078

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 81-21—Filed August 5, 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 Walla Walla, City of, amending WAC 173-19-4402.

This action is taken pursuant to Notice No. WSR 81-12-053 filed with the code reviser on June 3, 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 July 15, 1981.

By John F. Spencer
Deputy Director

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 15, 1981.

WSR 81-16-079

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 81-20—Filed August 5, 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 Moses Lake, City of, amending WAC 173-19-2102.

This action is taken pursuant to Notice No. WSR 81-12-053 filed with the code reviser on June 3, 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 July 15, 1981.

By John F. Spencer
Deputy Director

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 15, 1981.

WSR 81-16-080

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed August 5, 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 King County, amending WAC 173-19-250;

that such agency will at 2:15 p.m., Wednesday, September 9, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:15 p.m., Wednesday, September 23, 1981, in the 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 September 18, 1981, and/or orally at 2:15 p.m., Wednesday, September 9, 1981, Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: August 4, 1981

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-250, King County.

Description of purpose: Adoption of reviewed 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 shorelines master program for King County.

Reasons supporting proposed action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department 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, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology, state government.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as a result of federal law or federal or state court action: No.

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

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981.

WSR 81-16-081
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed August 5, 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 Skagit County, amending WAC 173-19-370 and Thurston County, amending WAC 173-19-420;

that such agency will at 2:00 p.m., Wednesday, September 9, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, September 23, 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 September 16, 1981, and/or orally at 2:00 p.m., Wednesday, September 9, 1981, Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: August 4, 1981

By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-370, Skagit County and WAC 173-19-420, Thurston County.

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 Skagit and Thurston counties.

Reasons supporting proposed action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department 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.

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: No.

AMENDATORY SECTION (Amending Order DE 80-51, filed 12/11/80)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981.

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

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981.

WSR 81-16-082
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Ecological Commission)
 [Memorandum—August 4, 1981]

RCW 43.21A.170 requires that designated state agency heads and the public to 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 third quarterly meeting of the Washington State Ecological Commission

will be held the first week in October. The exact date, time and place will be published in the September register.

For further information, please contact Susan Pratt, Ecological Commission, c/o Department of Ecology, MS PV-11, Olympia, Washington 98504, (telephone 206-753-2240).

WSR 81-16-083
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed August 5, 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 the amending of WAC 480-12-215 relating to leasing of equipment by private carriers and amending WAC 480-12-400, 480-12-430 and 480-12-445 relating to carriers of household goods and information to be provided to shippers of household goods. The proposed amendatory sections are show below as Appendix A, Cause No. TV-1500. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00, Wednesday, September 9, 1981, in the Commission's Conference Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1981, and/or orally at 8:00, Wednesday, September 9, 1981, Commission's Conference Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

Dated: August 5, 1981

By: David Rees
 Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-215 relating to leasing of equipment by private carriers and WAC 480-12-400, 480-12-430 and 480-12-445 relating to carriers of household goods and information to be provided to shippers of household goods.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.290, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are

designed to conform WAC 480-12-215 to statutory changes, amend rules relating to household goods carriers to expand the category of local moving which is subject to hourly rates, and provide an alternative means for carriers to give evidence to shippers that cargo protection insurance is in effect for household goods shipments. The rules also provide a specific minimum released value for household goods shipments. David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponents of the rules are the Washington Utilities and Transportation Commission for WAC 480-12-215 and the Washington Movers Conference for the remaining rules.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, and in part reflects implementation of statutory changes.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that four copies of this statement are this date being forwarded to the Secretary of the Senate and four copies to the Chief Clerk of the House of Representatives. In compliance with WAC 1-12-030 and 1-12-040, one copy forwarded to the Secretary of the Senate and one copy to the Chief Clerk have been marked "Joint Administrative Rules Review Committee."

APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-215 PSEUDO LEASING. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a for-hire transportation service and the commission shall institute proceedings to determine if the lessor should be classified as a common or contract carrier under the provisions of chapter 81.80 RCW and/or RCW (~~81-80-180~~) 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the transportation act, chapter 81.80 RCW, or the rules and regulations of the commission promulgated thereunder, or the applicable lawful tariffs, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW (~~81-80-180~~) 81.04.510.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-400 DEFINITIONS. (1) The term "household goods", for the purpose of the following rules, means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(2) The term "local moving" means all hauls within the limits of any city and all hauls of ((25)) thirty-five constructive miles or less, as well as other specified hauls for which rates are prescribed on a time basis in Items 1300 and 1305 of the Commission's Tariff 4-A, or reissues thereof. All other moves are to be termed "long distance moving".

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-430 LIABILITY OF CARRIERS. (1) Liability restricted. Carriers of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(2) Insurance policy. Each common carrier which sells, offers, or procures cargo insurance to or for a shipper of household goods shall deliver to the shipper at or prior to the time of shipment a policy or certificate of such insurance ((which shall show clearly the name and address of the insurance company, the amount of insurance, the premium therefor, and the risks insured against, or the risks excluded, whichever is more appropriate)) or provide an appropriate notation on the bill of lading that cargo protection has been purchased, the amount thereof and the charge for such cargo protection.

(3) Advertisement of insurance. A carrier of household goods or any employee, agent, or representative thereof, shall not advertise or represent to the public that insurance is provided against all risks, unless such insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies" or by some other appropriate designation which will indicate clearly to the shipper that not all risks are covered thereby.

(4) Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured". No carrier of household goods or any employee, agent, or representative thereof, shall advertise or represent to the public that "all loads are insured," or other similar wording.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-445 INFORMATION TO SHIPPER. Whenever a written estimate is submitted to a prospective shipper of household goods, the carrier shall furnish such shipper a printed statement, in not less than eight-point bold or full-faced type, in substantially the form set forth below, and the carrier shall make an appropriate notation, on the face of the estimate, that such printed statement has been furnished. Where no estimate is given, the statement shall be furnished to the shipper prior to the time the goods are moved, and a notation that such statement has been furnished shall appear on the bill of lading.

**GENERAL INFORMATION FOR SHIPPERS
OF HOUSEHOLD GOODS BY MOTOR CARRIERS
IN INTRASTATE COMMERCE**

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Washington Utilities and Transportation Commission. It relates to the transportation of household goods, in intrastate commerce by motor carriers frequently called "movers" but hereinafter referred to as carriers. Some carriers perform the transportation themselves. Others act as agent for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be

sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. **REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED**, for the carriage of your shipment, you will be required to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Washington Utilities and Transportation Commission. The total charges which you will be required to pay may be more, or less, than the estimate received from the carrier.

Tariff. This is a publication by the Washington Utilities and Transportation Commission, ((Insurance)) Highways-Licenses Building, Olympia, Washington, containing charges and rules of carriers engaged in the transportation of household goods. The rates, rules and provisions are the same for all carriers and tariff is open to public inspection and may be examined at the carrier's office. The tariff rules, rates and regulations of the carrier serving you must be considered in determining the charges on your shipment. Among the rules and regulations will be found special provisions applicable to shipments picked up or delivered at more than one place; packing and marking; diversion of shipments en route; and additional services, the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying goods up or down steps. The tariff of the carrier serving you contains rules relating to the subjects which follow.

Preparing articles for shipment. If your shipment includes a stove, refrigerator, washing machine, or some other article requiring special servicing, including disconnection, prior to movement, such special servicing should be performed by a person employed by you who is especially trained to perform the work. Such servicing is not the responsibility of the carrier. Similarly you should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings or matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated ((in amounts per one hundred pounds for distances of more than 25 miles and)) on an hourly basis for local moving within towns or cities or for any distance ((25)) thirty-five miles or less. ((Carriers generally maintain)) These rates ((varying)) vary according to the released or declared value of the shipment, which establishes the amount a shipper may recover from the carrier if the goods are lost or damaged. The lowest rate ((usually)) applies when the shipper releases the goods ((to)) at a value ((not exceeding 30)) of sixty cents per pound per article. ((For example, you may agree that the value of any article weighing 10 pounds is only \$3.00. This value may not be what the article is worth, but it is the amount which you agree to as the released value and it will be the basis for the settlement of any claim for loss or damage which you might later file. You may declare a higher value on some or all of your goods, but if you do, the transportation charges will be higher)) When the released value is seventy-five cents per pound, instead of the regular sixty cents, the transportation charge is one hundred ten percent of the base rate, and is further increased by ten percent of the base rate for each additional seventy-five cents per pound of excess value declared. Alternatively, you may elect to ship at the base rate and arrange with the carrier, at your own expense, to obtain insurance to protect you for a greater amount. Rates for hauling within Washington beyond thirty-five miles are stated in amounts per one hundred pounds, depending on the distance involved. The rates also vary according to the released or declared value of the shipment. The carrier's tariff provides that at its lowest rates the carrier's responsibility for loss or damage caused by it is limited to sixty cents per pound of actual weight of each lost or damaged article. If you wish to be paid full value for lost or damaged items which are worth more than sixty cents per pound, you must declare, before shipping, a lump sum value and pay an extra charge for such value. Payment of the charge establishes the declared value as the maximum amount you may recover from the carrier for loss or damage, unless the damage is caused by an event or development excluded by the terms of the carrier's printed bill of lading, of which you should have a copy. If you do

not declare any lump sum value, or a value less than one dollar and twenty-five cents per pound, the shipment will be deemed to have been released at one dollar and twenty-five cents per pound, and an additional charge per one hundred dollars of value will be applied. If you wish to avoid these extra charges, you must agree, in writing, on the bill of lading, that if any articles are lost or damaged, the carrier's liability will not exceed sixty cents per pound for the actual weight of any lost or damaged articles in the shipment.

Cargo protection. A carrier's liability for loss or damage is limited by the bill of lading, its tariffs, and the value declared by the shipper. If you desire the benefit of the lowest transportation rate, but seek greater protection than afforded thereunder, you may purchase cargo insurance or other protection. If such protection is purchased through the carrier, you should require the deliverance to you of evidence of such protection prior to the time your goods are moved. Such evidence (should show the amount of such additional protection, the cost thereof, and the risks included or excluded, whichever is more appropriate) shall consist of either a policy or certificate of insurance, or an appropriate notation on the bill of lading that cargo protection has been purchased, the amount thereof and the charge for such cargo protection.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than one thousand pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you of the weight of your shipment and the charges as soon as the weight has been determined. Further, if you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed one hundred pounds (if your shipment weighs five thousand pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than five thousand pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing less than a designated weight - usually five thousand pounds - will be delivered on or before the date specified by the shipper. The transportation charges for such expedited service are based upon the higher weight five thousand pounds and, of course, are greater than the charges on shipments hauled at the carrier's convenience.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even if the expense of crating the items is taken into consideration.

Storage in transit. In case you desire that your household goods be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you

and the carrier, showing the date of shipment, the names of the consignor and consignee, the points of origin and destination, a description of the goods, and the declared or released valuation thereof.

Payment of charges - freight bill. You probably will have to pay all charges in cash, by money order, or by certified check before your shipment will be finally delivered. Therefore, when the shipment arrives at destination, you should be prepared to make such payment.

When paying charges on shipments moving more than ~~(25)~~ thirty-five miles you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle, the net weight of your shipment, the mileage, the applicable rate per ~~(100)~~ one hundred pounds for transportation, additional protection, and any accessorial services performed. On shipments moving under ~~(25)~~ thirty-five miles the receipt should show the time the vehicle left the premises of the mover and the time the same vehicle returned thereto, the rate per hour and rates for any accessorial services performed. Such receipt is called a freight bill or expense bill. In the event of loss or damage to the shipment, be sure to have the driver place appropriate notations on the freight bill. If the driver will not make such notations, you should have some disinterested party inspect the damage in the driver's presence and report same in writing to the home office of the carrier.

Loss or damage. If loss or damage is detected when the goods are delivered by the carrier, the fact of such loss or damage should be recorded by the shipper on the bill of lading, or delivery record. All claims for loss or damage must be filed with the carrier, in writing within nine months of delivery. Although the carriers are subject to the rules and regulations of the Washington Utilities and Transportation Commission the Commission has no authority to compel the carriers to settle claims for loss or damage and will not undertake to determine whether the basis for or the amount of such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the only recourse of the shipper is the filing of a suit in a court of law. The names of the carrier's agents for service of process in this state may be obtained by writing the Washington Utilities and Transportation Commission, ~~(Insurance)~~ Highways-Licenses Building, Olympia, Washington.

WSR 81-16-084

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 5, 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 the amending of WAC 480-12-340 relating to extension of credit by common carriers. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1501. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 9, 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.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 4, 1981, and/or orally at 8:00 a.m., Wednesday, September 9, 1981, Commission's

Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: August 5, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-340 relating to extension of credit by common carriers.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01-.040, which directs that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide for special consideration of credit by household goods carriers, and accommodate credit arrangements by order of the commission.

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

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that four copies of this statement are this date being forwarded to the Secretary of the Senate and four copies to the Chief Clerk of the House of Representatives. In compliance with WAC 1-12-030 and 1-12-040 one copy forwarded to the Secretary of the Senate and one copy to the Chief Clerk have been marked "Joint Administrative Rules Review Committee."

APPENDIX A

AMENDATORY SECTION (Amending Order R-150, Cause No. TV-1372, filed 8/27/80)

WAC 480-12-340 CREDIT, EXTENSION OF, BY COMMON CARRIERS. (1) In extending credit by common carriers to shippers and consignees for transportation charges, if such charges are not paid when due, the further extension of credit shall immediately cease and all necessary legal steps be taken at once to collect the outstanding amount. In all such cases the full circumstances shall be reported to the Commission for such action as it may deem necessary.

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(5) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carriers shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(6) The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(7) Carriers engaged in garbage, refuse or debris collection may present monthly bills(~~and~~); carriers of logs and carriers of household goods shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intrastate transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

WSR 81-16-085

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-168, Cause No. TSW-1510—Filed August 5, 1981]

In the matter of repealing chapter 480-130 WAC relating to storage warehouse companies, WAC 480-149-080 and 480-149-090 relating to storage warehouse tariffs and tariffs of "wharfingers or warehousemen."

This action is taken pursuant to Notice No. WSR 81-14-085 filed with the Code Reviser on July 1, 1981. This repeal shall take effect pursuant to RCW 34.04.040(2).

This rule repeal proceeding is brought on pursuant to RCW 80.01.040 and is intended to administratively implement these statutes.

This rule proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 81-14-085, the above matter was scheduled for repeal at 8:00 a.m., Wednesday, August 5, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton, and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to August 5, 1981. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, August 5, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the August 5, 1981 meeting, the commission considered the rule repeal. No written comments were received.

The rule repeal affects no economic values.

In reviewing the entire record herein, it has been determined that chapter 480-130 WAC, WAC 480-149-080 and 480-149-090 should be repealed as indicated in Appendix A, shown below and made a part hereof by reference.

ORDER

WHEREFORE, IT IS ORDERED That chapter 480-130 WAC, WAC 480-149-080 and 480-149-090 relating to storage warehouses and tariffs of storage warehouses and of wharfingers or warehousemen be, and the same are hereby repealed as set forth in Appendix A to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed repeal, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 5th day of August, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

REPEALER

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

(1) WAC 480-149-080 STORAGE WAREHOUSE TARIFFS.

(2) WAC 480-149-090 TARIFFS OF "WHARFINGERS OR WAREHOUSEMEN".

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 480-130-010 NO OPERATION WITHOUT LICENSE.
- (2) WAC 480-130-020 QUALIFICATIONS FOR LICENSE.
- (3) WAC 480-130-030 APPLICATIONS FOR STORAGE WAREHOUSE LICENSE.
- (4) WAC 480-130-040 TARIFFS.
- (5) WAC 480-130-050 WAREHOUSE RECEIPTS—LIABILITY.
- (6) WAC 480-130-060 HOUSEHOLD GOODS—DEFINITION.
- (7) WAC 480-130-070 GENERAL MERCHANDISE—DEFINITION.
- (8) WAC 480-130-080 INSURANCE.
- (9) WAC 480-130-090 LICENSE CANCELLED.
- (10) WAC 480-130-100 LICENSE FEES, TERM, POSTING, AUTHORITY, FEES FORFEITED.
- (11) WAC 480-130-110 USE OF NEW BUILDINGS, OR DISCONTINUANCE.
- (12) WAC 480-130-120 TRANSFER OF OWNERSHIP.
- (13) WAC 480-130-130 ACCOUNTS.
- (14) WAC 480-130-140 ADVERTISING.
- (15) WAC 480-130-150 WAIVER OF RULES.
- (16) WAC 480-130-160 DOCUMENTS—WHEN FILED.
- (17) WAC 480-130-170 CONFLICT WITH TARIFF RULES—ENFORCEMENT WAREHOUSEMEN'S LIEN—TRANSFERS OF PROPERTY—AFFILIATED INTERESTS.
- (18) WAC 480-130-180 REBATES.

WSR 81-16-086

PROPOSED RULES

RECIPROCITY COMMISSION

[Filed August 5, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Reciprocity Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 410-20-040(7) and (8) will allow a business vehicle up to and including 12,000 pounds gross vehicle weight bearing license plates from another jurisdiction to enter Washington without licensing or obtaining a trip permit; that such agency will at 10:00 a.m., Thursday, September 17, 1981, in the 4th Floor Conference Room, Highway-Licenses Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 17, 1981, in the 4th Floor Conference Room, Highway-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.85.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 17, 1981, and/or orally at 10:00 a.m., Thursday, September 17, 1981, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: August 4, 1981
By: Wesley L. Barclift
Chairman

STATEMENT OF PURPOSE

Title: Vehicle Reciprocity.

Description of Purpose: To extend additional vehicle license reciprocity to small business vehicles registered in other jurisdictions.

Statutory Authority: These rules are promulgated under the general rule-making authority of the Reciprocity Commission as authorized in RCW 46.85.030.

Summary of Rules: Revised rule WAC 410-20-040(7) and (8) will allow a business vehicle up to and including 12,000 pounds gross vehicle weight bearing license plates from another jurisdiction to enter Washington without licensing or obtaining a trip permit.

Responsible Agency Personnel: In addition to the members of the Reciprocity Commission, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Merle M. Steffenson, Administrator, Prorate and Fuel Tax Division, Department of Licensing, Second Floor, Highway-Licenses Bldg., Olympia, WA 98504, 234-4565 (Scan), 753-4565 (Comm).

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: These rules are proposed by Merle Steffenson, Secretary, Reciprocity Commission.

Agency Comments or Recommendations: None.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: These rules were not made necessary as the result of federal law or federal or state court action.

AMENDATORY SECTION

WAC 410-20-040 RESTRICTIONS AND CONDITIONS. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions.

(1) Non-resident tourists: length of stay can not exceed six months in any one continuous twelve month period.

(2) Non-resident students: The student must be in full-time attendance at an institution of higher learning accredited by the Northwest Association of Schools and Colleges and maintain their legal home of record at a location outside the state of Washington. Student's vehicles must be registered in their name or the name of their parent or legal

guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the non-resident status. Employment incidental to the full-time student status is permitted. The spouse of a non-resident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(3) Non-resident military personnel: Vehicles must be currently registered in the name of the military person at his official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a non-resident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(4) Foreign tourists: tourists from foreign countries are permitted to operate a vehicle which is currently licensed in their country of residence for up to one year from the date of entry of the vehicle into the United States.

(5) Temporary employment: non-resident persons engaged in employment of a temporary nature may operate a vehicle in this state which is currently licensed in another jurisdiction for a period not to exceed six months. Proof of the temporary nature of the employment may be required.

(6) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(7) Salesmen: non-resident salesmen based at a location outside Washington are permitted to operate vehicles not to exceed ~~((8000))~~ 12,000 pounds gross vehicle weight licensed in another jurisdiction in this state without restriction.

(8) Business vehicles: vehicles up to and including ~~((8000))~~ 12,000 pounds gross vehicle weight bearing current license plates from another jurisdiction and used for business purposes in this state by a non-resident person or business are entitled to the same privileges as residents of that jurisdiction. Any vehicle owned or operated by a business or branch office of a business located in Washington must be registered in Washington. Vehicles provided to Washington residents by a business must be registered in Washington, but this shall not preclude the operation of a business vehicle licensed in another jurisdiction by a Washington resident when such does not include overnight custody by the resident.

(9) Non-resident employed in Washington: may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(10) New resident: New Washington residents shall be allowed sixty days from the date of establishing residency to procure Washington registration for their vehicles.

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 81-16-087
PROPOSED RULES
GAMBLING COMMISSION
[Filed August 5, 1981]

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

that such agency will at 10 a.m., Friday, September 11, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is: WAC 230-04-200 is promulgated pursuant to RCW 9.46.070(5), WAC 230-04-325 is promulgated pursuant to RCW 9.46.070(5), 9.46.020(23) and 9.46.070(14), WAC 230-20-235 is promulgated pursuant to RCW 9.46.070(17), WAC 230-30-080 is promulgated pursuant to RCW 9.46.070(14) and WAC 230-40-120 is promulgated pursuant to RCW 9.46.070(11) and are intended to administratively implement those statutes.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10 a.m., Friday, September 11, 1981, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

Dated: August 4, 1981
By: Richard A. Finnigan
Assistant Attorney General

STATEMENT OF PURPOSE

Title: Amending WAC 230-04-200 License Fees, new WAC 230-04-325 Cancellation, Change of Date or Location of Fund Raising Event, new WAC 230-20-235 Manner of Conduct of Bingo—Manager Required, amending WAC 230-30-080 Limitation on Pull Tab Dispensing Devices and amending WAC 230-40-120 Limits on Wagers in Card Games.

Description of Purpose: New section WAC 230-04-235. The purpose of this rule is to provide a procedure to be followed for the cancellation, change of date or change of location of a fund raising event. Amendment to WAC 230-04-200. The purpose of this amendment is to reflect the legislative changes in the definition of fund raising event. New section WAC 230-20-235. The purpose of this rule is to require all licensed bingo games above a Class C license except those operating at an agricultural fair to be under the supervision of a licensed bingo manager who is on the premises of the game during its operation. Amendment to WAC 230-30-080. The purpose of this amendment is to improve pull tab dispensing devices by authorizing the addition of a metal plate across the bottom of the dispensing columns which will prevent or reduce tampering with the machines. Amendment to WAC 230-40-120. The proposed change in subsection (5) is to authorize the dealer of the hand to ante up to two dollars even though there may not be eight players playing in the game. It represents a modest increase in some antes, but does away with the necessity to have excessive amounts of twenty-five cent chips. The purpose of the proposed change to subsection (6) is to set forth the specific reference to the definition of poker games adopted by the commission.

The purpose of the proposed change to subsection (7) is to enhance a player's chance to show a profit for a winning hand.

Statutory Authority: The statutory authority for the amendment to WAC 230-04-200 is RCW 9.46.070(5). The statutory authority for new WAC 230-04-325 is RCW 9.46.070(5), 9.46.020(23) and 9.46.070(14). The statutory authority for new WAC 230-20-235 is RCW 9.46.070(17). The statutory authority for the amendment to WAC 230-30-080 is RCW 9.46.070(14). The statutory authority for the amendment to WAC 230-40-120 is RCW 9.46.070(11).

Summary of Proposed Rules and Reasons Supporting Action: New section WAC 230-04-325. This rule requires that a licensee holding a fund raising event license notify the commission and appropriate law enforcement agencies in advance of the date of the scheduled fund raising event if the event is cancelled. In addition, the rule requires at least ten days written notice to the commission plus a twenty dollar fee for any change in date or location. The purpose of this rule is to allow for better enforcement of fund raising events by setting forth a mechanism of notifying the commission for major changes in fund raising events. Amendment to WAC 230-04-200. This proposed change to the section dealing with fund raising event licenses changes the use of one calendar day and three calendar days to twenty-four consecutive hours and seventy-two consecutive hours. In addition, it deletes the recreational fund raising event license. The reason for changing the references of one calendar day and three calendar days is to reflect the legislative changes contained in Substitute Senate Bill 3307 as adopted by the legislature. The deletion of the recreational fund raising event license is because after having gained experience with the recreational class license, the Gambling Commission is of the opinion that it serves no useful purpose and engenders too many enforcement problems to be continued in effect. New section WAC 230-20-235. This rule requires that a bingo licensee except operating at an authorized agricultural fair or under RCW 9.46.030(3) or under a Class A, B or C license, can only operate its bingo game under the supervision of a licensed bingo manager who is on the premises of the game during all hours of its operation. The purpose of this rule is to ensure that larger class bingo games are properly managed. The rule should have the effect of alleviating record keeping problems and theft problems that have occurred in the past in some of the larger games. Amendment to WAC 230-30-080. The proposed amendment to this

section authorizes the insertion of a metal plate not more than three quarters of an inch in height across the front and bottom of a pull tab dispensing machine. The addition of such a metal bar would make it more difficult for players to tamper with the machine in hopes of obtaining pull tabs without paying for those tabs. Amendment to WAC 230-40-120. There are three amendments to this rule. The first is to subsection (5) and allows the dealer of each hand, subject to house rules, to ante for all players in an amount not to exceed two dollars. The purpose of this rule is to allow the use of dollar chips in antes, since a good many licensees are complaining the only reason the quarter chips have been used in the past are for antes and they are an anachronism. The second proposed change is to subsection (6) and states that forced wagers or raises are prohibited unless they are expressly included within the definition of poker games adopted by the commission in WAC 230-40-010. The purpose of this change is to reflect the commission's actions in adopting a specific definition of poker game. The third change is in subsection (7) and allows players going out to collect not more than two chips from each participating player in panguingue. This reflects a method of playing the game which is more commonly found in this state than is reflected by Hoyle's Modern Encyclopedia of Card Games. It allows winning players more of an opportunity to show a profit on a hand.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: In addition to the Gambling Commissioners themselves, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Keith Kisor, Director, Capital Plaza Bldg., 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm; and Elwin Hart, Deputy Director, Capital Plaza Bldg., 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm.

Proponents and Opponents: These proposed new rules and amendments to WAC 230-04-325, 230-04-200 and 230-20-235 are by the staff of the Washington State Gambling Commission. The proposed change to WAC 230-30-080 was proposed by Gasperetti Distributing Company and is concurred in by Washington State Gambling Commission staff. The proposed change to WAC 230-40-120 was proposed by Marvin B. Church of Vancouver, Washington.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order No. 109, filed 6/15/81)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

- (1) BINGO
 - (a) Class A - five hundred dollars or less annual net receipts - \$25.
 - (b) Class B - over five hundred dollars through five thousand dollars annual net receipts - \$75.
 - (c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
 - (d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$500.
 - (e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$1000.
 - (f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$2000.
 - (g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$4000.
 - (h) Class H - over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts - \$5500.
 - (i) Class I - over seven hundred fifty thousand dollars through one million dollars annual net receipts - \$8000.
 - (j) Class J - over one million dollars annual net receipts - \$11,000.
- (2) RAFFLES
 - (a) Class C - five hundred dollars or less annual net receipts - \$25.
 - (b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - \$75.
 - (c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
 - (d) Class F - over fifteen thousand dollars annual net receipts - \$500.
- (3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A - five hundred dollars or less annual net receipts - \$25.
 - (b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$30.
 - (c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.
 - (d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$200.
 - (e) Class E - over fifteen thousand dollars annual net receipts - \$350.
- (4) FUND RAISING EVENT (license year) - by bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A-1 - one event, (~~one calendar day~~) twenty-four consecutive hours - \$200.
 - (b) (~~Class A-1R - one event, one calendar day - recreational - \$5.~~) (~~(+)~~) Class A-2 - not more than two events, (~~one calendar day~~) twenty-four consecutive hours each - \$400.
 - (~~(+)~~) (c) Class B-1 - one event, not more than (~~three calendar days~~) seventy-two consecutive hours - \$300.
 - (~~(+)~~) (~~Class B-1R - one event, not more than three calendar days - recreational - \$10.~~)
- (5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A - one event per year lasting no more than 12 consecutive days - \$500.
 - (b) Class B - twenty-five thousand dollars or less annual net receipts - \$500.
 - (c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$1500.
 - (d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.
 - (e) Class E - over five hundred thousand dollars annual net receipts - \$5000.
- (6) CARD GAMES - bona fide charitable and nonprofit organizations.
 - (a) Class A - general (fee to play charged) - \$500.
 - (b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C – tournament only (no more than ten consecutive days) per tournament – \$35.

(d) Class D – general (no fee is charged a player to play cards) – \$35.

(e) Class R – primarily for recreational purposes and meets the standards of WAC 230-04-199 – \$10.

(7) **CARD GAMES** – commercial stimulant – each licensee per premises.

~~((b))~~ (a) Class B – limited card games to hearts, rummy, pitch, pinocle, coon-can and/or cribbage (fee to play charged) – \$100.

~~((c))~~ (b) Class C – tournament only (no more than ten consecutive days) – per tournament – \$100.

~~((d))~~ (c) Class D – general (no fee is charged a player to play cards) – \$35.

~~((e))~~ (d) Class E – general.

(i) up to five tables – \$2000

(ii) up to four tables – \$1500

(iii) up to three tables – \$750

(iv) up to two tables – \$500

(v) one table only – \$250.

(8) **BINGO GAME MANAGER** – each license \$100, each renewal \$50.

(9) **PUBLIC CARD ROOM EMPLOYEE** – each licensee – \$100, each renewal – \$50.

~~((9))~~ (10) **PERMITS** – for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A – one location and event only – \$10.

(b) Class B – annual permit for specified different events and locations – \$100.

~~((10))~~ (11) **PUNCHBOARDS AND PULL TABS** – each licensee, per premises – \$150.

~~((11))~~ (12) Manufacturer license – \$1250.

~~((12))~~ (13) Distributor license – \$1000.

~~((13))~~ (14) Distributor's representative license – \$150, renewal – \$75.

~~((14))~~ (15) Manufacturer's representative license – \$150, renewal – \$75.

The term annual net receipts as used above means net receipts from the activity license only, during the license year.

NOTE: NEED FOR BINGO MANAGER PORTION DEPENDS UPON THE COMMISSION'S ACTION IN AUGUST MEETING.

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

NEW SECTION

WAC 230-04-325 CANCELLATION, CHANGE OF DATE OR LOCATION OF FUND RAISING EVENT. A cancellation or a change in date and/or location of a fund raising event as defined in RCW 9.46.020 requires:

(1) For cancellation, the licensee shall notify the commission and the appropriate law enforcement agency in advance of the date upon which the event is scheduled.

(2) For change of date or location, the licensee shall:

(a) Give at least ten days written notice to the commission in advance of the new date or location, together with a signed statement from the chief executive officer that the appropriate law enforcement agency has been notified of the change;

(b) Pay a fee of twenty dollars to the commission for each such date or location change.

(3) For a cancellation or change in date and/or location, the permit form authorizing the event for the specific date or location shall be returned to the commission.

NEW SECTION

WAC 230-20-235 MANNER OF CONDUCT OF BINGO – MANAGER REQUIRED. No bona fide charitable or nonprofit organization, except when operating at an authorized agricultural fair or under RCW 9.46.030(3), as now enacted or hereafter amended, or under a Class A or Class B or Class C license, shall operate a bingo game unless it is under the supervision of a licensed bingo manager who is on the premises at which the bingo game is licensed for operation during all hours of its operation.

AMENDATORY SECTION (Amending Order No. 90, filed 6/14/79)

WAC 230-30-080 LIMITATION ON PULL TAB DISPENSING DEVICES. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device until any other series of pull tabs previously in, or upon, the device has been played out or permanently removed from public play.

(4) No pull tab once placed in, or if a spindle upon, a pull tab dispensing device out for public play shall be removed from the dispensing device until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers,

(b) Those pull tabs removed by representatives of the commission, or other law enforcement agency inspecting the device, and

(c) Those tabs temporarily removed during necessary repair or maintenance of the device.

Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.

(5) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device used for dispensing that series.

(6) No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device: PROVIDED, That with respect to mechanical pull tab dispensing devices, a metal plate, not to exceed 3/4 inch in height, may be affixed across the front at the bottom of the dispensing columns.

(7) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

(8) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 400 pull tabs originally in the series in play in the machine.

The following schedule shall be followed in the enforcement of this subsection:

MINIMUM NUMBER OF TABS FROM WHICH SELECTION MUST BE AVAILABLE	THE NUMBER OF TABS ORIGINALLY IN SERIES OF PLAY
1	1-400
2	401-800
3	801-1200
4	1201-1600
5	1601-2000
6	2001-2400
7	2401-2800
8	2801-3200
9	3201-3600
10	3601-4000

(9) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 4000 individual pull tabs.

AMENDATORY SECTION (Amending Order No. 98, filed 2/25/80)

WAC 230-40-120 LIMITS ON WAGERS IN CARD GAMES. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed ~~((twenty-five cents per player in that hand))~~ \$2.00.

(6) Forced wagers or raises are prohibited except an ante and as they may be expressly included within the definition of poker games set out in WAC 230-40-010 or, for other authorized games not specifically defined by commission rule, within the basic definition of the particular card game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday & Company, Inc., April 1974 edition.

(7) Panguingue (pan) - maximum value of a chip for payoff will not exceed \$1.00. Ante will not exceed one chip. No doubling of conditions. Players going out, may collect not more than two chips from each participating player.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises.

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

WSR 81-16-088
PROPOSED RULES
GAMBLING COMMISSION
[Filed August 5, 1981]

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

that such agency will at 10 a.m., Friday, September 11, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 9.46.020(23) and 9.46.070(14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 11, 1981, and/or orally at 10 a.m., Friday, September 11, 1981, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

Dated: August 5, 1981
By: Richard A. Finnigan
Assistant Attorney General

STATEMENT OF PURPOSE

Title: Amendment to WAC 230-25-030 Fund Raising Event—Five Thousand Dollars Annual Net Receipt Maximum, amendment to WAC 230-25-033 Fund Raising Events on New Year's Eve Extending Past Midnight, amendment to WAC 230-25-040

Fund Raising Event—House Rules to be Developed and Posted—Limitations on Wagers, amendment to WAC 230-25-070 Fund Raising Events—Central Accounting System Required, amendment to WAC 230-25-100 Fund Raising Events—Leasing of Premises of Retail Business—Conditions, amendment to WAC 230-25-120 Limits Upon Amount for Rent, Lease or Similar Payments for Fund Raising Events, amendment to WAC 230-25-220 Raffles or Similar Lotteries Conducted at Fund Raising Events, amendment to WAC 230-25-235 Fund Raising Event—Rules for Blackjack, amendment to WAC 230-25-260 Bona Fide Member of Organization Conducting Fund Raising Event, amendment to WAC 230-25-265 Fund Raising Event—Regular Salary for Licensee's Employee Not "Payment" for Work on Fund Raising Event Under Certain Conditions, new WAC 230-25-315 Workers to Wear Identification Tags, new WAC 230-25-320 Limits for Operation and Participation in Fund Raising Events, repeal of WAC 230-25-035 Recreational Fund Raising Event and repeal of WAC 230-25-071 Fund Raising Event—Definition of Job Titles.

Description of Purpose: Amendment to WAC 230-25-030. There are several amendments to this section. The first amendments found in reading the section are to bring the language into compliance with the change from days to hours contained in Substitute Senate Bill 3307. The purpose of the next several changes is to clarify the manner in which receipts of over five thousand dollars will be distributed to the participants. The amendments require that participants not be charged for participating in the distribution scheme and that the scheme must be for the distribution of money payable by check and that all prizes awarded must be awarded within thirty calendar days following the conclusion of the event. The purpose of these changes is to ensure that licensees actually and completely comply with the statutory directive that no more than five thousand dollars in net receipts be earned from a fund raising event. A secondary purpose is to ensure that prizes are actually awarded.

Amendment to WAC 230-25-033. The purpose of the amendments to this section is to allow a licensee to determine which year a fund raising event held on New Year's Eve and extending past midnight into January 1st of the new year will be counted. A secondary purpose is to change the use of days to hours to bring the rule into compliance with legislative changes.

Amendment to WAC 230-25-040. The purpose of the amendments to this rule is to extend the ten dollar per wager limitation to all activities which occur at a fund raising event, including lotteries.

Amendment to WAC 230-25-070. The purpose of the amendments to this rule is to strengthen the internal control over the operation of the event. The specific purpose of the amendment to subsection (3) is to prevent an unscrupulous employee from destroying count/fill slips and absconding with proceeds and to strengthen the internal control over count/fill slips. The specific purpose of the amendment to subsection (12) is to clearly define the time limit for the deposit for ending cash on hand at fund raising events.

Amendment to WAC 230-25-100. The purpose of the amendment to this section is to control the increasing use of retail premises for the conduct of fund raising events by nonprofit and charitable organizations by preventing no more than one fund raising event from being conducted on or within a portion of a retail premise during the period of any one fund raising event.

Amendment to WAC 230-25-120. The purpose of the amendment to this rule is to set maximum limits on the amount of fees or charges that can be paid in advance by a licensee holding a fund raising event and to specifically include in the maximum charges or limits for rental any amount paid to reserve the use of premises, services or equipment.

Amendment to WAC 230-25-220. The amendment to this section has as its purpose the protection of the consuming public by requiring that the licensee own the merchandise prize it proposes to raffle off at the fund raising event before the drawing is actually held.

Amendment to WAC 230-25-235. The purposes of the proposed amendments to this section are to make it clear that players are not to shuffle or cut cards while playing blackjack and to authorize the use of mechanical devices for the shuffling of blackjack cards since commission rules require that four decks be played at one time.

Amendment to WAC 230-25-260. The purpose of the proposed amendments to this section is to make it absolutely clear that as required by statute workers at fund raising events are not compensated. The proposed amendments allow minimal light refreshment but no compensation of any kind, either direct or indirect.

Amendment to WAC 230-25-265. The purpose of the proposed amendment to this rule is to clarify when a licensee may use an

employee who is also a bona fide member of the organization in the conduct of a fund raising event.

New WAC 230-25-315. The purpose of this new proposed rule is to provide better enforcement at fund raising events by requiring each person who participates in the management or operation of the event to wear an identification tag.

New WAC 230-25-320. The purpose of this rule is to establish limits on age and condition of persons who may participate at the fund raising event or be involved in the operation of the fund raising event. It restricts persons visibly intoxicated or under the influence of any drug or substance or under the age of 18 from participating in the event or in its operation.

The repeal of WAC 230-25-035. The purpose of repealing this rule is to do away with recreational fund raising events.

The repeal of WAC 230-25-071. The purpose of this repealer is to do away with the definition of job titles at fund raising events. Statutory Authority: The statutory authority for all amendments, new sections and repeal of existing rules is RCW 9.46.020(23) and 9.46.070(14).

Summary of Proposed Rules and Reasons Supporting Action:

Amendment to WAC 230-25-030. The proposed amendments to this rule do two things. The amendments change the terms from calendar days to consecutive hours as required by the statutory changes contained in Substitute Senate Bill 3307. In addition the proposed amendments provide for the distribution of net receipts over five thousand dollars to be in money payment to the winner of the distribution scheme by check. The purpose of this proposed change is to protect the public by requiring that the prize be awarded in cash and by check and to prevent licensees from exceeding the five thousand dollar net receipt limitation contained in the statute by purchasing a merchandise prize for below retail value and yet reporting its full retail value as the value of the prize. The third proposed change requires that all prizes be distributed to the winners not later than 30 calendar days following the conclusion of the event. The reason for this change is to protect the consuming public by requiring licensees to award prizes within a definite time period.

Amendment to WAC 230-25-033. This proposed amendment changes the term days to consecutive hours as required by Substitute Senate Bill 3307 and allows a licensee to designate in which year a fund raising event will be viewed as having occurred when it straddles New Year's Eve and New

Year's Day. The reason for the change is to allow licensees more flexibility in planning their fund raising events.

Amendment to WAC 230-25-040. The proposed amendment to this section deletes the exemption from the ten dollar maximum limitation for wagers which applies to raffles and other lotteries at the current time. The reason for this change is to prevent licensees from abusing the use of a fund raising event license to conduct only very high priced raffles. The limitation of ten dollars on raffles or other lotteries would bring them into consistent alignment with the limitations imposed on other forms of gambling activity conducted at fund raising events.

Amendment to WAC 230-25-070. The amendments to this rules require that all count/fill slips be used sequentially and that all voided and unused count/fill slips be retained with the fund raising event's accounting records. Finally, the proposed amendments require that all cash on hand be deposited within two banking days of the conclusion of the event and that there be no expenditure of any kind from ending cash prior to deposit. The proposed rule does allow the licensee to exchange its ending currency and coin to a check of equal value to reduce the risk of carrying and storing cash. The experience of the Gambling Commission is that fund raising event internal control needs to be strengthened. By requiring count/fill slips to be retained and sequentially numbered and by requiring ending cash to be deposited within two working days, the internal control of the fund raising event is strengthened and there is less of a chance for theft.

Amendment to WAC 230-25-100. The proposed amendment to this rule prevents more than one fund raising event from being conducted on or within a portion of a retail premise during the period a fund raising event is being conducted. The change is designed to protect nonprofit and charitable organizations from the undue influence of profit seeking businesses acting as hosts for fund raising events.

Amendment to WAC 230-25-120. The proposed amendment to this rule prevents more than fifty percent of the total allowable fees or charges from being paid in advance of the event and restricts advance payment to no more than 90 days prior to the event. It also clarifies that maximum charges or limits include any amount paid to reserve the use of the premises, services or equipment. This rule is needed to protect bona fide charitable and nonprofit organizations from a lesser requiring the reservation of equipment or

premises for a long term advance and obtaining the use of a large sum of the licensee's money for a long period of time. It also clarifies the applicability of the maximum charges or limits set forth in the rule.

Amendment to WAC 230-25-220. This proposed change deletes the exception for fund raising events from the applicability of WAC 230-20-300. This change is needed as a consumer protection device to require that licensees own the merchandise prizes that they are awarding a fund raising events at the time the drawing to award those prizes occurs.

Amendment to WAC 230-25-235. The proposed amendments to this rule state that players will not shuffle or cut cards and allows the cards to be shuffled using a device, apparatus or mechanism if such meets certain requirements set forth in the rule. The changes are needed to make it clear that players are not to shuffle or cut the cards and to authorize the use of mechanical devices for shuffling cards since commission rules require that four decks be played at one time when playing blackjack at fund raising events and, generally, operators of blackjack at fund raising events are persons with limited experience and expertise.

Amendment to WAC 230-25-260. The amendments to this section require only bona fide members of an organization who are not paid for such services participate in the management or operation of the fund raising event and prohibit the payment to workers at a fund raising event of any kind whether direct or indirect, except that light refreshment, excluding alcoholic beverages, may be provided to workers at the event. This rule is needed to clarify who is allowed to participate in the management or operation of a fund raising event and to expressly prohibit any and all kinds of payment. The rule allows light refreshment, since in the commission's view this does not constitute payment.

Amendment to WAC 230-25-265. The proposed amendment to this section allows an employee who is also a bona fide member of the organization or its bona fide auxiliary and who is not scheduled for duty at his or her assigned duties at the time a fund raising event is held, to participate in the conduct of the fund raising event. This rule clarifies when a charitable or nonprofit organization may use one of its own members who is also an employee in the conduct or operation of a fund raising event.

New WAC 230-25-315. This rule requires that each person participating in the management or operation of an event wear an identification tag containing the person's full

name and designation of the licensee organization which must be worn at all times the person is working at the fund raising event. The reason for the new rule is to allow for better enforcement of limitations on fund raising events.

New WAC 230-25-320. This new rule prohibits any person under the age of 18 or who is visibly intoxicated or physically under the influence of any drug or substance from participating in the operation or management or as a player at any fund raising event. This rule is needed to clearly establish limits on who may participate as a player or in the operation or management of a fund raising event.

Repeal of WAC 230-25-035. This rule authorized recreational fund raising events. In the commission's view, recreational fund raising events are not needed and create too many enforcement problems. They are generally designed to allow minors to gamble and have been applied for by unqualified organizations. For these reasons, the commission feels the repeal of this rule is needed.

Repeal of WAC 230-25-071. This rule set forth the definitions of job titles of persons working in fund raising events. The commission believes that this rule is no longer necessary and is unduly restrictive.

In addition to the Gambling Commissioners themselves, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Keith Kisor, Director, Capital Plaza Bldg., 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm; and Elwin Hart, Deputy Director, Capital Plaza Bldg., 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm.

Proponents and Opponents: These rules are proposed by the staff of the Washington State Gambling Commission with the exception of the proposed change to WAC 230-25-265 which was proposed by Wayne DuBois, Executive Director, Washington Federation of Clubs.

Agency Comments: The agency believes the proposed amendments to rules, new rules and repealers are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order No. 102, filed 5/12/80)

WAC 230-25-030 FUND RAISING EVENT - FIVE THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM. (1) No licensee authorized to conduct one fund raising event for a period of ~~((three consecutive days))~~ seventy-two consecutive hours once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less

the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

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

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

(4) Winners of all prizes shall be determined during the fund raising event. All cash prizes shall be paid by check, and merchandise prizes ((or)) distributed, to the winners not later than 30 calendar days following the conclusion of the event.

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

AMENDATORY SECTION (Amending Order No. 102, filed 5/12/80)

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

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

AMENDATORY SECTION (Amending Order No. 87, filed 10/20/78)

WAC 230-25-040 FUND RAISING EVENT - HOUSE RULES TO BE DEVELOPED AND POSTED - LIMITATIONS ON WAGERS. Prior to conducting a fund raising event, each licensee shall develop a set of house rules which will govern the type, scope and manner of all gambling activities to be conducted in conjunction with the fund raising event. Among other information, these rules shall establish the maximum amount of wagers which may be placed by persons participating in gambling activities which in any event shall not exceed ten dollars being wagered upon the outcome of any one operation of an element of chance ~~((PROVIDED, HOWEVER, That this limit shall not apply to the amount paid for each single and equal chance to win in a drawing from among individual tickets))~~.

In addition, the rules shall prohibit the giving of any thing of value to any person involved in the management or operation of the fund raising event, and prohibit any person involved in the management or operation of the fund raising event from accepting any thing of value.

A copy of the rules shall be posted conspicuously on the premises where the fund raising event is being conducted at all times during the fund raising event, and a copy thereof shall be made available, upon request, to any law enforcement officer or representative of the commission.

AMENDATORY SECTION (Amending Order No. 87, filed 10/20/78)

WAC 230-25-070 FUND RAISING EVENTS - CENTRAL ACCOUNTING SYSTEM REQUIRED. Each licensee for the operation of fund raising events shall establish and maintain a central accounting system in a form prescribed by the commission for all activities conducted in conjunction with the fund raising event. Licensees shall obtain accounting forms from the commission, or use machine copies of such forms.

Such system shall contain, but not be limited to, the following items:

(1) There shall be adequate personnel and physical areas to provide for the following minimum separation of duties:

(a) A banker, cashier, or count room to handle the original bankroll, provide coin and/or chips to the games and redeem chips and cash checks for the players;

(b) A runner to transport money, chips and lock boxes between stations of the event;

(c) Pit bosses, each of whom shall supervise the operation of not more than six gambling stations and who shall supervise the transfer of lock boxes and chips/change trays to the count room;

(d) An area for the counting of money which is segregated from the area in which gambling is conducted. All money received in connection with the fund raising event shall be brought to this area for counting. Once any such money has been brought to this area, three persons shall be assigned to the count area with a minimum of two in the counting area at all times.

(2) The beginning bankroll shall be verified by at least two persons who shall sign such verification.

(3) There shall be documentation containing verifying signatures for the transfer of money between any two stations of the event.

(a) All count/fill slips shall be used sequentially. VOIDED count/fill slips will be signed by two persons and retained with accounting records.

(b) ALL UNUSED count/fill slips shall be retained along with all other count/fill slips as part of that fund raising event's accounting records.

(4) All games shall be numbered and provided with lock boxes and money paddles. The money paddle shall remain in the lock box slot whenever it is not in use. The money slot of the lock box shall not exceed three and one-half inches in length and one-half inch in width.

(5) The keys to all lock boxes are to be kept in the count room at all times and the lock boxes are to be opened only in the count room by the count room personnel.

(6) All games are to be played using coin or chips and all currency tendered by the players shall be exchanged for coin or chips and immediately placed in the lock box by the dealer.

(7) All money and chips shall be transferred to the count room at the end of the day or event for final tabulation, reconciliation, and verification.

(8) The final tabulation and reconciliation shall be verified by at least three count room personnel who shall sign such verification.

(9) Access to the count room and the bankers and/or cashier's areas shall be restricted to the persons assigned to those functions and to the runner(s) who transport money or chips to or from those stations.

(10) Records shall provide sufficient detail to determine the net receipts of each activity conducted.

(11) The records shall contain a reconciliation of the ending cash on hand to net receipts.

(12) The ending cash on hand shall be deposited intact ((~~at~~)) within two banking days of the conclusion of the event, and a validated deposit slip shall be included as part of the event records. There shall be no expenditure of any kind made from the ending cash prior to deposit: PROVIDED, That these requirements shall not prohibit a licensee from exchanging its ending currency and coin for a check of equal value to reduce the risk and exposure of carrying or storing large amounts of money: PROVIDED FURTHER, That the above requirements shall not apply to those licensees whose receipts from the fund raising event are limited to an admission charge or charge for a ticket, or tickets, to a drawing and who

(a) Conduct all activities with script, play money, or similar items which are redeemable only for merchandise prizes; and

(b) Who award only merchandise prizes that have been purchased by or donated to the licensee.

These licensees need only comply with WAC 230-08-010 and record their net receipts in sufficient detail to verify these amounts.

AMENDATORY SECTION (Amending Order No. 99, filed 2/25/80)

WAC 230-25-100 FUND RAISING EVENTS - LEASING OF PREMISES OF RETAIL BUSINESS - CONDITIONS. Fund raising events shall not be operated upon a premises part of a retail sales or service business catering to the public except when:

(1) (~~When~~) the room or other portion of the premises in which the fund raising event is being conducted is separate and apart from the portion being used for the retail sales or service business; ((~~or~~))

(2) (~~When~~) the business is closed to the public at all times during which the fund raising event is conducted on the premises; ((~~or~~))

(3) no other fund raising event is being conducted on or within any portion of the retail premises during the period the subject fund raising event is being conducted; or

(4) (~~When~~) the fund raising event is being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

As used in this rule, separate and apart means a permanent or temporary partition which provides a solid, distinct separation between the portion of the room or premises in which the fund raising event is being conducted and the portion of the room or premises being used for the retail sales or service business and which limits the flow between the fund raising event and the retail sales or service business to not more than two designated openings.

In all cases the fund raising event operator must have, and exercise, complete control over that portion of the premises being used for the fund raising event, at all times said event is being conducted: PROVIDED, HOWEVER, That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

The owner, manager or any employee of the retail sales or service establishment may not be an officer of the fund raising event operator or participate in the operation of the fund raising event on that premises, and no gambling activities, nor any part or facet of the operation or play of any gambling activity, may be conducted by the retail sales or service establishment or allowed by the operators of the fund raising event in any portion of the premises which is being used for the fund raising event.

AMENDATORY SECTION (Amending Order No. 93, filed 10/19/79)

WAC 230-25-120 LIMITS UPON AMOUNT FOR RENT, LEASE OR SIMILAR PAYMENTS FOR FUND RAISING EVENTS. No licensee shall expend for rent or lease (or similar arrangements) of premises in which to hold a fund raising event, or for any equipment or service in connection with the fund raising event, an amount that exceeds the local prevailing or market price for such premises, equipment or service.

Maximum rental limits shall be:

(1) Premises and Other Goods or Services: Not more than two hundred dollars for all, or any portion, of any twenty-four hour period.

This maximum fee shall include in addition to the use of the premises themselves any and all goods or services of any kind furnished by the person renting the premises to the licensee, or furnished by anyone with a substantial interest in, or immediate family relationship with, that person: PROVIDED, That the limit shall not include (a) fees for gambling equipment which are governed by the maximums set out in (2) below; or (b) charges for food or drink to the licensee or patrons of the fund raising event when the purchase of such food or drink is not, directly or indirectly, a condition of rental of the premises and the licensee may elect to bring in food and drink from an outside source.

(2) Gambling Devices and Equipment: (a) Not more than three hundred and fifty dollars for all, or any portion of, the first twenty-four hour period for all gambling devices and related equipment to conduct the event, including, but not limited to, cards, dice, cash boxes, shoes, chips, delivery thereof and any schooling in its use.

(b) Not more than two hundred dollars for each succeeding twenty-four hour period, or any portion thereof, for the same kinds of items set out in (a) above.

(3) Individual Gambling Station: (a) Not more than twenty-five dollars for all of the equipment needed to set up each single specific gambling station (such as a single twenty-one table), except for a craps table or a roulette wheel station which shall not exceed \$50 or for a station showing horse racing films with advance betting on the outcome of the races which shall not exceed \$250, for the first twenty-

four hour period, or any portion thereof, including, but not limited to, the equipment, delivery and schooling in its use, to an overall maximum for all items of \$350, as set out in (2)(a) above.

(b) Not more than fifteen dollars for each successive twenty-four hour period or any portion thereof, for the equipment needed to establish each single specific gambling station as set out in (a) above, to an overall maximum of \$200 as set out in (2)(b) above.

(4) The maximum charges or limits set out in subsections (1) through (3) above include any amount paid to reserve the use of applicable premises, services or equipment.

No more than 50% of the total allowable fees or charges may be paid in advance of the event. Advance payment shall be made only by check which shall not be drawn or paid more than 90 days prior to the event.

The limits in subsections (2) and (3) above shall not apply to expenditures by the licensee for purchases outright, or construction by the licensee of, gambling equipment.

AMENDATORY SECTION (Amending Order No. 83, filed 3/16/78)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

(3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: PROVIDED, That the requirements of WAC 230-20-100 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

(4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection (3) above and except the following rules which shall not be applicable:

- (a) WAC 230-20-340;
- (b) WAC 230-20-350;
- (c) WAC 230-20-150(2);
- ~~((d) WAC 230-20-300).~~

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event.

AMENDATORY SECTION (Amending Order No. 87, filed 10/20/78)

WAC 230-25-235 FUND RAISING EVENT - RULES FOR BLACKJACK. The game of "21" (blackjack) when played as part of a licensed fund raising event shall be played in conformance with the following:

(1) Cards shall be dealt from a dealing shoe. The deal shall begin with the shoe containing four full decks of cards and proceed until, in the dealer's judgment, the cards should be reshuffled or the cards

withdrawn for examination and/or replaced. The shoe shall then be refilled with four decks of cards and the process repeated.

(2) All cards shall be dealt to the players face up.

(3) Players are not to remove or pick up cards from the table and will not "shuffle" or "cut" the cards.

(4) Only "standard size" playing cards shall be used.

(5) Cards may be shuffled using a device, apparatus, or mechanism. No device, apparatus, mechanism or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any organization or person.

AMENDATORY SECTION (Amending Order No. 83, filed 3/16/78)

WAC 230-25-260 BONA FIDE MEMBER OF ORGANIZATION CONDUCTING FUND RAISING EVENT. Only bona fide members of the organization who are not paid for such service shall participate in the management or operation of a fund raising event.

(1) For the purposes of eligibility to participate in managing or otherwise assisting in the operation of a fund raising event, a person is a bona fide member of a bona fide charitable or bona fide nonprofit organization only when he or she:

~~((1))~~ (a) Has become a member prior to the commencement of the fund raising event and such membership was not dependent upon, or in any way related to the payment of consideration to participate in, any gambling activity; and

~~((2))~~ (b) Has ~~((1))~~ (i) been admitted upon written application, only after investigation and ballot, with such action being recorded in the official minutes of a regular meeting, or ~~((2))~~ (ii) has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to the subject fund raising event; and

~~((3))~~ (c) Has paid reasonable initiation or admission fees for membership, and/or dues, consistent with the nature and purpose of the organization and with the type of membership obtained and is not in arrears in payment of such fees or dues; and

~~((4))~~ (d) Has met all other conditions required by the organization for membership and is in all respects a member in good standing at the time of the subject fund raising event.

(2) A person may also be a bona fide member of a bona fide charitable or bona fide nonprofit organization affiliated with or auxiliary to his or her own organization, or to which his or her own organization is auxiliary, to the extent specifically provided for in RCW 9.46.020(15) defining "member", when he or she meets all of the standards set out in (1) above respecting his or her own organization.

(3) The prohibition on payment to the workers of a fund raising event includes payment of any kind, either direct or indirect, and includes, but is not limited to, cash payments, free gambling, gifts, gratuities, food and beverages, parties, and trips: PROVIDED, That the organization conducting the fund raising event may provide light refreshments to event workers. The cost of the refreshments to the licensee may not exceed five dollars per worker for the event. The refreshments provided shall not include alcoholic beverages in any form.

AMENDATORY SECTION (Amending Order No. 88, filed 12/18/78)

WAC 230-25-265 FUND RAISING EVENT - REGULAR SALARY FOR LICENSEE'S EMPLOYEE NOT ~~((COMPENSATION))~~ "PAYMENT" FOR WORK ON FUND RAISING EVENT UNDER CERTAIN CONDITIONS. The salary of a regular and full time employee, or a regular but part time employee if the organization has employed a person in that part time position for the past three consecutive years, of an organization licensed to conduct fund raising events shall not be deemed ~~((compensation))~~ "payment" (as ~~((that))~~ the term "paid" is used in RCW 9.46.020(23)) for work performed by the employee in connection with a fund raising event conducted by that organization when all of the following conditions are met:

(1) The position held by the employee has been created for purposes unrelated to the conduct of fund raising events and requires the performance of duties unrelated to fund raising events year around. The employee's contribution to fund raising events must be an incidental part of his or her total duties, consisting of less than 1% of total time worked for the organization; and

(2) The employee is paid on a recurring basis on a regular and established rate throughout the calendar year, unrelated to the income produced by any fund raising event; and

(3) The employee does not operate any gambling game or lottery at any fund raising event conducted by the organization but confines his or her services in connection with the event to assisting the organization's other members with the overall planning and organization of the event and with supervision of the supporting services for the event; PROVIDED, That such an employee who is also a bona fide member of the organization or its bona fide auxiliary and is not otherwise scheduled for duty in his or her assigned employee duties at the time the fund raising event is to be held may participate in the conduct of the fund raising event as a bona fide member as set out in WAC 230-25-260.

NEW SECTION

WAC 230-25-315 WORKERS TO WEAR IDENTIFICATION TAGS. Each licensee to conduct a fund raising event shall furnish to each person participating in the management or operation of the event an identification tag which at minimum shall contain that person's name and designation of licensee organization. The licensee shall cause each such person to wear this tag at all times when the person is working at the fund raising event. The tag shall be worn in plain view so as to be easily seen and read by persons participating in the event. The type and style of tag shall be the option of the licensee.

NEW SECTION

WAC 230-25-320 LIMITS FOR OPERATION AND PARTICIPATION IN FUND RAISING EVENTS. No person under the age of eighteen years of age, and no person visibly intoxicated or visibly under the influence of any drug or substance shall be allowed to participate in the operation or management, or participate as a player, at any fund raising event.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 230-25-035 RECREATIONAL FUND RAISING EVENT.

(2) WAC 230-25-071 FUND RAISING EVENT - DEFINITIONS OF JOB TITLES.

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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16-316-550	REP-P	81-12-052	16-608-020	NEW	81-05-010	106-116-205	AMD	81-08-010
16-316-550	REP	81-15-032	16-620-100	AMD-P	81-15-091	106-116-304	AMD-P	81-04-050
16-316-555	REP-P	81-12-052	16-620-210	AMD-P	81-15-091	106-116-304	AMD	81-08-010
16-316-555	REP	81-15-032	16-750-010	AMD-P	81-02-041	106-116-305	AMD-P	81-04-050
16-316-560	REP-P	81-12-052	16-750-010	AMD	81-07-039	106-116-305	AMD	81-08-010
16-316-560	REP	81-15-032	24-12-010	AMD-P	81-11-030	106-116-306	AMD-P	81-04-050
16-316-565	REP-P	81-12-052	24-12-010	AMD	81-16-011	106-116-306	AMD	81-08-010
16-316-565	REP	81-15-032	34-02-010	NEW-P	81-04-068	106-116-403	AMD-P	81-04-050
16-316-570	AMD-P	81-12-052	34-02-020	NEW-P	81-04-068	106-116-403	AMD	81-08-010
16-316-570	AMD	81-15-032	34-02-030	NEW-P	81-04-068	106-116-513	AMD-P	81-04-050
16-316-572	NEW-P	81-12-052	34-04-010	NEW-P	81-04-068	106-116-513	AMD	81-08-010
16-316-572	NEW	81-15-032	34-04-020	NEW-P	81-04-068	106-116-514	AMD-P	81-04-050
16-316-660	AMD-P	81-08-058	34-04-030	NEW-P	81-04-068	106-116-514	AMD	81-08-010
16-316-660	AMD	81-11-022	34-04-040	NEW-P	81-04-068	106-116-515	AMD-P	81-04-050
16-316-690	REP-P	81-12-052	34-04-050	NEW-P	81-04-068	106-116-515	AMD	81-08-010
16-316-690	REP	81-15-032	34-04-060	NEW-P	81-04-068	106-116-521	AMD-P	81-04-050
16-316-695	REP-P	81-12-052	34-04-070	NEW-P	81-04-068	106-116-521	AMD	81-08-010
16-316-695	REP	81-15-032	34-04-080	NEW-P	81-04-068	106-116-603	AMD-P	81-04-050
16-316-700	AMD-E	81-11-015	34-04-090	NEW-P	81-04-068	106-116-603	AMD	81-08-010
16-316-700	REP-P	81-12-052	34-04-100	NEW-P	81-04-068	106-116-901	AMD-P	81-04-050
16-316-700	REP	81-15-032	34-04-110	NEW-P	81-04-068	106-116-901	AMD	81-08-010
16-316-701	NEW-P	81-12-052	34-04-120	NEW-P	81-04-068	113-12-200	NEW-P	81-04-020
16-316-701	NEW	81-15-032	34-06-010	NEW-P	81-04-068	113-12-200	NEW-P	81-06-045
16-316-705	REP-P	81-12-052	36-12-110	AMD	81-05-005	113-12-200	NEW-P	81-09-054
16-316-705	REP	81-15-032	36-12-190	AMD	81-05-005	113-12-200	NEW	81-13-002
16-316-710	REP-P	81-12-052	36-12-200	AMD	81-05-005	114-12-010	REP	81-05-004
16-316-710	REP	81-15-032	36-12-250	AMD	81-05-005	114-12-011	NEW	81-05-004
16-316-715	AMD-P	81-12-052	36-12-260	AMD	81-05-005	114-12-020	REP	81-05-004
16-316-715	AMD	81-15-032	36-12-270	AMD	81-05-005	114-12-021	NEW	81-05-004
16-316-717	NEW-P	81-12-052	36-12-480	AMD	81-05-005	114-12-030	REP	81-05-004
16-316-717	NEW	81-15-032	51-12	AMD-P	81-12-033	114-12-031	NEW	81-05-004
16-316-719	NEW-P	81-12-052	67-32-150	AMD-P	81-03-049	114-12-040	REP	81-05-004
16-316-719	NEW	81-15-032	67-32-150	AMD	81-07-001	114-12-041	NEW	81-05-004
16-316-721	NEW-P	81-12-052	67-32-180	AMD	81-03-048	118-03-010	NEW-E	81-09-051
16-316-721	NEW	81-15-032	67-32-310	AMD-P	81-03-049	118-03-010	NEW-P	81-11-067
16-316-723	NEW-P	81-12-052	67-32-310	AMD	81-07-001	118-03-010	NEW	81-15-012
16-316-723	NEW	81-15-032	67-32-910	AMD-P	81-03-049	118-03-010	NEW-E	81-15-013
16-316-724	NEW-P	81-12-052	67-32-910	AMD	81-07-001	118-03-030	NEW-E	81-09-051
16-316-724	NEW	81-15-032	82-24-130	AMD-P	81-07-056	118-03-030	NEW-P	81-11-067
16-316-725	REP-P	81-12-052	82-24-130	AMD	81-10-021	118-03-030	NEW	81-15-012
16-316-725	REP	81-15-032	82-28-050	AMD-P	81-06-073	118-03-030	NEW-E	81-15-013
16-316-726	REP-P	81-12-052	82-28-050	AMD-P	81-09-010	118-03-050	NEW-E	81-09-051
16-316-726	REP	81-15-032	82-28-050	AMD	81-10-020	118-03-050	NEW-P	81-11-067
16-316-728	REP-P	81-12-052	82-28-050	AMD-E	81-10-051	118-03-050	NEW	81-15-012
16-316-728	REP	81-15-032	82-28-06001	AMD-P	81-06-073	118-03-050	NEW-E	81-15-013
16-316-790	AMD-P	81-08-054	82-28-06001	AMD-P	81-09-010	118-03-070	NEW-E	81-09-051
16-316-790	AMD	81-11-018	82-28-06001	AMD	81-10-020	118-03-070	NEW-P	81-11-067
16-316-800	AMD-P	81-08-054	82-28-06001	AMD-E	81-10-051	118-03-070	NEW	81-15-012
16-316-800	AMD	81-11-018	82-28-080	AMD-P	81-06-073	118-03-070	NEW-E	81-15-013
16-316-820	AMD-P	81-08-054	82-28-080	AMD-P	81-09-010	118-03-090	NEW-E	81-09-051
16-316-820	AMD	81-11-018	82-28-080	AMD	81-10-020	118-03-090	AMD-E	81-09-065
16-316-900	REP-P	81-12-052	82-28-080	AMD-E	81-10-051	118-03-090	AMD-P	81-11-067
16-316-900	REP	81-15-032	82-28-230	AMD-E	81-10-051	118-03-090	NEW	81-15-012
16-316-905	REP-P	81-12-052	98-12-020	NEW-P	81-02-055	118-03-090	NEW-E	81-15-013
16-316-905	REP	81-15-032	98-12-020	NEW	81-07-013	118-03-110	NEW-E	81-09-051
16-316-910	AMD-E	81-11-015	98-16-010	NEW-P	81-02-055	118-03-110	NEW-P	81-11-067
16-316-910	REP-P	81-12-052	98-16-010	NEW	81-07-013	118-03-110	NEW	81-15-012
16-316-910	REP	81-15-032	98-16-020	NEW-P	81-02-055	118-03-110	NEW-E	81-15-013
16-316-915	REP-P	81-12-052	98-16-020	NEW	81-07-013	118-03-130	NEW-E	81-09-051
16-316-915	REP	81-15-032	98-16-030	NEW-P	81-02-055	118-03-130	NEW-P	81-11-067
16-316-920	REP-P	81-12-052	98-16-030	NEW	81-07-013	118-03-130	NEW	81-15-012
16-316-920	REP	81-15-032	98-20-010	NEW-P	81-02-055	118-03-130	NEW-E	81-15-013
16-316-925	REP-P	81-12-052	98-20-010	NEW	81-07-013	118-03-150	NEW-E	81-09-051
16-316-925	REP	81-15-032	106-116-042	AMD-P	81-04-050	118-03-150	AMD-E	81-09-065
16-316-930	REP-P	81-12-052	106-116-042	AMD	81-08-010	118-03-150	AMD-P	81-11-067
16-316-930	REP	81-15-032	106-116-050	AMD-P	81-04-050	118-03-150	NEW	81-15-012
16-316-935	REP-P	81-12-052	106-116-050	AMD	81-08-010	118-03-150	NEW-E	81-15-013
16-316-935	REP	81-15-032	106-116-102	AMD-P	81-04-050	118-03-170	NEW-E	81-09-051
16-316-940	REP-P	81-12-052	106-116-102	AMD	81-08-010	118-03-170	AMD-E	81-09-065
16-316-940	REP	81-15-032	106-116-201	AMD-P	81-04-050	118-03-170	AMD-P	81-11-067

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
118-03-170	NEW	81-15-012	132B-12-009	REP	81-10-008	132B-12-120	REP	81-10-008
118-03-170	NEW-E	81-15-013	132B-12-012	REP-P	81-04-005	132B-12-123	REP-P	81-04-005
118-03-190	NEW-E	81-09-051	132B-12-012	REP	81-10-008	132B-12-123	REP	81-10-008
118-03-190	NEW-P	81-11-067	132B-12-015	REP-P	81-04-005	132B-12-126	REP-P	81-04-005
118-03-190	NEW	81-15-012	132B-12-015	REP	81-10-008	132B-12-126	REP	81-10-008
118-03-190	NEW-E	81-15-013	132B-12-018	REP-P	81-04-005	132B-12-129	REP-P	81-04-005
118-03-210	NEW-E	81-09-051	132B-12-018	REP	81-10-008	132B-12-129	REP	81-10-008
118-03-210	NEW-P	81-11-067	132B-12-021	REP-P	81-04-005	132B-12-132	REP-P	81-04-005
118-03-210	NEW	81-15-012	132B-12-021	REP	81-10-008	132B-12-132	REP	81-10-008
118-03-210	NEW-E	81-15-013	132B-12-024	REP-P	81-04-005	132B-12-135	REP-P	81-04-005
118-03-230	NEW-E	81-09-051	132B-12-024	REP	81-10-008	132B-12-135	REP	81-10-008
118-03-230	AMD-E	81-09-065	132B-12-027	REP-P	81-04-005	132B-12-138	REP-P	81-04-005
118-03-230	AMD-P	81-11-067	132B-12-027	REP	81-10-008	132B-12-138	REP	81-10-008
118-03-230	NEW	81-15-012	132B-12-030	REP-P	81-04-005	132B-12-141	REP-P	81-04-005
118-03-230	NEW-E	81-15-013	132B-12-030	REP	81-10-008	132B-12-141	REP	81-10-008
118-03-250	NEW-E	81-09-051	132B-12-033	REP-P	81-04-005	132B-12-144	REP-P	81-04-005
118-03-250	NEW-P	81-11-067	132B-12-033	REP	81-10-008	132B-12-144	REP	81-10-008
118-03-250	NEW	81-15-012	132B-12-036	REP-P	81-04-005	132B-12-147	REP-P	81-04-005
118-03-250	NEW-E	81-15-013	132B-12-036	REP	81-10-008	132B-12-147	REP	81-10-008
118-03-270	NEW-E	81-09-051	132B-12-039	REP-P	81-04-005	132B-12-150	REP-P	81-04-005
118-03-270	NEW-P	81-11-067	132B-12-039	REP	81-10-008	132B-12-150	REP	81-10-008
118-03-270	NEW	81-15-012	132B-12-042	REP-P	81-04-005	132B-12-153	REP-P	81-04-005
118-03-270	NEW-E	81-15-013	132B-12-042	REP	81-10-008	132B-12-153	REP	81-10-008
118-03-290	NEW-E	81-09-051	132B-12-045	REP-P	81-04-005	132B-12-156	REP-P	81-04-005
118-03-290	NEW-P	81-11-067	132B-12-045	REP	81-10-008	132B-12-156	REP	81-10-008
118-03-290	NEW	81-15-012	132B-12-048	REP-P	81-04-005	132B-12-159	REP-P	81-04-005
118-03-290	NEW-E	81-15-013	132B-12-048	REP	81-10-008	132B-12-159	REP	81-10-008
118-03-310	NEW-E	81-09-051	132B-12-051	REP-P	81-04-005	132B-12-162	REP-P	81-04-005
118-03-310	NEW-P	81-11-067	132B-12-051	REP	81-10-008	132B-12-162	REP	81-10-008
118-03-310	NEW	81-15-012	132B-12-054	REP-P	81-04-005	132B-12-165	REP-P	81-04-005
118-03-310	NEW-E	81-15-013	132B-12-054	REP	81-10-008	132B-12-165	REP	81-10-008
118-03-330	NEW-E	81-09-051	132B-12-057	REP-P	81-04-005	132B-12-168	REP-P	81-04-005
118-03-330	NEW-P	81-11-067	132B-12-057	REP	81-10-008	132B-12-168	REP	81-10-008
118-03-330	NEW	81-15-012	132B-12-060	REP-P	81-04-005	132B-12-171	REP-P	81-04-005
118-03-330	NEW-E	81-15-013	132B-12-060	REP	81-10-008	132B-12-171	REP	81-10-008
118-10-010	NEW-P	81-10-040	132B-12-063	REP-P	81-04-005	132B-12-174	REP-P	81-04-005
118-10-010	NEW-P	81-13-007	132B-12-063	REP	81-10-008	132B-12-174	REP	81-10-008
118-10-010	NEW	81-15-015	132B-12-066	REP-P	81-04-005	132B-12-177	REP-P	81-04-005
118-10-020	NEW-P	81-10-040	132B-12-066	REP	81-10-008	132B-12-177	REP	81-10-008
118-10-020	NEW-P	81-13-007	132B-12-069	REP-P	81-04-005	132B-12-180	REP-P	81-04-005
118-10-020	NEW	81-15-015	132B-12-069	REP	81-10-008	132B-12-180	REP	81-10-008
118-10-030	NEW-P	81-10-040	132B-12-072	REP-P	81-04-005	132B-12-183	REP-P	81-04-005
118-10-030	NEW-P	81-13-007	132B-12-072	REP	81-10-008	132B-12-183	REP	81-10-008
118-10-030	NEW	81-15-015	132B-12-075	REP-P	81-04-005	132B-12-186	REP-P	81-04-005
131-28-025	AMD-E	81-14-022	132B-12-075	REP	81-10-008	132B-12-186	REP	81-10-008
131-28-025	AMD-P	81-16-071	132B-12-078	REP-P	81-04-005	132B-12-189	REP-P	81-04-005
131-28-026	AMD-E	81-14-022	132B-12-078	REP	81-10-008	132B-12-189	REP	81-10-008
131-28-026	AMD-P	81-16-071	132B-12-081	REP-P	81-04-005	132B-12-192	REP-P	81-04-005
131-32-010	NEW-P	81-11-062	132B-12-081	REP	81-10-008	132B-12-192	REP	81-10-008
131-32-010	NEW-E	81-12-006	132B-12-084	REP-P	81-04-005	132B-12-195	REP-P	81-04-005
131-32-010	NEW	81-14-023	132B-12-084	REP	81-10-008	132B-12-195	REP	81-10-008
131-32-020	NEW-P	81-11-062	132B-12-087	REP-P	81-04-005	132B-12-198	REP-P	81-04-005
131-32-020	NEW-E	81-12-006	132B-12-087	REP	81-10-008	132B-12-198	REP	81-10-008
131-32-020	NEW	81-14-023	132B-12-090	REP-P	81-04-005	132B-12-201	REP-P	81-04-005
131-36-010	NEW-E	81-14-024	132B-12-090	REP	81-10-008	132B-12-201	REP	81-10-008
131-36-010	NEW-P	81-16-021	132B-12-093	REP-P	81-04-005	132B-12-204	REP-P	81-04-005
131-36-050	NEW-P	81-16-021	132B-12-093	REP	81-10-008	132B-12-204	REP	81-10-008
131-36-100	NEW-E	81-14-024	132B-12-096	REP-P	81-04-005	132B-12-207	REP-P	81-04-005
131-36-100	NEW-P	81-16-021	132B-12-096	REP	81-10-008	132B-12-207	REP	81-10-008
131-36-150	NEW-E	81-14-024	132B-12-099	REP-P	81-04-005	132B-12-210	REP-P	81-04-005
131-36-150	NEW-P	81-16-021	132B-12-099	REP	81-10-008	132B-12-210	REP	81-10-008
131-36-200	NEW-E	81-14-024	132B-12-102	REP-P	81-04-005	132B-12-213	REP-P	81-04-005
131-36-200	NEW-P	81-16-021	132B-12-102	REP	81-10-008	132B-12-213	REP	81-10-008
131-36-250	NEW-E	81-14-024	132B-12-105	REP-P	81-04-005	132B-12-216	REP-P	81-04-005
131-36-250	NEW-P	81-16-021	132B-12-105	REP	81-10-008	132B-12-216	REP	81-10-008
131-36-300	NEW-E	81-14-024	132B-12-108	REP-P	81-04-005	132B-12-219	REP-P	81-04-005
131-36-300	NEW-P	81-16-021	132B-12-108	REP	81-10-008	132B-12-219	REP	81-10-008
132A-104-005	REP-P	81-06-031	132B-12-111	REP-P	81-04-005	132B-12-222	REP-P	81-04-005
132A-104-005	REP	81-10-039	132B-12-111	REP	81-10-008	132B-12-222	REP	81-10-008
132B-12-003	REP-P	81-04-005	132B-12-114	REP-P	81-04-005	132B-12-225	REP-P	81-04-005
132B-12-003	REP	81-10-008	132B-12-114	REP	81-10-008	132B-12-225	REP	81-10-008
132B-12-006	REP-P	81-04-005	132B-12-117	REP-P	81-04-005	132B-12-228	REP-P	81-04-005
132B-12-006	REP	81-10-008	132B-12-117	REP	81-10-008	132B-12-228	REP	81-10-008
132B-12-009	REP-P	81-04-005	132B-12-120	REP-P	81-04-005	132B-12-231	REP-P	81-04-005

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132B-12-231	REP	81-10-008	132B-12-342	REP	81-10-008	132F-136-040	AMD-P	81-07-023
132B-12-234	REP-P	81-04-005	132B-12-345	REP-P	81-04-005	132F-136-040	AMD-P	81-10-064
132B-12-234	REP	81-10-008	132B-12-345	REP	81-10-008	132F-136-040	AMD	81-12-008
132B-12-237	REP-P	81-04-005	132B-12-348	REP-P	81-04-005	132F-136-050	AMD-P	81-07-023
132B-12-237	REP	81-10-008	132B-12-348	REP	81-10-008	132F-136-050	AMD-P	81-10-064
132B-12-240	REP-P	81-04-005	132B-12-351	REP-P	81-04-005	132F-136-050	AMD	81-12-008
132B-12-240	REP	81-10-008	132B-12-351	REP	81-10-008	132H-105-010	AMD-P	81-15-058
132B-12-243	REP-P	81-04-005	132B-12-354	REP-P	81-04-005	132H-120-060	AMD-P	81-08-065
132B-12-243	REP	81-10-008	132B-12-354	REP	81-10-008	132H-120-060	AMD-P	81-11-012
132B-12-246	REP-P	81-04-005	132B-12-357	REP-P	81-04-005	132H-120-060	AMD-P	81-13-008
132B-12-246	REP	81-10-008	132B-12-357	REP	81-10-008	132H-120-200	AMD-P	81-03-077
132B-12-249	REP-P	81-04-005	132B-12-360	REP-P	81-04-005	132H-120-200	AMD	81-07-034
132B-12-249	REP	81-10-008	132B-12-360	REP	81-10-008	132H-160-020	REP-P	81-08-066
132B-12-252	REP-P	81-04-005	132B-12-363	REP-P	81-04-005	132H-160-020	REP	81-11-013
132B-12-252	REP	81-10-008	132B-12-363	REP	81-10-008	132H-160-020	REP-P	81-08-066
132B-12-255	REP-P	81-04-005	132B-128-020	AMD-P	81-04-005	132H-160-030	REP	81-11-013
132B-12-255	REP	81-10-008	132B-128-020	AMD	81-10-008	132H-160-040	AMD-P	81-08-066
132B-12-258	REP-P	81-04-005	132B-276-040	AMD-P	81-04-005	132H-160-040	AMD	81-11-013
132B-12-258	REP	81-10-008	132B-276-040	AMD	81-10-008	132H-160-040	AMD-E	81-13-004
132B-12-261	REP-P	81-04-005	132F-08-001	AMD-P	81-07-007	132H-160-040	AMD-P	81-14-002
132B-12-261	REP	81-10-008	132F-08-001	AMD-P	81-10-063	132H-160-050	AMD-P	81-08-066
132B-12-264	REP-P	81-04-005	132F-08-001	AMD-P	81-11-058	132H-160-050	AMD	81-11-013
132B-12-264	REP	81-10-008	132F-08-001	AMD	81-14-072	132H-160-050	AMD-E	81-13-004
132B-12-267	REP-P	81-04-005	132F-08-080	AMD-P	81-07-007	132H-160-050	AMD-P	81-14-002
132B-12-267	REP	81-10-008	132F-08-080	AMD-P	81-10-063	132H-160-110	REP-P	81-08-066
132B-12-270	REP-P	81-04-005	132F-08-080	AMD-P	81-11-058	132H-160-110	REP	81-11-013
132B-12-270	REP	81-10-008	132F-08-080	AMD	81-14-072	132H-160-130	REP-P	81-08-066
132B-12-273	REP-P	81-04-005	132F-08-120	AMD-P	81-07-007	132H-160-130	REP	81-11-013
132B-12-273	REP	81-10-008	132F-08-120	AMD-P	81-10-063	132H-160-160	REP-P	81-08-066
132B-12-276	REP-P	81-04-005	132F-08-120	AMD-P	81-11-058	132H-160-160	REP	81-11-013
132B-12-276	REP	81-10-008	132F-08-120	AMD	81-14-072	132H-160-250	AMD-P	81-08-066
132B-12-279	REP-P	81-04-005	132F-08-140	AMD-P	81-07-007	132H-160-250	AMD	81-11-013
132B-12-279	REP	81-10-008	132F-08-140	AMD-P	81-10-063	132H-160-260	AMD-P	81-08-066
132B-12-282	REP-P	81-04-005	132F-08-140	AMD-P	81-11-058	132H-160-260	AMD	81-11-013
132B-12-282	REP	81-10-008	132F-08-140	AMD	81-14-072	132H-160-310	AMD-P	81-08-066
132B-12-285	REP-P	81-04-005	132F-104-030	AMD-P	81-07-008	132H-160-310	AMD	81-11-013
132B-12-285	REP	81-10-008	132F-104-030	AMD-P	81-10-062	132H-160-430	AMD-P	81-08-066
132B-12-288	REP-P	81-04-005	132F-104-030	AMD-P	81-11-056	132H-160-430	AMD	81-11-013
132B-12-288	REP	81-10-008	132F-104-030	AMD	81-14-073	132H-160-480	REP-P	81-08-066
132B-12-291	REP-P	81-04-005	132F-104-810	AMD-P	81-07-008	132H-160-480	REP	81-11-013
132B-12-291	REP	81-10-008	132F-104-810	AMD-P	81-10-062	132I-104-060	AMD-P	81-16-075
132B-12-294	REP-P	81-04-005	132F-104-810	AMD-P	81-11-056	132J-116-040	AMD-P	81-09-062
132B-12-294	REP	81-10-008	132F-104-810	AMD	81-14-073	132J-116-040	AMD	81-14-011
132B-12-297	REP-P	81-04-005	132F-104-811	AMD-P	81-07-008	132J-116-050	AMD-P	81-09-062
132B-12-297	REP	81-10-008	132F-104-811	AMD-P	81-10-062	132J-116-050	AMD	81-14-011
132B-12-300	REP-P	81-04-005	132F-104-811	AMD-P	81-11-056	132J-116-060	AMD-P	81-09-062
132B-12-300	REP	81-10-008	132F-104-811	AMD	81-14-073	132J-116-060	AMD	81-14-011
132B-12-303	REP-P	81-04-005	132F-104-812	AMD-P	81-07-008	132J-116-220	AMD-P	81-09-062
132B-12-303	REP	81-10-008	132F-104-812	AMD-P	81-10-062	132J-116-220	AMD	81-14-011
132B-12-306	REP-P	81-04-005	132F-104-812	AMD-P	81-11-056	132K-20-070	AMD-P	81-03-023
132B-12-306	REP	81-10-008	132F-104-812	AMD	81-14-073	132K-20-070	AMD	81-07-025
132B-12-309	REP-P	81-04-005	132F-104-813	AMD-P	81-07-008	132K-28-010	REP-P	81-06-029
132B-12-309	REP	81-10-008	132F-104-813	AMD-P	81-10-062	132K-28-010	REP	81-09-028
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132B-12-312	REP	81-10-008	132F-104-813	AMD	81-14-073	132K-112-200	REP-P	81-07-024
132B-12-315	REP-P	81-04-005	132F-104-814	AMD-P	81-07-008	132K-112-200	REP	81-10-022
132B-12-315	REP	81-10-008	132F-104-814	AMD-P	81-10-062	132L-26	AMD-P	81-11-024
132B-12-318	REP-P	81-04-005	132F-104-814	AMD-P	81-11-056	132L-26-010	AMD-P	81-08-041
132B-12-318	REP	81-10-008	132F-104-814	AMD	81-14-073	132L-26-010	AMD-E	81-13-020
132B-12-321	REP-P	81-04-005	132F-104-815	AMD-P	81-07-008	132L-26-010	AMD	81-13-021
132B-12-321	REP	81-10-008	132F-104-815	AMD-P	81-10-062	132L-26-030	AMD	81-03-036
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132B-12-324	REP	81-10-008	132F-104-815	AMD	81-14-073	132L-26-040	AMD-P	81-08-041
132B-12-327	REP-P	81-04-005	132F-104-818	AMD-P	81-07-008	132L-26-040	AMD-E	81-13-020
132B-12-327	REP	81-10-008	132F-104-818	AMD-P	81-10-062	132L-26-040	AMD	81-13-021
132B-12-330	REP-P	81-04-005	132F-104-818	AMD-P	81-11-056	132L-26-050	AMD	81-03-036
132B-12-330	REP	81-10-008	132F-104-818	AMD	81-14-073	132L-26-050	AMD-E	81-13-020
132B-12-333	REP-P	81-04-005	132F-104-819	AMD-P	81-07-008	132L-26-050	AMD	81-13-021
132B-12-333	REP	81-10-008	132F-104-819	AMD-P	81-10-062	132L-26-060	AMD-P	81-08-041
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132B-12-336	REP	81-10-008	132F-104-819	AMD	81-14-073	132L-26-060	AMD	81-13-021
132B-12-339	REP-P	81-04-005	132F-136-020	AMD-P	81-07-023	132L-26-075	AMD-P	81-08-041
132B-12-339	REP	81-10-008	132F-136-020	AMD-P	81-10-064	132L-26-075	AMD-E	81-13-020
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132M-112-011	NEW-P 81-10-054	132M-150-036	REP-W 81-04-026	132S-12-055	NEW 81-13-023
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132M-113-035	NEW-P 81-10-054	132M-150-054	REP-W 81-04-026	132V-22-040	AMD 81-08-002
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132M-113-045	NEW-P 81-10-054	132M-150-060	REP-W 81-04-026	132V-22-060	AMD-E 81-03-047
132M-113-050	NEW-W 81-04-026	132M-150-060	REP-P 81-10-054	132V-22-060	AMD-P 81-03-061
132M-115-010	NEW-W 81-04-026	132M-150-063	REP-W 81-04-026	132V-22-060	AMD 81-08-002
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132M-116-010	AMD-P 81-10-054	132M-168-010	REP-P 81-10-054	132W-149-022	REP-P 81-13-036
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132M-120-090	REP-P 81-10-054	132M-168-050	REP-W 81-04-026	132W-149-080	REP-P 81-13-036
132M-136-010	REP-W 81-04-026	132M-168-050	REP-P 81-10-054	132W-149-090	REP-P 81-13-036
132M-136-010	REP-P 81-10-054	132P-33-010	NEW-P 81-12-031	132W-149-100	REP-P 81-13-036
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143-06-050	AMD	81-07-004	173-19-2604	AMD	81-13-015	180-08-050	REP	81-16-026
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143-06-070	AMD-P	81-03-034	173-19-3514	AMD	81-08-005	180-08-070	REP-P	81-13-003
143-06-070	AMD	81-07-004	173-19-360	AMD-P	81-05-034	180-08-070	REP	81-16-026
143-06-080	AMD-P	81-03-034	173-19-360	AMD-P	81-09-019	180-08-080	REP-P	81-13-003
143-06-080	AMD	81-07-004	173-19-360	AMD	81-09-057	180-08-080	REP	81-16-026
143-06-090	AMD-P	81-03-034	173-19-370	AMD-W	81-08-004	180-08-090	REP-P	81-13-003
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143-06-100	AMD	81-07-004	173-19-3701	AMD-P	81-13-014	180-08-100	REP	81-16-026
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143-06-120	AMD	81-07-004	173-19-400	AMD-P	81-02-050	180-08-120	REP	81-16-026
143-06-130	AMD-P	81-03-034	173-19-400	AMD	81-06-052	180-08-130	REP-P	81-13-003
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172-114-070	AMD	81-03-012	173-400-110	AMD	81-03-002	180-08-280	REP-P	81-13-003
172-114-080	AMD	81-03-012	173-490-020	AMD	81-03-003	180-08-280	REP	81-16-026
172-114-090	AMD	81-03-012	173-490-040	AMD	81-03-003	180-08-290	REP-P	81-13-003
172-114-100	REP	81-03-012	173-490-203	AMD	81-03-003	180-08-290	REP	81-16-026
172-114-110	REP	81-03-012	173-511-010	NEW	81-04-028	180-08-300	REP-P	81-13-003
172-120-010	AMD	81-06-023	173-511-020	NEW	81-04-028	180-08-300	REP	81-16-026
172-120-020	AMD	81-06-023	173-511-030	NEW	81-04-028	180-08-310	REP-P	81-13-003
172-120-040	AMD	81-06-023	173-511-040	NEW	81-04-028	180-08-310	REP	81-16-026
172-120-050	AMD	81-06-023	173-511-050	NEW	81-04-028	180-08-320	REP-P	81-13-003
172-120-060	AMD	81-06-023	173-511-060	NEW	81-04-028	180-08-320	REP	81-16-026
172-120-070	AMD	81-06-023	173-511-070	NEW	81-04-028	180-08-330	REP-P	81-13-003
172-120-080	AMD	81-06-023	173-511-080	NEW	81-04-028	180-08-330	REP	81-16-026
172-120-090	AMD	81-06-023	173-511-090	NEW	81-04-028	180-08-340	REP-P	81-13-003
172-120-100	AMD	81-06-023	173-511-100	NEW	81-04-028	180-08-340	REP	81-16-026
172-120-110	AMD	81-06-023	173-515	NEW-P	81-09-020	180-08-350	REP-P	81-13-003
172-120-120	AMD	81-06-023	173-515	NEW-P	81-13-009	180-08-350	REP	81-16-026
172-120-130	AMD	81-06-023	173-515-010	NEW	81-16-003	180-08-360	REP-P	81-13-003
172-120-140	AMD	81-06-023	173-515-020	NEW	81-16-003	180-08-360	REP	81-16-026
173-06-065	NEW-P	81-06-048	173-515-030	NEW	81-16-003	180-08-370	REP-P	81-13-003
173-06-065	NEW-E	81-06-049	173-515-040	NEW	81-16-003	180-08-370	REP	81-16-026
173-06-065	NEW	81-09-056	173-515-050	NEW	81-16-003	180-08-380	REP-P	81-13-003
173-14-140	AMD	81-04-027	173-515-060	NEW	81-16-003	180-08-380	REP	81-16-026
173-14-150	AMD	81-04-027	173-515-070	NEW	81-16-003	180-08-390	REP-P	81-13-003
173-14-155	NEW	81-04-027	173-515-080	NEW	81-16-003	180-08-390	REP	81-16-026
173-14-180	AMD	81-04-027	173-515-090	NEW	81-16-003	180-08-400	REP-P	81-13-003
173-14-190	REP	81-04-027	173-515-100	NEW	81-16-003	180-08-400	REP	81-16-026
173-19-120	AMD-P	81-12-055	174-116-115	AMD-P	81-15-016	180-08-410	REP-P	81-13-003
173-19-120	AMD	81-15-062	174-136-130	NEW-P	81-08-032	180-08-410	REP	81-16-026
173-19-210	AMD-W	81-04-065	174-136-130	NEW	81-12-019	180-08-420	REP-P	81-13-003
173-19-210	AMD-P	81-09-079	174-136-140	NEW	81-12-019	180-08-420	REP	81-16-026
173-19-210	AMD	81-13-055	174-136-140	NEW-P	81-08-032	180-08-430	REP-P	81-13-003
173-19-2102	AMD-P	81-12-053	174-162-305	NEW-P	81-10-060	180-08-430	REP	81-16-026
173-19-2102	AMD	81-16-079	174-162-305	NEW-P	81-13-048	180-08-440	REP-P	81-13-003
173-19-250	AMD	81-16-080	174-162-305	NEW	81-15-017	180-08-440	REP	81-16-026
173-19-2503	AMD-P	81-08-071	180-08-005	NEW-P	81-13-003	180-08-450	REP-P	81-13-003
173-19-2503	AMD	81-11-027	180-08-005	NEW	81-16-026	180-08-450	REP	81-16-026
173-19-2511	AMD-W	81-08-004	180-08-010	REP-P	81-13-003	180-08-460	REP-P	81-13-003
173-19-2515	AMD-W	81-08-004	180-08-010	REP	81-16-026	180-08-460	REP	81-16-026
173-19-2515	AMD-P	81-08-071	180-08-020	REP-P	81-13-003	180-08-470	REP-P	81-13-003
173-19-2515	AMD	81-11-028	180-08-020	REP	81-16-026	180-08-470	REP	81-16-026
173-19-2521	AMD-P	81-02-050	180-08-030	REP-P	81-13-003	180-08-480	REP-P	81-13-003
173-19-2521	AMD	81-06-051	180-08-030	REP	81-16-026	180-08-480	REP	81-16-026
173-19-2521	AMD-P	81-08-071	180-08-040	REP-P	81-13-003	180-08-490	REP-P	81-13-003

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-08-490	REP	81-16-026	180-55-095	NEW	81-08-027	180-79-150	AMD	81-12-025
180-08-500	REP-P	81-13-003	180-55-100	NEW-P	81-04-044	180-79-230	AMD-P	81-08-053
180-08-500	REP	81-16-026	180-55-100	NEW	81-08-027	180-79-230	AMD	81-12-025
180-08-510	REP-P	81-13-003	180-55-105	NEW-P	81-04-044	180-79-245	AMD-P	81-08-053
180-08-510	REP	81-16-026	180-55-105	NEW	81-08-027	180-79-245	AMD	81-12-025
180-08-520	REP-P	81-13-003	180-55-110	NEW-P	81-04-044	182-08-111	AMD	81-03-014
180-08-520	REP	81-16-026	180-55-110	NEW	81-08-027	182-08-300	NEW	81-03-014
180-08-530	REP-P	81-13-003	180-55-115	NEW-P	81-04-044	192-16-030	NEW-E	81-09-067
180-08-530	REP	81-16-026	180-55-115	NEW	81-08-027	192-16-030	NEW-P	81-10-065
180-08-540	REP-P	81-13-003	180-55-120	NEW-P	81-04-044	192-16-030	NEW	81-13-016
180-08-540	REP	81-16-026	180-55-120	NEW	81-08-027	192-16-033	NEW-E	81-09-067
180-08-550	REP-P	81-13-003	180-55-125	NEW-P	81-04-044	192-16-033	NEW-P	81-10-065
180-08-550	REP	81-16-026	180-55-125	NEW	81-08-027	192-16-033	NEW	81-13-016
180-08-560	REP-P	81-13-003	180-55-130	NEW-P	81-04-044	192-16-036	NEW-E	81-09-067
180-08-560	REP	81-16-026	180-55-130	NEW	81-08-027	192-16-036	NEW-P	81-10-065
180-08-570	REP-P	81-13-003	180-55-135	NEW-P	81-04-044	192-16-036	NEW	81-13-016
180-08-570	REP	81-16-026	180-55-135	NEW	81-08-027	192-16-040	NEW-E	81-09-067
180-08-580	REP-P	81-13-003	180-56-305	REP-P	81-04-045	192-16-040	NEW-P	81-10-065
180-08-580	REP	81-16-026	180-56-305	REP	81-08-028	192-16-040	NEW	81-13-016
180-08-590	REP-P	81-13-003	180-56-306	REP-P	81-04-045	192-16-042	NEW-E	81-09-067
180-08-590	REP	81-16-026	180-56-306	REP	81-08-028	192-16-042	NEW-P	81-10-065
180-16-220	AMD-P	81-04-046	180-56-307	REP-P	81-04-045	192-16-042	NEW	81-13-016
180-16-220	AMD	81-08-026	180-56-307	REP	81-08-028	192-16-045	NEW-E	81-09-067
180-20-106	AMD-P	81-16-022	180-56-310	REP-P	81-04-045	192-16-045	NEW-P	81-10-065
180-44-030	REP-P	81-08-049	180-56-310	REP	81-08-028	192-16-045	NEW	81-13-016
180-44-030	REP	81-12-022	180-56-315	REP-P	81-04-045	192-16-047	NEW-E	81-09-067
180-46-015	AMD-P	81-08-050	180-56-315	REP	81-08-028	192-16-047	NEW-P	81-10-065
180-46-015	AMD	81-12-023	180-56-320	REP-P	81-04-045	192-16-047	NEW	81-13-016
180-46-030	AMD-P	81-08-050	180-56-320	REP	81-08-028	198-12-020	AMD-P	81-15-023
180-46-030	AMD	81-12-023	180-56-325	REP-P	81-04-045	198-12-030	AMD-P	81-15-023
180-46-045	AMD-P	81-08-050	180-56-325	REP	81-08-028	198-12-050	AMD-P	81-15-023
180-46-045	AMD	81-12-023	180-56-330	REP-P	81-04-045	198-12-060	AMD-P	81-15-023
180-46-060	REP-P	81-08-050	180-56-330	REP	81-08-028	198-12-130	AMD-P	81-15-023
180-46-060	REP	81-12-023	180-56-335	REP-P	81-04-045	198-12-140	AMD-P	81-15-023
180-46-065	NEW-P	81-08-050	180-56-335	REP	81-08-028	204-08-100	AMD-P	81-13-001
180-46-065	NEW	81-12-023	180-56-340	REP-P	81-04-045	204-10-010	NEW-P	81-13-001
180-48-010	REP-P	81-16-023	180-56-340	REP	81-08-028	204-10-020	NEW-P	81-13-001
180-55-005	NEW-P	81-04-044	180-56-345	REP-P	81-04-045	204-10-030	NEW-P	81-13-001
180-55-005	NEW	81-08-027	180-56-345	REP	81-08-028	204-10-040	NEW-P	81-13-001
180-55-010	NEW-P	81-04-044	180-56-350	REP-P	81-04-045	204-10-050	NEW-P	81-13-001
180-55-010	NEW	81-08-027	180-56-350	REP	81-08-028	204-10-060	NEW-P	81-13-001
180-55-015	NEW	81-08-027	180-56-355	REP-P	81-04-045	204-10-070	NEW-P	81-13-001
180-55-020	NEW-P	81-04-044	180-56-355	REP	81-08-028	204-10-080	NEW-P	81-13-001
180-55-020	NEW	81-08-027	180-56-360	REP-P	81-04-045	204-10-090	NEW-P	81-13-001
180-55-025	NEW-P	81-04-044	180-56-360	REP	81-08-028	204-10-100	NEW-P	81-13-001
180-55-025	NEW	81-08-027	180-56-365	REP-P	81-04-045	204-10-110	NEW-P	81-13-001
180-55-030	NEW-P	81-04-044	180-56-365	REP	81-08-028	204-10-120	NEW-P	81-13-001
180-55-030	NEW	81-08-027	180-56-370	REP-P	81-04-045	204-10-130	NEW-P	81-13-001
180-55-035	NEW-P	81-04-044	180-56-375	REP-P	81-04-045	204-10-140	NEW-P	81-13-001
180-55-035	NEW	81-08-027	180-56-375	REP	81-08-028	204-10-150	NEW-P	81-13-001
180-55-040	NEW-P	81-04-044	180-56-380	REP-P	81-04-045	204-12-001	REP-P	81-13-001
180-55-040	NEW	81-08-027	180-56-380	REP	81-08-028	204-12-010	REP-P	81-13-001
180-55-045	NEW-P	81-04-044	180-63	REP-P	81-16-024	204-12-020	REP-P	81-13-001
180-55-045	NEW	81-08-027	180-68-010	REP-P	81-16-025	204-12-040	REP-P	81-13-001
180-55-050	NEW-P	81-04-044	180-68-045	REP-P	81-16-025	204-12-050	REP-P	81-13-001
180-55-050	NEW	81-08-027	180-68-050	REP-P	81-16-025	204-12-060	REP-P	81-13-001
180-55-055	NEW-P	81-04-044	180-68-100	REP-P	81-16-025	204-16-001	REP-P	81-13-001
180-55-055	NEW	81-08-027	180-75-070	AMD-P	81-08-051	204-16-010	REP-P	81-13-001
180-55-060	NEW-P	81-04-044	180-78-025	AMD-P	81-08-052	204-16-020	REP-P	81-13-001
180-55-060	NEW	81-08-027	180-78-025	AMD	81-12-024	204-16-030	REP-P	81-13-001
180-55-065	NEW-P	81-04-044	180-78-027	NEW-P	81-08-052	204-16-040	REP-P	81-13-001
180-55-065	NEW	81-08-027	180-78-027	NEW	81-12-024	204-16-050	REP-P	81-13-001
180-55-070	NEW-P	81-04-044	180-78-050	AMD-P	81-08-052	204-16-060	REP-P	81-13-001
180-55-070	NEW	81-08-027	180-78-050	AMD	81-12-024	204-20-010	REP-P	81-13-001
180-55-075	NEW-P	81-04-044	180-78-057	NEW-P	81-08-052	204-20-020	REP-P	81-13-001
180-55-075	NEW	81-08-027	180-78-057	NEW	81-12-024	204-20-030	REP-P	81-13-001
180-55-080	NEW-P	81-04-044	180-79-065	AMD-P	81-08-053	204-20-040	REP-P	81-13-001
180-55-080	NEW	81-08-027	180-79-065	AMD	81-12-025	204-20-050	REP-P	81-13-001
180-55-085	NEW-P	81-04-044	180-79-120	AMD-P	81-08-053	204-20-060	REP-P	81-13-001
180-55-085	NEW	81-08-027	180-79-120	AMD	81-12-025	204-20-070	REP-P	81-13-001
180-55-090	NEW-P	81-04-044	180-79-125	AMD-P	81-08-053	204-20-080	REP-P	81-13-001
180-55-090	NEW	81-08-027	180-79-125	AMD	81-12-025	204-20-090	REP-P	81-13-001
180-55-095	NEW-P	81-04-044	180-79-150	AMD-P	81-08-053	204-20-100	REP-P	81-13-001

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
204-20-110	REP-P 81-13-001	212-52-020	AMD 81-03-081	212-56-005	REP-P 81-03-051
204-20-120	REP-P 81-13-001	212-52-025	AMD 81-03-081	212-56-005	REP 81-14-010
204-20-130	REP-P 81-13-001	212-52-027	NEW 81-03-081	212-56-010	REP-P 81-03-051
204-20-140	REP-P 81-13-001	212-52-035	REP 81-03-081	212-56-010	REP 81-14-010
204-20-150	REP-P 81-13-001	212-52-037	NEW 81-03-081	212-56-015	REP-P 81-03-051
204-22-010	NEW-P 81-13-001	212-52-040	AMD 81-03-081	212-56-015	REP 81-14-010
204-22-020	NEW-P 81-13-001	212-52-045	AMD 81-03-081	212-56-020	REP-P 81-03-051
204-22-030	NEW-P 81-13-001	212-52-050	AMD 81-03-081	212-56-020	REP 81-14-010
204-22-040	NEW-P 81-13-001	212-52-055	AMD 81-03-081	212-56-025	REP-P 81-03-051
204-22-050	NEW-P 81-13-001	212-52-060	AMD 81-03-081	212-56-025	REP 81-14-010
204-24	AMD-P 81-10-001	212-52-065	AMD 81-03-081	212-56-030	REP-P 81-03-051
204-24-020	REP-P 81-13-001	212-52-070	AMD 81-03-081	212-56-030	REP 81-14-010
204-24-050	AMD-E 81-06-036	212-52-075	AMD 81-03-081	212-56-035	REP-P 81-03-051
204-24-050	AMD 81-10-038	212-52-080	AMD 81-03-081	212-56-035	REP 81-14-010
204-24-070	REP-P 81-13-001	212-52-090	AMD 81-03-081	212-56-040	REP-P 81-03-051
204-36-060	AMD 81-04-043	212-52-095	AMD 81-03-081	212-56-040	REP 81-14-010
204-38	AMD-P 81-10-001	212-52-100	AMD 81-03-081	212-56-045	REP-P 81-03-051
204-38-030	AMD-E 81-04-039	212-52-105	AMD 81-03-081	212-56-045	REP 81-14-010
204-38-030	AMD-P 81-04-041	212-52-110	AMD 81-03-081	212-56-050	REP-P 81-03-051
204-38-030	AMD 81-10-038	212-52-115	AMD 81-03-081	212-56-050	REP 81-14-010
204-38-040	AMD-E 81-04-039	212-52-120	AMD 81-03-081	212-56-055	REP-P 81-03-051
204-38-040	AMD-P 81-04-041	212-52-125	AMD 81-03-081	212-56-055	REP 81-14-010
204-38-040	AMD 81-10-038	212-54	NEW-P 81-06-022	212-56-060	REP-P 81-03-051
204-38-050	AMD-E 81-04-039	212-54	NEW-P 81-08-017	212-56-060	REP 81-14-010
204-38-050	AMD-P 81-04-041	212-54	NEW-P 81-11-034	212-56-065	REP-P 81-03-051
204-38-050	AMD 81-10-038	212-54-001	NEW-P 81-03-051	212-56-065	REP 81-14-010
204-39-010	NEW-P 81-12-044	212-54-005	NEW-P 81-03-051	212-57	REP-P 81-06-022
204-39-020	NEW-P 81-12-044	212-54-010	NEW-P 81-03-051	212-57	REP-P 81-08-017
204-39-030	NEW-P 81-12-044	212-54-015	NEW-P 81-03-051	212-57	REP-P 81-11-033
204-39-040	NEW-P 81-12-044	212-54-020	NEW-P 81-03-051	212-57-001	REP-P 81-03-051
204-39-050	NEW-P 81-12-044	212-54-025	NEW-P 81-03-051	212-57-001	REP 81-14-010
204-62-020	AMD-P 81-13-001	212-54-030	NEW-P 81-03-051	212-57-005	REP-P 81-03-051
204-62-040	NEW-P 81-13-001	212-54-035	NEW-P 81-03-051	212-57-005	REP 81-14-010
204-62-050	NEW-P 81-13-001	212-54-040	NEW-P 81-03-051	212-57-010	REP-P 81-03-051
204-62-060	NEW-P 81-13-001	212-54-045	NEW-P 81-03-051	212-57-010	REP 81-14-010
204-66	AMD-P 81-10-001	212-54-050	NEW-P 81-03-051	212-57-015	REP-P 81-03-051
204-66-180	AMD-P 81-04-040	212-54-055	NEW-P 81-03-051	212-57-015	REP 81-14-010
204-66-180	AMD 81-10-038	212-54-060	NEW-P 81-03-051	212-57-020	REP-P 81-03-051
204-78-010	NEW-P 81-13-001	212-54-065	NEW-P 81-03-051	212-57-020	REP 81-14-010
204-78-020	NEW-P 81-13-001	212-54-070	NEW-P 81-03-051	212-57-025	REP-P 81-03-051
204-78-030	NEW-P 81-13-001	212-54-075	NEW-P 81-03-051	212-57-025	REP 81-14-010
204-78-040	NEW-P 81-13-001	212-54-080	NEW-P 81-03-051	212-57-030	REP-P 81-03-051
204-78-050	NEW-P 81-13-001	212-54-085	NEW-P 81-03-051	212-57-030	REP 81-14-010
204-80-010	NEW-P 81-13-001	212-54-090	NEW-P 81-03-051	212-57-035	REP-P 81-03-051
204-80-020	NEW-P 81-13-001	212-54-095	NEW-P 81-03-051	212-57-035	REP 81-14-010
204-80-030	NEW-P 81-13-001	212-54-100	NEW-P 81-03-051	212-57-040	REP-P 81-03-051
204-80-040	NEW-P 81-13-001	212-55	NEW-P 81-06-022	212-57-040	REP 81-14-010
204-80-050	NEW-P 81-13-001	212-55	NEW-P 81-08-017	212-57-045	REP-P 81-03-051
204-84-010	NEW-P 81-13-001	212-55	NEW-P 81-11-034	212-57-045	REP 81-14-010
204-84-020	NEW-P 81-13-001	212-55-001	NEW-P 81-03-051	212-57-050	REP-P 81-03-051
204-84-030	NEW-P 81-13-001	212-55-005	NEW-P 81-03-051	212-57-050	REP 81-14-010
204-84-040	NEW-P 81-13-001	212-55-010	NEW-P 81-03-051	212-57-055	REP-P 81-03-051
204-84-050	NEW-P 81-13-001	212-55-015	NEW-P 81-03-051	212-57-055	REP 81-14-010
204-84-060	NEW-P 81-13-001	212-55-020	NEW-P 81-03-051	212-57-060	REP-P 81-03-051
204-84-070	NEW-P 81-13-001	212-55-025	NEW-P 81-03-051	212-57-060	REP 81-14-010
204-84-080	NEW-P 81-13-001	212-55-030	NEW-P 81-03-051	212-57-065	REP-P 81-03-051
204-84-090	NEW-P 81-13-001	212-55-035	NEW-P 81-03-051	212-57-065	REP 81-14-010
204-84-100	NEW-P 81-13-001	212-55-040	NEW-P 81-03-051	212-57-070	REP-P 81-03-051
212-10-010	NEW 81-04-058	212-55-045	NEW-P 81-03-051	212-57-070	REP 81-14-010
212-10-015	NEW 81-04-058	212-55-050	NEW-P 81-03-051	212-58	REP-P 81-06-022
212-10-020	NEW 81-04-058	212-55-055	NEW-P 81-03-051	212-58	REP-P 81-08-017
212-10-025	NEW 81-04-058	212-55-060	NEW-P 81-03-051	212-58	REP-P 81-11-033
212-10-030	NEW 81-04-058	212-55-065	NEW-P 81-03-051	212-58-001	REP-P 81-03-051
212-10-035	NEW 81-04-058	212-55-070	NEW-P 81-03-051	212-58-001	REP 81-14-010
212-10-040	NEW 81-04-058	212-55-075	NEW-P 81-03-051	212-58-005	REP-P 81-03-051
212-10-045	NEW 81-04-058	212-55-080	NEW-P 81-03-051	212-58-005	REP 81-14-010
212-10-050	NEW 81-04-058	212-55-085	NEW-P 81-03-051	212-58-010	REP-P 81-03-051
212-10-055	NEW 81-04-058	212-55-090	NEW-P 81-03-051	212-58-010	REP 81-14-010
212-10-060	NEW 81-04-058	212-55-095	NEW-P 81-03-051	212-58-015	REP-P 81-03-051
212-52-001	AMD 81-03-081	212-56	REP-P 81-06-022	212-58-015	REP 81-14-010
212-52-005	AMD 81-03-081	212-56	REP-P 81-08-017	212-58-020	REP-P 81-03-051
212-52-010	REP 81-03-081	212-56	REP-P 81-11-033	212-58-020	REP 81-14-010
212-52-012	NEW 81-03-081	212-56-001	REP-P 81-03-051	212-58-025	REP-P 81-03-051
212-52-015	REP 81-03-081	212-56-001	REP 81-14-010	212-58-025	REP 81-14-010

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
212-58-030	REP-P 81-03-051	212-62-005	REP-P 81-03-051	212-64-043	NEW-P 81-03-051
212-58-030	REP 81-14-010	212-62-010	REP-P 81-03-051	212-64-043	NEW 81-14-010
212-58-035	REP-P 81-03-051	212-62-015	REP-P 81-03-051	212-64-045	AMD-P 81-03-051
212-58-035	REP 81-14-010	212-62-020	REP-P 81-03-051	212-64-045	AMD 81-14-010
212-58-040	REP-P 81-03-051	212-62-025	REP-P 81-03-051	212-64-050	AMD-P 81-03-051
212-58-040	REP 81-14-010	212-62-030	REP-P 81-03-051	212-64-050	AMD 81-14-010
212-58-045	REP-P 81-03-051	212-62-035	REP-P 81-03-051	212-64-055	AMD-P 81-03-051
212-58-045	REP 81-14-010	212-62-040	REP-P 81-03-051	212-64-055	AMD 81-14-010
212-58-050	REP-P 81-03-051	212-62-045	REP-P 81-03-051	212-64-060	AMD-P 81-03-051
212-58-050	REP 81-14-010	212-62-050	REP-P 81-03-051	212-64-060	AMD 81-14-010
212-58-055	REP-P 81-03-051	212-62-055	REP-P 81-03-051	212-64-065	AMD-P 81-03-051
212-58-055	REP 81-14-010	212-62-060	REP-P 81-03-051	212-64-065	AMD 81-14-010
212-58-060	REP-P 81-03-051	212-62-065	REP-P 81-03-051	212-64-067	NEW-P 81-03-051
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212-58-065	REP-P 81-03-051	212-63	REP-P 81-06-022	212-64-068	NEW-P 81-03-051
212-58-065	REP 81-14-010	212-63	REP-P 81-08-017	212-64-068	NEW 81-14-010
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212-58-070	REP 81-14-010	212-63-001	REP-P 81-03-051	212-64-069	NEW 81-14-010
212-59	REP-P 81-06-022	212-63-001	REP 81-14-010	212-64-070	AMD-P 81-03-051
212-59	REP-P 81-08-017	212-63-005	REP-P 81-03-051	212-64-070	AMD 81-14-010
212-59	REP-P 81-11-034	212-63-005	REP 81-14-010	212-65	NEW-P 81-06-022
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212-61-030	REP-P 81-03-051	212-64-030	AMD-P 81-03-051	212-65-095	NEW 81-14-010
212-61-035	REP-P 81-03-051	212-64-030	AMD 81-14-010	212-65-100	NEW-P 81-03-051
212-61-040	REP-P 81-03-051	212-64-033	NEW-P 81-03-051	212-65-100	NEW 81-14-010
212-61-045	REP-P 81-03-051	212-64-033	NEW 81-14-010	220-20-010	AMD 81-02-053
212-61-050	REP-P 81-03-051	212-64-035	AMD-P 81-03-051	220-20-01000E	NEW-E 81-13-018
212-61-055	REP-P 81-03-051	212-64-035	AMD 81-14-010	220-20-012	AMD 81-02-053
212-61-060	REP-P 81-03-051	212-64-037	NEW-P 81-03-051	220-22-020	AMD-P 81-09-082
212-61-065	REP-P 81-03-051	212-64-037	NEW 81-14-010	220-22-020	AMD 81-13-005
212-62	REP-P 81-06-022	212-64-039	NEW-P 81-03-051	220-22-030	AMD-P 81-12-038
212-62	REP-P 81-08-017	212-64-039	NEW 81-14-010	220-24-01000E	NEW-E 81-13-012
212-62	REP-P 81-11-034	212-64-040	AMD-P 81-03-051	220-24-02000H	NEW-E 81-13-012
212-62-001	REP-P 81-03-051	212-64-040	AMD 81-14-010	220-28-002F0A	NEW-E 81-06-028

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220-28-003F0D	NEW-E 81-16-030	220-28-007A0R	NEW-E 81-15-014	220-32-05100Q	NEW-E 81-04-003
220-28-00400L	NEW-E 81-02-052	220-28-007A0S	REP-E 81-15-102	220-32-05500C	NEW-E 81-10-007
220-28-00400M	NEW-E 81-09-006	220-28-007B0S	NEW-E 81-09-035	220-32-05500D	NEW-E 81-13-017
220-28-00400M	REP-E 81-09-035	220-28-007B0S	REP-E 81-12-007	220-32-05500E	REP-E 81-14-040
220-28-00400N	NEW-E 81-09-035	220-28-007B0T	NEW-E 81-12-007	220-32-05500E	NEW-E 81-14-040
220-28-00400N	REP-E 81-10-042	220-28-007B0T	REP-E 81-13-040	220-32-05700I	NEW-E 81-03-044
220-28-00400P	NEW-E 81-10-042	220-28-007B0U	NEW-E 81-13-040	220-32-05700J	NEW-E 81-16-045
220-28-00400Q	NEW-E 81-16-044	220-28-007B0U	REP-E 81-14-030	220-32-05900A	NEW-E 81-09-007
220-28-004B0S	NEW-E 81-09-035	220-28-007B0V	NEW-E 81-14-030	220-32-05900B	NEW-E 81-15-054
220-28-004B0S	REP-E 81-13-011	220-28-007B0V	REP-E 81-15-102	220-36-021	AMD-P 81-09-082
220-28-004B0T	NEW-E 81-13-011	220-28-007C0Y	NEW-E 81-09-035	220-36-021	AMD 81-13-005
220-28-004B0T	REP-E 81-14-004	220-28-007C0Y	REP-E 81-14-056	220-36-02100V	NEW-E 81-15-005
220-28-004B0U	NEW-E 81-14-004	220-28-007C0Z	NEW-E 81-14-056	220-36-022	AMD-P 81-09-082
220-28-004B0U	REP-E 81-15-102	220-28-00700Z	REP-E 81-15-102	220-36-022	AMD 81-13-005
220-28-00500W	NEW-E 81-09-035	220-28-007D0A	NEW-E 81-09-035	220-36-024	AMD-P 81-09-082
220-28-00500W	REP-E 81-13-011	220-28-007F0M	NEW-E 81-09-035	220-36-024	AMD 81-13-005
220-28-00500X	NEW-E 81-13-011	220-28-007G0J	NEW-E 81-14-056	220-40-021	AMD-P 81-09-082
220-28-00500X	REP-E 81-14-004	220-28-007G0J	REP-E 81-15-102	220-40-021	AMD 81-13-005
220-28-00500Y	NEW-E 81-14-004	220-28-00800D	NEW-E 81-09-035	220-40-02100K	NEW-E 81-15-005
220-28-00500Y	REP-E 81-14-030	220-28-00800D	REP-E 81-13-011	220-40-022	AMD-P 81-09-082
220-28-00500Z	NEW-E 81-14-030	220-28-00800E	NEW-E 81-13-011	220-40-022	AMD 81-13-005
220-28-00500Z	REP-E 81-15-102	220-28-00800E	REP-E 81-15-102	220-40-024	AMD-P 81-09-082
220-28-00600U	NEW-E 81-09-035	220-28-00800F	REP-E 81-02-037	220-40-024	AMD 81-13-005
220-28-00600U	REP-E 81-13-011	220-28-008F0N	NEW-E 81-09-035	220-44-030	AMD 81-02-053
220-28-00600V	NEW-E 81-13-011	220-28-008F0N	REP-E 81-13-011	220-44-040	AMD 81-02-053
220-28-00600V	REP-E 81-14-004	220-28-008F0P	NEW-E 81-13-011	220-47-07500D	NEW-E 81-15-039
220-28-00600W	NEW-E 81-14-004	220-28-008F0P	REP-E 81-15-102	220-47-264	AMD-P 81-12-038
220-28-00600W	REP-E 81-15-014	220-28-00900M	NEW-E 81-13-011	220-47-307	AMD-P 81-12-038
220-28-00600X	NEW-E 81-15-014	220-28-00900M	REP-E 81-15-102	220-47-311	AMD-P 81-12-038
220-28-00600X	REP-E 81-15-102	220-28-01000U	NEW-E 81-13-011	220-47-312	AMD-P 81-12-038
220-28-006A0S	NEW-E 81-09-035	220-28-01000U	REP-E 81-15-102	220-47-313	AMD-P 81-12-038
220-28-006A0S	REP-E 81-13-011	220-28-010A0S	NEW-E 81-13-011	220-47-401	AMD-P 81-12-038
220-28-006A0T	NEW-E 81-13-011	220-28-010A0S	REP-E 81-15-102	220-47-402	AMD-P 81-12-038
220-28-006A0T	REP-E 81-14-004	220-28-010B0V	NEW-E 81-13-011	220-47-403	AMD-P 81-12-038
220-28-006A0U	NEW-E 81-14-004	220-28-010B0V	REP-E 81-15-102	220-47-411	AMD-P 81-12-038
220-28-006A0U	REP-E 81-15-014	220-28-010C0R	NEW-E 81-13-011	220-47-412	AMD-P 81-12-038
220-28-006A0V	NEW-E 81-15-014	220-28-010C0R	REP-E 81-15-102	220-47-413	AMD-P 81-12-038
220-28-006A0V	REP-E 81-15-102	220-28-010D0U	NEW-E 81-13-011	220-47-414	AMD-P 81-12-038
220-28-006B0U	NEW-E 81-13-011	220-28-010D0U	REP-E 81-15-102	220-47-600	NEW-E 81-15-103
220-28-006B0U	REP-E 81-15-102	220-28-010G0C	NEW-E 81-13-011	220-47-600	REP-E 81-16-017
220-28-006C0N	NEW-E 81-09-035	220-28-010G0C	REP-E 81-15-102	220-47-601	NEW-E 81-16-017
220-28-006C0N	REP-E 81-13-011	220-28-011A0L	NEW-E 81-09-035	220-47-601	REP-E 81-16-051
220-28-006C0P	NEW-E 81-13-011	220-28-011F0L	NEW-E 81-09-035	220-47-602	NEW-E 81-16-051
220-28-006C0P	REP-E 81-14-004	220-28-011G0G	NEW-E 81-09-035	220-47-602	REP-E 81-16-059
220-28-006C0Q	NEW-E 81-14-004	220-28-011G0H	NEW-E 81-15-040	220-47-603	NEW-E 81-16-059
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220-28-006C0R	REP-E 81-15-102	220-28-012C0Z	REP-E 81-15-102	220-47-907	NEW-E 81-15-004
220-28-006D0H	NEW-E 81-14-056	220-28-012D0S	NEW-E 81-14-056	220-47-908	NEW-E 81-15-035
220-28-006D0H	REP-E 81-15-036	220-28-012D0S	REP-E 81-15-102	220-47-908	REP-E 81-16-050
220-28-006D0I	NEW-E 81-15-036	220-28-012F0G	NEW-E 81-02-052	220-47-909	NEW-E 81-16-050
220-28-006D0I	REP-E 81-15-102	220-28-01300U	NEW-E 81-03-035	220-47-909	REP-E 81-16-058
220-28-006F0L	NEW-E 81-14-056	220-28-013A0E	NEW-E 81-09-035	220-47-910	NEW-E 81-16-058
220-28-006F0L	REP-E 81-15-036	220-28-013A0F	NEW-E 81-15-040	220-47-910	REP-E 81-16-068
220-28-006F0M	NEW-E 81-15-036	220-28-013A0F	REP-E 81-15-102	220-47-911	NEW-E 81-16-068
220-28-006F0M	REP-E 81-15-102	220-28-013F0A	NEW-E 81-09-035	220-48-080	AMD 81-02-053
220-28-00700N	NEW-E 81-09-035	220-28-013F0B	NEW-E 81-15-040	220-48-09001	NEW 81-02-053
220-28-00700N	REP-E 81-12-007	220-28-013F0B	REP-E 81-15-102	220-48-091	AMD 81-02-053
220-28-00700P	NEW-E 81-12-007	220-28-013G0H	NEW-E 81-03-035	220-48-09100C	NEW-E 81-03-031
220-28-00700P	REP-E 81-13-040	220-28-100	NEW-E 81-15-102	220-48-092	AMD 81-02-053
220-28-00700Q	NEW-E 81-13-040	220-28-100	REP-E 81-16-043	220-48-096	AMD 81-02-053
220-28-00700Q	REP-E 81-14-004	220-28-101	NEW-E 81-16-043	220-48-098	AMD 81-02-053
220-28-00700R	NEW-E 81-14-004	220-28-101	REP-E 81-16-048	220-48-100	AMD 81-02-053
220-28-00700R	REP-E 81-15-014	220-28-102	NEW-E 81-16-048	220-49-02000B	REP-E 81-03-030
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220-28-00700S	REP-E 81-15-102	220-28-103	NEW-E 81-16-067	220-49-02000C	REP-E 81-09-053
220-28-007A0M	NEW-E 81-09-035	220-32-02200E	NEW-E 81-03-044	220-49-02000D	NEW-E 81-05-023
220-28-007A0M	REP-E 81-12-007	220-32-00200F	NEW-E 81-16-045	220-49-02000D	REP-E 81-09-053
220-28-007A0N	NEW-E 81-12-007	220-32-03000B	NEW-E 81-04-003	220-49-02000E	NEW-E 81-09-053
220-28-007A0N	REP-E 81-13-040	220-32-03600H	NEW-E 81-06-019	220-49-022	AMD 81-02-053
220-28-007A0P	NEW-E 81-13-040	220-32-04000K	NEW-E 81-03-044	220-49-023	AMD 81-02-053
220-28-007A0P	REP-E 81-14-004	220-32-04000L	NEW-E 81-16-045	220-52-019	AMD-P 81-07-016
220-28-007A0Q	NEW-E 81-14-004	220-32-04100D	NEW-E 81-11-065	220-52-019	AMD 81-11-006

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-52-01900F	NEW-E	81-08-006	220-57-42500B	NEW-E	81-16-018	230-04-190	AMD	81-03-045
220-52-05300H	NEW-E	81-04-060	220-57-42500B	NEW-E	81-16-057	230-04-200	AMD	81-03-045
220-52-05300H	REP-E	81-08-031	220-57-435	AMD	81-05-027	230-04-200	AMD-P	81-04-072
220-52-05300I	NEW-E	81-10-029	220-57-450	AMD	81-05-027	230-04-200	AMD-P	81-06-074
220-52-071	AMD-P	81-07-016	220-57-45000A	NEW-E	81-16-018	230-04-200	AMD-P	81-09-021
220-52-071	AMD	81-11-006	220-57-455	AMD	81-05-027	230-04-200	AMD-P	81-10-071
220-52-07100A	NEW-E	81-08-006	220-57-460	AMD	81-05-027	230-04-200	AMD	81-13-032
220-52-075	AMD-P	81-07-016	220-57-465	AMD	81-05-027	230-04-200	AMD-P	81-14-087
220-52-075	AMD	81-11-006	220-57-46500B	NEW-E	81-16-018	230-04-200	AMD-P	81-16-087
220-52-07500C	NEW-E	81-05-006	220-57-480	AMD	81-05-027	230-04-203	NEW-P	81-06-074
220-56-105	AMD	81-05-027	220-57-500	AMD	81-05-027	230-04-203	NEW-P	81-09-021
220-56-131	NEW	81-05-027	220-57-505	AMD	81-05-027	230-04-204	NEW-P	81-06-074
220-56-135	AMD	81-05-027	220-57-50500D	NEW-E	81-06-027	230-04-204	NEW-P	81-09-021
220-56-16000I	NEW-E	81-06-027	220-57-50500E	NEW-E	81-12-050	230-04-206	NEW-P	81-06-074
220-56-18000B	NEW-E	81-11-064	220-57-51500C	NEW-E	81-12-050	230-04-206	NEW-P	81-09-021
220-56-19000D	NEW-E	81-10-041	220-57A-005	AMD	81-05-027	230-04-325	NEW-P	81-16-087
220-56-19000D	REP-E	81-11-064	220-57A-010	AMD	81-05-027	230-20-235	NEW-P	81-16-087
220-56-19000E	NEW-E	81-16-057	220-57A-012	AMD	81-05-027	230-25-030	AMD-P	81-16-088
220-56-205	AMD	81-05-027	220-57A-040	AMD	81-05-027	230-25-033	AMD-P	81-16-088
220-56-225	AMD	81-05-027	220-57A-065	AMD	81-05-027	230-25-035	REP-P	81-16-088
220-56-285	AMD	81-05-027	220-57A-080	AMD	81-05-027	230-25-040	AMD-P	81-16-088
220-56-295	AMD	81-05-027	220-57A-090	AMD	81-05-027	230-25-070	AMD-P	81-16-088
220-56-315	AMD	81-05-027	220-57A-095	AMD	81-05-027	230-25-071	REP-P	81-16-088
220-56-320	AMD	81-05-027	220-57A-115	AMD	81-05-027	230-25-100	AMD-P	81-16-088
220-56-32500B	NEW-E	81-10-029	220-57A-120	AMD	81-05-027	230-25-120	AMD-P	81-16-088
220-56-340	AMD	81-05-027	220-57A-135	AMD	81-05-027	230-25-220	AMD-P	81-16-088
220-56-350	AMD	81-05-027	220-57A-145	AMD	81-05-027	230-25-235	AMD-P	81-16-088
220-56-365	AMD	81-05-027	220-57A-152	AMD	81-05-027	230-25-260	AMD-P	81-16-088
220-56-37200A	NEW-E	81-12-011	220-57A-155	AMD	81-05-027	230-25-265	AMD-P	81-16-088
220-56-380	AMD	81-05-027	220-57A-160	AMD	81-05-027	230-25-315	NEW-P	81-16-088
220-57-137	AMD	81-05-027	220-57A-175	AMD	81-05-027	230-25-320	NEW-P	81-16-088
220-57-138	NEW	81-05-027	220-57A-180	AMD	81-05-027	230-30-080	AMD-P	81-16-087
220-57-140	AMD	81-05-027	220-57A-185	AMD	81-05-027	230-30-015	AMD-P	81-04-072
220-57-150	AMD	81-05-027	220-57A-190	AMD	81-05-027	230-30-015	AMD-P	81-10-071
220-57-155	AMD	81-05-027	220-69-23401	AMD-P	81-11-014	230-30-015	AMD	81-13-032
220-57-160	AMD	81-05-027	220-69-23401	AMD	81-14-039	230-30-200	AMD-P	81-08-069
220-57-16000J	NEW-E	81-10-028	220-69-23402	NEW	81-03-032	230-30-200	AMD-P	81-11-026
220-57-16000K	NEW-E	81-16-056	220-69-23501	NEW	81-03-032	230-30-200	AMD	81-13-033
220-57-17500F	NEW-E	81-10-057	220-69-240	AMD-P	81-07-016	230-40-120	AMD-P	81-16-087
220-57-17500F	REP-E	81-16-049	220-69-240	AMD	81-11-006	230-42-010	AMD-P	81-10-071
220-57-17500G	NEW-E	81-16-049	220-69-24000C	NEW-E	81-05-006	230-42-010	AMD-E	81-11-025
220-57-185	AMD	81-05-027	220-69-241	AMD	81-03-032	230-42-010	AMD	81-13-032
220-57-205	AMD	81-05-027	220-69-241	AMD-P	81-07-016	230-60-015	AMD-P	81-08-069
220-57-210	AMD	81-05-027	220-69-241	AMD	81-11-006	230-60-015	AMD	81-11-039
220-57-215	AMD	81-05-027	220-69-25401	AMD-P	81-07-016	230-60-070	AMD-P	81-08-069
220-57-21500D	NEW-E	81-15-083	220-69-25401C	NEW-E	81-05-006	230-60-070	AMD	81-11-039
220-57-220	AMD	81-05-027	220-69-25402	NEW	81-03-032	232-12-001	NEW-P	81-08-064
220-57-225	AMD	81-05-027	220-69-25501	NEW	81-03-032	232-12-001	NEW	81-12-029
220-57-230	AMD	81-05-027	220-69-26402	NEW	81-03-032	232-12-001	AMD-P	81-12-048
220-57-235	AMD	81-05-027	220-69-265	AMD	81-03-032	232-12-001	AMD-P	81-16-070
220-57-240	AMD	81-05-027	220-69-26501	NEW	81-03-032	232-12-004	AMD-P	81-08-064
220-57-255	AMD	81-05-027	220-69-280	AMD-P	81-07-016	232-12-004	NEW	81-12-029
220-57-260	AMD	81-05-027	220-95-010	AMD-P	81-05-036	232-12-004	AMD-P	81-16-070
220-57-265	AMD	81-05-027	220-95-010	AMD	81-09-018	232-12-007	NEW-P	81-08-064
220-57-270	AMD	81-05-027	220-95-012	NEW-P	81-05-036	232-12-007	NEW	81-12-029
220-57-27000G	NEW-E	81-16-030	220-95-012	NEW	81-09-018	232-12-007	AMD-P	81-16-070
220-57-275	AMD	81-05-027	220-95-017	NEW-P	81-05-036	232-12-010	REP-P	81-08-064
220-57-300	AMD	81-05-027	220-95-017	NEW	81-09-018	232-12-010	REP	81-12-029
220-57-310	AMD	81-05-027	224-12-090	AMD-P	81-11-037	232-12-011	NEW-P	81-08-064
220-57-315	AMD	81-05-027	224-12-090	AMD	81-16-034	232-12-011	NEW	81-12-029
220-57-31500B	NEW-E	81-09-007	230-02-210	AMD-P	81-06-074	232-12-014	NEW-P	81-08-064
220-57-319	AMD	81-05-027	230-02-210	AMD-P	81-09-021	232-12-014	NEW	81-12-029
220-57-325	AMD	81-05-027	230-02-210	AMD	81-09-055	232-12-015	REP-P	81-08-064
220-57-345	AMD	81-05-027	230-02-405	AMD-P	81-06-074	232-12-015	REP	81-12-029
220-57-350	AMD	81-05-027	230-02-405	AMD-P	81-09-021	232-12-017	NEW-P	81-08-064
220-57-35000A	NEW-E	81-15-083	230-02-405	AMD	81-09-055	232-12-017	NEW	81-12-029
220-57-370	AMD	81-05-027	230-02-418	NEW-P	81-04-072	232-12-017	AMD-P	81-16-070
220-57-37000A	NEW-E	81-16-018	230-02-418	NEW-P	81-14-087	232-12-019	NEW-P	81-08-064
220-57-37000A	NEW-E	81-16-057	230-04-135	NEW-P	81-06-074	232-12-019	NEW	81-12-029
220-57-375	AMD	81-05-027	230-04-135	NEW-P	81-09-021	232-12-020	REP-P	81-08-064
220-57-385	AMD	81-05-027	230-04-145	NEW-P	81-04-072	232-12-020	REP	81-12-029
220-57-405	AMD	81-05-027	230-04-145	NEW-P	81-14-087	232-12-021	NEW-P	81-08-064
220-57-420	AMD	81-05-027	230-04-147	NEW-P	81-04-072	232-12-021	NEW	81-12-029
220-57-425	AMD	81-05-027	230-04-147	NEW-P	81-14-087	232-12-024	NEW-P	81-08-064

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-12-024	NEW	81-12-029	232-12-107	NEW	81-12-029	232-12-187	NEW-P	81-08-064
232-12-027	NEW-P	81-08-064	232-12-110	REP-P	81-08-064	232-12-187	NEW	81-12-029
232-12-027	NEW	81-12-029	232-12-110	REP	81-12-029	232-12-189	NEW-P	81-16-070
232-12-027	AMD-P	81-16-070	232-12-111	NEW-P	81-08-064	232-12-190	REP-P	81-08-064
232-12-030	REP-P	81-08-064	232-12-111	NEW	81-12-029	232-12-190	REP	81-12-029
232-12-030	REP	81-12-029	232-12-114	NEW-P	81-08-064	232-12-191	NEW-P	81-08-064
232-12-031	NEW-P	81-08-064	232-12-114	NEW	81-12-029	232-12-191	NEW	81-12-029
232-12-031	NEW	81-12-029	232-12-117	NEW-P	81-08-064	232-12-194	NEW-P	81-08-064
232-12-034	NEW-P	81-08-064	232-12-117	NEW	81-12-029	232-12-194	NEW	81-12-029
232-12-034	NEW	81-12-029	232-12-120	REP-P	81-08-064	232-12-197	NEW-P	81-08-064
232-12-037	NEW-P	81-08-064	232-12-120	REP	81-12-029	232-12-197	NEW	81-12-029
232-12-037	NEW	81-12-029	232-12-121	NEW-P	81-08-064	232-12-200	REP-P	81-08-064
232-12-040	REP-P	81-08-064	232-12-121	NEW	81-12-029	232-12-200	REP	81-12-029
232-12-040	REP	81-12-029	232-12-124	NEW-P	81-08-064	232-12-201	REP-P	81-08-064
232-12-041	NEW-P	81-08-064	232-12-124	NEW	81-12-029	232-12-201	REP	81-12-029
232-12-041	NEW	81-12-029	232-12-127	NEW-P	81-08-064	232-12-205	REP-P	81-08-064
232-12-044	NEW-P	81-08-064	232-12-127	NEW	81-12-029	232-12-205	REP	81-12-029
232-12-044	NEW	81-12-029	232-12-130	REP-P	81-08-064	232-12-207	NEW-P	81-08-064
232-12-044	AMD-P	81-16-070	232-12-130	REP	81-12-029	232-12-207	NEW	81-12-029
232-12-047	NEW-P	81-08-064	232-12-131	NEW-P	81-08-064	232-12-210	REP-P	81-08-064
232-12-047	NEW	81-12-029	232-12-131	NEW	81-12-029	232-12-210	REP	81-12-029
232-12-047	AMD-P	81-12-048	232-12-134	NEW-P	81-08-064	232-12-211	REP-P	81-08-064
232-12-047	AMD-P	81-16-070	232-12-134	NEW	81-12-029	232-12-211	REP	81-12-029
232-12-051	NEW-P	81-08-064	232-12-134	AMD-P	81-14-074	232-12-212	REP-P	81-08-064
232-12-051	NEW	81-12-029	232-12-134	AMD-P	81-16-070	232-12-212	REP	81-12-029
232-12-054	NEW-P	81-08-064	232-12-135	REP-P	81-08-064	232-12-213	REP-P	81-08-064
232-12-054	NEW	81-12-029	232-12-135	REP	81-12-029	232-12-213	REP	81-12-029
232-12-057	NEW-P	81-08-064	232-12-137	NEW-P	81-08-064	232-12-214	REP-P	81-08-064
232-12-057	NEW	81-12-029	232-12-137	NEW	81-12-029	232-12-214	REP	81-12-029
232-12-060	REP-P	81-08-064	232-12-137	AMD-P	81-14-074	232-12-215	REP-P	81-08-064
232-12-060	REP	81-12-029	232-12-137	AMD-P	81-16-070	232-12-215	REP	81-12-029
232-12-061	NEW-P	81-08-064	232-12-140	REP-P	81-08-064	232-12-220	REP-P	81-08-064
232-12-061	NEW	81-12-029	232-12-140	REP	81-12-029	232-12-220	REP	81-12-029
232-12-061	AMD-P	81-16-070	232-12-141	NEW-P	81-08-064	232-12-221	NEW-P	81-08-064
232-12-064	NEW-P	81-08-064	232-12-141	NEW	81-12-029	232-12-221	NEW	81-12-029
232-12-064	NEW	81-12-029	232-12-141	AMD-P	81-12-048	232-12-224	NEW-P	81-08-064
232-12-065	REP-P	81-08-064	232-12-144	NEW-P	81-08-064	232-12-224	NEW	81-12-029
232-12-065	REP	81-12-029	232-12-144	NEW	81-12-029	232-12-227	NEW-P	81-08-064
232-12-067	NEW-P	81-08-064	232-12-147	NEW-P	81-08-064	232-12-227	NEW	81-12-029
232-12-067	NEW	81-12-029	232-12-147	NEW	81-12-029	232-12-230	REP-P	81-08-064
232-12-070	REP-P	81-08-064	232-12-147	AMD-P	81-16-070	232-12-230	REP	81-12-029
232-12-070	REP	81-12-029	232-12-150	REP-P	81-08-064	232-12-231	REP-P	81-08-064
232-12-071	NEW-P	81-08-064	232-12-150	REP	81-12-029	232-12-231	REP	81-12-029
232-12-071	NEW	81-12-029	232-12-151	NEW-P	81-08-064	232-12-232	REP-P	81-08-064
232-12-074	NEW-P	81-08-064	232-12-151	NEW	81-12-029	232-12-232	REP	81-12-029
232-12-074	NEW	81-12-029	232-12-154	NEW-P	81-08-064	232-12-233	REP-P	81-08-064
232-12-075	NEW-P	81-16-070	232-12-154	NEW	81-12-029	232-12-233	REP	81-12-029
232-12-077	NEW-P	81-08-064	232-12-157	NEW-P	81-08-064	232-12-234	REP-P	81-08-064
232-12-077	NEW	81-12-029	232-12-157	NEW	81-12-029	232-12-234	REP	81-12-029
232-12-080	REP-P	81-08-064	232-12-160	REP-P	81-08-064	232-12-235	REP-P	81-08-064
232-12-080	REP	81-12-029	232-12-160	REP	81-12-029	232-12-235	REP	81-12-029
232-12-081	NEW-P	81-08-064	232-12-161	NEW-P	81-08-064	232-12-236	REP-P	81-08-064
232-12-081	NEW	81-12-029	232-12-161	NEW	81-12-029	232-12-236	REP	81-12-029
232-12-084	NEW-P	81-08-064	232-12-164	NEW-P	81-08-064	232-12-237	REP-P	81-08-064
232-12-084	NEW	81-12-029	232-12-164	AMD-P	81-16-070	232-12-237	REP	81-12-029
232-12-087	NEW-P	81-08-064	232-12-164	NEW	81-12-029	232-12-238	REP-P	81-08-064
232-12-087	NEW	81-12-029	232-12-167	NEW-P	81-08-064	232-12-238	REP	81-12-029
232-12-090	REP-P	81-08-064	232-12-167	NEW	81-12-029	232-12-240	REP-P	81-08-064
232-12-090	REP	81-12-029	232-12-170	REP-P	81-08-064	232-12-240	REP	81-12-029
232-12-091	NEW-P	81-08-064	232-12-170	REP	81-12-029	232-12-241	NEW-P	81-08-064
232-12-091	NEW	81-12-029	232-12-171	REP-P	81-08-064	232-12-241	NEW	81-12-029
232-12-094	NEW-P	81-08-064	232-12-171	REP	81-12-029	232-12-241	AMD-P	81-16-070
232-12-094	NEW	81-12-029	232-12-173	REP-P	81-08-064	232-12-244	NEW-P	81-08-064
232-12-097	NEW-P	81-08-064	232-12-173	REP	81-12-029	232-12-244	NEW	81-12-029
232-12-097	NEW	81-12-029	232-12-174	NEW-P	81-08-064	232-12-247	NEW-P	81-08-064
232-12-100	REP-P	81-08-064	232-12-174	NEW	81-12-029	232-12-247	NEW	81-12-029
232-12-100	REP	81-12-029	232-12-177	NEW-P	81-08-064	232-12-251	NEW-P	81-08-064
232-12-101	NEW-P	81-08-064	232-12-177	NEW	81-12-029	232-12-251	NEW	81-12-029
232-12-101	NEW	81-12-029	232-12-180	REP-P	81-08-064	232-12-254	NEW-P	81-08-064
232-12-104	NEW-P	81-08-064	232-12-180	REP	81-12-029	232-12-254	NEW	81-12-029
232-12-104	NEW	81-12-029	232-12-181	NEW-P	81-08-064	232-12-255	REP-P	81-08-064
232-12-105	REP-P	81-08-064	232-12-181	NEW	81-12-029	232-12-255	REP	81-12-029
232-12-105	REP	81-12-029	232-12-184	NEW-P	81-08-064	232-12-257	NEW-P	81-08-064
232-12-107	NEW-P	81-08-064	232-12-184	NEW	81-12-029	232-12-257	NEW	81-12-029

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
232-12-261	NEW-P	81-08-064	232-12-500	REP-P	81-08-064	232-28-60302	NEW-E	81-09-066
232-12-261	NEW	81-12-029	232-12-500	REP	81-12-029	232-28-60303	NEW-E	81-11-059
232-12-264	NEW-P	81-08-064	232-12-510	REP-P	81-08-064	232-28-60304	NEW-P	81-12-048
232-12-264	NEW	81-12-029	232-12-510	REP	81-12-029	232-28-60304	NEW	81-15-064
232-12-267	NEW-P	81-08-064	232-12-520	REP-P	81-08-064	232-28-60305	NEW-P	81-12-048
232-12-267	NEW	81-12-029	232-12-520	REP	81-12-029	232-28-60305	NEW-E	81-15-063
232-12-271	NEW-P	81-08-064	232-12-530	REP-P	81-08-064	232-28-60306	NEW-P	81-12-048
232-12-271	NEW	81-12-029	232-12-530	REP	81-12-029	232-28-60306	NEW-E	81-15-038
232-12-274	NEW-P	81-08-064	232-12-550	REP-P	81-08-064	232-28-60307	NEW-E	81-15-037
232-12-274	NEW	81-12-029	232-12-550	REP	81-12-029	232-28-60308	NEW-E	81-16-046
232-12-277	NEW-P	81-08-064	232-12-570	REP-P	81-08-064	232-28-702	REP	81-04-018
232-12-277	NEW	81-12-029	232-12-570	REP	81-12-029	232-28-703	NEW	81-04-018
232-12-280	REP-P	81-08-064	232-12-630	REP-P	81-08-064	232-28-802	REP-P	81-05-031
232-12-280	REP	81-12-029	232-12-630	REP	81-12-029	232-28-802	REP-P	81-08-064
232-12-281	NEW-P	81-08-064	232-12-640	REP-P	81-08-064	232-28-802	REP-E	81-09-025
232-12-281	NEW	81-12-029	232-12-640	REP	81-12-029	232-28-802	REP	81-12-004
232-12-284	NEW-P	81-08-064	232-12-650	REP-P	81-08-064	232-28-803	NEW-P	81-05-031
232-12-284	NEW	81-12-029	232-12-650	REP	81-12-029	232-28-803	NEW-P	81-08-064
232-12-287	NEW-P	81-08-064	232-12-655	REP-P	81-08-064	232-28-803	NEW-E	81-09-025
232-12-287	NEW	81-12-029	232-12-655	REP	81-12-029	232-28-803	NEW	81-12-004
232-12-291	NEW-P	81-08-064	232-12-660	REP-P	81-08-064	232-32-126	REP-E	81-02-021
232-12-291	NEW	81-12-029	232-12-660	REP	81-12-029	232-32-127	NEW-E	81-02-021
232-12-294	NEW-P	81-08-064	232-12-670	REP-P	81-08-064	232-32-128	NEW-E	81-03-009
232-12-294	NEW	81-12-029	232-12-670	REP	81-12-029	232-32-129	NEW-E	81-03-010
232-12-300	REP-P	81-08-064	232-12-675	REP-P	81-08-064	232-32-130	NEW-E	81-03-033
232-12-300	REP	81-12-029	232-12-675	REP	81-12-029	232-32-131	NEW-E	81-04-017
232-12-310	REP-P	81-08-064	232-12-676	REP-P	81-08-064	232-32-132	NEW-E	81-04-057
232-12-310	REP	81-12-029	232-12-676	REP	81-12-029	232-32-133	NEW-E	81-05-011
232-12-320	REP-P	81-08-064	232-12-680	REP-P	81-08-064	236-12-430	AMD-P	81-08-015
232-12-320	REP	81-12-029	232-12-680	REP	81-12-029	236-12-430	AMD-E	81-08-016
232-12-340	REP-P	81-08-064	232-12-690	REP-P	81-08-064	236-12-430	AMD	81-11-001
232-12-340	REP	81-12-029	232-12-690	REP	81-12-029	236-12-470	AMD-P	81-08-015
232-12-350	REP-P	81-08-064	232-12-700	REP-P	81-08-064	236-12-470	AMD-E	81-08-016
232-12-350	REP	81-12-029	232-12-700	REP	81-12-029	236-12-470	AMD	81-11-001
232-12-355	REP-P	81-08-064	232-12-710	REP-P	81-08-064	237-990	AMD	81-09-016
232-12-355	REP	81-12-029	232-12-710	REP	81-12-029	247-02-040	AMD-E	81-13-006
232-12-360	AMD-P	81-05-031	232-12-816	REP-P	81-08-064	247-02-050	AMD-E	81-13-006
232-12-360	REP-P	81-08-064	232-12-816	REP	81-12-029	247-16-010	AMD-E	81-13-006
232-12-360	AMD-E	81-09-027	232-16-365	REP-P	81-12-048	247-16-030	AMD-E	81-13-006
232-12-360	REP	81-12-029	232-16-400	AMD-P	81-12-048	247-16-040	AMD-E	81-13-006
232-12-365	REP-P	81-08-064	232-21-100	REP-P	81-05-031	247-16-060	AMD-E	81-13-006
232-12-365	REP	81-12-029	232-21-100	REP-P	81-08-064	247-16-070	AMD-E	81-13-006
232-12-370	REP-P	81-08-064	232-21-100	REP-E	81-09-026	247-16-080	REP-E	81-13-006
232-12-370	REP	81-12-029	232-21-100	REP	81-12-005	247-16-090	NEW-E	81-13-006
232-12-373	REP-P	81-08-064	232-21-101	NEW-P	81-05-031	247-16-100	NEW-E	81-13-006
232-12-373	REP	81-12-029	232-21-101	NEW-P	81-08-064	248-12-170	AMD-P	81-15-071
232-12-380	REP-P	81-08-064	232-21-101	NEW-E	81-09-026	248-14	AMD-P	81-03-004
232-12-380	REP	81-12-029	232-21-101	NEW	81-12-005	248-14	AMD-P	81-11-042
232-12-390	REP-P	81-08-064	232-28-001	REP-P	81-05-031	248-14-001	AMD-P	81-08-047
232-12-390	REP	81-12-029	232-28-100	REP-P	81-05-031	248-14-001	AMD	81-14-066
232-12-400	REP-P	81-08-064	232-28-103	REP-P	81-12-048	248-14-100	AMD-P	81-08-047
232-12-400	REP	81-12-029	232-28-104	NEW-P	81-12-048	248-14-100	AMD	81-14-066
232-12-405	REP-P	81-08-064	232-28-200	REP-P	81-05-031	248-14-110	AMD-P	81-08-047
232-12-405	REP	81-12-029	232-28-203	REP-P	81-08-064	248-14-110	AMD	81-14-066
232-12-410	REP-P	81-08-064	232-28-203	REP	81-15-066	248-14-114	NEW-P	81-08-047
232-12-410	REP	81-12-029	232-28-204	NEW-P	81-08-064	248-14-114	NEW	81-14-066
232-12-420	REP-P	81-08-064	232-28-204	NEW	81-15-066	248-14-120	AMD-P	81-08-047
232-12-420	REP	81-12-029	232-28-20401	NEW-P	81-12-048	248-14-120	AMD	81-14-066
232-12-430	REP-P	81-08-064	232-28-20401	NEW	81-15-065	248-14-125	NEW-P	81-08-047
232-12-430	REP	81-12-029	232-28-300	REP-P	81-05-031	248-14-125	NEW	81-14-066
232-12-435	REP-P	81-08-064	232-28-303	REP-P	81-08-064	248-14-128	NEW-P	81-08-047
232-12-435	REP	81-12-029	232-28-303	REP	81-15-066	248-14-128	NEW	81-14-066
232-12-440	REP-P	81-08-064	232-28-304	NEW-P	81-08-064	248-14-130	AMD-P	81-08-047
232-12-440	REP	81-12-029	232-28-304	NEW	81-15-066	248-14-130	AMD	81-14-066
232-12-450	REP-P	81-08-064	232-28-400	REP-P	81-05-031	248-14-140	AMD-P	81-08-047
232-12-450	REP	81-12-029	232-28-403	REP-P	81-14-074	248-14-140	AMD	81-14-066
232-12-460	REP-P	81-08-064	232-28-404	NEW-P	81-14-074	248-14-150	AMD-P	81-08-047
232-12-460	REP	81-12-029	232-28-500	REP-P	81-05-031	248-14-150	AMD	81-14-066
232-12-470	REP-P	81-08-064	232-28-503	REP-P	81-12-048	248-14-152	NEW-P	81-08-047
232-12-470	REP	81-12-029	232-28-504	NEW-P	81-12-048	248-14-152	NEW	81-14-066
232-12-480	REP-P	81-08-064	232-28-600	REP-P	81-05-031	248-14-155	NEW-P	81-08-047
232-12-480	REP	81-12-029	232-28-603	REP-P	81-14-074	248-14-155	NEW	81-14-066
232-12-490	REP-P	81-08-064	232-28-604	NEW-P	81-14-074	248-14-160	AMD-P	81-08-047
232-12-490	REP	81-12-029	232-28-60301	NEW-E	81-08-011	248-14-160	AMD	81-14-066

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248-14-180	AMD-P 81-08-047	248-19-490	AMD-E 81-05-030	250-44-020	AMD-E 81-09-032
248-14-180	AMD 81-14-066	248-19-490	AMD 81-09-012	250-44-030	AMD-E 81-09-032
248-14-200	AMD-P 81-08-047	248-19-500	AMD-E 81-05-030	250-44-040	AMD-E 81-09-032
248-14-200	AMD 81-14-066	248-19-500	AMD 81-09-012	250-44-050	AMD-E 81-09-032
248-14-285	AMD 81-03-005	248-22-060	REP-P 81-04-012	250-44-090	AMD-E 81-09-032
248-18	AMD-P 81-03-038	248-22-060	REP 81-07-035	250-44-110	AMD-E 81-09-032
248-18-001	AMD 81-05-029	248-22-070	REP-P 81-04-012	250-44-120	AMD-E 81-09-032
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248-19-210	AMD 81-09-012	248-60A-060	REP-P 81-16-004	250-55-030	AMD 81-13-041
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248-19-300	AMD 81-09-012	248-61-030	REP-P 81-16-004	250-55-160	AMD 81-13-041
248-19-310	AMD-E 81-05-030	248-61-040	REP-P 81-16-004	250-55-160	AMD-P 81-09-068
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248-19-360	AMD 81-09-012	248-61-170	REP-P 81-16-004	251-10-055	AMD 81-15-003
248-19-370	AMD-E 81-05-030	248-61-180	REP-P 81-16-004	251-10-110	AMD-P 81-04-051
248-19-370	AMD 81-09-012	248-96-020	AMD-P 81-02-042	251-10-110	AMD-P 81-10-009
248-19-390	AMD-E 81-05-030	248-96-020	AMD 81-05-028	251-10-110	AMD-P 81-12-032
248-19-390	AMD 81-09-012	248-100-295	AMD-P 81-08-003	251-10-112	AMD-P 81-15-002
248-19-400	AMD-E 81-05-030	248-100-295	AMD 81-11-061	251-10-112	NEW-P 81-04-051
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248-19-403	NEW-E 81-05-030	248-152-035	NEW 81-15-027	251-10-113	NEW-P 81-12-032
248-19-403	NEW 81-09-012	248-156-010	NEW-P 81-06-007	251-10-113	NEW-P 81-04-051
248-19-405	NEW-E 81-05-030	248-156-010	NEW 81-09-060	251-10-113	NEW-P 81-10-009
248-19-405	NEW 81-09-012	248-156-020	NEW-P 81-06-007	251-10-113	NEW-P 81-12-032
248-19-410	AMD-E 81-05-030	248-156-020	NEW 81-09-060	251-12-072	AMD-P 81-09-023
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248-19-420	AMD-E 81-05-030	250-20-001	AMD 81-13-038	251-12-240	AMD-P 81-15-002
248-19-420	AMD 81-09-012	250-20-021	AMD-P 81-10-069	251-18-010	AMD-P 81-09-023
248-19-430	AMD-E 81-05-030	250-20-021	AMD 81-13-038	251-18-020	AMD-P 81-09-023
248-19-430	AMD 81-09-012	250-40-030	AMD-P 81-10-070	251-18-025	AMD-P 81-09-023
248-19-440	AMD-E 81-05-030	250-40-030	AMD 81-13-037	251-18-030	AMD-P 81-09-023
248-19-440	AMD 81-09-012	250-40-040	AMD-P 81-10-070	251-18-050	REP-P 81-09-023
248-19-450	AMD-E 81-05-030	250-40-040	AMD 81-13-037	251-18-060	AMD-P 81-09-023
248-19-450	AMD 81-09-012	250-40-050	AMD-P 81-10-070	251-18-070	AMD-P 81-09-023
248-19-475	NEW-E 81-05-030	250-40-050	AMD 81-13-037	251-18-080	REP-P 81-09-023
248-19-475	NEW 81-09-012	250-40-070	AMD-P 81-10-070	251-18-100	REP-P 81-09-023
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251-18-120	REP-P	81-09-023	260-48-326	NEW-E	81-14-019	275-20-030	AMD-E	81-14-061
251-18-130	AMD-P	81-09-023	260-48-326	NEW	81-15-033	275-27-630	AMD-P	81-11-043
251-18-140	AMD-P	81-09-023	260-48-328	NEW-P	81-15-101	275-27-630	AMD-E	81-11-047
251-18-145	NEW-P	81-09-023	260-52-010	AMD-P	81-07-020	275-27-630	AMD	81-14-064
251-18-150	REP-P	81-09-023	260-52-010	AMD	81-08-013	275-40-010	REP-P	81-15-092
251-18-155	REP-P	81-09-023	260-52-040	AMD-P	81-07-020	275-40-020	REP-P	81-15-092
251-18-160	REP-P	81-09-023	260-52-040	AMD	81-08-013	275-40-030	REP-P	81-15-092
251-18-170	REP-P	81-09-023	260-60-050	AMD-P	81-07-020	275-40-040	REP-P	81-15-092
251-18-175	AMD-P	81-09-023	260-60-050	AMD-P	81-08-012	275-40-050	REP-P	81-15-092
251-18-180	AMD-P	81-09-023	260-60-050	AMD	81-09-075	275-40-060	REP-P	81-15-092
251-18-181	AMD-P	81-09-023	260-60-115	NEW-P	81-07-020	275-40-070	REP-P	81-15-092
251-18-185	AMD-P	81-09-023	260-60-115	NEW-P	81-08-012	275-48-010	REP-P	81-15-092
251-18-190	AMD-P	81-09-023	260-60-115	NEW	81-09-075	275-48-015	REP-P	81-15-092
251-18-200	AMD-P	81-09-023	260-60-120	AMD-P	81-07-020	275-48-020	REP-P	81-15-092
251-18-330	AMD-P	81-04-051	260-60-120	AMD	81-08-013	275-48-025	REP-P	81-15-092
251-18-330	AMD-P	81-10-009	260-60-210	AMD-P	81-07-020	275-48-030	REP-P	81-15-092
251-18-330	AMD-P	81-12-032	260-60-210	AMD-P	81-08-012	275-48-035	REP-P	81-15-092
251-18-330	AMD	81-15-003	260-60-210	AMD	81-09-075	275-48-040	REP-P	81-15-092
251-18-330	AMD-P	81-16-065	260-70-140	AMD-P	81-07-020	275-48-045	REP-P	81-15-092
251-20-010	AMD-P	81-09-023	260-70-140	AMD-P	81-08-012	275-48-050	REP-P	81-15-092
251-20-030	AMD-P	81-09-023	260-70-140	AMD	81-09-075	275-52-010	REP-P	81-15-092
251-20-030	AMD	81-15-021	261-20	AMD-P	81-02-036	275-52-015	REP-P	81-15-092
251-20-040	AMD-P	81-09-023	261-20-010	NEW-P	81-02-035	275-52-020	REP-P	81-15-092
251-20-040	AMD	81-15-021	261-20-010	NEW	81-06-016	275-53-050	REP-P	81-15-092
251-20-050	AMD-P	81-09-023	261-20-020	NEW-P	81-02-035	275-53-055	REP-P	81-15-092
251-20-050	AMD	81-15-021	261-20-020	NEW	81-06-016	275-53-060	REP-P	81-15-092
251-20-060	AMD-P	81-09-023	261-20-030	NEW-P	81-02-035	275-53-065	REP-P	81-15-092
251-22-240	AMD-P	81-04-023	261-20-030	NEW	81-06-016	275-55-010	AMD-P	81-16-035
251-22-240	AMD	81-07-002	261-20-030	AMD	81-06-017	275-55-020	AMD-P	81-16-035
260-12-010	AMD-P	81-07-020	261-20-040	NEW-P	81-02-035	275-55-021	NEW-P	81-16-035
260-12-010	AMD	81-08-013	261-20-040	NEW	81-06-016	275-55-030	AMD-P	81-16-035
260-12-010	AMD-P	81-11-049	261-20-050	NEW-P	81-02-035	275-55-040	AMD-P	81-16-035
260-12-010	AMD-P	81-14-016	261-20-050	NEW	81-06-016	275-55-041	REP-P	81-16-035
260-12-010	AMD	81-15-034	261-20-060	NEW-P	81-02-035	275-55-050	AMD-P	81-16-035
260-12-050	AMD-P	81-15-101	261-20-060	NEW	81-06-016	275-55-060	AMD-P	81-16-035
260-12-140	AMD-P	81-07-020	261-20-065	NEW-P	81-02-035	275-55-061	REP-P	81-16-035
260-12-140	AMD	81-08-013	261-20-065	NEW	81-06-016	275-55-070	REP-P	81-16-035
260-20-075	NEW-P	81-07-020	261-20-070	NEW-P	81-02-035	275-55-071	NEW-P	81-16-035
260-20-075	NEW	81-08-013	261-20-070	NEW	81-06-016	275-55-080	REP-P	81-16-035
260-20-170	AMD-E	81-08-030	261-20-080	NEW-P	81-02-035	275-55-081	NEW-P	81-16-035
260-20-170	AMD-P	81-11-048	261-20-080	NEW	81-06-016	275-55-090	AMD-P	81-16-035
260-20-170	AMD-P	81-14-015	275-16-010	AMD-E	81-04-032	275-55-100	REP-P	81-16-035
260-20-170	AMD-E	81-14-019	275-16-010	AMD-P	81-04-038	275-55-110	AMD-P	81-16-035
260-20-170	AMD	81-15-033	275-16-010	AMD	81-08-020	275-55-120	REP-P	81-16-035
260-24-280	AMD-P	81-07-020	275-16-015	NEW-E	81-04-032	275-55-121	NEW-P	81-16-035
260-24-280	AMD	81-08-013	275-16-015	NEW-P	81-04-038	275-55-130	REP-P	81-16-035
260-32-040	AMD-P	81-07-021	275-16-015	NEW	81-08-020	275-55-131	NEW-P	81-16-035
260-32-040	AMD-W	81-08-024	275-16-035	NEW-E	81-04-032	275-55-140	REP-P	81-16-035
260-36-040	AMD-P	81-07-020	275-16-035	NEW-P	81-04-038	275-55-141	NEW-P	81-16-035
260-36-040	AMD-W	81-08-024	275-16-035	NEW	81-08-020	275-55-150	REP-P	81-16-035
260-36-110	AMD-P	81-11-049	275-16-040	REP-E	81-04-032	275-55-151	NEW-P	81-16-035
260-36-110	AMD-P	81-14-016	275-16-040	REP-P	81-04-038	275-55-160	REP-P	81-16-035
260-36-110	AMD	81-15-034	275-16-040	REP	81-08-020	275-55-161	NEW-P	81-16-035
260-36-180	NEW-P	81-07-020	275-16-055	NEW-E	81-04-032	275-55-170	REP-P	81-16-035
260-36-180	NEW-P	81-08-012	275-16-055	NEW-P	81-04-038	275-55-171	NEW-P	81-16-035
260-36-180	NEW	81-09-075	275-16-055	NEW	81-08-020	275-55-180	REP-P	81-16-035
260-40-120	AMD-P	81-07-020	275-16-065	NEW-E	81-04-032	275-55-181	NEW-P	81-16-035
260-40-120	AMD-P	81-08-012	275-16-065	NEW-P	81-04-038	275-55-190	REP-P	81-16-035
260-40-120	AMD-W	81-09-071	275-16-065	NEW	81-08-020	275-55-191	NEW-P	81-16-035
260-40-120	AMD-P	81-11-049	275-16-075	NEW-E	81-04-032	275-55-200	REP-P	81-16-035
260-40-120	AMD-P	81-14-016	275-16-075	NEW-P	81-04-038	275-55-201	NEW-P	81-16-035
260-40-120	AMD	81-15-034	275-16-075	NEW	81-08-020	275-55-210	REP-P	81-16-035
260-48-110	AMD-P	81-07-020	275-16-085	NEW-E	81-04-032	275-55-211	NEW-P	81-16-035
260-48-110	AMD-E	81-08-030	275-16-085	NEW-P	81-04-038	275-55-220	REP-P	81-16-035
260-48-110	AMD-P	81-11-048	275-16-085	NEW	81-08-020	275-55-221	NEW-P	81-16-035
260-48-110	AMD-P	81-14-015	275-16-095	NEW-E	81-04-032	275-55-230	REP-P	81-16-035
260-48-110	AMD-E	81-14-019	275-16-095	NEW-P	81-04-038	275-55-231	NEW-P	81-16-035
260-48-110	AMD	81-15-033	275-16-095	NEW	81-08-020	275-55-240	REP-P	81-16-035
260-48-305	NEW-P	81-11-049	275-16-105	NEW-E	81-04-032	275-55-241	NEW-P	81-16-035
260-48-305	NEW-P	81-14-016	275-16-105	NEW-P	81-04-038	275-55-250	REP-P	81-16-035
260-48-305	NEW	81-15-034	275-16-105	NEW	81-08-020	275-55-251	NEW-P	81-16-035
260-48-326	NEW-E	81-08-030	275-20-030	AMD-P	81-02-023	275-55-260	REP-P	81-16-035

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-55-261	NEW-P	81-16-035	275-82-030	REP-P	81-15-092	275-92-535	REP-P	81-15-092
275-55-263	NEW-P	81-16-035	275-82-035	REP-P	81-15-092	275-92-540	REP-P	81-15-092
275-55-270	REP-P	81-16-035	275-82-040	REP-P	81-15-092	275-92-545	REP-P	81-15-092
275-55-271	NEW-P	81-16-035	275-82-045	REP-P	81-15-092	275-92-550	REP-P	81-15-092
275-55-280	REP-P	81-16-035	275-82-050	REP-P	81-15-092	275-92-555	REP-P	81-15-092
275-55-281	NEW-P	81-16-035	275-85-005	REP-P	81-15-092	275-92-560	REP-P	81-15-092
275-55-282	REP-P	81-16-035	275-85-010	REP-P	81-15-092	275-92-565	REP-P	81-15-092
275-55-284	REP-P	81-16-035	275-85-015	REP-P	81-15-092	275-92-407	NEW	81-05-001
275-55-286	REP-P	81-16-035	275-85-020	REP-P	81-15-092	275-93-005	REP-P	81-15-092
275-55-288	REP-P	81-16-035	275-85-025	REP-P	81-15-092	275-93-010	REP-P	81-15-092
275-55-290	REP-P	81-16-035	275-85-030	REP-P	81-15-092	275-93-020	REP-P	81-15-092
275-55-291	NEW-P	81-16-035	275-85-035	REP-P	81-15-092	275-93-040	AMD	81-03-076
275-55-293	NEW-P	81-16-035	275-85-040	REP-P	81-15-092	275-93-040	REP-P	81-15-092
275-55-295	NEW-P	81-16-035	275-85-045	REP-P	81-15-092	275-93-050	REP-P	81-15-092
275-55-297	NEW-P	81-16-035	275-85-050	REP-P	81-15-092	275-93-060	REP-P	81-15-092
275-55-301	NEW-P	81-16-035	275-87-005	REP-P	81-15-092	275-93-070	REP-P	81-15-092
275-55-321	NEW-P	81-16-035	275-87-010	REP-P	81-15-092	275-93-080	REP-P	81-15-092
275-55-331	NEW-P	81-16-035	275-87-015	REP-P	81-15-092	275-93-090	REP-P	81-15-092
275-55-341	NEW-P	81-16-035	275-87-020	REP-P	81-15-092	275-93-100	REP-P	81-15-092
275-55-351	NEW-P	81-16-035	275-87-025	REP-P	81-15-092	275-93-110	REP-P	81-15-092
275-55-361	NEW-P	81-16-035	275-88-005	REP-P	81-15-092	275-93-120	REP-P	81-15-092
275-55-363	NEW-P	81-16-035	275-88-006	REP-P	81-15-092	275-93-130	REP-P	81-15-092
275-55-365	NEW-P	81-16-035	275-88-010	REP-P	81-15-092	275-93-140	REP-P	81-15-092
275-55-367	NEW-P	81-16-035	275-88-015	REP-P	81-15-092	275-96-005	REP-P	81-15-092
275-55-369	NEW-P	81-16-035	275-88-020	REP-P	81-15-092	275-96-010	REP-P	81-15-092
275-55-371	NEW-P	81-16-035	275-88-025	REP-P	81-15-092	275-96-015	REP-P	81-15-092
275-76-005	REP-P	81-15-092	275-88-030	REP-P	81-15-092	275-96-021	REP-P	81-15-092
275-76-010	REP-P	81-15-092	275-88-035	REP-P	81-15-092	275-96-022	REP-P	81-15-092
275-76-020	REP-P	81-15-092	275-88-040	REP-P	81-15-092	275-96-025	REP-P	81-15-092
275-76-030	REP-P	81-15-092	275-88-045	REP-P	81-15-092	275-96-030	REP-P	81-15-092
275-76-040	REP-P	81-15-092	275-88-050	REP-P	81-15-092	275-96-045	REP-P	81-15-092
275-76-050	REP-P	81-15-092	275-88-055	REP-P	81-15-092	275-96-050	REP-P	81-15-092
275-76-060	REP-P	81-15-092	275-88-060	REP-P	81-15-092	275-96-055	REP-P	81-15-092
275-76-070	REP-P	81-15-092	275-88-065	REP-P	81-15-092	275-96-060	REP-P	81-15-092
275-76-080	REP-P	81-15-092	275-88-070	REP-P	81-15-092	275-96-065	REP-P	81-15-092
275-76-090	REP-P	81-15-092	275-88-075	REP-P	81-15-092	275-96-070	REP-P	81-15-092
275-76-100	REP-P	81-15-092	275-88-080	REP-P	81-15-092	275-102-475	REP-P	81-15-092
275-76-110	REP-P	81-15-092	275-88-085	REP-P	81-15-092	275-102-480	REP-P	81-15-092
275-76-120	REP-P	81-15-092	275-88-090	REP-P	81-15-092	275-102-485	REP-P	81-15-092
275-76-130	REP-P	81-15-092	275-88-093	REP-P	81-15-092	275-102-490	REP-P	81-15-092
275-76-140	REP-P	81-15-092	275-88-095	REP-P	81-15-092	275-102-495	REP-P	81-15-092
275-76-150	REP-P	81-15-092	275-88-097	REP-P	81-15-092	275-110-020	AMD-E	81-09-047
275-80-805	REP-P	81-15-092	275-88-100	REP-P	81-15-092	275-110-020	AMD-P	81-09-048
275-80-810	REP-P	81-15-092	275-88-105	REP-P	81-15-092	275-110-020	AMD-E	81-12-027
275-80-815	REP-P	81-15-092	275-88-110	REP-P	81-15-092	275-110-020	AMD-P	81-12-035
275-80-840	REP-P	81-15-092	275-88-115	REP-P	81-15-092	275-110-020	AMD	81-15-061
275-80-842	REP-P	81-15-092	275-88-120	REP-P	81-15-092	275-110-040	AMD-E	81-09-047
275-80-844	REP-P	81-15-092	275-88-130	REP-P	81-15-092	275-110-040	AMD-P	81-09-048
275-80-846	REP-P	81-15-092	275-91-011	REP-P	81-15-092	275-110-040	AMD-E	81-12-027
275-80-848	REP-P	81-15-092	275-91-021	REP-P	81-15-092	275-110-040	AMD-P	81-12-035
275-80-852	REP-P	81-15-092	275-91-031	REP-P	81-15-092	275-110-040	AMD	81-15-061
275-80-854	REP-P	81-15-092	275-91-041	REP-P	81-15-092	275-110-050	AMD-E	81-12-027
275-80-860	REP-P	81-15-092	275-91-050	REP-P	81-15-092	275-110-050	AMD-P	81-12-035
275-80-870	REP-P	81-15-092	275-91-060	REP-P	81-15-092	275-110-050	AMD	81-15-061
275-80-872	REP-P	81-15-092	275-91-070	REP-P	81-15-092	275-110-060	AMD-E	81-12-027
275-80-876	REP-P	81-15-092	275-92-310	REP-P	81-15-092	275-110-060	AMD-P	81-12-035
275-80-878	REP-P	81-15-092	275-92-315	REP-P	81-15-092	275-110-060	AMD	81-15-061
275-80-890	REP-P	81-15-092	275-92-320	REP-P	81-15-092	275-110-070	AMD-E	81-12-027
275-80-895	REP-P	81-15-092	275-92-325	REP-P	81-15-092	275-110-070	AMD-P	81-12-035
275-80-900	REP-P	81-15-092	275-92-330	REP-P	81-15-092	275-110-070	AMD	81-15-061
275-80-905	REP-P	81-15-092	275-92-335	REP-P	81-15-092	275-110-080	AMD-E	81-09-047
275-80-910	REP-P	81-15-092	275-92-340	REP-P	81-15-092	275-110-080	AMD-P	81-09-048
275-80-915	REP-P	81-15-092	275-92-345	REP-P	81-15-092	275-110-080	AMD-E	81-12-027
275-80-920	REP-P	81-15-092	275-92-350	REP-P	81-15-092	275-110-080	AMD-P	81-12-035
275-80-925	REP-P	81-15-092	275-92-355	REP-P	81-15-092	275-110-080	AMD	81-15-061
275-80-930	REP-P	81-15-092	275-92-400	REP-P	81-15-092	275-110-090	AMD-E	81-09-047
275-80-935	REP-P	81-15-092	275-92-405	REP-P	81-15-092	275-110-090	AMD-P	81-09-048
275-80-940	REP-P	81-15-092	275-92-410	REP-P	81-15-092	275-110-090	AMD-E	81-12-027
275-80-995	REP-P	81-15-092	275-92-415	REP-P	81-15-092	275-110-090	AMD-P	81-12-035
275-82-005	REP-P	81-15-092	275-92-510	REP-P	81-15-092	275-110-090	AMD	81-15-061
275-82-010	REP-P	81-15-092	275-92-515	REP-P	81-15-092	275-216-010	REP-P	81-15-009
275-82-015	REP-P	81-15-092	275-92-520	REP-P	81-15-092	275-216-020	REP-P	81-15-009
275-82-020	REP-P	81-15-092	275-92-525	REP-P	81-15-092	284-12-024	REP-P	81-15-069
275-82-025	REP-P	81-15-092	275-92-530	REP-P	81-15-092	284-12-025	REP-P	81-15-069

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-12-027	REP-P	81-15-069	284-51-090	NEW	81-14-001	289-18-010	REP	81-07-057
284-12-028	REP-P	81-15-069	284-51-100	NEW-P	81-09-008	289-18-020	REP	81-07-057
284-15-010	NEW	81-03-082	284-51-100	NEW	81-14-001	289-18-030	REP	81-07-057
284-15-020	NEW	81-03-082	284-51-110	NEW-P	81-09-008	289-18-040	REP	81-07-057
284-15-030	NEW	81-03-082	284-51-110	NEW	81-14-001	289-18-050	REP	81-07-057
284-15-040	NEW	81-03-082	284-51-120	NEW-P	81-09-008	289-18-100	NEW	81-08-014
284-15-050	NEW	81-03-082	284-51-120	NEW	81-14-001	289-18-110	NEW	81-08-014
284-17-220	AMD-P	81-15-041	284-51-130	NEW-P	81-09-008	289-18-120	NEW	81-08-014
284-17-250	AMD-P	81-15-041	284-51-130	NEW	81-14-001	289-18-200	NEW	81-07-057
284-17-270	AMD-P	81-15-041	284-51-140	NEW-P	81-09-008	289-18-210	NEW	81-07-057
284-17-310	AMD-P	81-15-041	284-51-140	NEW	81-14-001	289-18-220	NEW	81-07-057
284-25	NEW-P	81-06-011	284-51-150	NEW-P	81-09-008	289-19	NEW-P	81-04-062
284-25	NEW-P	81-10-046	284-51-150	NEW	81-14-001	289-19-010	NEW	81-08-014
284-25	NEW-W	81-14-017	284-51-160	NEW-P	81-09-008	289-19-100	NEW	81-08-014
284-30-005	REP-P	81-15-069	284-51-160	NEW	81-14-001	289-19-110	NEW	81-08-014
284-30-010	REP-P	81-15-069	284-51-170	NEW-P	81-09-008	289-19-120	NEW	81-08-014
284-30-100	REP-P	81-15-069	284-51-170	NEW	81-14-001	289-19-130	NEW	81-08-014
284-30-110	REP-P	81-15-069	284-51-180	NEW	81-14-001	289-19-200	NEW	81-07-057
284-30-120	REP-P	81-15-069	289-13-070	AMD	81-03-029	289-19-210	NEW	81-07-057
284-30-130	REP-P	81-15-069	289-13-075	NEW	81-03-029	289-19-220	NEW	81-07-057
284-30-140	REP-P	81-15-069	289-13-110	AMD	81-03-029	289-19-230	NEW	81-07-057
284-30-150	REP-P	81-15-069	289-13-110	AMD-P	81-08-072	289-20	NEW-P	81-04-062
284-30-160	REP-P	81-15-069	289-13-110	AMD	81-11-068	289-20-010	REP	81-07-057
284-30-170	REP-P	81-15-069	289-13-170	AMD	81-03-029	289-20-020	REP	81-07-057
284-30-180	REP-P	81-15-069	289-13-170	AMD-E	81-13-051	289-20-030	REP	81-07-057
284-30-190	REP-P	81-15-069	289-13-170	AMD-P	81-14-075	289-20-040	REP	81-07-057
284-30-200	REP-P	81-15-069	289-13-190	AMD-P	81-08-072	289-20-050	REP	81-07-057
284-30-990	REP-P	81-15-069	289-13-190	AMD	81-11-068	289-20-100	NEW	81-08-014
284-30-991	REP-P	81-15-069	289-14	AMD-P	81-04-062	289-20-105	NEW	81-08-014
284-44-060	REP-P	81-12-047	289-14-005	AMD	81-07-057	289-20-110	NEW	81-08-014
284-44-060	REP	81-15-070	289-14-005	AMD	81-08-014	289-20-120	NEW	81-08-014
284-44-100	NEW-P	81-12-047	289-14-010	AMD	81-07-057	289-20-130	NEW	81-08-014
284-44-100	NEW	81-15-070	289-14-020	REP	81-07-057	289-20-140	NEW	81-08-014
284-44-110	NEW-P	81-12-047	289-14-030	REP	81-07-057	289-20-150	NEW	81-08-014
284-44-110	NEW	81-15-070	289-14-100	NEW	81-08-014	289-20-160	NEW	81-08-014
284-44-120	NEW-P	81-12-047	289-14-120	NEW	81-08-014	289-20-165	NEW	81-08-014
284-44-120	NEW	81-15-070	289-14-130	NEW	81-08-014	289-20-170	NEW	81-08-014
284-44-130	NEW-P	81-12-047	289-14-200	NEW	81-07-057	289-20-180	NEW	81-08-014
284-44-130	NEW	81-15-070	289-14-210	NEW	81-07-057	289-20-190	NEW	81-08-014
284-44-140	NEW-P	81-12-047	289-14-220	NEW	81-07-057	289-20-200	NEW	81-07-057
284-44-140	NEW	81-15-070	289-14-230	NEW	81-07-057	289-20-205	NEW	81-07-057
284-44-150	NEW-P	81-12-047	289-15	NEW-P	81-04-062	289-20-210	NEW	81-07-057
284-44-150	NEW	81-15-070	289-15-100	NEW	81-08-014	289-20-220	NEW	81-07-057
284-44-160	NEW-P	81-12-047	289-15-110	NEW	81-08-014	289-20-230	NEW	81-07-057
284-44-160	NEW	81-15-070	289-15-120	NEW	81-08-014	289-20-240	NEW	81-07-057
284-44-170	NEW-P	81-12-047	289-15-130	NEW	81-08-014	289-20-250	NEW	81-07-057
284-44-170	NEW	81-15-070	289-15-200	NEW	81-07-057	289-20-260	NEW	81-07-057
284-44-180	NEW-P	81-12-047	289-15-210	NEW	81-07-057	289-20-265	NEW	81-07-057
284-44-180	NEW	81-15-070	289-15-220	NEW-P	81-04-063	289-20-270	NEW	81-07-057
284-44-190	NEW-P	81-12-047	289-15-220	NEW	81-08-001	289-20-280	NEW	81-07-057
284-44-190	NEW	81-15-070	289-15-220	AMD-P	81-14-076	289-20-290	NEW	81-07-057
284-44-200	NEW-P	81-12-047	289-15-230	NEW	81-07-057	289-22	NEW-P	81-04-062
284-44-200	NEW	81-15-070	289-16	NEW-P	81-04-062	289-22-010	REP	81-07-057
284-44-210	NEW-P	81-12-047	289-16-010	REP	81-07-057	289-22-020	REP	81-07-057
284-44-210	NEW	81-15-070	289-16-020	REP	81-07-057	289-22-100	NEW	81-08-014
284-44-220	NEW-P	81-12-047	289-16-030	REP	81-07-057	289-22-110	NEW	81-08-014
284-44-220	NEW	81-15-070	289-16-040	REP	81-07-057	289-22-200	NEW	81-07-057
284-51-010	NEW-P	81-09-008	289-16-100	NEW	81-08-014	289-22-210	NEW	81-07-057
284-51-010	NEW	81-14-001	289-16-110	NEW	81-08-014	289-24	NEW-P	81-04-062
284-51-020	NEW-P	81-09-008	289-16-120	NEW	81-08-014	289-24-010	REP	81-07-057
284-51-020	NEW	81-14-001	289-16-130	NEW	81-08-014	289-24-010	AMD	81-08-014
284-51-030	NEW-P	81-09-008	289-16-140	NEW	81-08-014	289-24-020	REP	81-07-057
284-51-030	NEW	81-14-001	289-16-150	NEW	81-08-014	289-24-030	REP	81-07-057
284-51-040	NEW-P	81-09-008	289-16-160	NEW	81-08-014	289-24-040	REP	81-07-057
284-51-040	NEW	81-14-001	289-16-200	NEW	81-07-057	289-24-050	REP	81-07-057
284-51-050	NEW-P	81-09-008	289-16-210	NEW	81-07-057	289-24-100	NEW	81-08-014
284-51-050	NEW	81-14-001	289-16-220	NEW	81-07-057	289-24-110	NEW	81-08-014
284-51-060	NEW-P	81-09-008	289-16-230	NEW-P	81-04-063	289-24-120	NEW	81-08-014
284-51-060	NEW	81-14-001	289-16-230	NEW	81-07-057	289-24-200	NEW	81-07-057
284-51-070	NEW-P	81-09-008	289-16-230	AMD	81-08-001	289-24-210	NEW	81-07-057
284-51-070	NEW	81-14-001	289-16-240	NEW	81-07-057	289-24-220	NEW	81-07-057
284-51-080	NEW-P	81-09-008	289-16-250	NEW	81-07-057	289-30-060	NEW-P	81-04-064
284-51-080	NEW	81-14-001	289-16-260	NEW	81-07-057	289-30-060	NEW	81-07-058
284-51-090	NEW-P	81-09-008	289-18	NEW-P	81-04-062	289-30-060	REP-P	81-14-077

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-15-040	REP	81-10-052	296-27-16005	NEW-E	81-08-035	296-45-66007	NEW	81-13-053
296-15-044	NEW-P	81-08-063	296-27-16005	NEW-P	81-10-059	296-45-66009	NEW-E	81-07-049
296-15-044	NEW	81-10-052	296-27-16005	NEW	81-14-006	296-45-66009	NEW-P	81-07-051
296-15-070	AMD-E	81-14-071	296-27-16005	NEW-E	81-14-020	296-45-66009	NEW-E	81-13-052
296-15-070	AMD-E	81-15-020	296-27-16007	NEW-P	81-03-071	296-45-66009	NEW	81-13-053
296-15-215	NEW-E	81-14-070	296-27-16007	NEW-E	81-08-035	296-45-66011	NEW-E	81-07-049
296-17-350	AMD-E	81-14-069	296-27-16007	NEW-P	81-10-059	296-45-66011	NEW-P	81-07-051
296-17-765	NEW-E	81-14-069	296-27-16007	NEW	81-14-006	296-45-66011	NEW-E	81-13-052
296-17-766	NEW-E	81-14-069	296-27-16007	NEW-E	81-14-020	296-45-66011	NEW	81-13-053
296-17-895	AMD	81-04-024	296-27-16009	NEW-P	81-03-071	296-46	AMD-P	81-05-019
296-17-895	AMD-E	81-14-069	296-27-16009	NEW-E	81-08-035	296-46	AMD-P	81-05-025
296-17-904	NEW	81-04-024	296-27-16009	NEW-P	81-10-059	296-46-110	AMD	81-06-037
296-17-905	AMD	81-04-024	296-27-16009	NEW	81-14-006	296-46-115	NEW	81-06-037
296-17-907	NEW	81-04-024	296-27-16009	NEW-E	81-14-020	296-46-130	AMD	81-06-037
296-17-910	AMD	81-04-024	296-27-16011	NEW-P	81-03-071	296-46-140	AMD	81-06-037
296-17-911	NEW	81-04-024	296-27-16011	NEW-E	81-08-035	296-46-150	AMD	81-06-037
296-17-912	NEW	81-04-024	296-27-16011	NEW-P	81-10-059	296-46-335	AMD	81-06-037
296-17-913	NEW	81-04-024	296-27-16011	NEW	81-14-006	296-46-350	AMD	81-06-037
296-17-914	NEW	81-04-024	296-27-16011	NEW-E	81-14-020	296-46-355	NEW	81-06-037
296-17-915	NEW	81-04-024	296-27-16013	NEW-P	81-03-071	296-46-40101	REP	81-06-037
296-17-916	NEW	81-04-024	296-27-16013	NEW-E	81-08-035	296-46-424	AMD	81-06-037
296-17-917	NEW	81-04-024	296-27-16013	NEW-P	81-10-059	296-46-500	AMD	81-06-037
296-17-919	NEW	81-04-024	296-27-16013	NEW	81-14-006	296-46-501	NEW	81-06-037
296-17-91901	NEW	81-04-024	296-27-16013	NEW-E	81-14-020	296-46-506	NEW	81-06-037
296-17-91902	NEW	81-04-024	296-27-16015	NEW-P	81-03-071	296-46-510	REP	81-06-037
296-24	AMD-P	81-13-035	296-27-16015	NEW-E	81-08-035	296-46-515	REP	81-06-037
296-24-060	AMD-P	81-07-051	296-27-16015	NEW-P	81-10-059	296-46-520	REP	81-06-037
296-24-060	AMD	81-13-053	296-27-16015	NEW	81-14-006	296-46-525	REP	81-06-037
296-24-070	AMD-P	81-07-051	296-27-16015	NEW-E	81-14-020	296-46-910	AMD	81-06-037
296-24-070	AMD	81-13-053	296-27-16017	NEW-P	81-03-071	296-48-800	AMD-E	81-15-050
296-24-67515	AMD-P	81-07-051	296-27-16017	NEW-E	81-08-035	296-52-030	AMD	81-07-048
296-24-081	REP-P	81-07-051	296-27-16017	NEW-P	81-10-059	296-52-043	AMD	81-07-048
296-24-081	REP-P	81-16-008	296-27-16017	NEW	81-14-006	296-52-050	AMD	81-07-048
296-24-081	REP	81-16-016	296-27-16017	NEW-E	81-14-020	296-52-090	AMD	81-07-048
296-24-08101	REP-P	81-07-051	296-27-16019	NEW-P	81-10-059	296-52-095	AMD	81-07-048
296-24-08101	REP-P	81-16-008	296-27-16019	NEW	81-14-006	296-54-559	AMD	81-05-013
296-24-08101	REP	81-16-016	296-27-16021	NEW-P	81-03-071	296-54-565		81-05-013
296-24-08103	REP-P	81-07-051	296-27-16021	NEW-E	81-08-035	296-54-567	AMD	81-05-013
296-24-08103	REP-P	81-16-008	296-27-16021	NEW-P	81-10-059	296-62	AMD-P	81-16-008
296-24-08103	REP	81-16-016	296-27-16021	NEW	81-14-006	296-62-052	NEW-P	81-13-027
296-24-08105	REP-P	81-07-051	296-27-16021	NEW-E	81-14-020	296-62-05201	NEW-P	81-13-027
296-24-08105	REP-P	81-16-008	296-27-16023	NEW-P	81-03-071	296-62-05203	NEW-P	81-13-027
296-24-08105	REP	81-16-016	296-27-16023	NEW-E	81-08-035	296-62-05205	NEW-P	81-13-027
296-24-08107	REP-P	81-07-051	296-27-16023	NEW-P	81-10-059	296-62-05207	NEW-P	81-13-027
296-24-08107	REP-P	81-16-008	296-27-16023	NEW	81-14-006	296-62-05209	NEW-P	81-13-027
296-24-08107	REP	81-16-016	296-27-16023	NEW-E	81-14-020	296-62-05211	NEW-P	81-13-027
296-24-08109	REP-P	81-07-051	296-27-16025	NEW-P	81-03-071	296-62-05213	NEW-P	81-13-027
296-24-08109	REP-P	81-16-008	296-27-16025	NEW-E	81-08-035	296-62-05215	NEW-P	81-13-027
296-24-08109	REP	81-16-016	296-27-16025	NEW-E	81-14-020	296-62-05217	NEW-P	81-13-027
296-24-08111	REP-P	81-07-051	296-37-510	AMD-E	81-02-029	296-62-05219	NEW-P	81-13-027
296-24-08111	REP-P	81-16-008	296-37-510	AMD	81-07-048	296-62-05221	NEW-P	81-13-026
296-24-08111	REP	81-16-016	296-37-550	AMD-E	81-02-029	296-62-05223	NEW-P	81-13-026
296-24-08113	REP-P	81-07-051	296-37-550	AMD	81-07-048	296-62-071	NEW-P	81-07-027
296-24-08113	REP-P	81-16-008	296-37-575	AMD-P	81-13-027	296-62-071	NEW-P	81-16-008
296-24-08113	REP	81-16-016	296-45	AMD-P	81-13-035	296-62-071	NEW	81-16-016
296-24-960	NEW-P	81-07-027	296-45-660	NEW-E	81-07-049	296-62-07101	NEW-P	81-07-027
296-24-964	NEW-P	81-07-027	296-45-660	NEW-P	81-07-051	296-62-07101	NEW	81-16-016
296-27	AMD-P	81-06-026	296-45-660	NEW-E	81-13-052	296-62-07103	NEW-P	81-07-027
296-27-160	NEW-P	81-03-071	296-45-660	NEW	81-13-053	296-62-07103	NEW	81-16-016
296-27-160	NEW-E	81-08-035	296-45-66001	NEW-E	81-07-049	296-62-07105	NEW-P	81-07-027
296-27-160	NEW-P	81-10-059	296-45-66001	NEW-P	81-07-051	296-62-07105	NEW	81-16-016
296-27-160	NEW	81-14-006	296-45-66001	NEW-E	81-13-052	296-62-07107	NEW-P	81-07-027
296-27-160	NEW-E	81-14-020	296-45-66001	NEW	81-13-053	296-62-07107	NEW	81-16-016
296-27-16001	NEW-P	81-03-071	296-45-66003	NEW-E	81-07-049	296-62-07109	NEW-P	81-07-027
296-27-16001	NEW-E	81-08-035	296-45-66003	NEW-P	81-07-051	296-62-07109	NEW	81-16-016
296-27-16001	NEW-P	81-10-059	296-45-66003	NEW-E	81-13-052	296-62-07111	NEW-P	81-07-027
296-27-16001	NEW	81-14-006	296-45-66003	NEW	81-13-053	296-62-07111	NEW	81-16-016
296-27-16001	NEW-E	81-14-020	296-45-66005	NEW-E	81-07-049	296-62-07113	NEW-P	81-07-027
296-27-16003	NEW-P	81-03-071	296-45-66005	NEW-P	81-07-051	296-62-07113	NEW	81-16-016
296-27-16003	NEW-E	81-08-035	296-45-66005	NEW-E	81-13-052	296-62-07115	NEW-P	81-07-027
296-27-16003	NEW-P	81-10-059	296-45-66005	NEW	81-13-053	296-62-07115	NEW	81-16-016
296-27-16003	NEW	81-14-006	296-45-66007	NEW-E	81-07-049	296-62-07117	NEW-P	81-07-027
296-27-16003	NEW-E	81-14-020	296-45-66007	NEW-P	81-07-051	296-62-07117	NEW	81-16-016
296-27-16005	NEW-P	81-03-071	296-45-66007	NEW-E	81-13-052	296-62-07119	NEW-P	81-07-027

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-62-07119	NEW	81-16-016	296-62-14531	AMD-P	81-07-051	296-78-520	NEW-P	81-13-027
296-62-07121	NEW-P	81-07-027	296-62-14531	AMD-P	81-13-027	296-78-525	NEW-P	81-13-027
296-62-07121	NEW	81-16-016	296-62-14531	AMD	81-16-015	296-78-530	NEW-P	81-13-027
296-62-07123	NEW-P	81-07-027	296-62-14533	AMD-P	81-07-051	296-78-535	NEW-P	81-13-027
296-62-07125	NEW-P	81-07-027	296-62-14533	AMD	81-16-015	296-78-540	NEW-P	81-13-027
296-62-07302	AMD	81-07-048	296-62-146	NEW-P	81-13-026	296-78-545	NEW-P	81-13-027
296-62-07304	AMD	81-07-048	296-62-14601	NEW-P	81-13-026	296-78-550	NEW-P	81-13-027
296-62-07306	AMD-P	81-07-051	296-62-14603	NEW-P	81-13-026	296-78-555	NEW-P	81-13-027
296-62-07306	AMD	81-16-015	296-62-14605	NEW-P	81-13-026	296-78-560	NEW-P	81-13-027
296-62-07310	AMD	81-07-048	296-62-14607	NEW-P	81-13-026	296-78-565	NEW-P	81-13-027
296-62-07312	AMD	81-07-048	296-62-20011	AMD-P	81-07-051	296-78-56501	NEW-P	81-13-027
296-62-07329	AMD-P	81-07-051	296-62-20011	AMD	81-16-015	296-78-56503	NEW-P	81-13-027
296-62-07329	AMD-P	81-13-027	296-62-20023	AMD-P	81-13-027	296-78-56505	NEW-P	81-13-027
296-62-07329	AMD	81-16-015	296-78-005	REP-P	81-13-027	296-78-56507	NEW-P	81-13-027
296-62-07341	AMD-P	81-07-051	296-78-007	REP-P	81-13-027	296-78-56509	NEW-P	81-13-027
296-62-07341	AMD-P	81-13-027	296-78-030	REP-P	81-13-027	296-78-56511	NEW-P	81-13-027
296-62-07341	AMD	81-16-015	296-78-035	REP-P	81-13-027	296-78-56513	NEW-P	81-13-027
296-62-07345	AMD-P	81-07-051	296-78-040	REP-P	81-13-027	296-78-570	NEW-P	81-13-027
296-62-07345	AMD-P	81-13-027	296-78-045	REP-P	81-13-027	296-78-575	NEW-P	81-13-027
296-62-07345	AMD	81-16-015	296-78-170	REP-P	81-13-027	296-78-580	NEW-P	81-13-027
296-62-07347	AMD-P	81-07-051	296-78-180	REP-P	81-13-027	296-78-585	NEW-P	81-13-027
296-62-07347	AMD-P	81-13-027	296-78-185	REP-P	81-13-027	296-78-590	NEW-P	81-13-027
296-62-07347	AMD	81-16-015	296-78-190	REP-P	81-13-027	296-78-595	NEW-P	81-13-027
296-62-07349	AMD-P	81-07-051	296-78-195	REP-P	81-13-027	296-78-600	NEW-P	81-13-027
296-62-07349	AMD-P	81-13-027	296-78-200	REP-P	81-13-027	296-78-605	NEW-P	81-13-027
296-62-07349	AMD	81-16-015	296-78-205	REP-P	81-13-027	296-78-610	NEW-P	81-13-027
296-62-07501	AMD-P	81-07-051	296-78-210	REP-P	81-13-027	296-78-615	NEW-P	81-13-027
296-62-07501	AMD	81-16-015	296-78-215	REP-P	81-13-027	296-78-620	NEW-P	81-13-027
296-62-07515	AMD-P	81-07-051	296-78-220	REP-P	81-13-027	296-78-625	NEW-P	81-13-027
296-62-07515	AMD	81-16-015	296-78-225	REP-P	81-13-027	296-78-630	NEW-P	81-13-027
296-62-07517	AMD-P	81-07-051	296-78-230	REP-P	81-13-027	296-78-635	NEW-P	81-13-027
296-62-07517	AMD-P	81-13-027	296-78-235	REP-P	81-13-027	296-78-640	NEW-P	81-13-027
296-62-07517	AMD	81-16-015	296-78-240	REP-P	81-13-027	296-78-645	NEW-P	81-13-027
296-62-07519	NEW-P	81-07-051	296-78-245	REP-P	81-13-027	296-78-650	NEW-P	81-13-027
296-62-07519	NEW-P	81-16-008	296-78-250	REP-P	81-13-027	296-78-655	NEW-P	81-13-027
296-62-07519	NEW	81-16-016	296-78-255	REP-P	81-13-027	296-78-660	NEW-P	81-13-027
296-62-09011	AMD-P	81-07-027	296-78-260	REP-P	81-13-027	296-78-665	NEW-P	81-13-027
296-62-09011	AMD-P	81-13-027	296-78-265	REP-P	81-13-027	296-78-670	NEW-P	81-13-027
296-62-09011	AMD	81-16-016	296-78-270	REP-P	81-13-027	296-78-675	NEW-P	81-13-027
296-62-09015	NEW-P	81-07-027	296-78-275	REP-P	81-13-027	296-78-680	NEW-P	81-13-027
296-62-09017	NEW-P	81-07-027	296-78-280	REP-P	81-13-027	296-78-685	NEW-P	81-13-027
296-62-09019	NEW-P	81-07-027	296-78-285	REP-P	81-13-027	296-78-690	NEW-P	81-13-027
296-62-09021	NEW-P	81-07-027	296-78-290	REP-P	81-13-027	296-78-695	NEW-P	81-13-027
296-62-09023	NEW-P	81-07-027	296-78-295	REP-P	81-13-027	296-78-700	NEW-P	81-13-027
296-62-09025	NEW-P	81-07-027	296-78-300	REP-P	81-13-027	296-78-705	NEW-P	81-13-027
296-62-09027	NEW-P	81-07-027	296-78-305	REP-P	81-13-027	296-78-70501	NEW-P	81-13-027
296-62-09029	NEW-P	81-07-027	296-78-315	REP-P	81-13-027	296-78-70503	NEW-P	81-13-027
296-62-09031	NEW-P	81-07-027	296-78-320	REP-P	81-13-027	296-78-70505	NEW-P	81-13-027
296-62-09033	NEW-P	81-07-027	296-78-325	REP-P	81-13-027	296-78-70507	NEW-P	81-13-027
296-62-09035	NEW-P	81-07-027	296-78-330	REP-P	81-13-027	296-78-70509	NEW-P	81-13-027
296-62-09037	NEW-P	81-07-027	296-78-335	REP-P	81-13-027	296-78-70511	NEW-P	81-13-027
296-62-09039	NEW-P	81-07-027	296-78-340	REP-P	81-13-027	296-78-710	NEW-P	81-13-027
296-62-09041	NEW-P	81-07-027	296-78-345	REP-P	81-13-027	296-78-71001	NEW-P	81-13-027
296-62-09043	NEW-P	81-07-027	296-78-350	REP-P	81-13-027	296-78-71003	NEW-P	81-13-027
296-62-09045	NEW-P	81-07-027	296-78-355	REP-P	81-13-027	296-78-71005	NEW-P	81-13-027
296-62-09047	NEW-P	81-07-027	296-78-360	REP-P	81-13-027	296-78-71007	NEW-P	81-13-027
296-62-09049	NEW-P	81-07-027	296-78-365	REP-P	81-13-027	296-78-71009	NEW-P	81-13-027
296-62-09051	NEW-P	81-07-027	296-78-375	REP-P	81-13-027	296-78-71011	NEW-P	81-13-027
296-62-09053	NEW-P	81-07-027	296-78-380	REP-P	81-13-027	296-78-71013	NEW-P	81-13-027
296-62-09055	NEW-P	81-07-027	296-78-385	REP-P	81-13-027	296-78-71015	NEW-P	81-13-027
296-62-09057	NEW-P	81-07-027	296-78-390	REP-P	81-13-027	296-78-71017	NEW-P	81-13-027
296-62-09059	NEW-P	81-07-027	296-78-395	REP-P	81-13-027	296-78-71019	NEW-P	81-13-027
296-62-09061	NEW-P	81-07-027	296-78-400	REP-P	81-13-027	296-78-71021	NEW-P	81-13-027
296-62-09063	NEW-P	81-07-027	296-78-405	REP-P	81-13-027	296-78-71023	NEW-P	81-13-027
296-62-100	AMD-P	81-07-051	296-78-410	REP-P	81-13-027	296-78-71025	NEW-P	81-13-027
296-62-1101	AMD	81-16-015	296-78-415	REP-P	81-13-027	296-78-715	NEW-P	81-13-027
296-62-11015	AMD-P	81-07-051	296-78-420	REP-P	81-13-027	296-78-71501	NEW-P	81-13-027
296-62-11015	AMD	81-16-015	296-78-425	REP-P	81-13-027	296-78-71503	NEW-P	81-13-027
296-62-11019	AMD-P	81-07-051	296-78-430	REP-P	81-13-027	296-78-71505	NEW-P	81-13-027
296-62-11019	AMD	81-16-015	296-78-450	REP-P	81-13-027	296-78-720	NEW-P	81-13-027
296-62-11021	AMD-P	81-07-051	296-78-500	NEW-P	81-13-027	296-78-725	NEW-P	81-13-027
296-62-11021	AMD	81-16-015	296-78-505	NEW-P	81-13-027	296-78-730	NEW-P	81-13-027
296-62-14507	AMD-P	81-07-051	296-78-510	NEW-P	81-13-027	296-78-735	NEW-P	81-13-027
296-62-14507	AMD	81-16-015	296-78-515	NEW-P	81-13-027	296-78-740	NEW-P	81-13-027

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-78-745	NEW-P	81-13-027	296-401-140	AMD	81-06-037	308-50-055	REP-P	81-05-026
296-78-750	NEW-P	81-13-027	296-401-150	AMD	81-06-037	308-50-055	REP	81-09-030
296-78-755	NEW-P	81-13-027	296-401-160	AMD	81-06-037	308-50-080	AMD-P	81-05-026
296-78-760	NEW-P	81-13-027	296-401-180	AMD	81-06-037	308-50-080	AMD	81-09-030
296-78-765	NEW-P	81-13-027	308-04-001	NEW-E	81-03-046	308-51-010	AMD-P	81-08-042
296-78-770	NEW-P	81-13-027	308-04-001	NEW-P	81-04-071	308-51-010	AMD	81-11-005
296-78-775	NEW-P	81-13-027	308-04-001	NEW	81-07-045	308-52-020	REP	81-03-079
296-78-780	NEW-P	81-13-027	308-12-300	REP-P	81-15-067	308-52-040	AMD	81-03-079
296-78-785	NEW-P	81-13-027	308-12-311	AMD-P	81-15-067	308-52-110	REP	81-03-079
296-78-790	NEW-P	81-13-027	308-16-211	AMD	81-03-015	308-52-120	AMD	81-03-079
296-78-795	NEW-P	81-13-027	308-16-212	AMD	81-03-015	308-52-132	NEW	81-03-078
296-78-800	NEW-P	81-13-027	308-16-215	AMD	81-03-015	308-52-137	REP	81-03-078
296-78-805	NEW-P	81-13-027	308-16-216	AMD	81-03-015	308-52-138	AMD	81-03-078
296-78-810	NEW-P	81-13-027	308-16-217	AMD	81-03-015	308-52-139	AMD	81-03-078
296-78-815	NEW-P	81-13-027	308-16-218	NEW	81-03-015	308-52-140	AMD	81-03-078
296-78-820	NEW-P	81-13-027	308-24-305	AMD	81-03-016	308-52-141	AMD	81-03-078
296-78-825	NEW-P	81-13-027	308-24-320	AMD	81-03-016	308-52-144	REP	81-03-078
296-78-830	NEW-P	81-13-027	308-24-380	REP-P	81-05-035	308-52-201	NEW	81-03-078
296-78-835	NEW-P	81-13-027	308-24-380	REP	81-09-031	308-52-205	NEW	81-03-078
296-78-840	NEW-P	81-13-027	308-24-382	NEW-P	81-05-035	308-52-211	NEW	81-03-078
296-78-84001	NEW-P	81-13-027	308-24-382	NEW	81-09-031	308-52-215	NEW	81-03-078
296-78-84003	NEW-P	81-13-027	308-24-384	NEW-P	81-05-035	308-52-221	NEW	81-03-078
296-78-84005	NEW-P	81-13-027	308-24-384	NEW	81-09-031	308-52-250	REP	81-03-079
296-78-84007	NEW-P	81-13-027	308-24-403	AMD	81-03-016	308-52-255	NEW	81-03-079
296-78-84009	NEW-P	81-13-027	308-24-404	AMD	81-03-016	308-53-130	AMD	81-06-012
296-78-84011	NEW-P	81-13-027	308-24-430	AMD	81-03-016	308-53-215	NEW	81-06-012
296-79	AMD-P	81-03-006	308-33-011	AMD	81-02-031	308-53-230	AMD	81-06-012
296-79	AMD-P	81-13-035	308-33-015	REP	81-02-031	308-54-120	AMD-P	81-09-022
296-79-140	AMD	81-03-007	308-33-020	AMD	81-02-031	308-54-120	AMD	81-14-037
296-79-140	AMD-P	81-07-051	308-33-030	AMD	81-02-031	308-77-280	NEW-P	81-11-040
296-79-140	AMD	81-13-053	308-36-020	AMD-P	81-04-047	308-77-280	NEW	81-14-048
296-79-170	AMD	81-03-007	308-36-020	AMD	81-08-043	308-92-010	REP	81-02-030
296-79-170	AMD-P	81-07-051	308-37-100	NEW-P	81-02-032	308-92-020	REP	81-02-030
296-79-170	AMD	81-13-053	308-37-100	NEW	81-06-013	308-92-030	REP	81-02-030
296-79-180	AMD	81-03-007	308-37-110	NEW-P	81-02-032	308-92-040	REP	81-02-030
296-79-220	AMD	81-03-007	308-37-110	NEW	81-06-013	308-92-050	REP	81-02-030
296-79-220	AMD-P	81-07-051	308-37-120	NEW-P	81-02-032	308-92-060	REP	81-02-030
296-79-220	AMD	81-13-053	308-37-120	NEW	81-06-013	308-92-070	REP	81-02-030
296-79-29029	AMD	81-03-007	308-37-130	NEW-P	81-02-032	308-92-080	REP	81-02-030
296-79-300	AMD	81-03-007	308-37-130	NEW	81-06-013	308-92-100	REP	81-02-030
296-104-200	AMD-P	81-08-022	308-37-140	NEW-P	81-02-032	308-92-110	REP	81-02-030
296-104-200	AMD	81-12-012	308-37-140	NEW	81-06-013	308-92-120	REP	81-02-030
296-116-185	AMD-P	81-03-072	308-38	NEW-P	81-06-015	308-92-130	REP	81-02-030
296-116-185	AMD	81-07-009	308-38-100	NEW-P	81-02-032	308-92-140	REP	81-02-030
296-116-300	AMD-P	81-03-072	308-38-100	NEW-P	81-10-072	308-92-150	REP	81-02-030
296-116-300	AMD-P	81-06-054	308-38-100	NEW-P	81-13-042	308-92-160	REP	81-02-030
296-116-300	AMD-P	81-09-013	308-38-110	NEW-P	81-02-032	308-92-170	REP	81-02-030
296-116-300	AMD	81-12-017	308-38-110	NEW-P	81-10-072	308-92-180	REP	81-02-030
296-116-300	AMD-E	81-12-018	308-38-110	NEW-P	81-13-042	308-92-190	REP	81-02-030
296-150A-700	AMD-E	81-15-050	308-38-120	NEW-P	81-02-032	308-92-200	REP	81-02-030
296-155	AMD-P	81-13-035	308-38-120	NEW-P	81-10-072	308-97-050	REP-P	81-13-054
296-155-500	AMD-P	81-07-051	308-38-120	NEW-P	81-13-042	308-97-050	REP	81-16-010
296-155-500	AMD	81-13-053	308-38-130	NEW-P	81-02-032	308-97-060	NEW-P	81-13-054
296-155-505	AMD-P	81-07-051	308-38-130	NEW-P	81-10-072	308-97-060	NEW	81-16-010
296-155-505	AMD	81-13-053	308-38-130	NEW-P	81-13-042	308-97-080	REP-P	81-13-054
296-155-50501	NEW-P	81-07-051	308-38-140	NEW-P	81-02-032	308-97-080	REP	81-16-010
296-155-50501	NEW	81-13-053	308-38-140	NEW-P	81-10-072	308-97-090	NEW-P	81-13-054
296-155-650	AMD-P	81-07-051	308-38-140	NEW-P	81-13-042	308-97-090	NEW	81-16-010
296-155-650	AMD	81-13-053	308-38-150	NEW-P	81-02-032	308-97-100	REP-P	81-13-054
296-155-655	AMD-P	81-07-051	308-38-150	NEW-P	81-10-072	308-97-100	REP	81-16-010
296-155-655	AMD	81-13-053	308-38-150	NEW-P	81-13-042	308-97-125	NEW-P	81-13-054
296-155-660	AMD-P	81-07-051	308-38-160	NEW-P	81-02-032	308-97-125	NEW	81-16-010
296-155-660	AMD	81-13-053	308-38-160	NEW-P	81-10-072	308-97-150	REP-P	81-13-054
296-155-665	AMD-P	81-07-051	308-38-160	NEW-P	81-13-042	308-97-150	REP	81-16-010
296-155-665	AMD	81-13-053	308-39-100	NEW-P	81-02-032	308-97-175	NEW-P	81-13-054
296-155-66501	AMD	81-13-053	308-39-100	NEW	81-06-013	308-97-175	NEW	81-16-010
296-155-66505	AMD-P	81-07-051	308-39-110	NEW-P	81-02-032	308-97-200	REP-P	81-13-054
296-155-66505	AMD	81-13-053	308-39-110	NEW	81-06-013	308-97-200	REP	81-16-010
296-401	AMD-P	81-05-019	308-39-120	NEW-P	81-02-032	308-97-205	NEW-P	81-13-054
296-401	AMD-P	81-05-025	308-39-120	NEW	81-06-013	308-97-205	NEW	81-16-010
296-401-020	AMD	81-06-037	308-40-101	AMD-P	81-04-047	308-97-210	REP-P	81-13-054
296-401-050	REP	81-06-037	308-40-101	AMD	81-08-043	308-97-210	REP	81-16-010
296-401-080	AMD	81-06-037	308-42-045	AMD-P	81-14-088	308-97-230	AMD-P	81-13-054
296-401-100	AMD	81-06-037	308-42-060	AMD-P	81-14-088	308-97-230	AMD	81-16-010

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308-97-250	REP	81-16-010	308-300-100	AMD-W	81-03-027	332-24-090	AMD-E	81-09-011
308-97-270	REP-P	81-13-054	308-300-110	AMD-W	81-03-027	332-26-010	NEW-E	81-15-008
308-97-270	REP	81-16-010	308-300-120	AMD-W	81-03-027	332-26-020	NEW-E	81-15-008
308-97-290	REP-P	81-13-054	308-300-130	AMD-W	81-03-027	332-26-040	NEW-E	81-15-008
308-97-290	REP	81-16-010	308-300-150	AMD-W	81-03-027	332-26-050	NEW-E	81-15-008
308-97-330	REP-P	81-13-054	308-300-160	AMD-W	81-03-027	332-26-060	NEW-E	81-15-008
308-97-330	REP	81-16-010	308-300-220	AMD	81-02-038	332-26-080	NEW-E	81-09-050
308-97-370	REP-P	81-13-054	314-12-070	AMD-E	81-14-079	332-26-501	NEW-E	81-09-011
308-97-370	REP	81-16-010	314-12-090	AMD-E	81-14-079	332-30-106	AMD-P	81-15-042
308-97-410	REP-P	81-13-054	314-12-130	REP-P	81-12-010	332-30-106	AMD-P	81-16-001
308-97-410	REP	81-16-010	314-16-210	NEW-E	81-14-079	332-30-164	NEW-P	81-04-069
308-98-010	REP-P	81-15-068	314-16-220	NEW-E	81-14-079	332-30-164	NEW-P	81-09-024
308-98-020	REP-P	81-15-068	314-16-230	NEW-E	81-14-079	332-100-050	AMD-E	81-06-057
308-98-030	REP-P	81-15-068	314-20-010	AMD-E	81-14-079	332-100-050	AMD-P	81-09-004
308-98-040	REP-P	81-15-068	314-20-015	AMD-E	81-14-079	342-10-180	AMD-P	81-09-074
308-98-050	REP-P	81-15-068	314-20-160	AMD-E	81-14-079	342-10-180	AMD	81-12-049
308-98-060	REP-P	81-15-068	314-24-003	AMD-E	81-14-079	342-10-240	AMD-P	81-09-074
308-98-070	REP-P	81-15-068	314-24-050	AMD-E	81-14-079	342-10-240	AMD	81-12-049
308-98-080	REP-P	81-15-068	314-24-110	AMD-E	81-14-079	352-32-010	AMD-P	81-04-049
308-120-100	AMD	81-04-007	314-24-120	AMD-E	81-14-079	352-32-010	AMD	81-09-034
308-120-160	REP	81-04-007	314-24-190	AMD-E	81-14-079	352-32-030	AMD-P	81-04-049
308-120-161	NEW	81-04-007	314-24-200	AMD-E	81-14-079	352-32-030	AMD	81-09-034
308-120-162	NEW	81-04-007	314-52-080	AMD	81-04-011	352-32-035	AMD-P	81-06-055
308-120-163	NEW	81-04-007	314-64-060	NEW-E	81-15-096	352-32-035	AMD-P	81-10-036
308-120-164	NEW	81-04-007	314-64-070	NEW-E	81-15-096	352-32-035	AMD-E	81-12-013
308-120-165	NEW	81-04-007	314-64-080	NEW-E	81-15-096	352-32-035	AMD	81-12-014
308-120-166	NEW	81-04-007	314-64-090	NEW-E	81-15-096	352-32-250	AMD-P	81-04-049
308-120-168	NEW	81-04-007	322-02-010	NEW-P	81-03-084	352-32-250	AMD	81-09-034
308-120-170	AMD-P	81-07-011	322-02-020	NEW-P	81-03-084	352-32-280	AMD	81-09-034
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308-120-410	AMD	81-04-007	322-10-020	NEW-P	81-03-084	352-32-285	AMD	81-15-059
308-120-420	AMD	81-04-007	322-10-030	NEW-P	81-03-084	352-36-040(3)	REMOV	81-11-003
308-120-509	AMD	81-04-007	322-10-040	NEW-P	81-03-084	352-52-010	NEW-P	81-16-072
308-120-510	AMD-P	81-07-011	322-10-050	NEW-P	81-03-084	352-52-020	NEW-P	81-16-072
308-120-510	AMD	81-10-026	322-10-060	NEW-P	81-03-084	352-52-030	NEW-P	81-16-072
308-120-511	AMD-P	81-07-011	322-10-070	NEW-P	81-03-084	352-52-040	NEW-P	81-16-072
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308-124-021	AMD	81-05-016	322-10-100	NEW-P	81-03-084	356-14-085	AMD-P	81-09-038
308-124A-020	AMD	81-05-016	322-10-110	NEW-P	81-03-084	356-14-085	AMD	81-11-032
308-124A-025	AMD	81-05-016	322-12-010	REP-P	81-03-084	356-15-060	AMD-P	81-16-028
308-124A-030	AMD	81-05-016	322-12-020	REP-P	81-03-084	356-15-080	AMD-P	81-16-028
308-124A-100	AMD	81-05-016	322-12-030	REP-P	81-03-084	356-15-090	AMD-P	81-16-028
308-124A-110	NEW	81-05-016	322-12-040	REP-P	81-03-084	356-15-120	AMD-P	81-10-045
308-124A-120	NEW	81-05-016	322-12-060	REP-P	81-03-084	356-15-120	AMD-E	81-13-028
308-124A-130	NEW	81-05-016	322-12-070	REP-P	81-03-084	356-15-120	AMD	81-13-030
308-124A-200	AMD	81-05-016	322-12-080	REP-P	81-03-084	356-15-140	AMD-P	81-16-028
308-124A-310	REP	81-05-016	322-12-090	REP-P	81-03-084	356-18-050	AMD	81-03-017
308-124A-410	NEW	81-05-016	322-12-100	REP-P	81-03-084	356-18-090	AMD-P	81-10-045
308-124A-420	NEW	81-05-016	322-12-110	REP-P	81-03-084	356-18-090	AMD	81-13-030
308-124B-040	AMD	81-05-016	322-12-120	REP-P	81-03-084	356-18-110	AMD-P	81-03-019
308-124B-110	AMD	81-05-016	322-12-140	REP-P	81-03-084	356-18-110	AMD	81-07-030
308-124B-120	AMD	81-05-016	322-12-150	REP-P	81-03-084	356-18-140	AMD-P	81-16-037
308-124C-010	AMD	81-05-016	322-12-160	REP-P	81-03-084	356-18-220	AMD-P	81-16-037
308-124D-015	NEW-P	81-02-054	322-22-010	NEW-P	81-03-084	356-18-150	AMD-P	81-03-019
308-124D-015	NEW-P	81-06-014	322-22-020	NEW-P	81-03-084	356-18-150	AMD-P	81-07-032
308-124E-010	AMD	81-05-015	332-08-445	NEW-E	81-09-061	356-18-150	AMD	81-09-037
308-124F-010	AMD	81-05-015	332-22-010	NEW	81-03-059	356-18-210	REP-P	81-10-045
308-124F-050	REP	81-05-015	332-22-020	NEW	81-03-059	356-18-210	REP	81-13-030
308-124F-200	REP	81-05-015	332-22-030	NEW	81-03-059	356-22-090	AMD-P	81-10-045
308-124G-010	REP	81-05-015	332-22-040	NEW	81-03-059	356-22-090	AMD-E	81-13-029
308-124H-020	AMD	81-05-015	332-22-050	NEW	81-03-059	356-22-090	AMD	81-13-030
308-124H-030	AMD	81-05-015	332-22-060	NEW	81-03-059	356-26-030	AMD-P	81-16-028
308-124H-040	AMD	81-05-015	332-22-070	NEW	81-03-059	356-26-040	AMD-P	81-10-045
308-124H-045	AMD	81-05-015	332-22-080	NEW	81-03-059	356-26-040	AMD	81-13-030
308-124H-050	AMD	81-05-015	332-22-090	NEW	81-03-059	356-26-060	AMD	81-03-017
308-124H-060	AMD	81-05-015	332-22-100	NEW	81-03-059	356-26-060	AMD-P	81-16-037
308-300-020	AMD-W	81-03-027	332-22-110	NEW	81-03-059	356-26-070	AMD-P	81-16-028
308-300-030	AMD-W	81-03-027	332-22-120	NEW	81-03-059	356-30-080	AMD	81-03-064
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308-300-050	AMD-W	81-03-027	332-22-140	NEW	81-03-059	356-30-220	AMD-P	81-16-037
308-300-070	AMD-W	81-03-027	332-22-150	NEW	81-03-059	356-30-280	AMD-P	81-10-045

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356-30-280	AMD-P	81-15-028	360-17-070	NEW	81-16-036	365-42-510	REP-P	81-03-050
356-30-330	AMD-P	81-16-037	360-17-080	NEW-P	81-06-075	365-42-510	REP	81-10-058
356-34	AMD-P	81-03-018	360-17-080	NEW-P	81-10-024	365-42-610	REP-P	81-03-050
356-34	AMD-P	81-07-031	360-17-080	NEW-P	81-14-035	365-42-610	REP	81-10-058
356-34	AMD-P	81-09-039	360-17-080	NEW	81-16-036	365-42-710	REP-P	81-03-050
356-34	AMD-P	81-11-038	360-17-090	NEW-P	81-06-075	365-42-710	REP	81-10-058
356-34	AMD-P	81-13-049	360-17-090	NEW-P	81-10-024	371-08-005	AMD-P	81-14-083
356-34	AMD-P	81-15-028	360-17-090	NEW-P	81-14-035	371-08-010	AMD-P	81-14-083
356-34-180	AMD-P	81-03-019	360-17-090	NEW	81-16-036	371-08-020	AMD-P	81-14-083
356-34-180	AMD-P	81-07-032	360-17-100	NEW-P	81-06-075	371-08-025	REP-P	81-14-083
356-34-180	AMD-P	81-09-038	360-17-100	NEW-P	81-10-024	371-08-030	AMD-P	81-14-083
356-34-220	AMD-P	81-03-019	360-17-100	NEW-P	81-14-035	371-08-031	AMD-P	81-14-083
356-34-220	AMD-P	81-07-032	360-17-100	NEW	81-16-036	371-08-032	AMD-P	81-14-083
356-34-220	AMD-P	81-09-038	360-17-110	REP	81-16-036	371-08-035	AMD-P	81-14-083
356-34-310	NEW-P	81-15-028	360-30-010	REP-P	81-14-036	371-08-040	AMD-P	81-14-083
356-35-010	AMD-P	81-16-055	360-30-020	REP-P	81-14-036	371-08-050	AMD-P	81-14-083
356-45-130	AMD-P	81-16-055	360-30-030	REP-P	81-14-036	371-08-055	AMD-P	81-14-083
356-47-010	NEW-P	81-16-055	360-32-050	AMD-P	81-07-012	371-08-065	AMD-P	81-14-083
356-47-020	NEW-P	81-16-055	360-32-050	AMD	81-10-025	371-08-071	NEW-P	81-14-083
356-47-030	NEW-P	81-16-055	360-32-055	AMD-P	81-07-012	371-08-075	AMD-P	81-14-083
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388-92-040	AMD	81-10-014	388-96-727	AMD-P	81-11-060	388-320-094	REP	81-06-001
388-92-040	AMD-E	81-12-028	388-96-727	AMD-E	81-14-062	388-320-095	REP	81-06-001
388-92-040	AMD-P	81-12-042	388-96-727	AMD	81-15-049	388-320-100	AMD	81-06-001
388-92-040	AMD	81-16-032	388-96-735	AMD-P	81-11-060	388-320-110	AMD	81-06-001
388-92-045	AMD-E	81-06-042	388-96-735	AMD-E	81-14-062	388-320-115	AMD	81-06-001
388-92-045	AMD-P	81-06-068	388-96-735	AMD	81-15-049	388-320-120	REP	81-06-001
388-92-045	AMD	81-10-014	388-96-743	AMD-P	81-11-060	388-320-130	AMD	81-06-001
388-92-050	AMD-E	81-06-042	388-96-743	AMD-E	81-14-062	388-320-135	NEW	81-06-001
388-92-050	AMD-P	81-06-068	388-96-743	AMD	81-15-049	388-320-140	AMD	81-06-001
388-92-050	AMD	81-10-014	388-99-005	NEW-E	81-12-028	388-320-150	REP	81-06-001
388-92-055	REP-E	81-06-042	388-99-005	NEW-P	81-12-042	388-320-155	REP	81-06-001
388-92-055	REP-P	81-06-068	388-99-005	NEW	81-16-032	388-320-160	REP	81-06-001
388-92-055	REP	81-10-014	388-99-010	NEW-E	81-12-028	388-320-170	AMD	81-06-001
388-92-060	REP-E	81-06-042	388-99-010	NEW-P	81-12-042	388-320-180	AMD	81-06-001
388-92-060	REP-P	81-06-068	388-99-010	NEW	81-16-032	388-320-190	REP	81-06-001
388-92-060	REP	81-10-014	388-99-015	NEW-E	81-12-028	388-320-200	REP	81-06-001
388-92-065	REP-E	81-06-042	388-99-015	NEW-P	81-12-042	388-320-205	NEW	81-06-001
388-92-065	REP-P	81-06-068	388-99-015	NEW	81-16-032	388-320-210	NEW	81-06-001
388-92-065	REP	81-10-014	388-99-020	NEW-E	81-12-028	388-320-220	NEW	81-06-001
388-92-070	REP-E	81-06-042	388-99-020	NEW-P	81-12-042	388-320-225	NEW	81-06-001
388-92-070	REP-P	81-06-068	388-99-020	NEW	81-16-032	388-320-230	NEW	81-06-001
388-92-070	REP	81-10-014	388-99-030	NEW-E	81-12-028	388-320-235	NEW	81-06-001
388-96-010	AMD	81-06-024	388-99-030	NEW-P	81-12-042	388-320-240	NEW	81-06-001
388-96-015	NEW	81-06-024	388-99-030	NEW	81-16-032	390-12-250	NEW-P	81-15-095
388-96-222	AMD	81-06-024	388-99-035	NEW-E	81-12-028	390-12-255	NEW-P	81-15-095
388-96-223	AMD-P	81-11-060	388-99-035	NEW-P	81-12-042	390-16-031	AMD-P	81-11-008
388-96-223	AMD-E	81-14-062	388-99-035	NEW	81-16-032	390-16-031	AMD	81-14-038
388-96-223	AMD	81-15-049	388-99-040	NEW-E	81-12-028	390-20-054	NEW-E	81-04-021
388-96-225	AMD	81-06-024	388-99-040	NEW-P	81-12-042	390-20-054	NEW-P	81-05-007
388-96-501	AMD	81-06-024	388-99-040	NEW	81-16-032	390-20-054	NEW	81-08-025
388-96-503	AMD	81-06-024	388-99-045	NEW-E	81-12-028	390-20-144	NEW	81-03-001
388-96-505	AMD	81-06-024	388-99-045	NEW-P	81-12-042	390-20-144	AMD-P	81-14-054
388-96-507	AMD	81-06-024	388-99-045	NEW	81-16-032	391-08-230	NEW	81-02-034
388-96-513	AMD	81-06-024	388-99-050	NEW-E	81-12-028	391-21-001	REP	81-15-022
388-96-523	AMD	81-06-024	388-99-050	NEW-P	81-12-042	391-21-003	REP	81-15-022
388-96-525	AMD	81-06-024	388-99-050	NEW	81-16-032	391-21-100	REP	81-15-022
388-96-529	AMD	81-06-024	388-99-055	NEW-E	81-12-028	391-21-102	REP	81-15-022
388-96-531	AMD	81-06-024	388-99-055	NEW-P	81-12-042	391-21-104	REP	81-15-022
388-96-533	AMD	81-06-024	388-99-055	NEW	81-16-032	391-21-105	REP	81-15-022
388-96-535	AMD	81-06-024	388-99-060	NEW-E	81-12-028	391-21-106	REP	81-15-022
388-96-537	NEW	81-06-024	388-99-060	NEW-P	81-12-042	391-21-107	REP	81-15-022
388-96-539	AMD	81-06-024	388-99-060	NEW	81-16-032	391-21-108	REP	81-15-022
388-96-541	AMD	81-06-024	388-100-005	NEW-E	81-12-028	391-21-110	REP	81-15-022
388-96-543	AMD	81-06-024	388-100-005	NEW-P	81-12-042	391-21-112	REP	81-15-022
388-96-545	NEW	81-06-024	388-100-005	NEW	81-16-032	391-21-113	REP	81-15-022
388-96-547	AMD	81-06-024	388-100-010	NEW-E	81-12-028	391-21-114	REP	81-15-022
388-96-553	AMD	81-06-024	388-100-010	NEW-P	81-12-042	391-21-115	REP	81-15-022
388-96-557	AMD	81-06-024	388-100-010	NEW	81-16-032	391-21-116	REP	81-15-022
388-96-559	AMD	81-06-024	388-100-015	NEW-E	81-12-028	391-21-118	REP	81-15-022
388-96-561	AMD	81-06-024	388-100-015	NEW-P	81-12-042	391-21-120	REP	81-15-022
388-96-563	NEW	81-06-024	388-100-015	NEW	81-16-032	391-21-122	REP	81-15-022
388-96-565	AMD	81-06-024	388-100-020	NEW-E	81-12-028	391-21-124	REP	81-15-022
388-96-567	AMD	81-06-024	388-100-020	NEW-P	81-12-042	391-21-125	REP	81-15-022
388-96-569	AMD	81-06-024	388-100-020	NEW	81-16-032	391-21-126	REP	81-15-022
388-96-571	AMD	81-06-024	388-100-025	NEW-E	81-12-028	391-21-128	REP	81-15-022
388-96-572	NEW	81-06-024	388-100-025	NEW-P	81-12-042	391-21-130	REP	81-15-022
388-96-585	AMD	81-06-024	388-100-025	NEW	81-16-032	391-21-132	REP	81-15-022
388-96-587	NEW	81-06-024	388-100-030	NEW-E	81-12-028	391-21-134	REP	81-15-022
388-96-701	REP-P	81-11-060	388-100-030	NEW-P	81-12-042	391-21-136	REP	81-15-022
388-96-701	REP-E	81-14-062	388-100-030	NEW	81-16-032	391-21-137	REP	81-15-022
388-96-701	REP	81-15-049	388-100-035	NEW-E	81-12-028	391-21-138	REP	81-15-022
388-96-713	AMD-P	81-11-060	388-100-035	NEW-P	81-12-042	391-21-140	REP	81-15-022
388-96-713	AMD-E	81-14-062	388-100-035	NEW	81-16-032	391-21-142	REP	81-15-022

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391-70-260	REP	81-15-022	392-125-060	AMD-P	81-15-077	392-161-035	REP	81-15-088
391-70-300	REP	81-15-022	392-125-075	REP-P	81-15-077	392-161-040	REP-P	81-13-044
391-95-130	NEW	81-02-034	392-125-085	NEW-P	81-15-077	392-161-040	REP	81-15-088
391-95-310	NEW	81-02-034	392-129-015	AMD-E	81-12-001	392-161-045	REP-P	81-13-044
392-109-055	AMD-P	81-14-086	392-131-005	REP-P	81-15-081	392-161-045	REP	81-15-088
329-109-055	AMD-E	81-16-047	392-131-010	REP-P	81-15-081	392-161-050	REP-P	81-13-044
392-109-060	AMD-P	81-14-086	392-131-015	REP-P	81-15-081	392-161-050	REP	81-15-088
329-109-060	AMD-E	81-16-047	392-131-020	REP-P	81-15-081	392-161-055	REP-P	81-13-044
392-109-077	NEW-P	81-14-086	392-131-025	REP-P	81-15-081	392-161-055	REP	81-15-088
329-109-077	NEW-E	81-16-047	392-135-010	AMD-P	81-15-079	392-161-060	REP-P	81-13-044
392-109-085	AMD-P	81-14-086	392-135-010	AMD-E	81-15-085	392-161-060	REP	81-15-088
329-109-085	AMD-E	81-16-047	392-135-020	AMD-P	81-15-079	392-161-065	REP-P	81-13-044
392-109-115	AMD-P	81-14-086	392-135-020	AMD-E	81-15-085	392-161-065	REP	81-15-088
329-109-115	AMD-E	81-16-047	392-135-021	NEW-P	81-15-079	392-161-070	REP-P	81-13-044
329-109-117	NEW-E	81-16-047	392-135-021	NEW-E	81-15-085	392-161-070	REP	81-15-088
392-121-105	AMD-P	81-15-078	392-137-060	AMD-P	81-13-046	392-161-075	REP-P	81-13-044
392-121-105	AMD-E	81-16-052	392-137-060	AMD	81-15-090	392-161-075	REP	81-15-088
392-121-115	AMD-P	81-15-078	392-140	AMD-P	81-15-087	392-161-080	REP-P	81-13-044
392-121-115	AMD-E	81-16-052	392-140-010	NEW-P	81-13-043	392-161-080	REP	81-15-088
392-121-120	AMD-P	81-15-078	392-140-010	NEW	81-16-042	392-161-085	REP-P	81-13-044
392-121-120	AMD-E	81-16-052	392-140-011	NEW-P	81-13-043	392-161-085	REP	81-15-088
392-121-121	NEW-P	81-15-078	392-140-011	NEW	81-16-042	392-161-090	REP-P	81-13-044
392-121-121	NEW-E	81-16-052	392-140-012	NEW-P	81-13-043	392-161-090	REP	81-15-088
392-121-125	AMD-P	81-15-078	392-140-012	NEW	81-16-042	392-161-095	REP-P	81-13-044
392-121-125	AMD-E	81-16-052	392-140-013	NEW	81-16-042	392-161-095	REP	81-15-088
392-121-126	NEW-P	81-15-078	392-140-014	NEW	81-16-042	392-161-101	REP-P	81-13-044
392-121-126	NEW-E	81-16-052	392-140-015	NEW	81-16-042	392-161-101	REP	81-15-088
392-121-127	NEW-P	81-15-078	392-140-016	NEW	81-16-042	392-161-104	REP-P	81-13-044
392-121-127	NEW-E	81-16-052	392-140-017	NEW-P	81-13-043	392-161-104	REP	81-15-088
392-121-145	AMD-P	81-15-078	392-140-017	NEW	81-16-042	392-161-116	REP-P	81-13-044
392-121-145	AMD-E	81-16-052	392-140-018	NEW-P	81-13-043	392-161-116	REP	81-15-088
392-121-155	AMD-P	81-15-078	392-140-018	NEW	81-16-042	392-161-118	REP-P	81-13-044
392-121-155	AMD-E	81-16-052	392-140-019	NEW-P	81-13-043	392-161-118	REP	81-15-088
392-121-170	AMD-P	81-15-078	392-140-019	NEW	81-16-042	392-161-118	REP	81-15-088
392-121-170	AMD-E	81-16-052	392-140-020	NEW-P	81-13-043	392-161-120	REP	81-15-088
392-121-175	AMD-P	81-15-078	392-140-020	NEW	81-16-042	392-161-120	REP-P	81-13-044
392-121-175	AMD-E	81-16-052	392-140-021	NEW-P	81-13-043	392-161-125	REP-P	81-13-044
392-121-176	NEW-P	81-15-080	392-140-021	NEW	81-16-042	392-161-125	REP	81-15-088
392-121-177	NEW-P	81-15-082	392-140-022	NEW-P	81-13-043	392-161-130	REP-P	81-13-044
392-121-186	NEW-P	81-15-078	392-140-022	NEW	81-16-042	392-161-130	REP	81-15-088
392-121-186	NEW-E	81-16-052	392-140-023	NEW-P	81-13-043	392-161-135	REP-P	81-13-044
392-121-195	NEW-P	81-15-078	392-140-023	NEW	81-16-042	392-161-135	REP	81-15-088
392-121-195	NEW-E	81-16-052	392-141-037	AMD-P	81-15-075	392-161-140	REP-P	81-13-044
392-123-005	AMD-E	81-15-086	392-141-054	AMD-P	81-15-074	392-161-140	REP	81-15-088
392-123-005	AMD-P	81-15-072	392-143-035	AMD-P	81-15-073	392-161-145	REP-P	81-13-044
392-123-010	AMD-E	81-15-086	392-160-001	AMD-P	81-13-045	392-161-145	REP	81-15-088
392-123-010	AMD-P	81-15-072	392-160-001	AMD	81-15-089	392-161-150	REP-P	81-13-044
392-123-051	AMD-E	81-15-086	392-160-010	AMD	81-15-089	392-161-150	REP	81-15-088
392-123-051	AMD-P	81-15-072	392-160-015	AMD	81-15-089	392-161-155	REP-P	81-13-044
392-123-054	AMD-E	81-15-086	392-160-025	REP	81-15-089	392-161-155	REP	81-15-088
392-123-054	AMD-P	81-15-072	392-160-030	REP	81-15-089	392-161-160	REP-P	81-13-044
392-123-055	AMD-E	81-15-086	392-160-035	AMD	81-15-089	392-161-160	REP	81-15-088
392-123-055	AMD-P	81-15-072	392-160-040	AMD	81-15-089	392-161-165	REP-P	81-13-044
392-123-071	AMD-E	81-15-086	392-160-045	AMD	81-15-089	392-161-165	REP	81-15-088
392-123-071	AMD-P	81-15-072	392-160-010	AMD-P	81-13-045	392-161-170	REP-P	81-13-044
392-123-072	AMD-E	81-15-086	392-160-015	AMD-P	81-13-045	392-161-170	REP	81-15-088
392-123-072	AMD-P	81-15-072	392-160-025	REP-P	81-13-045	392-161-175	REP-P	81-13-044
392-123-079	AMD-E	81-15-086	392-160-030	REP-P	81-13-045	392-161-175	REP	81-15-088
392-123-079	AMD-P	81-15-072	392-160-035	AMD-P	81-13-045	392-161-180	REP-P	81-13-044
392-123-115	AMD-E	81-15-086	392-160-040	AMD-P	81-13-045	392-161-180	REP	81-15-088
392-123-115	AMD-P	81-15-072	392-160-045	AMD-P	81-13-045	392-161-185	REP-P	81-13-044
392-123-120	AMD-E	81-15-086	392-161-005	REP-P	81-13-044	392-161-185	REP	81-15-088
392-123-120	AMD-P	81-15-072	392-161-005	REP	81-15-088	392-171-581	AMD-P	81-15-076
392-123-125	AMD-E	81-15-086	392-161-010	REP-P	81-13-044	402-12-050	AMD-P	81-12-026
392-123-125	AMD-P	81-15-072	392-161-010	REP	81-15-088	402-12-050	AMD	81-16-031
392-123-130	REP-E	81-15-086	392-161-015	REP-P	81-13-044	402-22-040	AMD-P	81-12-026
392-123-130	REP-P	81-15-072	392-161-015	REP	81-15-088	402-22-040	AMD	81-16-031
392-123-140	AMD-E	81-15-086	392-161-020	REP-P	81-13-044	402-22-150	NEW-P	81-12-026
392-123-140	AMD-P	81-15-072	392-161-020	REP	81-15-088	402-22-150	NEW	81-16-031
392-123-141	NEW-E	81-15-086	392-161-025	REP-P	81-13-044	402-52-100	NEW-P	81-12-026
392-125-010	AMD-P	81-15-077	392-161-025	REP	81-15-088	402-52-100	NEW	81-16-031
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402-52-015	REP-P	81-12-026	458-40-18600	AMD-E	81-14-046	461-12-020	AMD-P	81-14-084
402-52-015	REP	81-16-031	458-40-18600	AMD	81-14-047	461-12-031	AMD-P	81-14-084
402-52-020	REP-P	81-12-026	458-40-18655	NEW-P	81-10-053	461-12-032	AMD-P	81-14-084
402-52-020	REP	81-16-031	458-40-18655	NEW-E	81-14-046	461-12-034	AMD-P	81-14-084
402-52-025	REP-P	81-12-026	458-40-18655	NEW	81-14-047	461-12-035	REP-P	81-14-084
402-52-025	REP	81-16-031	458-40-18656	NEW-P	81-10-053	461-12-036	AMD-P	81-14-084
410-20-010	NEW	81-02-030	458-40-18656	NEW-E	81-14-046	461-12-040	AMD-P	81-14-084
410-20-020	NEW	81-02-030	458-40-18656	NEW	81-14-047	461-12-060	AMD-P	81-14-084
410-20-030	NEW	81-02-030	458-40-18657	NEW-P	81-10-053	461-12-070	AMD-P	81-14-084
410-20-040	NEW	81-02-030	458-40-18657	NEW-E	81-14-046	461-12-090	AMD-P	81-14-084
410-20-040	AMD-P	81-16-086	458-40-18657	NEW	81-14-047	461-12-100	AMD-P	81-14-084
410-20-050	NEW	81-02-030	458-40-18658	NEW-P	81-10-053	461-12-120	AMD-P	81-14-084
410-20-060	NEW	81-02-030	458-40-18658	NEW-E	81-14-046	461-12-130	NEW-P	81-14-084
410-20-070	NEW	81-02-030	458-40-18658	NEW	81-14-047	463-30-080	AMD-P	81-03-055
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415-104-800	NEW	81-07-017	458-40-18659	NEW	81-14-047	463-46-055	AMD	81-07-019
415-104-810	NEW-E	81-03-028	458-40-18660	NEW-P	81-10-053	463-46-070	AMD-E	81-08-023
415-104-810	NEW-P	81-04-022	458-40-18660	NEW-E	81-14-046	463-54-070	AMD-P	81-08-037
415-104-810	NEW	81-07-017	458-40-18660	NEW	81-14-047	463-54-070	AMD	81-11-011
415-104-820	NEW-E	81-03-028	458-40-19000	AMD-P	81-10-053	468-06	REVIEW	81-07-015
415-104-820	NEW-P	81-04-022	458-40-19000	AMD-E	81-14-046	468-06-030	AMD-P	81-08-008
415-104-820	NEW	81-07-017	458-40-19000	AMD	81-14-047	468-06-030	AMD	81-11-035
415-104-830	NEW	81-07-017	458-40-19001	AMD-P	81-10-053	468-06-050	AMD-P	81-08-008
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446-50-010	AMD	81-03-008	458-40-19001	AMD	81-14-047	468-06-070	AMD-P	81-08-008
446-50-020	AMD	81-03-008	458-40-19002	AMD-P	81-10-053	468-06-070	AMD	81-11-035
446-50-080	AMD	81-03-008	458-40-19002	AMD-E	81-14-046	468-06-130	AMD-P	81-08-008
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