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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 81-15-037.

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

DENNIS W. COOPER
Code Reviser

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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 - 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
81-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
81-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
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82-09	Mar 24	Apr 7	Apr 21	May 5	May 25
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82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

56 filing

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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may 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(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-03-031
ADOPTED RULES
BOARD OF
INDUSTRIAL INSURANCE APPEALS
 [Order 11—Filed January 18, 1982]

Be it resolved by the Board of Industrial Insurance Appeals, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to rules of practice and procedure relating to the processing of appeals and conduct of hearings before the Board of Industrial Insurance Appeals.

This action is taken pursuant to Notice No. WSR 81-22-025 filed with the code reviser on October 27, 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 Board of Industrial Insurance Appeals as authorized in RCW 51.52.020.

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 January 18, 1982.

By Michael L. Hall
 Chairman

RULES OF PRACTICE AND PROCEDURE

Before The

BOARD OF INDUSTRIAL INSURANCE APPEALS

AMENDATORY SECTION (Amending Order 10, filed 4/5/76)

WAC 263-12-015 ADMINISTRATION AND ORGANIZATION. (1) Composition of the Board. The Board is an independent agency of the State of Washington composed of three members appointed by the Governor. One member is a representative of workers, one member is a representative of employers, and the chairman, who must be ((a)) an active member of the Washington State Bar, is the representative of the public. Whenever the orderly and expeditious disposition of the workload of the Board necessitates, the Governor may appoint two pro tem members in addition to the regular members, one of whom shall be a representative of workers and one of whom shall be a representative of employers. The members of the Board shall devote their entire time to the duties of the Board.

(2) Location of the Board. The headquarters, and principal office of the Board, is located at 410 W. Fifth, Capital Center Building, in Olympia, Washington 98504.

(3) Formal Board meetings. The Board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. ~~((on Friday of each calendar week of the year))~~ on the first and third Tuesday of each month, and at such other times and places as the Board

may deem necessary, subject to 24-hour notice as required by law.

(4) Staff organization. (a) The Board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

(b) The Board has a staff of hearing examiners who travel throughout the state conducting hearings and who have their offices in Olympia((-)), and other areas in the state as deemed necessary for efficient and cost effective handling of agency business.

(c) The office of the Secretary of the Board is located at the headquarters and principal office of the Board.

(5) Communications with the Board. All written communications by parties pertaining to a particular case, including applications, motions, requests, or petitions for review, shall be filed with the Secretary of the Board at its headquarters in Olympia, Washington, except that copies of all correspondence and official communications filed with the Secretary of the Board pertaining to a particular case, before the entry of a Proposed Decision and Order, must be sent to the hearing examiner assigned to the case for ((his)) appropriate action. Correspondence respecting the scheduling of a particular case shall be sent to the hearing examiner assigned to that case. Copies of all such written communications shall be furnished to all other parties or their representatives of record, and the original shall show thereon compliance with this requirement.

AMENDATORY SECTION (Amending Order 10, filed 4/5/76)

WAC 263-12-016 PUBLIC RECORDS—LOCATION—OFFICE HOURS. (1) Public records shall be available for inspection and copying during the customary office hours of the Board. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

(2) General information concerning the Board may be obtained at its headquarters, 410 W. Fifth, Capital Center Building, Olympia, Washington 98504.

(3) Upon written request, made to the Board's headquarters, in Olympia, the Board or its designee may authorize and promptly make appropriate arrangements for((-)) inspection and copying of its public records.

(4) Indexes are available providing identifying information as to the following: (a) final decisions and orders of the Board, including concurring and dissenting opinions; (b) proposed decisions and orders of the Board's hearing examiners; (c) hearing examiner's handbook; (d) in addition, any indexes maintained for intra-agency use are available for public inspection and copying.

(5) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the Board and must be accomplished without excessive interference with the essential functions of the agency, and without causing damage or disorganization to said public records.

(6) A fee ~~((of ten cents per page))~~ shall be charged for copies of documents made with the Board's equipment ~~((Copies made with the use of one's personal equipment and paper shall be free of charge.))~~ in an

amount necessary to cover the cost to the agency of providing such service.

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 7, filed 4/4/75)

WAC 263-12-020 APPEARANCES OF PARTIES BEFORE THE BOARD. (1) Who May Appear. (a) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection (2) below and shall thereafter be deemed a party in the appeal.

(b) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (2) below, and shall thereafter be deemed a ~~((part in))~~ party to the appeal.

(c) Any party to any appeal may appear before the Board at any conference or hearing held in such appeal, either ~~((representing himself or by a lay person, or by an attorney at law of his choosing.))~~ on the party's own behalf or by an attorney-at-law or other authorized representative of the party's choosing. ~~((If no agreement of the parties is reached at such conferences resolving all issues presented, no offers of settlement, admissions or statements made by any party shall be admissible at any subsequent proceeding unless they are independently admissible therein.))~~

(d) Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures.

(e) All parties who appear either at conferences or hearings ~~((will be))~~ are entitled to the ((assisted by)) assistance of the ((Board's hearing examiner assigned to the case in)) hearing examiner presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with his or her responsibilities to the end that all parties clearly understand the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be carefully advised by the hearing examiner of the burden of proof ~~((that he has if he is to prevail in his contention.))~~ required to establish a right to the relief being sought.

(2) Manner of Appearance. (a) Appearances shall be made either by:

(i) Filing a written notice of appearance with the Secretary of the Board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Physically appearing at the time and place of a conference or hearing on the appeal, and notifying the hearing examiner conducting the same of the party to be represented, and the name and address of the representative.

(b) Copies of every written notice of appearance shall be furnished by the appearing party to all other parties or their representatives of record at the time the original notice is filed with the Secretary of the Board.

(c) All notices and orders shall be served by the Board upon such representative in addition to the party represented ~~((, and)).~~ Service upon the representative shall constitute service upon the party.

(3) No Formal Admission to Practice. Duly authorized representatives shall be permitted to appear in proceedings before the Board without a formal request or admission to practice before the Board.

(4) Withdrawal or Substitution of Representatives. An attorney or other representative withdrawing from a case shall immediately so notify the Secretary of the Board, the hearing examiner, and all parties of record in writing, or shall state such withdrawal on the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the Secretary of the Board, to the hearing examiner, and to all parties of record together with the written consent of the prior attorney or representative, or if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

(5) Conduct. (a) All persons appearing as counsel or representatives in proceedings before the Board or before its hearing examiners shall conform to the standards of ethical conduct required of attorneys before the courts of the State of Washington. If any such person does not conform to such standard, the hearing examiner presiding over the proceeding shall, at his or her discretion and depending on all the circumstances, admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or report the matter to the Board, which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, refusal to permit such person to appear in a representative capacity in any proceeding before the Board or its hearing examiners, or certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100.

(b) If any person in proceedings before the Board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the hearing examiner shall, at his or her discretion and depending on all the circumstances, admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or report the matter to the Board, which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, refusal to permit such

person to appear in a representative capacity in any proceeding before the Board or its hearing examiners, or certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100.

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 8, filed 5/2/75)

WAC 263-12-045 HEARING EXAMINERS. (1) Definition. Whenever used in these Rules, the term "hearing examiner" shall include any member of the Board, as well as any duly authorized hearing examiner assigned to conduct a conference or hearing.

(2) Duties and Powers. It shall be the duty of the hearing examiner to conduct conferences or hearings in cases assigned to him or her in an impartial and orderly manner(;;). ~~((and he))~~ The hearing examiner shall have the authority, subject to the other provisions of these Rules:

- (a) To administer oaths and affirmations;
- (b) To issue subpoenas on request of any party;
- (c) To rule on all ~~((procedural matters;))~~ objections and motions(;;) including those pertaining to matters of discovery or procedure;
- (d) To rule on all offers of proof and receive relevant evidence;
- (e) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (f) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he or she deems necessary to fairly and equitably decide the appeal, including the obtaining of physical, ~~((and))~~ mental, or vocational examinations or evaluations of workers;
- (g) To take appropriate disciplinary action with respect to representatives of parties appearing before the Board;
- (h) To issue orders joining other parties, on motion of any party, or on his own motion when it appears that such other parties may have an interest in or may be affected by the proceedings;
- (i) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;
- (j) To take any other action necessary and authorized by these Rules and the law.

(3) Substitution of Hearing Examiner. (a) At any time one hearing examiner may be substituted for another in any given appeal.

(b) Requests for substitution of hearing examiners or affidavits of prejudice filed against a hearing examiner assigned to the appeal may be granted in the sole discretion of the Board for good cause shown but not as a matter of right to the party so requesting.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-050 APPEALS ARISING UNDER THE INDUSTRIAL INSURANCE ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Industrial Insurance Act (Title 51 RCW) the jurisdiction of the Board shall be invoked by filing a written notice of appeal, which shall contain where applicable:

- (1) The name and address of the appealing party and his or her representative, if any;
- (2) The name and address of the injured worker;
- (3) The name and address of the worker's employer at the time the injury or occupational disease occurred;
- (4) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;
- (5) The time when and the place where the injury occurred or the occupational disease arose;
- (6) The nature of the injury or occupational disease;
- (7) A statement identifying the order, decision or award appealed from;
- (8) The grounds upon which the appealing party considers such order, decision or award to be unjust or unlawful;
- (9) A statement of facts in full detail in support of each ground stated;
- (10) The relief sought, including the specific nature and extent thereof;
- (11) The place, most convenient to the appealing party and his or her witnesses, where Board proceedings are requested to be held;
- (12) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge or information and belief the contents thereof are true. A notice of appeal may be signed by the appealing party or by his or her representative.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-053 APPEALS ARISING UNDER THE CRIME VICTIMS COMPENSATION ACT—CONTENTS OF NOTICE OF APPEAL. In cases arising under the Crime Victims Compensation Act (Chapter 68 of Title 7 RCW), the jurisdiction of the Board shall be invoked by filing a written notice of appeal which shall contain where applicable:

- (1) The name and address of the appealing party and his or her representative, if any;
- (2) The time when and the place where the criminal act occurred, and the name and address of the alleged perpetrator of the crime, if known;
- (3) The place, most convenient to the appealing party and his or her witnesses, where Board proceedings are requested to be held;
- (4) The nature of the injury;
- (5) The date of the Department order, decision or award appealed from;

(6) The grounds upon which the appealing party considers such order, decision or award to be unjust or unlawful;

(7) A statement of facts in full detail in support of each ground stated;

(8) The relief sought, including the specific nature and extent thereof;

(9) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge, or information and belief the contents thereof are true. A notice of appeal may be signed by the party or by his or her representative.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-056 APPEALS ARISING UNDER THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT—CONTENTS OF APPEAL. In cases arising under the Washington Industrial Safety and Health Act (Chapter 17 of Title 49 RCW), the notice of appeal when filed with the Board shall be in writing and shall contain where applicable:

(1) The name and address of the appealing party and his or her representative, if any;

(2) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from;

(3) The grounds upon which the appealing party considers such citation, penalty assessment, or abatement date to be incorrect or improper;

(4) A notice of appeal may be signed by the party or by his or her representative.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-060 FILING APPEALS—PROCEDURES—LIMITATION OF TIME. (1) In cases arising under the Industrial Insurance Act or the Crime Victims Compensation Act the Notice of Appeal shall be filed within sixty days from the date the copy of the order, decision or award of the Department was communicated to the appealing party. The original and one copy of the Notice of Appeal shall be filed, by mail or otherwise, with the Secretary of the Board at its headquarters, and one copy shall be filed, by mail or otherwise, with the director of the Department of Labor and Industries.

(2) As required by the provisions of RCW 59.17.140(3), an appeal from a citation, abatement period or penalty assessment under the Washington Industrial Safety and Health Act is initiated by giving the director of the Department of Labor and Industries notice of intent to appeal within fifteen (15) working days from the date of notification of such citation, abatement period or penalty assessment. If the director does not re-assume jurisdiction over the matter as to which notice of intent to appeal is given, ~~((he))~~ there shall be promptly transmitted the notice of intent to appeal together with the Department's record in the matter to the Secretary of the Board, whereupon the matter shall be deemed an appeal before the Board. If the director re-assumes jurisdiction pursuant to a notice of intent to appeal, ~~((he))~~

there shall be, within fifteen (15) working days of such re-assumption, ~~((issue))~~ a further determinative order issued in the matter. Any appeal from such further determinative order must be made directly to the Board by filing a written notice of appeal, by mail or otherwise, with the Secretary of the Board, with a copy filed, by mail or otherwise, with the director of the Department, within fifteen (15) working days from the date of notification of such further determinative order.

(3) The Secretary of the Board shall forthwith acknowledge receipt of any appeal filed with the Board and the Board's stamp placed thereon shall be prima facie evidence of the date of receipt. The Board may thereafter require additional copies to be filed.

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

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-065 DISPOSITION ON DEPARTMENT RECORD. In cases arising under the Industrial Insurance Act and the Crime Victims Compensation Act, the Board may, within the times prescribed by RCW 51.52.090, enter an order making final disposition of an appeal based solely upon review of the Notice of Appeal and the record of the Department in the case, as follows:

(1) If the Notice of Appeal raises no issue or issues of fact and the Board finds that the Department properly and lawfully decided all matters raised therein, the Board may deny the appeal and confirm the Department's decision or award; or

(2) If the Department's record sustains the contention of the appealing party, the Board may allow the relief asked in such appeal.

(3) If the appeal is brought prior to the taking of appealable action or issuance of an appealable order, decision or award by the Department, the Board may deny the appeal and return the matter to the Department.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-090 CONFERENCES—NOTICE OF CONFERENCES. Upon the granting of an appeal it shall be assigned to a hearing examiner with directions to ~~((complete))~~ conduct all conference and hearing proceedings in the case ~~((by a date certain))~~. If a conference is scheduled in a case, it shall be upon written notice to all parties of the time and place set for such conference mailed not less than seven days prior to the date of the conference, unless such notice is waived by all parties.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-093 CONFERENCES—DISPOSITION OF APPEALS BY AGREEMENT. (1) If an agreement concerning final disposition of any appeal is reached by all the parties present or represented at a

conference, an order shall be issued in conformity therewith, providing the Board finds said agreement is in accordance with the law and the facts.

In industrial insurance cases, if an agreement concerning final disposition of the appeal is reached by the employer and worker or beneficiary at a conference at which the Department is represented, and no objection thereto is interposed by the Department, an order shall be issued in conformity therewith, providing the Board finds that said agreement is in accordance with the law and the facts. If an objection is interposed by the Department on the ground that said agreement is not in accordance with the law or the facts, a hearing shall be scheduled.

Where all parties concur in the disposition of an appeal but the hearing examiner is not satisfied that the agreement is in conformity with the facts and the law or that the Board has jurisdiction or authority to order the relief sought, the hearing examiner may require such evidence or documentation as is deemed necessary to adequately support the agreement in fact and/or in law.

All agreements reached at a conference concerning final disposition of the appeal shall be stated on the record by the hearing examiner and the parties shall indicate their concurrence on the record.

(2) Ordinarily an agreement concerning final disposition of an appeal will be accepted only at a conference attended by all agreeing parties. The hearing examiner may, however, in his or her discretion accept the agreement for submission to the Board in the absence of one or more of the parties from the conference, or without holding a conference. In such cases the agreement shall be confirmed in writing by the parties to the agreement not in attendance at a conference, except that the written confirmation of a party to the agreement not in attendance at a conference will not be required where the hearing examiner ((satisfies himself)) is satisfied of the concurrence of the party.

(3) The parties present at a conference may agree to a vocational evaluation or a further medical examination of a worker or crime victim, including further evaluative or diagnostic tests, except such as require hospitalization, by ((a physician or physicians)) medical or vocational experts acceptable to them, or to be selected by the hearing examiner, in which event the hearing examiner may arrange ((such)) for evaluation or examination and the Board will pay ((the)) reasonable and necessary ((medical and travel)) expenses involved. Upon receipt by the Board, copies of the report of such examination or evaluation will be distributed to all parties represented at the conference and further appropriate proceedings will be scheduled.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-095 CONFERENCE PROCEDURE WHERE AGREEMENT CONCERNING FINAL DISPOSITION OF APPEAL IS NOT REACHED BY THE PARTIES. (1) Scheduling Information. If no agreement is reached by the parties as to

the final disposition of an appeal, the hearing examiner may thereupon proceed to elicit from the parties such information as ((he believes)) is necessary and helpful to the orderly scheduling of hearing proceedings and as may aid in expediting the final disposition of the appeal. ((He may)) For this purpose, where indicated, ((obtain)) a stipulation of facts may be obtained to show the Board's jurisdiction in the matter((; obtain)). In addition, agreement as to the issues of law and fact presented and the simplification or limitation thereof((;) may be obtained. The hearing examiner may also determine the necessity of amendments to the Notice of Appeal or other pleadings; determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof, the admissibility of exhibits, a stipulation as to all or part of the facts in the case, the limitation of the number of witnesses, and the exchange of medical and vocational reports and other relevant documents; receive and rule on motions pertaining to pre-hearing discovery including motions by a party for a vocational evaluation of a claimant which may be granted upon a showing of surprise which ordinary procedure could not have guarded against or upon an equivalent showing of circumstances constituting good cause and upon notice to all parties of the time, place, manner, conditions, and scope of the evaluation and the person or persons by whom it is to be made, provided that the hearing examiner shall impose all conditions necessary to avoid delay and prejudice in the timely completion of the appeal; obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible, the place or places where hearings will be required, the approximate time necessary for the presentation of the evidence of the respective parties, and all other information which may aid in the prompt disposition of the appeal.

(2) Statement on the Record of Results of Conferences. The results of such conference proceedings shall be stated on the record by the hearing examiner and the statement shall include, where applicable, agreements concerning issues, admissions, stipulations, witnesses, time and location of hearings, the issues remaining to be determined, and other matters that may expedite the hearing proceedings. The statement of agreement and issues, and rulings of the hearing examiner, shall control the subsequent course of the proceedings, subject to modification to prevent manifest injustice.

(3) Failure to Supply Information. If any party fails to supply the hearing examiner the information reasonably necessary to schedule the hearing in a case, the Board or the hearing examiner may suspend setting a hearing pending receipt of the required information, or may impose such conditions upon the presentation of evidence by the defaulting party as may be deemed appropriate.

(4) Admissibility of Matters Disclosed at Conference. If no agreement of the parties is reached resolving all issues presented, no offers of settlement, admissions, or statements made by any party shall be admissible at any subsequent proceeding unless they are independently admissible therein.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-100 HEARINGS—NOTICE OF HEARING. (1) Time. In those cases that proceed to hearing, the Board shall mail notice thereof to all parties at their last known address as shown by the records of the Board or Department of Labor and Industries not less than fifteen days prior to the hearing date: Provided, That the hearing may be held on less than fifteen days' notice upon agreement of all parties that have theretofore made an appearance in the appeal.

(2) Contents. The notice shall identify the appeal to be heard, the names of the parties to the appeal and their representatives, if any, and shall specify the time and place of hearing, together with the evidence which shall be expected to be presented thereat.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-115 PROCEDURES AT HEARINGS. (1) Hearing Examiner. All hearings shall be conducted by a hearing examiner who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of Presentation of Evidence. (a) In any appeal under either the Industrial Insurance Act or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief.

(b) In all appeals under the Washington Industrial Safety and Health Act, the Department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) Objections and Motions to Strike. Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

(4) Rulings. The hearing examiner on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with rules of evidence applicable in the superior courts of this state.

(5) Interlocutory Appeals. Rulings on evidence or other interlocutory rulings of the hearing examiner shall not be subject to direct appeal to the Board, with the exception that a direct appeal shall be allowed as a matter of right from any ruling adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

(6) Recessed Hearings. Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing,

the hearing examiner may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "Notice of Hearing" shall be ((given)) required as to any recessed hearing.

(7) Failure to Present Evidence When Due. If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to present thereat all of such evidence, it shall be discretionary with the hearing examiner as to whether to conclude the hearing and issue a Proposed Decision and Order on the record, or to recess or set over the proceedings to further hearing for the receipt of such evidence, or to require its presentation by way of deposition to be taken and published within prescribed time limits, with each party bearing its own costs, which time limits may be extended by the hearing examiner for good cause.

(8) Evidence by Deposition. If a party volunteers or desires to take the testimony of any witness in a proceeding by deposition, or if the admission of evidence cannot otherwise be accomplished in a reasonably timely manner, the hearing examiner may permit or require the perpetuation of testimony by deposition regardless of the witness' availability to testify at the hearing or at a future recessed hearing. Such ruling may only be given after the hearing examiner gives due consideration to: (a) the complexity of the issues raised by the appeal, (b) the need for the hearing examiner to personally observe the witness and evaluate the witness' demeanor and credibility, (c) the costs incurred by the parties in complying with the ruling, and (d) the fairness to the parties in complying with the ruling.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-120 ADDITIONAL EVIDENCE BY HEARING EXAMINER. The hearing examiner may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably, and in the exercise of this power, a physical, ((or)) mental or vocational examination or evaluation of a ((workman)) worker by ((medical)) one or more medical or vocational experts may be ordered to be conducted at the Board's expense. Any such evidence secured and presented by the hearing examiner shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by the hearing examiner, he shall make application therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-125 APPLICABILITY OF COURT RULES. Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding procedures

in civil cases in the superior courts of this state shall be followed((-)) : PROVIDED, That statutes governing the filing of affidavits of prejudice against a judge shall not be available as a matter of right to any party to require the change of a hearing examiner assigned to a case. Requests for a change of a hearing examiner shall be governed by WAC 263-12-045(3)(b).

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-145 PETITION FOR REVIEW. (1) Time for Filing. Within twenty days, or such further period as the Board may allow on written application of a party, filed within twenty days from the date of communication of the proposed decision and order to the parties or their ((attorneys)) representatives of record, any party aggrieved thereby may file with the Secretary of the Board at Olympia, Washington, a written petition for review with copies thereof served on all other parties. The date such petition for review is received at the Board's offices in Olympia shall be the date upon which filing is perfected. In the event such petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general objection to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. In order to facilitate preparation of such petition for review in sufficient detail, the Board shall, on request of any party, serve upon said party a copy of the transcript of testimony and other proceedings at the hearing, provided that such party sign an acknowledgement that receipt thereof shall constitute compliance by the Board, in the event of an appeal to superior court, with that portion of RCW 51.52.110 requiring service on said party of a certified copy of the testimony in industrial insurance cases.

With respect to rulings concerning admission or exclusion of evidence, a general objection to all such rulings adverse to the party shall be considered adequate compliance with this rule.

(3) Action by Board on Petition for Review. Within twenty days after receipt of a petition for review, the Board shall enter an order either denying the petition for review, in which case the proposed decision and order shall become the final order of the Board, or granting the petition for review, in which case the Board shall within one hundred and eighty days from the date a petition for review is filed issue a final decision and order based upon its review of the record or any part thereof deemed necessary: PROVIDED, That if a petition for review is not acted upon by the Board within twenty

days from the date it is filed, it shall be deemed to have been granted.

Any party may, within ten days of receipt of the Board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the Board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed. In such instances, copies of the transcript of testimony and other proceedings at the hearing shall be furnished to any party requesting same, and this shall be deemed compliance with RCW 51.52.110 in industrial insurance cases.

After review of the record, the Board may set aside the proposed decision and order and remand the appeal to the hearing process, with instructions to the hearing examiner to whom the appeal is assigned on remand, to schedule a further hearing for the purpose of presenting such evidence in addition to that contained in the record as the Board deems necessary to decide the appeal fairly and equitably. In the exercise of this power, a physical or mental examination of a worker or victim of crime by medical experts or evaluation by an expert vocational consultant may be ordered to be conducted at the Board's expense. Any evidence presented by the hearing examiner shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented, he must make application therefor immediately following the conclusion of such evidence. Such application will be granted by recessing the hearing to a time and place for taking such rebuttal evidence. Following the completion of the further hearing ordered by the Board, the hearing examiner shall enter a proposed decision and order based upon the entire record.

If an objection is made to a ruling or rulings of a hearing examiner sustaining an objection to admissibility of evidence, or denying a recess for the presentation of further evidence, or denying a motion for a physical or mental examination or vocational evaluation of a worker or victim of crime, and the Board determines that said ruling or rulings were erroneous, the Board may return the case to the hearing examiner with appropriate instructions, and a further proposed decision and order shall be issued by the hearing examiner after the additional evidence shall have been received.

AMENDATORY SECTION (Amending Order 7, filed 4/4/75)

WAC 263-12-165 ATTORNEY'S FEES. (1) Applications for Attorney's Fees. The Board shall fix a reasonable attorney fee to be paid by the worker, crime victim or beneficiary for services rendered before the Board if written application therefor is made by the attorney, worker, crime victim or beneficiary, as provided in RCW 51.52.120, within one year after the Board's final decision and order or in the event of a superior court appeal within one year from the date judgment becomes final. If such application for fixing of a fee is

made by the attorney, it shall set forth therein the monetary amount which the attorney considers reasonable for all service rendered before the Board in an appeal. In all instances, the Board shall afford to all parties affected a minimum of ten days in which to submit comment and material information which may be helpful to the Board in setting a fair and reasonable fee.

(2) Fee Fixing Criteria. All attorney fees fixed by the Board, where application therefor has been made, shall be established in accordance with the following general principles:

(a) Only one fee shall be fixed for legal services in any one appeal regardless of the number of attorneys representing the worker, crime victim or beneficiary, except that in cases of multiple beneficiaries represented by one or multiple attorneys the Board has the discretion to set more than one attorney fee if so requested.

(b) The Board shall defer fixing a fee until such time as information, which it deems sufficient upon which to base a fee, is available.

(c) A fee shall be fixed only in those cases where the attorney's services are instrumental in securing additional benefits to the worker, crime victim or beneficiary or in sustaining the worker's or beneficiary's right to benefits upon an appeal by another party.

(d) Where increased compensation is obtained, the fee may be fixed without regard to any medical benefits secured.

(e) In setting all fees, the following factors shall be carefully considered and weighed:

(i) Nature of the appeal.

(ii) Novelty and complexity of the issues presented or other unusual circumstances.

(iii) Time and labor expended.

(iv) Skill and diligence in conducting the case.

(v) Extent and nature of the relief. In computing the extent of additional benefits, or the retention of benefits awarded by the Department, the cost to the worker, crime victim or beneficiary of the litigation, i.e., medical examination and witness fees, shall be first deducted and the net benefits considered.

(vi) The amount of accrued time-loss payments as a result of proceedings before the Board.

~~((vi))~~ (vii) The prevalent practice of charging contingency fees in cases before the Board.

~~((vii))~~ (viii) The worker's or crime victim's circumstance and the remedial social purposes of the Industrial Insurance Act and of the Crime Victims Compensation Act, which are intended to provide sure and adequate relief to injured workers and crime victims and their families.

(f) In those cases where the payment of accumulated benefits is insufficient to allow payment of the fee set and allow the worker, crime victim or beneficiary to retain a reasonable monetary amount, the Board may also set the schedule and manner in which such fee shall be payable.

(3) Amount of Fees. (a) Where additional compensation for permanent partial disability, loss of earning power, or total temporary disability is obtained as a result of settlement of the appeal on agreement of the parties prior to presentation of testimony, a fee of from 10 to 25 per cent of the increased compensation due the worker, crime victim or beneficiary on the date of the Board's order on agreement of the parties and by reason thereof shall be fixed after considering all factors.

(b) Where additional compensation for permanent partial disability, loss of earning power or total temporary disability is obtained after the presentation of testimony, a fee of from 10 to 30 per cent of the increased compensation shall be fixed after considering all factors.

(c) Where no additional compensation is obtained, but the worker or crime victim is relieved of the payment for medical benefits, a fee of from 10 to 25 ~~((per cent))~~ percent of the amount the worker or crime victim is so relieved of paying shall be fixed after considering all factors.

(d) Where permanent total disability (pension) benefits are obtained for the worker or crime victim, or death benefits are obtained for survivors of a deceased worker or crime victim, 10 ~~((per cent))~~ percent of the first ~~(\$20,000.00)~~ \$40,000.00 of the pension reserve shall constitute the usual fee, which may be decreased or increased after weighing all factors: PROVIDED, That in no case shall a fee in excess of ~~(\$4,000.00)~~ \$8,000.00 be fixed.

(e) Where indeterminate additional compensation is obtained because the claimant is successful in establishing a proper claim for benefits which was previously rejected or for which responsibility was denied, a fee in accordance with the preceding principles and factors shall be fixed.

~~((e))~~ (f) Where, upon an appeal by a party other than the worker or his beneficiary, the right to receive the benefits awarded by the Department is affirmed, a fee in accordance with the preceding principles and factors shall be fixed.

(4) Excess Fee Unlawful. Where the Board, pursuant to written application by an attorney, worker, crime victim or beneficiary, fixes a reasonable fee for the services of the attorney in proceedings before this Board, it is unlawful for the attorney to charge or receive any fee for such services in excess of that fee so fixed, per RCW 51.52.132.

AMENDATORY SECTION (Amending Order 4, filed 6/9/72)

WAC 263-12-175 COMPUTATION OF TIME. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal state holiday, and then it is excluded and the next succeeding business day included.

WSR 82-03-051
PROPOSED RULES
OIL AND GAS
CONSERVATION COMMITTEE
 [Filed January 20, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Oil and Gas Conservation Committee intends to adopt, amend, or repeal rules concerning implementation, administration and enforcement of the oil and gas conservation laws, amending and adding new sections to chapter 344-12 WAC;

that such agency will at 4:00 p.m., Tuesday, March 23, 1982, in the Commissioner's Board Room, Room 420, Yakima Courthouse, Yakima, Washington, and at 7:00 p.m., Thursday, March 25, 1982, in the Department of Social and Health Services Auditorium, Office Building No. 2, Olympia, Washington, conduct hearings relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, April 7, 1982, in the Conference Room of the Division of Geology and Earth Resources, 4224 Sixth Avenue S.E., Rowesix, Lacey, WA 98504.

The authority under which these rules are proposed is RCW 78.52.050 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 5, 1982, and/or orally at 4:00 p.m., Tuesday, March 23, 1982, in the Commissioner's Board Room, Room 420, Yakima Courthouse, Yakima, Washington and at 7:00 p.m., Thursday, March 25, 1982, in the Department of Social and Health Services Auditorium, Office Building No. 2, Olympia, Washington.

Dated: January 20, 1982
 By: David W. Stevens
 Chairman

STATEMENT OF PURPOSE

Purpose and Implementation: The purpose of these rules is to amend, repeal and add new sections to chapter 344-12 WAC which implements the administration and enforcement of the Oil and Gas Conservation Act, chapter 78.52 RCW. The proposed rules result from a comprehensive review of existing regulations due to the changing economy, technology and environmental concerns.

Adopting Agency: Oil and Gas Conservation Committee.

Statutory Authority: RCW 78.52.050 and chapter 34.04 RCW.

Summary of Rules and Reasons Therefore: These rules amend, repeal and add new sections to chapter 344-12 WAC which implement the Oil and Gas Conservation Act, chapter 78.52 RCW. It is a comprehensive rewrite of the rules in chapter 344-12 WAC implementing the administration and enforcement of the act. The rules deal with all facets of the act including regulation of drilling and production, issuance of permits, rule making, and administrative and procedural provisions. These regulations attempt to modernize the

rules consistent with present day conditions, concerns and laws.

Agency Personnel Responsible for Drafting: Ted Livingston, Oil and Gas Supervisor, Supervisor, Geology and Earth Resources, Department of Natural Resources, Rowesix, 459-6372; Don Ford, Deputy Supervisor, Geology and Earth Resources, Department of Natural Resources, Rowesix, 459-6372; **Implementation:** Oil and Gas Conservation Committee, Ted Livingston, Supervisor, Oil and Gas Conservation Committee, Don Ford, Deputy Supervisor, Geology and Earth Resources, Department of Natural Resources; and **Enforcement:** Above and subordinate personnel of the Geology and Earth Resources division.

Proponents or Opponents: The proposed rules were initiated by the Oil and Gas Conservation Committee and the Oil and Gas Supervisor. No opponents are known.

Agency Comments: These rules are necessary for the efficient and up-to-date implementation of the Oil and Gas Conservation Laws.

Chapter 344-12 WAC
 GENERAL RULES

WAC	
344-12-001	PROMULGATION.
344-12-010	GENERAL.
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344-12-020	HEARINGS.
344-12-025	NOTICE OF HEARINGS.
344-12-030	HEARINGS—PLACE OF—CONTINUANCE—ACTION ON.
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344-12-040	DEFINITIONS.
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	DRILLING—PRODUCTION
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344-12-075	DEVIATION TESTS.
344-12-078	DIRECTIONAL DRILLING.
344-12-080	SEALING OFF STRATA.
344-12-085	CASING REQUIREMENTS.
344-12-087	WELL CASING—CEMENTING.
344-12-090	BLOW-OUT PREVENTION.
344-12-092	BLOWOUT PREVENTION.
344-12-095	FIRE HAZARDS.
344-12-098	DRILLING FLUID.
344-12-100	WELL HEAD FITTINGS.
344-12-102	WELL LOGGING.
344-12-105	TUBING.
344-12-107	REMOVAL OF CASING.
344-12-110	SEPARATORS.
344-12-112	AGENTS TO HAVE ACCESS TO ALL WELLS, WELL RECORDS, WITNESS TESTS OR WELL PRODUCTION.
344-12-115	CHOKES.
344-12-116	SUMP PITS.
344-12-120	AGENTS TO HAVE ACCESS TO ALL WELLS AND WELL RECORDS, TO WITNESS OR MAKE WELL TESTS, AND TO MEASURE PRODUCTION FROM WELLS.
344-12-125	NOTICE OF INTENTION TO ABANDON AND PLUG (Form-3).
344-12-130	PROCEDURE FOR PLUGGING.
344-12-131	PROCEDURE FOR PLUGGING.

344-12-133	UNLAWFUL ABANDONMENT.
344-12-135	SEISMIC, CORE, AND OTHER EXPLORATORY HOLES TO BE PLUGGED.
344-12-140	WELLS TO BE USED FOR FRESH WATER.
344-12-145	RECLAMATION.
344-12-150	PERMIT CANCELLATION—FAILURE TO DRILL.
344-12-155	PERMIT SUSPENSION.
344-12-200	WELL-HEAD FITTINGS.
344-12-205	TUBING.
344-12-210	SEPARATORS.
344-12-215	CHOKES.
344-12-225	DISPOSAL OF SALT WATER OR BRINE.
344-12-230	NOTIFICATION OF FIRE, BREAKS, LEAKS, OR BLOWOUTS.
344-12-235	PRODUCING FROM DIFFERENT STRATA THROUGH THE SAME CASING STRING.
344-12-245	DETERMINING AND NAMING POOLS.
344-12-250	REPORT OF PRODUCTION.
344-12-255	RESERVOIR SURVEYS.
344-12-260	INJECTION OF FLUIDS INTO GEOLOGICAL FORMATIONS.
344-12-262	UNDERGROUND INJECTION CONTROL.
344-12-265	GAS WELL OPEN FLOW POTENTIAL TEST.
344-12-270	NOTICE OF TESTS.
344-12-275	GAS TO BE METERED.
344-12-280	GAS-OIL RATIO.
344-12-290	GAS-OIL RATIO SURVEYS AND REPORTS.
344-12-295	PRIOR APPROVAL—STORAGE AND PIPELINES.

AMENDATORY SECTION (Amending Promulgation, filed 3/23/60)

WAC 344-12-001 PROMULGATION. Pursuant of the power and authority delegated to the oil and gas conservation committee by the oil and gas conservation act, chapter 78.52 RCW, after due notice the oil and gas conservation committee, hereinafter designated as the committee, does hereby make, adopt, and promulgate the following general rules and regulations deemed by the committee to be reasonably necessary for the proper administration and enforcement of the act. ~~((These rules and regulations shall become effective this 18th day of January, 1954.))~~

AMENDATORY SECTION (Amending Rule 1, filed 3/23/60)

WAC 344-12-010 GENERAL. (1) The following rules and regulations have been adopted by the committee as general rules of state-wide application; these may be added to or changed, as required or deemed necessary by the committee, in accordance with chapter 78.52.050 RCW. ~~((79.52.050.))~~

(2) Special rules, regulations, and orders will be adopted when required or deemed necessary and shall prevail as against general rules, regulations, and orders if in conflict therewith.

AMENDATORY SECTION (Amending Rule 2, filed 3/23/60)

WAC 344-12-015 RULE MAKING. ~~((+))~~ Notice of the intent to and the adoption of ~~((new or additional))~~ rules and regulations ~~((of the changing or amending of previously adopted rules, regulations, and orders shall be by publication in a newspaper of general circulation in the state))~~ and their effective date shall be ~~((thirty days after such publication))~~ as provided in chapter 34.04 RCW. An oral hearing shall be held for proposed rules and regulations.

~~((2))~~ In the event an emergency is found to exist by the committee, which in its judgment requires the making, changing, renewal, or extension of a rule, regulation, or order without notice, it may do so, and such emergency rule, regulation, or order shall have the same validity as if due notice had been given. The emergency rule, regulation, or order permitted by this section shall remain in force no longer than thirty days from its effective date, and, in any event, it shall expire when a rule, regulation, or order made after due notice with respect to the subject matter of such emergency rule, regulation, or order becomes effective, or at such later date as may be provided therein.)

AMENDATORY SECTION (Amending Rule 3, filed 3/23/60)

WAC 344-12-020 HEARINGS. (1) Hearings ~~((other than contested cases))~~ before the committee shall be open to the public. Hearings may be called by the committee, for the purpose of taking action in respect to any matter within its jurisdiction, upon its own motion or upon the petition of any interested party. ~~((2))~~ Jurisdiction for hearings shall be written and verified and may be in the form of a letter, shall be brief and concise, and shall state in general terms the matter upon which action of the committee is desired, the relief sought, and the reasons therefor.

(2) Contested case (adjudicatory) hearings before the committee shall be conducted under the procedures set forth in chapter 344-08 WAC and Chapter 34.04 RCW.

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

AMENDATORY SECTION (Amending Rule 4, filed 3/23/60)

WAC 344-12-025 NOTICE OF HEARINGS. (1) In addition to notice as may otherwise be required by law ~~((N))~~ notice of all hearings shall be given by publishing notice thereof not less than ~~((ten))~~ twenty days before the date of the hearing in a newspaper of general circulation in the state.

(2) The committee shall maintain a general mailing list and shall place thereon the names and addresses of all persons, firms, or corporations who make request in writing to be included on such list. Each person, firm, and corporation on such mailing list shall be mailed at the address listed a copy of all rules, regulations, notices, and orders issued by the committee. Except as otherwise provided by law ~~((F))~~ the failure to mail a copy of these to any such person, firm, or corporation shall not affect the validity of any hearing held pursuant to the notice published in accordance with the preceding paragraph or any rule, regulation, or order issued pursuant to such hearing.

(3) Except as otherwise provided by law ~~((N))~~ notices of hearing shall state the time and place of the hearing, whether called by the committee on its own motion or at the request of an interested party, naming the party making the request, and shall state briefly and in general terms the subject matter of the hearing and relief sought.

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 Rule 5, filed 3/23/60)

WAC 344-12-030 HEARINGS - PLACE OF - CONTINUANCES - ACTION ON. (1) Hearings shall be held in Olympia, Washington unless otherwise ordered by the committee. After notice of hearing is once given, the hearing may be continued to another day and from day to day by order of the committee.

(2) Except as otherwise required by law, ~~((H))~~ upon receipt of a proper request or application for hearing, the committee shall, if in its judgment a hearing is warranted and justifiable, promptly call a hearing, and after such hearing and with all convenient speed, and in any event within twenty days after the conclusion of the hearing, shall take action with regard to the subject matter thereof.

AMENDATORY SECTION (Amending Rule 6, filed 3/23/60)

WAC 344-12-035 ADMINISTRATIVE HEAD. The ~~((supervisor))~~ manager, division of ~~((mines and geology))~~ geology and earth resources, department of ~~((conservation and development))~~ natural resources, shall be ex officio the state oil and gas supervisor, and shall be the designated agent of the committee for the purpose of carrying out the provisions of the oil and gas conservation act. He shall be charged with the duty of enforcing the act and all rules, regulations, and orders promulgated by the committee. The oil and gas supervisor, with the concurrence of the committee, shall have the authority, and it shall be his duty, to designate a deputy or deputies and to employ all personnel necessary to carry out the provisions of the act or of the rules, regulations, or orders of the committee.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Rule 7, filed 3/23/60)

WAC 344-12-040 DEFINITIONS. Unless the context otherwise requires, the words defined shall have the following meaning when found in these rules and regulations, to wit:

(1) "Barrel ~~((or barrels of oil))~~" shall mean ~~((a quantity equal to))~~ 42 ~~((United States))~~ U.S. gallons of oil at a temperature of 60 degrees Fahrenheit ~~((and))~~ at atmospheric pressure ~~((, with deductions for the full percent of basic sediment, water, and other impurities present, as determined by centrifugal or other recognized and customary test)).~~

(2) "~~((Blow-out))~~ Blowout" shall mean an uncontrolled sudden or violent escape of oil, water, gas, or drilling fluid from a well.

(3) "~~((Blow-out))~~ Blowout preventer" shall mean an effective casinghead control equipped with special gates ~~((or)), rams, and expansion type preventer~~ which can be closed around the drill pipe, or which completely closes the top of the casing when the pipe is withdrawn.

(4) "Bottom-hole pressure" means the pressure in pounds per square inch or bars at or near the bottom of an oil or gas well determined by a means generally recognized as satisfactory by the oil and gas industry.

(5) "Casing pressure" shall mean the pressure built up between the casing and tubing when the casing and tubing are packed off at the top of the well.

(6) "Casinghead gas" shall mean any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil.

(7) "Christmas tree" shall mean an assembly of valves and fittings at the head of the casing of a well to control the flow. Also spoken of as "Well-head connections."

(8) "Common accumulation" shall mean a geographic area, zone, or horizon definitely separated from any other such area, zone, or horizon and which contains, or from competent evidence appears to contain, a common source of supply of oil or gas or both; any oil or gas field or part thereof which comprises and includes any area which is underlaid or which from geological or other scientific data or experiments or from drilling operations or other evidence appears to be underlaid by a common pool or source of supply of oil or gas or both oil and gas.

(9) "Condensate" (see "Oil").

(10) "Conservation" shall mean conserving, preserving, guarding, or protecting the oil and gas resources of the state by obtaining the maximum efficiency with a minimum waste in the production, transportation, processing, refining, treating, and marketing of the ~~((unrenewable))~~ nonrenewable oil and resources of the state.

(11) "Cubic foot of gas" shall mean the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be 14.73 pounds per square inch absolute and the standard temperature base shall be 60 degrees Fahrenheit.

(12) "Day" shall mean a period of twenty-four consecutive hours from 7:00 a.m. one day to 7:00 a.m. the following day.

(13) "Development" shall mean any work which ~~((actively looks toward))~~ is involved in bringing in production.

(14) "Developed area or developed unit" shall mean a subsurface drainage unit having a well completed thereon which is capable of producing oil or gas in paying quantities; however, in the event it be shown, and the committee finds, that a part of any unit is nonproductive, then the developed part of the unit shall include only that part found to be productive.

(15) "Drainage unit" shall mean the area in a pool which may be drained efficiently and economically by one well.

(16) "Field" shall mean the general area which is underlaid by at least one pool and shall include the underground reservoir or reservoirs containing oil or gas, or both. The words "field" and "pool" mean the same thing when only one underground reservoir is involved; however, "field", unlike "pool", may relate to two or more pools.

(17) "Gas" shall mean all natural gas and other fluid or gaseous hydrocarbons not defined as oil (see below), including wet gas, dry gas, and residue gas as those terms are generally understood in the petroleum industry.

(18) "Gas allowable" shall mean the amount of natural gas authorized to be produced by order of the committee.

(19) "Gas lift" shall mean any method of lifting liquid to the surface by injecting gas into the wellbore from which production is obtained.

~~((19))~~ (20) "Gas-oil ratio" shall mean the relation of the gas in cubic feet to the production of oil in barrels, measured concurrently for a limited period; i.e. the number of cubic feet of gas as produced, divided by the number of barrels of oil as produced.

(21) "Gas repressuring" shall mean the injection of gas into a common source of supply to restore or increase the energy of a reservoir.

~~((20))~~ (22) "Illegal gas" shall mean gas which has been produced within the state of Washington from any well or wells in excess of the amount allowed by any rule, regulation, or order of the committee, as distinguished from gas produced within the state of Washington not in excess of the amount so allowed, which is "Legal gas".

~~((21))~~ (23) "Illegal oil" shall mean oil which has been produced within the state of Washington from any well or wells in excess of the amount allowed by any rule, regulation, or order of the committee, as distinguished from oil produced within the state of Washington not in excess of the amount so allowed, which is "Legal oil".

~~((22))~~ (24) "Illegal product" shall mean any product of oil or gas, any part of which was processed or derived, in whole or in part, from illegal oil or illegal gas or from any product thereof, as distinguished from "Legal product," which is a product not processed or derived ~~((to no extent))~~ from illegal oil or illegal gas.

~~((23))~~ (25) "Lessee" shall mean the lessee under an oil and gas lease, or the owner of any land or mineral rights who conducts or carries on any oil and gas development, exploration, and operation thereon, or any person so operating for himself or others.

~~((24))~~ (26) "Month and calendar month" shall mean the period or interval of time from 7:00 a.m. on the first day of any month of the calendar to 7:00 a.m. of the first day of the next succeeding month of the calendar.

~~((25))~~ (27) "Oil" shall mean crude petroleum oil, and any other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods or which are the result of condensation of gaseous hydrocarbons (condensate) before or after they leave the reservoir, other than gas produced in association with oil and commonly known as wet gas.

~~((26))~~ (28) "Oil allowable" shall mean the amount of oil authorized to be produced by order of the committee.

~~((27))~~ (29) "Operator" shall mean any person who, duly authorized, is in charge of the development of a lease or the operation of a producing well.

~~((28))~~ (30) "Owner" shall mean the person who has the right to drill into and to produce from a field or pool, and to appropriate the production either to himself or for himself and another or others.

~~((29))~~ (31) "Person" shall mean any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind.

~~((30))~~ (32) "Pool" shall mean an underground reservoir proven to contain a common accumulation of oil or gas, or both. Each zone of a general structure (or field) which is completely separated from any other zone in the structure is covered by the term "pool" as here used.

~~((31))~~ (33) "Pressure maintenance" shall mean ~~((; (a)))~~ the ~~((re-introduction))~~ introduction of gas or ~~((liquid produced from an oil or gas reservoir))~~ fluid to maintain the pressure of ~~((the))~~ a reservoir ~~((; (b) the introduction of gas or fluid for the same purpose but obtained from an outside source)).~~

~~((32))~~ (34) "Producer" shall mean the owner of a well or wells capable of producing oil or gas, or both.

~~((33))~~ (35) "Product" shall mean any commodity made from oil or gas, and shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naptha, distillate, propane, butane, gasoline, kerosene, benzene, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas, whether hereinabove enumerated or not.

~~((34))~~ (36) "Purchaser" shall mean any person who acquires title to oil or gas by purchase from a producer or other person.

~~((35))~~ (37) "Reasonable market demand~~((;))~~" as to oil, means the amount of oil reasonably needed for current consumption and use, together with a reasonable amount of oil for storage and working stock; and as to gas, the term means the amount of gas of any type reasonably needed to supply the current consumption and use of such type of gas.

~~((36))~~ (38) "Separator" shall mean an accepted field apparatus used in the industry for separating oil, gas, water, etc., with efficiency as it is produced.

(39) "Surface water" shall mean standing or free flowing fresh water at or above the ground surface, including springs, seeps, intermittent or perennial streams or creeks, rivers, lakes, ponds or wetlands.

~~((37))~~ (40) "Shut in pressure" shall mean the ~~((maximum))~~ stabilized pressure noted at the well head a reasonable time after the well is completely shut in.

~~((38))~~ (41) "State" shall mean the state of Washington.

(42) "String" shall mean a continuous length of connected sections of casing, liner, drill pipe, or tubing run into the well, including all attached equipment.

~~((39))~~ (43) "Supervisor" shall mean state oil and gas supervisor.

~~((40))~~ (44) "Tender" shall mean a permit or certificate of clearance, approved and issued or registered under the authority of the committee, for the transportation of oil, gas, or products.

~~((41))~~ (45) "Transporter" shall mean and include any person engaged in the transportation of oil or gas.

~~((42))~~ (46) "Waste" in addition to its ordinary meaning, shall mean "physical waste" as that term is generally understood in the petroleum industry, and shall include:

(a) The inefficient, excessive, or improper use of, or unnecessary dissipation of, reservoir energy; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner which results, or tends to result, in reducing the quantity of oil or gas to be recovered from any pool in this state under operations conducted in accordance with good oil field engineering practices;

(b) The inefficient above ground storage of oil; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well in a manner causing, or tending to cause, unnecessary or excessive surface loss or destruction of oil or gas;

(c) Producing oil or gas in such a manner as to cause unnecessary water channeling or coning;

(d) The operation of an oil well with an inefficient gas-oil ratio;

(e) The drowning with water of any pool or part thereof capable of producing oil or gas, except insofar as, and to the extent, authorized by the committee hereunder;

(f) Underground waste;

(g) The creation of unnecessary fire hazards;

(h) The escape into the open air, from a well producing oil or gas, of gas in excess of the amount which is reasonably necessary in the efficient development or production of the well;

(i) The use of gas for the manufacture of carbon black, except as provided in RCW 78.52.140.

(j) Production of oil and gas in excess of the reasonable market demand.

~~((43))~~ (47) "Well history" or "Well record" shall mean the chronological written record of all operations, including formation tests, water shut-off tests, description of water, oil, or gas encountered in drilling a well, chemical composition and quantities of materials used in the drilling or treating of a well, with such additional information as to gas volumes, pressures, rate of fill-up, water depths, caving strata, casing record, etc., as is usually recorded in the normal procedure of drilling.

~~((44))~~ (48) "Well log" shall mean the systematic detailed record and descriptions of lithology and of strata and formations encountered in drilling a well, and shall include all electric, radioactivity, and other logs, if run.

(49) "Wetlands" shall mean those areas extending landward for two hundred feet (61 meters) in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas and flood plains associated with or influenced by any stream, river, lake, or tidal water, or combination thereof.

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 344-12-045 WELL SPACING. In the absence of an order by the committee setting spacing units for pool:

(1) No well drilled for oil shall be drilled upon any tract of land other than a governmental quarter-quarter section or governmental lot corresponding thereto, nor shall the well be located closer than 500

feet (152 meters) to any boundary line of a governmental quarter-quarter section or governmental lot corresponding thereto, nor closer than 1,000 feet (305 meters) to the nearest well drilling to or capable of producing from the same pool. No more than one well shall be drilled to the same pool on any such quarter-quarter section or governmental lot corresponding thereto, except by order of the committee, nor shall any well be drilled on any such quarter-quarter section or governmental lot corresponding thereto containing less than 36 acres (15 hectares) except by such order. No well shall be drilled upon any such governmental quarter-quarter section or governmental lot corresponding thereto when the same shall embrace two or more separately owned tracts or where there are separately owned interests in all or a part thereof unless and until the said separately owned tracts or interests shall have been pooled either voluntarily or in accordance with the laws of the state of Washington.

(2) No well shall be drilled for gas on a tract of land consisting of more than 160 surface contiguous acres (65 hectares) and which is not substantially in the form of a square, in accordance with legal subdivisions of the U.S. Public Land Surveys, and no well shall be drilled closer than 1,000 feet (305 meters) to any boundary line of the tract or closer than 2,000 feet (610 meters) to the nearest well drilling to or capable of producing from the same pool. No well shall be drilled upon any such 160-acre (65 hectares) tract when the same shall embrace two or more separately owned tracts or where there are separately owned interests in all or part thereof unless and until the said separately owned tracts or interests shall have been pooled either voluntarily or in accordance with the laws of the state of Washington.

(3) If upon application, the committee shall find that a well drilled at the location prescribed by any applicable rule of the committee would not produce in paying quantities or that surface conditions would substantially add to the burden or hazard of such well, the committee may enter an order permitting the well to be drilled at a location other than that prescribed and shall include in such order suitable provisions to prevent the production from that well of more than its just and equitable share of the oil and gas in the pool. Application for an exception shall set forth the names of the lessees of adjoining properties and shall be accompanied by a plat or sketch map drawn to the scale of not smaller than one (1) inch equalling 2,000 feet (610 meters) or as otherwise required, accurately showing to scale the property for which the exception is sought and accurately showing to scale all other completed and drilling wells on this property and accurately showing to scale all adjoining surrounding properties and wells. The application shall be verified by some person acquainted with the facts, stating that all facts therein stated are within the knowledge of the affiant true and that the accompanying plat is accurately drawn to scale and correctly reflects pertinent and required data. Upon the filing of such application, the committee shall give notice of such filing by certified mail to all lessees of lands towards whom the well is being moved, if closer to the proposed well than offset distances set forth in (1) and (2) of this section.

(4) In filing a Form-1 (Notice of Intention to Drill), the surface distance must be shown between the proposed location and other wells within a radius of 1,000 feet (305 meters) for oil tests, and 3,000 feet (914 meters) for gas tests.

DRILLING—PRODUCTION

AMENDATORY SECTION (Amending Resolution No. 3, filed 6/28/63)

WAC 344-12-050 APPLICATION TO DRILL, REDRILL OR DEEPEN (FORM-1). (1) A person desiring to drill a well in search of oil or gas shall for each such well: (a) notify the supervisor of such intent on Form-1 (Notice of Intention to Drill),

(b) submit a completed Environmental Checklist,

(c) provide information on drill site layout, blowout prevention equipment details, mud program, casing and cementing program, and mud pit details,

(d) designate location and source of water supply,

(e) indicate topographic features of well site including drainage patterns, and any associated surface waters and wetlands,

(f) provide a narrative statement describing the proposed measures to be taken for protection of the environment, including, but not limited to, the prevention or control of:

(i) fires,

(ii) soil erosion,

(iii) pollution of surface and ground waters,

(iv) damage to fish and wildlife or other natural resources,
(v) air and noise pollution, and
(vi) hazards to public health and safety.
(g) provide such other pertinent information or data which the supervisor may require to support the application for the development of oil and gas resources and the protection of the environment.

(h) designate methods and site for disposal of waste materials, and
(i) shall pay a fee of one hundred dollars (\$100.00) for ((a) each such permit ((to drill each such well)). The fee shall accompany the application and be in cash ((certified)) or check, ((or bank draft;)) drawn upon or issued by a Washington State qualified public depository, payable to state treasurer, state of Washington. Upon receipt of ((notification)) the application, ((and)) the fee, and other specified information, the supervisor will ((promptly)) issue to such person a permit to drill, after completion of an inspection of the proposed drill site, unless the drilling of the well is contrary to law, or to a rule, regulation, or order of the committee. The drilling of the well is prohibited until a permit to drill is obtained in accordance with the provisions of this section. If the permit is disallowed, the supervisor will immediately notify the person in writing the reasons therefor. The permit will be on such form containing such conditions as the committee may prescribe.

(2) An operator shall be required to obtain a permit to deepen ((when the)) a well. ((is to be recompleted in another pool, but no)) A fee of one hundred dollars (\$100.00) is required for the permit to deepen a well previously drilled under ((committee)) permit. No permit is required for workover so long as the well remains completed in the same pool, provided the casing above the fresh-water shut-off depth is not to be disturbed or altered by the redrilling, conditioning, or testing to be performed.

(3) A permit, for which ((no)) a fee of one hundred dollars (\$100.00) is required, shall be obtained for a relatively shallow well or wells (less than 2,000 feet) (610 meters) not drilled in search of oil and gas but solely to obtain subsurface geological data: PROVIDED, That holes drilled for the purpose of obtaining information about or sampling of the offshore beds of ocean waters shall be governed by resolution 3 [See chapter 344-16 WAC] of the oil and gas conservation committee. Applications for a permit for a shallow well or wells shall comply with the provisions of subsection (1) of this section.

(4) A blanket permit, for which a fee of one hundred dollars (\$100.00) is required, shall be obtained for the shot holes necessary to conduct a seismic geophysical investigation of structure and stratigraphy. The application for such blanket permit shall contain information on the general location of the investigative work, the approximate number and depth of shot holes, an Environmental Checklist, the type and quantity of explosives to be used, and such other information as the supervisor may require.

(5) An informational copy of each application received shall be transmitted by the supervisor within ten days to the department of ecology and the department of social and health services, and other affected agencies as deemed necessary by the supervisor. County commissioners or their designated representatives are requested to inform the supervisor in writing within ten (10) working days of local government zoning ordinances, permit requirements, or other procedures, if any, which may apply to a well proposed to be drilled, redrilled, or deepened.

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

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

AMENDATORY SECTION (Amending Rule 9, filed 3/23/60)

WAC 344-12-055 TRANSFER OF DRILLING PERMIT. Each person who succeeds to the rights under a drilling permit shall, within ten days after the rights are acquired, notify the supervisor in writing thereof. Such transfer shall not become effective until the bond requirements of WAC 344-12-063 have been met.

AMENDATORY SECTION (Amending Rule 10, filed 3/23/60)

WAC 344-12-060 BOND TO BE FURNISHED. (1) The ((committee)) supervisor, except as hereinafter provided, shall require from the owner before a permit for drilling, redrilling, or deepening will be issued a good and sufficient bond in the sum of (((\$5,000.00))

\$50,000.00 for each well ((whose estimated depth is thirty-five hundred feet or less, in the sum of \$7,500.00 for each well whose estimated depth is thirty-five hundred to seven thousand feet, and in the sum of \$10,000.00 for each well whose estimated depth is over seven thousand feet;)) payable to the state of Washington, ((condition for performance of the duty to properly plug each dry or abandoned well in accordance with)) conditioned on compliance with chapter 78.52 RCW, permit conditions, the rules and regulations and orders of the committee. Said bond shall remain in force and effect until the plugging of said well is approved by the supervisor and all laws, conditions, rules and regulations and orders have been complied with. It is provided, however, that any owner in lieu of such bond may file with the supervisor a good and sufficient blanket bond in the principal sum of not less than (((\$10,000.00)) \$250,000.00 covering all wells drilling or to be drilled, ((whose estimated or actual depth is thirty-five hundred feet or less, or in the principal sum of not less than \$25,000.00 if the estimated or actual depth of any one of the wells drilling or to be drilled is more than thirty-five hundred and one feet or more, and upon acceptance and approval by the supervisor of such blanket bond said bond shall be considered as compliance with the foregoing provisions requiring an individual well bond.

(2) The supervisor shall not consent to the termination and cancellation of any bond until the well or wells for which it has been issued have been properly abandoned. A well is properly abandoned when drilling, redrilling, or deepening has ceased before completion to production of oil or gas, and the person drilling, redrilling, or deepening it has shown to the satisfaction of the supervisor that all proper steps have been taken to shut off and exclude all water from oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance;))

(2) Bond or bonds herein required shall be executed by the owner as principal and by a surety company authorized to do business in the state of Washington as surety. Should the surety on such bond fail or refuse to require compliance with the conditions of the bond to the satisfaction of the supervisor, such surety shall be liable to the state of Washington in such a sum, within the limits of the sum stated on the face of the bond, as will indemnify the state of Washington for the cost of requiring compliance with the conditions of the bond.

(3) In lieu of the bond required by this section the owner may file with the committee a cash deposit, or an assignment of a savings account or a certificate of deposit in a Washington bank on an assignment form prescribed by the committee. In the event a certificate of deposit is provided in lieu of a bond the owner shall guarantee payment of principal in the event penalties are assessed for early redemption of the certificate.

(4) The amount of the bond to be furnished for permits required under WAC 344-12-050(3) shall be \$20,000.00.

NEW SECTION

WAC 344-12-063 BOND TERMINATION - RELEASE. (1) A bond or bonds as required by this chapter shall remain in force and effect until:

(a) The plugging of said well or wells and reclamation of the well site or sites has been completed and has been approved by the supervisor and all requirements of chapter 78.52 RCW, rules and regulations, permit conditions, and orders of the committee have been complied with to the satisfaction of the supervisor, or until

(b) A new bond has been filed by a successor in interest and approved by the supervisor.

(2) Transfer of property does not release the bond. If a transfer of property is made and the principal desires to be released from the bond:

(a) The principal shall notify the supervisor in writing in accordance with this chapter that the well or wells, describing each well by reference to its number and location on a forty (40)-acre tract, section, township, and range, has or have been transferred to a named transferee for the purpose of ownership or operations;

(b) As a part of the same instrument the transferee must accept such transfer, assume all obligations and accept the responsibility of such well or wells under a new bond tendered therewith. When the supervisor has approved the transfer, the transferor may be released from the plugging responsibility of the well or wells and reclamation of the site or sites and other requirements, and if, such well or wells are now covered by the transferee's bond, the transferor's bond may be released by the supervisor.

AMENDATORY SECTION (Amending Rule 11, filed 3/23/60)

WAC 344-12-065 IDENTIFICATION OF WELL. Every person drilling for oil or gas or operating, owning, controlling, or in possession of any well drilled for oil or gas, shall post on the derrick or in a conspicuous place near the well, a sign in reasonably large and clear lettering, showing the name of the person drilling, operating, owning, or controlling the well; the name of the lease; the number of the well; the permit number; and the legal land description of the location by county, section, township, and range. Such sign shall be in place when drilling commences and shall be maintained until such time as the well is abandoned.

AMENDATORY SECTION (Amending Rule 12, filed 3/23/60)

WAC 344-12-070 WELL HISTORY OR RECORD AND WELL LOG (Form-2). (1) During the drilling, redrilling, or deepening of any well, except seismic, that penetrates into the bedrock below the unconsolidated surficial cover, the owner, operator, contractor, driller, or other person responsible for the conduct of the drilling operations shall keep at the well, or at his headquarters in the state, or otherwise conveniently available to the supervisor, a detailed and accurate record of the drilling operations and a log of the strata drilled, reduced to writing from day to day, which shall be accessible to the committee and its agents at all reasonable times. A copy of the well history or record and a copy of the well log shall be furnished to the supervisor upon Form-2, prescribed by the committee, within thirty days after the completion or abandonment of the well. The well history or record shall describe the progress of drilling, the water, oil, or gas encountered, and such additional information as to gas volumes, pressures, rate of fill-up, water depths, casing strata, casing record, shooting, perforating, chemical treatment, description and results of water-shut-off tests, casing tests, drill-pipe packer tests, and other tests, as are usually recorded in the normal procedure of drilling. The well log shall progressively describe the strata and formations encountered. Any electrical or radioactivity logging or surveying of the well shall also be recorded and a copy furnished the supervisor within six months after completion.

(2) All well histories, and records, well logs, results of directional surveys, and other reports submitted under this rule shall be kept confidential by the committee for a period of one year from date of filing if the well is a "wildcat" or "exploratory well" and if the operator so requests. (See RCW 78.52.260.)

AMENDATORY SECTION (Amending Rule 13, filed 3/23/60)

WAC 344-12-075 DEVIATION TESTS. All wells must be drilled with due diligence to maintain a reasonably vertical well bore unless special circumstances require the bore to deviate from the vertical, in which instance permission to so deviate shall be obtained from the supervisor. The committee shall have the right ((to make or)) to require the operator to make a directional survey of the hole, at the request of an off-set operator towards whom the well is being drilled and at the expense of said off-set operator prior to the completion of the well; and the committee shall have the right ((to make or)) to require the operator to make a directional survey of the hole at any time, and at the expense of the operator, in order to ascertain that the well has not deviated beyond the boundaries of property on which well is located.

NEW SECTION

WAC 344-12-078 DIRECTIONAL DRILLING. Before beginning directional drilling, other than sidetracking due to hole conditions, the operator shall file a request for same and obtain approval from the supervisor. Such request shall state name and address of operator, well name and number, drilling permit number, exact surface location of well bore and the proposed direction of deviation, proposed horizontal distance between bottom of the hole and the surface location, reason for directional drilling and a list of direct offset operators towards whom the well is being drilled, if any. Within sixty (60) days after completion of the work an accurate and complete copy of the directional survey shall be filed with the supervisor.

AMENDATORY SECTION (Amending Rule 14, filed 3/23/60)

WAC 344-12-080 SEALING OFF STRATA. (1) All fresh waters of present or ((probable)) potential future ((value)) use for domestic, municipal, commercial, stock, or agricultural purposes shall be confined to their respective strata and shall be adequately protected.

(2) All oil, gas, and water strata above and below the producing horizon shall be sealed or separated in order to prevent their contents from passing into another stratum.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-085 CASING REQUIREMENTS.NEW SECTION

WAC 344-12-087 WELL CASING - CEMENTING. (1) The owner shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to:

(a) prevent release of fluids from any stratum through the well bore (directly or indirectly) into any waters of the state,

(b) prevent commingling between separate hydrocarbon-bearing strata (except such strata approved for commingling) and intermingling between hydrocarbon and water-bearing strata, and between separate water-bearing strata,

(c) prevent contamination of potential fresh water strata, gas, or oil zones,

(d) support unconsolidated sediments, and

(e) otherwise provide a means of control of the formation pressures and fluids.

The owner shall install casing of sufficient strength and size to provide optimum well control while drilling and to assure safe operations for the life of the well.

(2) Conductor casing. Conductor casing shall be set before drilling into shallow formations known to contain oil or gas, if unknown, upon encountering such formation.

(3) Surface casing. Surface casing holes shall be logged with an induction electric log, or equivalent, prior to running surface casing.

(4) Cementing of casing. Conductor and surface casing strings shall be cemented with sufficient cement to fill the annular space from the shoe to surface. Production casing shall be cemented in a manner necessary to exclude, isolate, or segregate overlying formation fluids from the oil or gas zone and to prevent the movement of fluids into potential fresh water zones.

A temperature or cement bond log may be required by the supervisor if an unsatisfactory cementing job is indicated.

(5) Pressure testing. Prior to drilling out the casing shoe after cementing, all casing strings set to a depth of 500 feet (152 meters) or less except for conductor casing, shall be pressure tested to a minimum pressure of 500 psi (35 bars). Casing strings set to a depth of 500 feet (152 meters) or greater shall be pressure tested to a minimum pressure of 1000 psi (69 bars) or 0.2 psi/ft (0.045 bars/meter) whichever is greater. Such test shall not exceed the rated working pressure of the casing or the blowout preventer stack assembly, whichever is less.

Unless otherwise provided by specific order of the supervisor for a particular well or wells or for a particular pool or parts thereof, cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch (21 bars); PROVIDED, However, that no further operation shall be commenced until the cement has been in place for at least eight (8) hours. The term "under pressure" as used herein shall be complied with if one float valve is used or if pressure is otherwise held.

All casing pressure tests shall be recorded in the driller's log.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-090 BLOW-OUT PREVENTION.NEW SECTION

WAC 344-12-092 BLOWOUT PREVENTION. Blowout prevention and related control equipment shall be installed and properly maintained ready for use until drilling operations are completed. The blowout prevention stack and related control equipment shall have a

working pressure rating higher than the maximum anticipated well-head surface pressure. Unless otherwise specified, blowout prevention equipment shall have a hydraulic actuating system and accumulator of sufficient capacity to close all of the hydraulically operated equipment and have a minimum pressure of 1,000 psi (69 bars) remaining on the accumulator. Dual control stations shall be installed and one control panel shall be located near the driller's station. Blowout prevention assemblies involving the use of air or other gaseous fluid drilling systems shall also include a rotating head. Exceptions to the requirements of this paragraph will be considered by the supervisor for areas of known surface stability and low subsurface formation pressure.

(1) Conductor or drive casing. A diverter and vent line may be required before drilling below the conductor or drive casing. If a full opening valve is installed in the vent line, it will be hooked up to automatically open when the diverter closes.

(2) Surface, intermediate and production casing. Prior to drilling below any of these strings, blowout prevention equipment shall include a minimum of:

(a) One expansion-type preventer and accumulator or a rotating head.

(b) A remotely controlled hydraulically operated double ram blowout preventer or two single ram type preventers, one equipped with pipe rams and the other equipped with blind rams. If abnormal pressures are anticipated, a third preventer, equipped with pipe rams, will be included.

(c) A drilling spool with two side outlets,

(d) A fillup line,

(e) A kill line equipped with at least one valve, and

(f) A choke manifold system with suitable valves, chokes and lines. The lines to the pits or mud tanks will be securely anchored.

(3) Testing and maintenance. Ram-type blowout preventers and auxiliary equipment shall be tested to a minimum of 1,000 psi (69 bars) or to the working pressure of the casing or assembly, whichever is the lesser. Expansion-type blowout preventers shall be tested to 70 percent of the above pressure testing requirements.

(a) The blowout prevention equipment shall be pressure tested:

(i) When installed,

(ii) Prior to drilling out plugs and/or casing shoes,

(iii) Not less than once every three weeks, and

(iv) Following repairs that require disconnecting a pressure seal in the assembly.

(b) During drilling operations, blowout prevention equipment shall be actuated to test proper functioning as following:

(i) Once each trip for blind rams and once each day for pipe rams, and

(ii) At least once each week on the drill pipe for expansion-type preventors.

All flange bolts shall be inspected at least weekly and retightened as necessary during drilling operations. Blowout prevention and auxiliary control equipment shall be cleaned, inspected and repaired, if necessary, prior to installation to assure proper functioning. Blowout prevention controls shall be plainly labeled. A blowout prevention drill shall be conducted weekly for each drilling crew. All blowout prevention tests and crew drills shall be recorded on the driller's log.

(4) Related well control equipment. A full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. An upper and lower full-opening kelly cock shall be installed above and below the kelly.

AMENDATORY SECTION (Amending Rule 17, filed 3/23/60)

WAC 344-12-095 FIRE HAZARDS. ((+)) Any rubbish or debris that might constitute a fire hazard in the operation of the well, tanks, separator, or other equipment shall be removed to a distance of at least ~~((one hundred))~~ 100 feet (30 meters) from the well location, tanks, and separators.

~~((2) Oil shall not be stored in unlined earthen reservoirs or in open receptacles after a reasonable period allowed for completion and unless approved by the supervisor:))~~

NEW SECTION

WAC 344-12-098 DRILLING FLUID. The properties, use, and testing of drilling fluids and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to insure well control shall be maintained in the field area readily accessible for use at all times.

(1) Drilling fluid control. Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The hold shall be kept reasonably full at all times. Proper techniques shall be utilized when necessary to maintain mud characteristics for well control and hole conditioning. The conditions herein shall not apply when drilling with air or aerated fluids.

(2) Drilling fluid testing. Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations, with mud, occurring below the shoe of the conductor casing:

(a) High-low level mud pit indicator including a visual and audio-warning device, if applicable.

(b) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

No exceptions to these requirements will be allowed without the specific prior permission of the supervisor.

(c) Degassers shall be required if applicable, and below 7500' (2286 m.) or in areas of known high pressure desilters and desanders if required for solids control.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-100 WELL HEAD FITTINGS.

NEW SECTION

WAC 344-12-102 WELL LOGGING. All wells shall be logged with an induction electric log, radiation log, or equivalent from total depth to the shoe of the conductor casing. The supervisor may grant an exception to this rule in field wells when well conditions make it impractical or impossible to meet this requirement.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-105 TUBING.

NEW SECTION

WAC 344-12-107 REMOVAL OF CASING. (1) No person shall remove casing or any portion thereof from any well without first obtaining prior written approval from the supervisor. In a request to remove casing, the applicant must describe the condition of the well, the proposed casing to be removed, all casing in the hole, location of existing and proposed cement plugs, and perforations.

(2) Approval to recover casing will be given in the abandonment of wells where subsurface plugging can be done to the satisfaction of the supervisor.

(3) The hole shall be full of fluid prior to the detonation of any explosives in the hole. Such explosives shall be utilized only by a licensed handler with the required permits.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-110 SEPARATORS.

NEW SECTION

WAC 344-12-112 AGENTS TO HAVE ACCESS TO ALL WELLS, WELL RECORDS, WITNESS TESTS OR WELL PRODUCTION. All operators of oil and gas exploratory and producing wells are required to permit the agents of the supervisor to witness all tests that may be required by the supervisor on any and all wells. The agents of the supervisor shall have access to all well records, and shall be permitted to come upon any lease or property to inspect any and all wells and to witness gauging of production therefrom at all times.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-115 CHOKES.

NEW SECTION

WAC 344-12-116 SUMP PITS. (1) An earthen pit, or sump used for the handling, storage, or disposal of any deleterious substance produced, obtained, or used in conjunction with drilling or operation of wells, shall be constructed of, or sealed with, an impervious material, and shall be used and operated at all times so as to prevent any escape of any deleterious substances.

(2) Every earthen pit, or sump shall be emptied and levelled within three (3) months after drilling operations cease. For good cause shown by the operator, the supervisor may extend the period for emptying and levelling, but not to exceed six months.

(3) Except as to surface runoff from surface facilities; no earthen pit, or sump shall be constructed or maintained so as to receive surface runoff and such pit shall be maintained at all times to provide reasonable safe fluid level control.

(4) An earthen pit, or sump, at the discretion of the supervisor shall be flagged, screened, or otherwise protected from intrusions by wildlife before drilling operations begin and be maintained after operations cease, until such pits or sumps are reclaimed.

(5) No pit or sump shall be used for the ultimate disposal of salt water. Salt water and oil shall be periodically drained or removed, and properly disposed of, in accordance with methods and at locations approved by the department of ecology, from any pit or sump that is retained so the pit is kept reasonably free of salt water and oil.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-120 AGENTS TO HAVE ACCESS TO ALL WELLS AND WELL RECORDS, TO WITNESS OR MAKE WELL TESTS, AND TO MEASURE PRODUCTION FROM WELLS.

AMENDATORY SECTION (Amending Rule 23, filed 3/23/60)

WAC 344-12-125 NOTICE OF INTENTION TO ABANDON AND PLUG (Form-3). (1) The owner or operator shall not permit any well drilled for oil, gas, salt-water disposal, injection, or any other purpose in connection with the exploration or production of oil and gas, to remain unplugged, except as otherwise provided in WAC 344-12-140, after such well is no longer to be used for the purpose for which it was drilled or converted.

(2) Before any work is commenced to abandon any well drilled for ~~((the discovery of))~~ oil or gas, including any well drilled below the fresh-water level, ~~((except such holes as are described in WAC 344-12-135;))~~ the owner or operator thereof shall, prior to beginning operations of plugging the well, give notice to the supervisor or his representative of his intention to abandon such well, such notice shall be written, on Form-3 (Notice of Intention to Abandon and Plug Well), except that it shall be permissible to give oral notice followed within 24 hours by written confirmation on Form-3. Upon receipt of such notice, the supervisor ~~((may send a))~~ or his duly authorized representative ~~((to the location specified;))~~ may elect to be present at the time indicated in such notice, to witness the plugging of the well.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-130 PROCEDURE FOR PLUGGING.

NEW SECTION

WAC 344-12-131 PROCEDURE FOR PLUGGING. Each abandoned well drilled for the discovery of oil or gas or for any other purpose related to the exploration including seismic and core holes or production of oil and gas shall be plugged by or on behalf of the owner, operator, or producer who is in charge of the well or wells and responsible therefor. In general, cement plugs will be placed across specified intervals to protect oil and gas zones, to prevent degradation

of potentially usable waters, and to protect surface conditions. Subject to approval of the supervisor, cement may be mixed with or replaced by other substances with adequate physical properties. The owner shall submit the proposed method and procedure for plugging to the supervisor on Form-3 (Notice of Intention to Abandon and Plug Well). Unless otherwise approved by the supervisor the method and procedure shall be as follows:

(1) Hole fluid. Drilling fluid having the proper weight and consistency to prevent movement of other fluids into the well bore shall be placed in all intervals not plugged with cement, and shall be surface poured into all open annuli where required.

(2) Plugging by bailer. Placing of a cement plug by bailer shall not be permitted at a depth greater than 3000 feet (914 meters). Water is the only permissible hole fluid in which a cement plug shall be placed by bailer.

(3) Surface pours. A surface cement-pour shall be permitted in an empty hole with a diameter of not less than 5 inches (12.7 centimeters). Depth limitations shall be determined on an individual well basis by the supervisor.

(4) Blowout prevention equipment. Blowout prevention equipment may be required during plugging and abandonment operations. Any blowout prevention equipment and inspection requirements deemed necessary by the supervisor shall appear on the approval issued by the supervisor.

(5) Junk in hole. Diligent effort shall be made to recover junk when such junk may prevent proper abandonment either in open hole or inside casing. In the event that junk cannot be removed from the hole and fresh water - salt water contacts or oil or gas zones penetrated below cannot therefore be properly abandoned, cement shall be down-squeezed through or past the junk or a 100-foot (30 meter) cement plug shall be placed on top of the junk.

(6) A cement plug not less than 25 feet (7.6 meters) shall be placed in the hole and all annuli at the surface. All well casing shall be cut off at least 5 feet (1.5 meters) below the surface of the ground.

(7) Open hole.

(a) A cement plug shall be placed to extend from the total depth or at least 100 feet (30 meters) below the bottom of each oil or gas zone, whichever is less, to at least 100 feet (30 meters) above the top of each zone.

(b) A minimum 200-foot (61-meter) cement plug shall be placed across all fresh water-saltwater interfaces.

(c) An interface plug may be placed wholly within a thick shale if such shale separates the fresh water sands from the brackish or salt-water sands.

(d) The hole may be filled between plugs up to the base of the surface string, if this reaches below the freshwater zone, with approved heavy mud.

(8) Cased hole.

(a) All perforations shall be plugged with cement, and the plug shall extend 100 feet (30 meters) above the top of a landed liner, the uppermost perforations, the casing cementing point, or water shut-off holes, whichever is highest.

(b) If there is cement behind the casing across the fresh water-salt water interface, a 100-foot (30-meter) cement plug shall be placed inside the casing across the interface.

(c) If the top of the cement behind the casing is below the top of the highest salt water sands, squeeze-cementing shall be required through perforations to protect the fresh water zones. In addition, a 100-foot (30-meter) cement plug shall be placed inside the casing across the fresh water-saltwater interface. Notwithstanding other provisions of this section, the supervisor may approve a cavity shot followed by cementing operations at the base of the freshwater sands. The cavity shall be filled with cement and capped with a cement plug extending 100 feet (30 meters) above the cavity shot.

(9) Special Requirements.

(a) Where geologic or groundwater conditions dictate, special plugging procedures shall be required to prevent contamination of usable waters by downward percolation of poor quality waters, and to separate water zones of varying quality, or varying hydrostatic pressure, and to isolate dry permeable strata that are brought into hydraulic continuity with groundwater aquifers.

(b) The supervisor may set forth other plugging and abandonment requirements or may establish field rules for the plugging and abandonment of wells. Such cases include, but are not limited to:

(i) The plugging of a high-pressure saltwater zone.

(ii) Perforating and squeeze-cementing previously uncemented casing within and above a hydrocarbon zone.

(10) In all holes open below the casing shoe, a cement plug shall extend from at least 50 feet (15 meters) below to at least 50 feet (15 meters) above the shoe of any cemented casing. If the hole cannot be cleaned out to 50 feet (15 meters) below the shoe, a 100-foot (30 meter) cement plug shall be placed as deep as possible.

(11) A steel plate at least one-quarter inch (0.64 cm) thick shall be welded to the top of the surface string of casing. The steel plate shall bear the drilling permit number and date of abandonment.

(12) Within thirty days after plugging of any well, the owner, operator, or producer responsible therefor who plugged or caused to be plugged the well shall file with the supervisor an affidavit on Form-4 (Report on Results of Plugging Well) setting forth in detail the method used in plugging the well.

(13) Inspection of plugging and abandonment operations. All plugging and abandonment operations shall be witnessed and approved as deemed necessary by the supervisor.

NEW SECTION

WAC 344-12-133 UNLAWFUL ABANDONMENT. A well shall be deemed unlawfully abandoned if not plugged and the lands involved are not reclaimed in compliance with the rules and regulations or orders of the supervisor or when operations on or at any well shall have ceased for a period of six (6) months or more. If a determination of unlawful abandonment is made by the supervisor, the supervisor shall inform the owner, operator, or producer in writing directing immediate compliance with proper abandonment procedures. Failure to comply shall be cause for the supervisor to order proper abandonment utilizing the drilling and production bond on file with the supervisor. For good cause shown by the operator, the supervisor may extend the period for plugging and reclamation.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 344-12-135 SEISMIC, CORE, AND OTHER EXPLORATORY HOLES TO BE PLUGGED.

AMENDATORY SECTION (Amending Rule 26, filed 3/23/60)

WAC 344-12-140 WELLS TO BE USED FOR FRESH WATER. When the well to be plugged may safely be used as a fresh-water well and such utilization is desired by the landowner, the cement plug normally required at the top of the surface casing may be waived, and the well need not be filled above the required sealing plug set below fresh water: PROVIDED, That written authority for such conversion is ((obtained from)) supplied by the landowner and authorization obtained by the landowner from the state department of ecology and filed with the supervisor. Approval by the supervisor of the ((work done)) plugging accomplished shall relieve the operator of further responsibility under the oil and gas conservation act and the supervisor shall release the bond.

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 344-12-145 RECLAMATION. The owner, operator, or producer of a well or wells shall reclaim the land within the area disturbed in site preparation, drilling, completing, or producing the well or wells in accordance with the following:

(1) Within three months after the completion or abandonment of a well the operator shall fill all pits containing mud, cuttings, salt water and oil that are not needed for production purposes, or are not required or allowed by state or federal law or rule or regulation, and remove all concrete bases, drilling supplies, and drilling equipment. Within such period the operator shall grade or terrace, and plant, seed, or sod the area disturbed, that is not required in production of the well, to bind the soil and prevent substantial erosion and sedimentation.

(2) Within three months after the plugging of a well, the operator shall remove all production and storage structures, supplies and equipment, and any oil, salt water and debris and fill any remaining excavations. Within such period the operator shall grade or terrace and plant, seed, or sod the area disturbed to bind the soil and prevent substantial erosion and sedimentation.

The supervisor may, upon written application by an operator, find reasonable cause to extend the period in which reclamation shall be completed, but not to exceed one year.

NEW SECTION

WAC 344-12-150 PERMIT CANCELLATION - FAILURE TO DRILL. A permit will be cancelled if drilling operations have not commenced within twelve (12) months of date of issuance of the permit. Such cancellation will take effect thirty (30) days after written notice has been sent to the operator by the supervisor. The supervisor may, for good cause, grant a reasonable extension, not to exceed six (6) months.

NEW SECTION

WAC 344-12-155 PERMIT SUSPENSION. Drilling operations in violation of any applicable rules of law, rules or regulations, permit conditions, or any order of the committee shall be subject to suspension by order of the supervisor. A suspension shall remain in effect until the violations are corrected to the satisfaction of the supervisor. Any person adversely affected by a suspension order may apply for a hearing before the committee as provided in RCW 78.52.470.

NEW SECTION

WAC 344-12-200 WELL-HEAD FITTINGS. Christmas-tree fittings or well-head connections shall have a working pressure in keeping with the expected pressure of the well.

NEW SECTION

WAC 344-12-205 TUBING. Each flowing well shall be produced through tubing and shall be equipped with a master valve; however, a dual completion is permissible when the production from each zone is kept separate.

NEW SECTION

WAC 344-12-210 SEPARATORS. When good operating practice so requires, all flowing wells must be produced through suitable oil and gas separators or treaters.

NEW SECTION

WAC 344-12-215 CHOKES. Each flowing well shall be equipped with an adequate choke or bean to control properly the flowing therefrom.

NEW SECTION

WAC 344-12-225 DISPOSAL OF SALT WATER OR BRINE. Disposal of salt water or other water containing minerals in such amount as to be unfit for domestic, stock, irrigation, or other general uses must be by means or methods specified and approved by the state department of ecology.

NEW SECTION

WAC 344-12-230 NOTIFICATION OF FIRE, BREAKS, LEAKS, OR BLOWOUTS. All persons controlling or operating any oil and gas wells, or receiving tanks, storage tanks, or receiving and storage receptacles into which crude oil is produced, received, or stored, shall immediately notify the supervisor by telephone followed by a letter giving full details concerning all fires which occur at such oil or gas wells or tanks or receptacles on their property, and all such persons shall immediately report all tanks or receptacles struck by lightning and any other fire which destroys oil or gas, and shall immediately report any breaks or leaks in or from tanks or receptacles and gathering pipe lines from which oil or gas is escaping or has escaped. In all such reports of fires, breaks, leaks, or escapes, or other accidents of this nature, the location of the well, tank receptacle, or line break shall be given by section, township, range, and property so that the exact location thereof can be readily located on the ground. Such report shall likewise specify what steps have been taken or are in progress to remedy the situation reported and shall detail the quantity of oil or gas lost, destroyed, or permitted to escape. In case any tank or receptacle is permitted to run over, the escape thus occurring shall be reported as in the case of a leak. The report hereby required as to oil losses shall be necessary only in case such oil loss exceeds ten (10) barrels in the

aggregate. Compliance with this section does not relieve such persons from taking appropriate action and reporting oil or chemical spills or leaks as required by RCW 90.48 and other applicable state and federal laws.

NEW SECTION

WAC 344-12-235 PRODUCING FROM DIFFERENT STRATA THROUGH THE SAME CASING STRING. No well shall be permitted to produce either oil or gas from different strata through the same string of casing without first receiving written permission from the supervisor.

NEW SECTION

WAC 344-12-245 DETERMINING AND NAMING POOLS. Wells shall be classified as to the pool from which they produce, and pools shall be determined and named by the supervisor: PROVIDED, That in the event any person is dissatisfied with any such classification, an application may be made to the committee for such classification as the applicant deems proper, and the committee will hear and determine the same.

NEW SECTION

WAC 344-12-250 REPORT OF PRODUCTION. The producer or operator of each and every well or proration unit in all pools shall each month submit to the supervisor a sworn statement showing the amount of production made by each such well and by each such proration unit upon forms furnished therefor.

NEW SECTION

WAC 344-12-255 RESERVOIR SURVEYS. By special order of the supervisor periodic surveys shall be made of the reservoirs in this state containing oil and gas. The condition of the reservoirs containing oil and gas and the practices and methods employed by the operators shall be investigated. The volume and source of crude oil and natural gas; the reservoir pressure of the reservoir as an average; the areas of regional or differential pressure; stabilized gas-oil ratios, and the producing characteristics of the field as a whole and the individual wells within the field shall be specifically included.

NEW SECTION

WAC 344-12-260 INJECTION OF FLUIDS INTO GEOLOGICAL FORMATIONS. Prior to approval for injection the operator shall identify geological formations to be used, maximum bottom hole pressure in pounds per square inch or bars and maximum rate of injection in barrels of liquid per day or cubic feet of gas per day, detailed identification of materials to be injected, including additives, filters, if any, the entire casing and cementing record of the wells to be used for injection, packers, and any special downhole equipment, certification that the mechanical integrity of the well has been tested, and facilities or systems to protect the integrity of geological target formation or to prevent fracturing of the confining strata. Injection proposals are also subject to review and approval in accordance with RCW 90.48 and other applicable state and federal laws.

NEW SECTION

WAC 344-12-262 UNDERGROUND INJECTION CONTROL. Injection of any fluids to enhance secondary recovery is prohibited until such time as an application is made to do so. At the time the Oil and Gas Conservation Committee will promulgate rules and regulations that will conform with the Underground Injection Control (UIC) Regulations which implement portions of the Safe Drinking Water Act (Public Law 93-253 as amended by Public Law 95-190).

NEW SECTION

WAC 344-12-265 GAS WELL OPEN FLOW POTENTIAL TEST. Initial potential tests may be reported on forms furnished by the supervisor using the "one-point" method with a 45 degree slope for the plot. After a market is obtained and a pipe line is connected to the well, upon request of the supervisor, an operator shall make a "four-point" potential test and report on forms furnished by the supervisor. To establish comparable open flow capacity the "four-point" back pressure flows shall be taken in sequence from low to high flow. In the event the supervisor approves an alternate method of testing, all wells

producing from a common source of supply shall be tested in a uniform and comparable manner. In a like manner all natural gas wells hereafter completed shall be tested and the potential test reported. Where it has been determined that a natural gas well in any pool has a potential of 400,000 cubic feet per day or less, further potential tests shall not be required provided the operator periodically reports the shut-in pressure of the well.

NEW SECTION

WAC 344-12-270 NOTICE OF TESTS. Open-flow and pressure tests of gas wells may be witnessed or observed by a representative of any producer in the field. The supervisor and the owners of the adjoining or offset leases must be notified by the owner of the well on which the test is to be taken, stating the time when such test will commence.

NEW SECTION

WAC 344-12-275 GAS TO BE METERED. (1) Meters. All gas when produced or sold shall be metered with an approved meter of sufficient capacity, provided that gas may be metered from a lease or unitized property as a whole if it is shown that ratable taking can be maintained: PROVIDED, That meters shall not be required for gas produced and used on the lease for development purposes and lease operations.

(2) Meter charts and records. Purchasers shall keep, in a permanent file, for a period of at least two years, meter charts and records on gas purchased, and such information shall be made available to the supervisor.

(3) By-passes. By-passes shall not be connected around meters in such manner as to permit the improper taking of gas.

NEW SECTION

WAC 344-12-280 GAS-OIL RATIO. No well shall be permitted to produce gas in excess of the maximum ratio determined for a pool unless all gas produced in excess thereof is returned to the pool from which it was produced.

NEW SECTION

WAC 344-12-290 GAS-OIL RATIO SURVEYS AND REPORTS. Gas-oil ratios and surveys shall be taken in the manner prescribed by the supervisor for individual fields which have established gas-oil ratio limits and in accordance with the rules prescribed for each individual pool.

(1) Flowing wells intermittently (stop-cocked) produced. In computing the operating gas-oil ratio, the total volume of gas and the total barrels of oil that are produced in order to obtain the daily oil allowable must be used regardless of the flowing time in the 24-hour period.

(2) Gas lift or jet wells. The total volume of gas to be used in computing the operating gas-oil ratio is the total output volume minus the total input volume.

(3) Pumping wells. In computing the gas-oil ratio, all gas withdrawn from the casing in an attempt to maintain a fluid seal, or for any other reason, must be added to gas produced through tubing.

NEW SECTION

WAC 344-12-295 PRIOR APPROVAL - STORAGE AND PIPELINES. An operator shall submit a request and plans for approval to the supervisor prior to constructing any storage facilities, gathering lines, or pipelines not covered by RCW 80.50.

WSR 82-04-001

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1753—Filed January 21, 1982]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at 406 General Administration Building, Olympia, Washington, the annexed rules relating to brand inspection fee for horses

bearing individual identification symbols and identification certificates for horses in lieu of brand inspection.

This action is taken pursuant to Notice No. WSR 81-24-051 filed with the code reviser on December 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 16.57 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 January 21, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1748, filed September 9, 1981)

WAC 16-96-130 BRAND INSPECTION FEES. The fee for inspecting cattle and calves of or for brands, and/or any other method of identifying cattle and calves, shall be ~~((forty-five))~~ forty-five cents per head.

AMENDATORY SECTION (Amending Order 1748, filed September 9, 1981)

WAC 16-620-210 PURCHASE OF OFFICIAL FORMS. Books of the official certificate of permit and bill of sale shall be obtained from the regulatory services division of the department of agriculture upon payment of ~~((one dollar))~~ one dollar.

AMENDATORY SECTION (Amending Order 1379, filed November 6, 1974)

WAC 16-620-280 INSPECTION—ANNUAL AND LIFETIME CERTIFICATES. ~~((A) All horses shall be subject to identification inspection at all points provided in section 1, chapter 38, Laws of 1974 ex. sess. or as otherwise provided in Regulations 1 through 8 in this order. Such identification shall be made upon presentation of the individual horse to be identified at a point where the director of agriculture has established regular brand inspection points and during times regularly scheduled for the conducting of brand inspection. (B)) Pursuant to the provisions of ((chapter 38, Laws of 1974 ex. sess.)) chapter 296, Laws of 1981, the owner of any horse ((or horses)) may((; subject to his own choice,)) apply for an annual or lifetime identification certificate ((for any horse upon prepayment of a five dollar annual fee. PROVIDED, That any horse bearing a brand readily visible while being transported and currently registered under provisions of chapter 16.57 RCW may be issued an annual identification certificate for a fee of three dollars)). The fee for an annual certificate shall be three dollars for any horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or five dollars for any other horse. The fee for a lifetime certificate shall be~~

~~seven dollars and fifty cents for any horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or twelve dollars and fifty cents for any other horse. ((In lieu of issuing an identification certificate, a copy of the registration papers of any horse registered with a nationally recognized breed association may be validated by the inspector making the inspection upon payment of a five dollar annual fee. A copy of such registration papers to be validated shall also be furnished by the owner for filing with the director of agriculture in Olympia, Washington. Each identification certificate or validation of registration papers shall be valid only for one year from the date of issuance or validation. In addition to the fees enumerated in the regulation, an additional fee for the issuance of identification certificates or validation of registration papers at other than regularly established inspection points shall be actual costs.)) In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs.~~

AMENDATORY SECTION (Amending Order 1379, filed November 6, 1974)

WAC 16-620-290 FEES—REGULAR INSPECTION POINTS. The fee for identifying horses bearing individual identification symbols, as defined in chapter 16.57 RCW, at public livestock markets and slaughterhouses shall be two dollars per animal inspected and the fee for all other horses shall be one dollar per animal inspected ~~((unless exempted under the provisions of section 1, chapter 38, Laws of 1974 ex. sess.))~~ Such inspection ~~((for said one dollar fee))~~ fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses shall be actual costs.

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 1379, filed November 6, 1974)

WAC 16-620-300 OTHER INSPECTION POINTS. An inspection point shall also include a point ~~((mutually))~~ agreed to by the director when such point is to the economic advantage of the department of agriculture in performing the inspection at such point. ~~((The fee for performing such inspection shall be either one dollar per horse or the actual cost set forth in WAC 16-620-270, whichever is greater.))~~ An inspection point shall include any point mutually agreed to by the director and more than one horse owner for the purpose of having multiple horse inspections which would be of economic advantage to the department in performing the inspection service. The cost of brand inspection at such points shall be two dollars per animal for any horse bearing an individual identification symbol, as defined in chapter 16.57 RCW, or one dollar per animal for any

other horse. In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs.

AMENDATORY SECTION (Amending Order 1379, filed November 6, 1974)

WAC 16-620-340 INSPECTION, SPECIAL SALES. Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special sales shall be ((one dollar per horse inspected)) two dollars per animal for any horse bearing an individual identification symbol, as defined in chapter 16.57 RCW, or one dollar per animal for any other horse. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost.

REPEALER

The following sections of the Washington Administrative Code are repealed.

(1) **WAC 16-620-255 BRAND IDENTIFICATION ON HORSES.**

(2) **WAC 16-620-310 FURTHER INSPECTION POINTS.**

(3) **WAC 16-620-360 CHANGE OF OWNERSHIP.**

**WSR 82-04-002
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 1-82—Filed January 21, 1982]

Be it resolved by the State Board of Education, acting at Tumwater, Washington, that it does promulgate and adopt the annexed rules relating to school accreditation, chapter 180-55 WAC.

This action is taken pursuant to Notice No. WSR 81-24-024 filed with the code reviser on November 24, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.120(4) and (8) 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 January 15, 1982.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 2-85, filed 3/26/81)

WAC 180-55-125 STANDARDS-ONLY—SECONDARY—MINIMUM PROGRAM OFFERINGS. The following table lists minimum offerings for secondary school programs, grades seven through twelve, and for each secondary school organization plan. The alternation of courses in successive years may be counted in the year's total offerings, subject to requirements of WAC 180-16-200.

MINIMUM OFFERINGS

SUBJECT	GRADES	GRADES	GRADES	GRADES	GRADES
	7-8	9-12	7-12	7-9	10-12
Language Arts	4	14	18	8	10
			(See note a)		
	(May include reading, drama, speech, journalism, college prep English, etc.)				
Social Studies	4	10	14	5	9
Mathematics	4	10	14	8	6
Science	2	10	12	4	8
			(See note b)		
Foreign Language		6	6	2	6
			(See note c)		
Business Education		10	10		10
Physical Education		((10 10 10))			
	Grades 7-8	Provide an average of at least 20 minutes in each school day			
	Grades 9-12	Provide for a minimum of 90 minutes in each school week			
Health				(See note d)	
Practical Arts	1	11	12	4	8
	(May include industrial arts, agriculture, trade and industry classes, etc.)				
Homemaking	1	7	8	3	5
Music	Must be offered at all grade levels (See note e)				
Art	Must be offered at all grade levels				
Driver Education	May be offered outside of school hours				

a/ Including 6-year sequence.

b/ Must include 1 credit each of life science and physical science in grades 7, 8, and/or 9. All science courses in grades 7-12 should be laboratory oriented.

c/ Including 3-year sequence.

d/ Separate 1 credit course must be offered in grades 9-12; in grades 7-8 course may be integrated.

e/ Secondary programs must include offerings in both vocal and instrumental music.

**WSR 82-04-003
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 2-82—Filed January 21, 1982]

Be it resolved by the State Board of Education, acting at Tumwater, Washington, that it does promulgate and

adopt the annexed rules relating to secondary education, chapter 180-56 WAC.

This action is taken pursuant to Notice No. WSR 81-24-023 filed with the code reviser on November 24, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.120(5) 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 January 15, 1982.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending SBE 56-8-530, filed 3/29/65, effective 4/29/65)

WAC 180-56-230 PROGRAM. It is presumed by the state board of education that ((provision of a comprehensive program broad enough to meet the varied needs, abilities and interests of students requires the following minimum offerings (grades nine through twelve))) a new secondary program (or new grades nine through twelve) must make provision for a comprehensive program. These programs also must accommodate the requirements of WAC 180-56-026 relating to areas of study that must be available to students and WAC 180-56-021 relating to required subject area and credits for graduation, and must provide for the varied needs, abilities, and interests of students. Minimum course offerings that must be available for student selection during grades nine through twelve shall include:

<u>Required Offerings (Subject Areas)</u>	<u>Credits*</u>
Language arts	((6-units*)) 18
Social studies	((5-units)) 15
Mathematics (including algebra and geometry)	((4-units)) 12
Laboratory science (including biology, chemistry and physics)	((4-units)) 12
Home economics	((3-units)) 9
Health and physical education ((3 units for boys and 3 units for girls))	((6-units)) 9
Industrial arts	((3-units)) 9
Fine arts (<u>must include both music and art</u>)	((4-units)) 12
Foreign language (((3-units of one or 2 units)) <u>9 credits of one language or 6 credits of two languages</u>)	((3-units)) 9
Business education	((3-units)) 9

~~((* One unit is the equivalent of one year's work.))~~

* One credit equals 60 clock hours of instruction including normal class change passing time. (See WAC 180-56-016)

**WSR 82-04-004
ADOPTED RULES
STATE BOARD
OF EDUCATION**

[Order 3-82—Filed January 21, 1982]

Be it resolved by the State Board of Education, acting at Tumwater, Washington, that it does promulgate and adopt the annexed rules relating to private schools, chapter 180-90 WAC.

This action is taken pursuant to Notice No. WSR 81-24-050 filed with the code reviser on December 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04.120(4) 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 January 15, 1982.

By Wm. Ray Broadhead
Secretary

AMENDATORY SECTION (Amending Order 2-77, filed 3/24/77)

WAC 180-90-130 APPROVAL—ANNUAL CERTIFICATION REQUIRED—PROVISIONAL APPROVAL. (1) At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the office of the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a ((notarized)) certificate of compliance in the form and substance set forth in WAC 180-90-160.

(2) The office of the superintendent of public instruction shall review each certificate. The review may include staff reports of school visits and examinations. The purpose of the review is to determine whether the private school meets statutory and regulatory requirements for approval. The review shall be completed within thirty days after receipt of a completed application.

(3) Upon completion of the review the office of the superintendent of public instruction shall:

(a) Notify the private school of those minor deviations which must be corrected;

(b) notify the private school of the existence of any unacceptable and/or major deviations;

(c) submit findings and recommendations to the state board of education at the next regularly scheduled meeting of the state board of education: PROVIDED, That if the next regularly scheduled meeting is scheduled to commence within fifteen days, and the private school is found to have a major deviation, the findings and recommendations shall be submitted at the second regularly scheduled meeting following completion of the review.

(4) In the case of major deviations, the private school may request that the state board of education grant provisional status for one year in order that the private school may take action to meet the requirements for approval contained in statute and regulation. The request shall be made at least fifteen days prior to the meeting of the state board of education contemplated in section (3)(c) of this rule.

(5) The state board of education shall have the final decision as to whether a private school will be granted approval, provisional approval, or will not be approved(;;): PROVIDED, That if the state board of education determines that an unacceptable deviation exists, the board will not approve that private school.

AMENDATORY SECTION (Amending Order 2-77, filed 3/24/77)

WAC 180-90-140 INITIAL APPLICATION FOR APPROVAL. (1) When a private school is seeking approval for the first time, the application shall contain, in addition to the ((notarized)) certificate required by WAC 180-90-130, the following information:

- (a) The name (and corporate name, if any), address and telephone number of the private school;
- (b) the educational service district within which the school is located;
- (c) the name of the chief administrator of the school;
- (d) the enrollment, or projected enrollment, in the school, both in total and by grades; and
- (e) a description of the school's organizational pattern (e.g., a listing of the grades taught, whether it is a day school or a boarding school, and whether it is a coeducational school); and
- (f) such other pertinent information that the office of the superintendent of public instruction may request.

(2) An initial application for approval shall be reviewed by the office of superintendent of public instruction in the same manner as provided in WAC 180-90-130.

AMENDATORY SECTION (Amending Order 9-78, filed 5/25/78)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE WITH STATE STANDARDS

STATE OF WASHINGTON }
County of } ss.

I,, ((being first duly sworn on oath or affirmation;)) do hereby certify that I am the principal or chief administrator of school (or, the superintendent of the school district); that said school (or, that the schools within said district) is (are) located at, Washington (zip), and conducts (conduct) grades through; and

that said school(s) meets (meet), and is (are) scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth below:

(1) The minimum school year consists of no fewer than 180 school days (for all matters pertaining to teacher certification or for computing experience in teaching);

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and governing board;

(a) Each private school shall make available to students in grades one through three at least a total program hour offering of 2700 hours.

(b) Each private school shall make available to students in grades four through six at least a total program hour offering of 2970 hours.

(c) Each private school shall make available to students in grades seven and eight at least a total program hour offering of 1980 hours.

(d) Each private school shall make available to students in grades nine through twelve at least a total program hour offering of 4320 hours.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools; and/or

(b) people of recognized professional competence who are not certificated, but who teach students under the supervision of a certificated person in exceptional cases;

(c) those people of recognized professional competence who do, and to the best of my knowledge will, teach without a certificate and the circumstances necessitating their employment without a certificate are as follows:

(4) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(5) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(6) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-56 WAC, as now or hereafter amended;

(7) Each teacher has a valid health certificate required by law and by the state department of social and health services on file with the educational service district within which the school is located;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination.

Deviations from the above standards are, and to the best of my knowledge will be, as follows:

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

DATED this day of, 19.
(signed)
(address)
(phone number)

((On this day of, 19., (name) known to me to be the chief administrator of (school or district) appeared before me and, having first been sworn on oath or affirmation, did subscribe to the foregoing:

NOTARY PUBLIC in and for the state of Washington, residing at))

WSR 82-04-005

ADOPTED RULES

BELLEVUE COMMUNITY COLLEGE

[Order 75, Resolution No. 143—Filed January 21, 1982]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to the adoption of amendments to permanent rules, chapter 132H-116 WAC, traffic and parking regulations for Community College District VIII.

This action is taken pursuant to Notice No. WSR 8-24-045[81-24-045] filed with the code reviser on November 30, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

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

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

APPROVED AND ADOPTED January 12, 1982.

By Paul N. Thompson
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order No. 63, filed 9/17/79)

WAC 132H-116-350 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. No person shall ((drive any vehicle, nor shall any person stop,)) park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College without a permit issued by the Security Division, Cashier or Registration Offices. Permission to park on campus will be shown by display of a valid permit. (1) A valid permit is:

- (a) A current vehicle permit and area designator displayed in accordance with instructions. (See WAC 132H-116-((280)) 580).
(b) A temporary permit authorized by the Security Division and displayed in accordance with instructions.
(c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions shown on permit.
(d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions shown on permit.

(2) Parking permits are not transferable, except as provided in WAC 132H-116-350.

(3) The college reserves the right to refuse the issuance of a parking permit.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/76)

WAC 132H-116-370 SPEED. No vehicle shall be operated on the campus at a speed in excess of ((fifteen (15))) twenty (20) miles per hour or such lower speed as is reasonable and prudent in the circumstance.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-480 AUTHORIZATION FOR ISSUANCE OF PERMITS. The Bellevue Community College Director of Finance is authorized to issue annual and quarterly permits to ((drive or)) park upon the campus.

The Bellevue Community College Security Supervisor is authorized to issue daily, car pool, and special permits to ((drive or)) park upon the campus.

These permits are issued pursuant to the provisions of WAC 132H-116-480 through WAC 132H-116-560 of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special parking permit will be issued or renewed.

Reviser's Note: RCW 28B.19.077 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. 63, filed 9/17/79)

WAC 132H-116-490 ALLOCATION OF PARKING SPACE AND PRIORITIES OF APPLICANTS. The parking space available on the campus shall be allocated by the Director of Campus Operations and Services among applicants for permits in such manner as will best obtain the objectives of these regulations. The Director of Campus Operations and Services is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both by posting of signs in those areas.

Students, staff and faculty may obtain daytime and/or evening parking on campus to the extent spaces are available as follows: (1) Student daytime parking is limited to areas designated Student Parking.

(2) Staff/Faculty daytime parking is limited to areas designated Staff/Faculty Parking.

(3) Evening parking, after ~~((3:30))~~ 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, ~~((and))~~ the college motor pool, ~~((parking lot.))~~ and specifically signed reserved areas.

AMENDATORY SECTION (Amending Order No. 51, filed 4/8/77)

WAC 132H-116-500 VISITORS AND GUESTS. All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public will park in available space as directed by Bellevue Community College security officers, traffic guides or parking checkers and will pay the established parking fee except as noted below. (1) Federal, state, county, city, school district and similar governmental personnel, on official business in vehicles with tax exempt licenses, will be admitted without charge and may not be required to obtain a parking permit.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or designated areas without charge.

(3) Members of the press, television, radio and wire services, on official business, may park in designated spaces without charge.

(4) Taxis and commercial delivery vehicles may enter the campus without payment or the parking fee for pick up and delivery of passengers, supplies and equipment only.

(5) ~~((Visitors and guests attending special college events will be parked without charge. These may include but are not limited to: commencement, open houses, symposiums, and special and cultural events.))~~

Visitors invited to the campus for the purpose of rendering uncompensated services to Bellevue Community College will be parked without charge, provided prior notification is given to the Security Office.

(6) Persons holding emeritus or similar appointments will be parked in designated areas without charge.

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.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/76)

WAC 132H-116-550 ANNUAL AND QUARTERLY PERMIT PERIODS. (1) Annual parking permits shall be valid from the first day of fall quarter until the first day of the following fall quarter.

(2) Nine (9) month annual parking permits shall be valid from the first day of fall quarter until the first day of summer quarter.

(3) Quarterly parking permits shall be valid from the first day of each quarter until the first day of the following quarter.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/76)

WAC 132H-116-580 DISPLAY OF PERMITS. The vehicle permit issued by the College shall be permanently affixed on the inside of the rear window so that the permit is visible while standing directly behind the vehicle. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be displayed in the ~~((lower corner of the))~~ front windshield. ~~((next to the driver's door.))~~ Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation. Permits shall be displayed on the front fender of a motorcycle.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/76)

WAC 132H-116-590 PARKING OF MOTORCYCLES AND SCOOTERS. (1) Motorcycles, motorized bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles, motorized bicycles and scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles, motorized bicycles and scooters are not permitted on paths, sidewalks, in buildings or authorized bicycle areas or in pedestrian areas at any time.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-610 SCHEDULE OF FEES. Fees for parking are those detailed in WAC 132H-116-~~((810))~~ 800.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-620 FINES. The fines to be assessed for violations of these regulations shall be detailed in WAC 132H-116-~~((890))~~ 810. (1) Fines - Payment

(a) Persons cited for violation of these regulations may respond either by filing a written appeal as detailed in WAC 132H-116-630 or by forfeiting a fine within fifteen (15) days of receipt of the citation.

(b) All fines are payable to the Bellevue Community College Cashier. Fines may be paid by mail by sending the citation and amount of fine to the Bellevue Community College Cashier.

(2) Fines - Unpaid

(a) If any citation remains unpaid after fifteen (15) days, the following action shall be taken by Bellevue Community College:

(i) Registration for the following quarter shall be delayed.

(ii) The College shall consider impounding violator's vehicle.

(iii) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.

(b) These procedures will be applicable to all students, faculty and staff members receiving citations for violation of these regulations.

(3) Excessive Citations

(a) The Citation Review Committee (~~or Institutional Hearing Officer~~) or Institutional Hearing Officer may review the parking privileges of students, faculty and staff acquiring an excessive number of citations (3 or more) and may take action as the circumstances warrant.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/81)

WAC 132H-116-720 PROCEDURE - REVIEW DECISION APPEAL. (1) Upon conclusion of the review, if an individual wishes, an appeal of the review may be made to the Institutional Hearing Officer within ten (10) days.

(2) The Institutional Hearing Officer may, after a thorough review of the appeal, decide not to hear the appeal.

(3) A written response shall be made to the appellant within ~~((twenty (20)))~~ ten (10) calendar days of the appeal by the Institutional Hearing Officer

(4) If the appeal is heard, it shall be an informal proceeding not to exceed thirty (30) minutes in length.

(5) The final legal recourse for an appellant is to the Washington State Superior Court System.

Reviser's Note: RCW 28B.19.077 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. 63, filed 9/17/79)

WAC 132H-116-740 IMPOUNDING OF VEHICLES. Any vehicle parked upon state lands devoted mainly to the educational, recreational, or parking activities of Bellevue Community College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Bellevue as incorporated in WAC 132H-116-320 may be impounded or immobilized and taken to such place for storage as the campus security/safety supervisor selects. The expense of such impounding and storage, shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and/or storage. (1) Impounding of vehicles shall include but not be limited to the following:

(a) Blocking roadway which blocks the flow of traffic.

(b) Blocking walkway which impedes the flow of pedestrian traffic.

(c) Blocking a fire (~~((hyrant))~~) hydrant or fire lane.

(d) Safety hazard (danger to life, limb or property).

(e) ~~((Any violator who has two or more unpaid citations, as provided in WAC 132H-116-620 or these regulations:~~

Blocking another legally parked car.

(f) Parked in a marked tow-away zone.

Reviser's Note: RCW 28B.19.077 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. 43, filed 8/10/81)

WAC 132H-116-780 FOOT PROPELLED DEVICES. No foot propelled device designed for recreation and/or transportation purposes shall be allowed on the walkways, corridors or hallways of Bellevue Community College~~((:))~~ with the exception of designated parking areas for such devices.

AMENDATORY SECTION (Amending Order No. 63, filed 9/17/79)

WAC 132H-116-810 PARKING AND TRAFFIC FINES SCHEDULE. Parking and Traffic fines shall be charged for offenses as indicated in the following fines schedule.

(1) Permit not displayed	\$ 5.00
(2) ((Occupying more than one space.....	5.00))
<u>Parking in area designated for handi-</u>	
<u>capped parking</u>	<u>15.00</u>
(3) Occupying space not designated for	
parking	5.00

(4) (Failure to set brakes	5.00))
<u>Parking on landscape</u>	5.00
(5) (Failure to remove keys from igni-	
tion	5.00))
<u>Parking in area not authorized</u>	5.00
(6) (Parking in area not authorized	5.00))
<u>Parked in reserved stall</u>	5.00
(7) (Overtime parking	5.00))
<u>Blocking traffic</u>	5.00
(8) (Parking in reserved stall	5.00))
<u>Parking in zone or area marked "NO</u>	
<u>PARKING"</u>	5.00
(9) (Blocking traffic	5.00))
<u>Impound or immobilization</u>	5.00
(10) (Parking adjacent to fire hydrant	5.00))
<u>Failure to yield right of way</u>	10.00
(11) (Parking in fire lane	5.00))
<u>Failure to stop - sign/signal</u>	10.00
(12) (Parking in zone or area marked	
"NO PARKING"	5.00))
<u>Speeding</u>	20.00
(13) (Impound or immobilization	5.00))
<u>Reckless or negligent driving</u>	30.00
(14) (Failure to yield right of way	10.00))
<u>Other violations of the college Parking</u>	
<u>and Traffic Regulations and its objectives</u>	5.00
(15) <u>Failure to stop - sign/signal</u>	10.00))
(16) <u>Speeding</u>	20.00))
(17) <u>Reckless or negligent driving</u>	30.00))
(18) <u>Other violations of the college</u>	
<u>Parking and Traffic Regulations and its ob-</u>	
<u>jectives</u>	5.00))

WSR 82-04-006

ATTORNEY GENERAL OPINION

Cite as: AGO 1982 No. 2

[January 21, 1982]

**CITIES AND TOWNS—MUNICIPAL CORPORATIONS—
ELECTRICAL—APPLICABILITY OF STATE ELECTRICAL
CODE TO INSTALLATION OF WIRING BY MUNICIPALITIES**

(1) When a city or other municipality which does not have its own electrical code as provided in RCW 19.28.360 installs, or causes to be installed by contract, electrical wiring to energize traffic control devices, street lights and other associated electrical apparatus, the installation is subject to inspection, as provided in RCW 19.28.210, by a state inspector.

(2) If the city, instead, does have its own electrical ordinance as provided in RCW 19.28.360, the installation is subject to an inspection by a locally authorized inspector of that city who must fully meet the qualifications for inspectors as provided in RCW 19.28.070.

Requested by:

Honorable David S. McEachran
Prosecuting Attorney
Whatcom County

311 Grand Avenue
Bellingham, WA 98225

WSR 82-04-007
ATTORNEY GENERAL OPINION
Cite as: AGO 1982 No. 3
[January 21, 1982]

**LEGISLATURE—JOINT LEGISLATIVE ARTS COMMITTEE—
DEPARTMENT OF GENERAL ADMINISTRATION—ART—
RESPONSIBILITY FOR WORKS OF ART IN LEGISLATIVE
BUILDING**

Identification of the respective powers and responsibilities of the Joint Legislative Arts Committee, the State Capitol Committee, the Department of General Administration and the respective houses for the selection, acquisition and subsequent control over works of art in the Legislative Building.

Requested by:

Honorable John L. O'Brien
Parliamentary Leader
House of Representatives
Legislative Building
Olympia, Washington 98504

WSR 82-04-008
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed January 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning the repeal of chapter 308-36 WAC, including WAC 308-36-020 Applications for examination; 308-36-030 Reciprocity—Temporary permit—Etc.; 308-36-040 Examination fee; 308-36-050 The examination; 308-36-060 Examination results; 308-36-065 Examination review procedures; 308-36-070 Renewal of licenses; and 308-36-080 Dental hygienist—Fees;

that such agency will at 1:30 p.m., Friday, March 19, 1982, in the Seattle Airport Hilton, Cascade Room, 17620 Pacific Highway South, Seattle, 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 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1982, and/or orally at 1:30 p.m., Friday, March 19, 1982, Seattle Airport Hilton,

Cascade Room, 17620 Pacific Highway South, Seattle, WA.

Dated: January 20, 1982
By: Susan E. Shoblom
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Dental Examiners.

Purpose of Repeal: To repeal rules duplicative of rules adopted or to be adopted by the director of the Department of Licensing.

Statutory Authority: RCW 18.32.040.

Summary of Rules: WAC 308-36-020 Application for examination; 308-36-030 Reciprocity—Temporary permit—Etc.; 308-36-040 Examination fee; 308-36-050 The examination; 308-36-060 Examination results; 308-36-065 Examination review procedures; 308-36-070 Renewal of licenses; and 308-36-080 Dental Hygienist—Fees.

Reason for Proposed Repeal: WAC 308-36-020 to 308-36-080, to repeal chapter 308-36 WAC, which duplicates rules adopted, or to be adopted, by the director of the Department of Licensing.

The Washington State Board of Dental Examiners and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is: Susan E. Shoblom, P.O. Box 9649, Olympia, WA 98504, telephone (206) 235-1867 (Scan), (206) 754-1867.

Proponents of the Proposed Repealer: This repealer is proposed by the Washington State Board of Dental Examiners.

Agency Comments: This repealer is proposed pursuant to RCW 18.32.040.

Federal Law or Federal or State Court Requirements: The proposed repealer is not necessitated as the result of federal law or federal or state court action.

REPEALER

Chapter 308-36 and the following sections of the Washington Administrative Code are each repealed:

WAC 308-36-020 APPLICATIONS FOR EXAMINATION.
WAC 308-36-030 RECIPROCITY—TEMPORARY PERMIT—ETC.
WAC 308-36-040 EXAMINATION FEE.
WAC 308-36-050 THE EXAMINATION.
WAC 308-36-060 EXAMINATION RESULTS.
WAC 308-36-065 EXAMINATION REVIEW PROCEDURES.
WAC 308-36-070 RENEWAL OF LICENSES.
WAC 308-36-080 DENTAL HYGIENIST—FEES.

WSR 82-04-009

ADOPTED RULES

GAMBLING COMMISSION

[Order 117—Filed January 22, 1982]

Be it resolved by the Washington State Gambling Commission, acting at Tukwila, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 230-04-050.

This action is taken pursuant to Notice No. WSR 81-24-058 filed with the code reviser on December 1, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070(1) 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 January 14, 1982.

By Keith Kisor
Director

AMENDATORY SECTION (Amending Order 42, filed 9/18/75)

WAC 230-04-050 QUALIFIED BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATION QUALIFICATIONS. Qualified bona fide charitable or nonprofit organizations, including qualified agricultural fairs, to which licenses may be issued by the commission shall be limited to the following organizations only as provided by RCW 9.46.020(3):

(1) Any organization duly existing under the provisions of chapter 24.12 RCW. That chapter deals only with certain leaders of a church or religious organization who, pursuant to the provisions of that chapter, have become a corporation sole.

(2) Any organization duly existing under the provisions of chapter 24.20 RCW. That chapter deals with certain fraternal societies.

(3) Any organization duly existing under the provisions of chapter 24.28 RCW. That chapter deals with granges.

(4) Only those charitable or nonprofit organizations, whether incorporated or not, which are organized and operating for one or more of the following purposes only:

- (a) Charitable
- (b) Benevolent
- (c) Eleemosynary
- (d) Educational
- (e) Civic
- (f) Patriotic
- (g) Political
- (h) Social
- (i) Fraternal
- (j) Athletic
- (k) Agricultural.

(5) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW.

(6) Any corporation which has been incorporated under title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(7) A branch or chapter ((or subgroup)) of a parent organization, which parent organization is itself eligible for licensure, must demonstrate to the satisfaction of the commission that the branch or chapter ((or subgroup)) was not established and is not and will not be organized and operated with the evasion of the limitations of state law or commission rule on the operation of gambling activities as one of its purposes. The branch or chapter ((or subgroup)) must be organized and operating for one of the purposes set out above and be otherwise qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officers of the parent organization certifying that the branch or chapter ((or subgroup)) is a bona fide subdivision of the parent organization.

(8) An incorporated city or town in the state of Washington or subdivision thereof.

(9) Each applicant must be organized and operated primarily for purposes other than the operation of gambling activities, in the opinion of the commission, to be eligible for a license to conduct any authorized gambling activity.

WSR 82-04-010

ADOPTED RULES

GAMBLING COMMISSION

[Order 118—Filed January 22, 1982]

Be it resolved by the Washington State Gambling Commission, acting at Tukwila, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 230-08-130, 230-40-120 and 230-40-400.

This action is taken pursuant to Notice No. WSR 81-24-025 filed with the code reviser on November 24, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-08-130 is promulgated pursuant to RCW 9.46.070(8) and WAC 230-40-120 and 230-40-400 are promulgated pursuant to RCW 9.46.070(11) and are intended to administratively implement those statutes.

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

APPROVED AND ADOPTED January 14, 1982.

By Keith Kisor
Director

AMENDATORY SECTION (Amending Order 112, filed 9/15/81)

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 \$2.00.

(6) Forced wagers or raises are prohibited except an ante and as they may be expressly included with 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)~~) \$2.00. 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: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 58, filed 8/17/76)

WAC 230-40-400 HOURS LIMITED FOR CARD GAMES. Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m.

No card games shall be allowed in any public card room at any time the profit seeking retail business to be stimulated thereby is not open to the public for business.

At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

AMENDATORY SECTION (Amending Order 80, filed 12/28/77)

WAC 230-08-130 QUARTERLY ACTIVITY REPORTS BY OPERATORS OF PUNCHBOARDS AND PULL TABS. Each licensee for the operation of punchboards and pull tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the owner, president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts of the licensee from all sources other than licensed gambling activities during the reporting period.

(2) The portion of the receipts set out in response to (1) above related solely to the sale of food and drink for consumption on the premises.

(3) The gross receipts from punchboards and the gross receipts from pull tabs.

(4) The total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out, for punchboards and for pull tabs.

(5) All expenses relating directly to the purchase and operation of punchboards and pull tabs (~~(excluding salaries and overhead for facilities)~~).

(6) Total net income.

~~((7) Number of people employed as a direct result of the operation of punchboards or pull tabs.))~~

WSR 82-04-011

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-7—Filed January 22, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial shellfish 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 continues a shrimp season closure that is consistent with other Pacific Coast states until the permanent rule goes into effect.

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 January 22, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-52-05300J CLOSED AREA—COMMERCIAL SHRIMP FISHERY. (1) *Notwithstanding the provisions of WAC 220-52-053, effective immediately through March 31, 1982 it is unlawful to take, fish for or possess shrimp for commercial purposes from the waters of District No. 1 or the adjoining waters of the Pacific Ocean.*

(2) *Effective immediately through March 31, 1982 it is unlawful to possess in or transport through District No. 1, shrimp taken for commercial purposes from District No. 1 or the Pacific Ocean.*

WSR 82-04-012

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-8—Filed January 22, 1982]

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 shellfish 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 protects broodstock clams.

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

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

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

APPROVED AND ADOPTED January 22, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-36000C RAZOR CLAMS—AREAS AND SEASONS. *Notwithstanding the provisions of WAC 220-56-360, effective immediately until further notice, it is unlawful to take, or dig for razor clams*

in the Long Beach razor clam sanctuary as defined in WAC 220-56-372 (1).

WSR 82-04-013
NOTICE OF PUBLIC MEETINGS
ADVISORY COUNCIL
ON VOCATIONAL EDUCATION
 [Memorandum—January 22, 1982]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held on Friday, February 26, 1982, in the Auditorium of the Seattle-Tacoma International Airport, Seattle, Washington. The meeting is scheduled to begin at 10:30 a.m.

This meeting is being held in a barrier-free site. Interpreters for the deaf, and brailled or taped information for the blind will be provided on request, if the State Advisory Council on Vocational Education is notified by February 8, 1982.

For further information, please contact Dennis D. Copen, Executive Director, State Advisory Council on Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504, telephone (206) 753-3715.

WSR 82-04-014
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-3—Filed January 25, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington, the annexed rules relating to WAC 296-48-800 fees, amending the fees set for approval of mobile homes, commercial coaches, and recreational vehicles and WAC 296-150A-277 fee schedule, amending the fees set for approval of factory-built houses and commercial structures.

I, Sam Kinville, 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 passed a budget requiring several sections of the department to charge fees that will cover their costs. These rules amend the fees charged for approving mobile homes, commercial coaches, recreational vehicles, and factory-built structures so that the fees will cover the costs of operating that section. The department's current fees are so low that the department will have difficulty in raising the necessary revenue if it changes the fees through the procedures for permanent rules. The factory-built housing advisory board has recommended, pursuant to RCW 43-22.475, that these rules be adopted.

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

This rule is promulgated pursuant to RCW 43.22.350, 43.22.475 and 43.22.480 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 January 25, 1982.
 By Sam Kinville
 Director

AMENDATORY SECTION (Amending Order 77-8, filed 4/29/77)

WAC 296-150A-700 FEE SCHEDULE. Fees are neither ((non)) transferable nor subject to refund.

- (1) Filing Fee, Listed Manufacturers \$ 25.00
- (2) Reciprocal Fees:
 - (a) Filing Fee, Listed Reciprocal Manufacturers 25.00
 - (b) Insignia, Each commercial structure or dwelling unit 10.00
- (3) Department Services:
 - ((~~(a)~~)) Technical & Inspection: Per Man-Hour ((~~20.00~~)
50.00
 - (Minimum)
Per Man-Half Hour or Fraction Thereof ((~~10.00~~)
25.00
- (4) Travel Fees: (Not applicable to routine in-state inspections)
 - (a) Surface Travel, Mileage Fee, Per Mile ((~~15~~)
18 1/2
 - (b) ((~~Surface Travel, Time Fee, Per Mile~~)) :40
 - (~~(c)~~)) Air Travel, Based on Published Air Fare Cost
 - ((~~(d)~~)) (c) Air Travel Time, Hourly Charge in Accordance with the fees charged for Department Services, ((Based on Radius Miles from Seattle, Washington:
 - First 400 Miles 2 Hours
 - Ea. Additional 200 Miles up to 1200 miles 1 Hour
 - Ea. Additional 400 Miles over 1200 miles 2 Hours))
- (5) Reimbursables: Reimbursables include, but are not limited to travel fees, car rental, parking lot charges and personnel expenses (per diem) for food and lodging consistent with allowances established by the ((Central Budget Agency)) Office of Financial Management for the State of

Washington. Reimbursables do not include technical and inspection services.

~~((6) Out-of-State Fees: Fees for out-of-state manufacturers shall be the same as for in-state manufacturers plus reimbursables.~~

~~(7))~~ (6) Design Plan Fees:

- (a) Prototype Plans
 - Structural 200.00
 - Ordinance 50.00
 - Plumbing 50.00
 - Electrical 50.00
 - Heating 50.00
 - Air Conditioning 50.00
 - Design Options, Submitted with Prototype, Each 50.00
 - Annual Renewal; 25% of Initial Plan Fee 25%
- (b) Design Options: ~~((20.00))~~
50.00/Hr.

Alternates: Submitted subsequent to the prototype plan submittal shall be plan examined on an hourly basis per Department services.

- (c) Systems Plans
 - Deposit Submitted with Application 100.00
 - Evaluation per Department Services ~~((20.00))~~
50.00/Hr.
- (d) Custom Building Plan Fees: Ea.
 - 100 sq.ft. 10.00
 - Minimum Each Plan 60.00
 - Ea. Additional Issuance:
 - Within One Year, 50% of original Fee 50%
 - Beyond One Year, 100% of Original Fee 100%
- (e) Components Plan Fees & Revisions: ~~((20.00))~~
50.00/Hr.

Department Services, Per Hour

- (f) Components Production Fees (See WAC 296-150A-695)
- (g) Design Resubmittals:
 - First Resubmittal, No Charge ... NC
 - Ea. Additional Resubmittal 50%
 - 50% of Initial Fee
- (h) Expired or Revoked Plan Fees: Same as for New Submittal 100%
- (i) Transfer of Design Plan Approvals:
 - Prototype, Components & Custom 100.00
 - Building Plans
- (j) Contingency Fee 20.00

~~((8))~~ (7) Compliance Control Programs:

- (a) Local Enforcement Agency (LEA-CC) Evaluation N.C.
- Annual Renewal N.C.

(b) Manufacturer (M-CC) and Independent Inspection Agency (IIA-CC):

- Evaluation Program 250.00
- Each Resubmittal 100.00
- Revisions, Each Page 10.00
- Annual Program Renewal 50.00
- Transfer of Program Approval... 125.00

~~((9))~~ (8) Insignia Fees:

- First Module Per Single Structure 100.00
- Each Additional Module 10.00
- Each Core Unit 50.00
- Components, See WAC 296-150A-695
- Notification to Local Enforcement Agency, Each ~~((10.00))~~
15.00
- Reissuance of Insignia, Each ... 25.00

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 77-5, filed 4/6/77)

WAC 296-48-800 FEES. (1) Plan Filing Fee. ~~((Ten dollars (\$10)))~~ \$ 20.00 for each set of plans and specifications, filed in addition to other fees required by this subsection.

(2) Plan Checking Fee.

(a) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such plan check is not in excess of one hour duration.

(b) ~~((Ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

(3) Plan Resubmission Fee. ~~((Twenty dollars (\$20)))~~ \$ 50.00 minimum plus ~~((ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

(4) Plan Supplement Fee. ~~((Twenty dollars (\$20)))~~ \$ 50.00 minimum plus ~~((ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

(5) Plan Renewal Fee. ~~((Fifteen dollars (\$15)))~~ \$ 30.00 for each plan or group of plans.

(6) Alteration or Conversion Fee. ~~((Five dollars (\$5)))~~ \$ 10.00, includes insignia.

(7) Quality Control Manual Filing Fee. ~~((Five dollars (\$5)))~~ \$ 10.00.

(8) Inspection or Reinspection Fees.

(a) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such inspection or reinspection of vehicle(s) is not in excess of one hour in duration.

(b) ~~((Ten dollars (\$10)))~~ \$ 25.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

(9) Field Technical Service Fees.

(a) HUD-Labeled Mobile Homes Before Sale or Lease to Consumer:

(i) ~~((Thirty-two dollars (\$32)))~~ \$ 32.00 provided that such service is not in excess of one hour in duration.

(ii) ~~((Sixteen dollars (\$16)))~~ \$ 16.00 for each 30 minutes or ~~((fractional))~~ part thereof in excess of one hour.

(b) HUD-Labeled Mobile Homes After Sale or Lease to Consumer and All Mobile Homes Not Labeled by HUD:

(i) \$ 50.00 for the first hour of service, and

(ii) \$ 25.00 for each additional 30 minutes or part thereof.

(c) Recreational Vehicles or Commercial Coaches:

(i) ~~((Twenty dollars (\$20)))~~ \$ 50.00 provided that such service is not in excess of one hour in duration.

(ii) ~~((Ten dollars (\$10)))~~ \$ 25.00 for every 30 minutes or ((fractional)) part thereof in excess of one hour.

(10) Alternate Approval Fee. ((Twenty-five dollars (\$25))) \$ 25.00 for each application.

(11) Insignia Fees.

(a) ~~((Ten dollars (\$10)))~~ \$ 10.00 for each recreational vehicle.

(b) ~~((Fifteen dollars (\$15)))~~ \$ 15.00 for each single width and ((ten dollars (\$10))) \$ 10.00 for each additional unit of a multiple commercial coach.

(c) ~~((Five dollars (\$5)))~~ \$ 10.00 for each replacement insignia.

(12) Requested Out-of-State Inspection or Field Technical Service Fee. Total travel cost based on published air fare, or equivalent rate, ((between Seattle, Washington and the point of inspection,)) plus necessary ((supplemental)) surface transportation, reimbursement of food and lodging consistent with ((Central Budget Agency)) the Office of Financial Management of the State of Washington allowances, and inspection fees ((of twenty dollars (\$20) per hour not to exceed eight hours in any one day)).

(13) Change in Manufacturer's Name, Ownership or Address Fee. ((Ten dollars (\$10))) \$ 15.00.

(14) In-Plant Primary Inspection Agency (IPIA) Fees.

(a) Mobile Homes:

(i) ~~((Thirty-two dollars (\$32)))~~ \$ 32.00 for each inspection, reinspection, or in-plant monitoring provided that such inspection, reinspection, or in-plant monitoring is not in excess of one hour in duration.

(ii) ~~((Sixteen dollars (\$16)))~~ \$ 16.00 for each 30 minutes or ((fractional)) part thereof in excess of one hour.

WSR 82-04-015

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 25, 1982]

This letter is to notify you that the Department of Labor and Industries withdraws the following proposed rules: WAC 296-150-005 Application and scope; 296-150-010 Enforcement; 296-150-015 Definitions; 296-150-020 Insignia of approval—In general; 296-150-025 Application for approval of a design plan; 296-150-030 Requirements for design plans; 296-150-035 Engineering analysis and test procedures; 296-150-040 Department approval of the design plan; 296-150-045

Resubmittal of corrected design plan; 296-150-050 Application for approval of a quality control manual; 296-150-055 Changes to an approved design plan or quality control manual; 296-150-060 Expiration of design plan approval; 296-150-065 Trade secrets; 296-150-070 Applications for HUD insignia for mobile homes; 296-150-075 Applications for inspection and insignia for factory-built housing, commercial structures, commercial coaches, recreational vehicles, and components; 296-150-080 Applications for insignia for factory-built structures, commercial coaches, recreational vehicles, and components; 296-150-085 Inspections at a manufacturer's plant by a local enforcement agency, an independent inspection agency, or the manufacturer; 296-150-090 Other inspections by the department; 296-150-095 Action after inspection; 296-150-100 Inspection of factory-built structures and commercial coaches after installation at the building site; 296-150-105 Complaint investigations; 296-150-110 Fee required if a structure or component is not ready for an inspection; 296-150-115 Alterations; 296-150-120 Application for insignia and approval of alteration; 296-150-125 Identification of commercial coaches and recreational vehicles; 296-150-130 Lost or damaged insignia; 296-150-135 Notice of violations; 296-150-140 Prohibited sale or lease notice; 296-150-150 Department approval of listing and testing agencies, licensed professional engineers, and licensed architects; 296-150-155 Approval of alternates; 296-150-160 Manufacturing in more than one location; 296-150-165 Change of name or address; 296-150-170 Discontinuance of a product line; 296-150-145 Approval of equipment; 296-150-175 Change of ownership; 296-150-180 Reciprocal agreements; and 296-150-990 Fees.

Sam Kinville

WSR 82-04-016 PROPOSED RULES GAMBLING COMMISSION [Filed January 25, 1982]

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 amending of WAC 230-08-100;

that such agency will at 10:00 a.m., Friday, March 12, 1982, in the City Hall Council Chambers, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, March 12, 1982, in the City Hall Council Chambers, 8th and Plum, Olympia, Washington.

The authority under which these rules are proposed is RCW 9.46.070(8) 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 March 12, 1982, and/or orally at 10:00

a.m., Friday, March 12, 1982, City Hall Council Chambers, 8th and Plum, Olympia, Washington.

Dated: January 25, 1982

By: Keith Kisor
Director

STATEMENT OF PURPOSE

Title: Amendment to WAC 230-08-100, Political contributions of licensees to be reported.

Description of Purpose: Amendment to WAC 230-08-100. The purpose of this proposed amendment is to make it easier for licensees to comply with the requirement that they report political contributions and to make the rule itself more workable from an enforcement standpoint.

Statutory Authority: The statutory authority for the amendment to WAC 230-08-100 is RCW 9.46.070(8) and 9.46.070(14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-08-100. The proposed changes to this rule would require that reports of political contributions be made to the Gambling Commission as part of the licensee's quarterly activity report rather than as an independent report made within ten calendar days of the date of the gift or if the election is three weeks away from the date of the gift within three days after the gift is made. The proposed changes also delete the requirement that the report be made under oath. In addition, the proposed changes raise the limit from \$5 to \$10 below which a report does not have to be made and deletes a requirement that the Gambling Commission specifically approve of a trade association before no report is necessary when contributions are made by licensees to trade associations which make contributions to political candidates.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, and Elwin Hart, Deputy Director, Capital Plaza Building, 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm.

Proponents and Opponents: These proposed amendments to rules are proposed by the staff of the Washington State Gambling Commission.

Agency Comments: The agency believes that proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of a federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 23, filed 9/23/74)

WAC 230-08-100 POLITICAL CONTRIBUTIONS OF LICENSEES TO BE REPORTED. Each licensee shall file with the commission a report fully disclosing each gift or contribution of money, or other thing of value, made directly or indirectly by the licensee or the licensee's spouse, or by any person having a substantial interest in the licensee, to, or for the benefit of:

- (1) Any candidate for public office or any public officeholder; or
- (2) Any committee or association of persons formed to promote to encourage any candidate or candidates for, or holder or holders of, any public office; or
- (3) Any person or association actually advocating any legislation or administrative rule, or any changes therein.

These reports shall be filed in the office of the commission within ten calendar days after each gift or contribution is made, or if the gift or contribution is made within three weeks prior to any election of the

~~candidate for public office or the balloting an any legislative or referendum or other ballot issue for or to which the gift or contribution is made, then the report shall be filed within three days after each gift or contribution is made; with quarterly activity reports pursuant to instructions included with quarterly activity report forms provided by the gambling commission.~~

~~The filing herein shall reflect all such gifts or contributions made prior to the time of the report. The report shall be made under oath on a form obtained from the commission during the calendar quarter covered by the quarterly activity report. No report need cover any period of time which is covered by a previous report filed with the gambling commission.~~

~~The report shall at minimum include the following for each gift or contribution:~~

- ~~(a) The amount of the gift or contribution, or a description and the retail value if other than cash; and~~
- ~~(b) The name of the person for whose benefit the gift or contribution was made; and~~
- ~~(c) The name of the person or association to whom the gift or contribution was actually made; and~~
- ~~(d) The name of the person or association actually making the gift or contribution; and~~
- ~~(e) The date the contribution was made.~~

~~PROVIDED, That gifts or contributions made directly to a recognized political party in the state of Washington for general party purposes and not for the benefit of a specific candidate or candidates, and gifts or contributions for the benefit of a specific person or persons or for the benefit of any initiative, referendum or ballot issue which accumulate to less than five ten dollars in any calendar year quarter shall be exempt from this reporting requirement.~~

~~PROVIDED FURTHER, That licensed, dues paying members of bona fide trade associations which are not principally formed for the purpose of influencing candidates for public office, public officeholders, legislation, or administrative rules and are not principally formed for the purpose of representing, speaking for or advising licensees of the commission are exempted from this reporting requirement concerning the funds paid to the trade association only, if:~~

- ~~(a) The trade association is registered as a political committee, or its authorized representative is registered as a lobbyist, with the Washington state public disclosure commission and copies of all reports furnished by the trade association, its registered lobbyist, or both to the public disclosure commission are furnished to the gambling commission at the same time they are required to be filed with the public disclosure commission;~~

~~(b) Such exemption is specifically granted by the Washington state gambling commission to the trade association's dues paying members; and~~

- ~~(c) (b) The trade association agrees in writing to open its financial records relating to dues, voluntary donations, gifts, contributions or other sources of income or expenditures for inspection by the gambling commission at any time, with or without notice.~~

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

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

WSR 82-04-017
EMERGENCY RULES
COMMITTEE FOR
DEFERRED COMPENSATION
[Order 82-1—Filed January 26, 1982]

Be it resolved by the Committee for Deferred Compensation, acting at Conference Room 700H, State Modular Office Building, 7510 Armstrong, Olympia Airport, Tumwater, WA, that it does promulgate and adopt the annexed rules relating to state employees deferred compensation plan, Title 154 WAC.

We, the Committee for Deferred Compensation, 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 emergency filing is necessary to implement the deferred compensation plan for state employees during calendar year 1981.

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

This rule is promulgated pursuant to RCW 41.04.260 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 21, 1982.

By C. H. Shay
Analyst

Chapter 154-01 WAC
PLAN ESTABLISHED

NEW SECTION

WAC 154-01-010 PLAN ESTABLISHED. In accordance with the provisions of RCW 41.04.250 et seq., and as provided in Section 457 of the Internal Revenue Code, the state of Washington hereby establishes the deferred compensation plan for employees of the state of Washington, hereinafter referred to as the "plan." Nothing contained in this plan shall be deemed to constitute an employment agreement between the participant and the state of Washington and nothing contained herein shall be deemed to give a participant any right to be retained in the employ of the state of Washington.

Chapter 154-04 WAC
DEFINITIONS

NEW SECTION

WAC 154-04-010 EMPLOYER. "Employer" means the state of Washington.

NEW SECTION

WAC 154-04-020 COMPENSATION. "Compensation" means all payments made to a public employee by the employer as remuneration for services rendered.

NEW SECTION

WAC 154-04-030 DEFERRED COMPENSATION. "Deferred compensation" means the amount of the participant's compensation which the participant and the employer shall mutually agree (prior to the date on which such compensation is earned) will be deferred.

NEW SECTION

WAC 154-04-040 NORMAL RETIREMENT AGE. "Normal retirement age" means:

(1) The normal retirement age for the employee specified in any other retirement plan maintained for the employee by the employer, or, if no such age is so specified;

(2) The date the employee attains age sixty-five.

NEW SECTION

WAC 154-04-050 PARTICIPATION AGREEMENT. "Participation agreement" means the agreement executed and filed by an employee with the employer pursuant to WAC 154-12-010, in which the employee elects to become a participant in the plan.

NEW SECTION

WAC 154-04-060 TERMINATION OF SERVICES. "Termination of services" means the severance of the participant's employment with the employer prior to attainment of normal retirement age, occurring other than by reason of death.

NEW SECTION

WAC 154-04-070 PARTICIPANT. "Participant" means any employee of the employer who executes a participation agreement with the committee assenting to the provisions of this plan, once the agreement has been approved by the committee or its designee.

NEW SECTION

WAC 154-04-080 COMMITTEE. "Committee" means the committee for deferred compensation appointed pursuant to RCW 41.04.260.

NEW SECTION

WAC 154-04-090 INCLUDIBLE COMPENSATION. "Includible compensation" means for the purposes of the limitation set forth in WAC 154-12-020, compensation for services performed for the employer which (after applying exclusions pursuant to Sections 403(b) and 457 of the Internal Revenue Code) is currently includible in gross income for federal income tax purposes. The amount of includible compensation shall be determined without regard to any community property laws.

NEW SECTION

WAC 154-04-100 EMPLOYEE. "Employee" means any person who is employed by and receives any type of compensation from the employer for whom services are rendered, and who is a full-time, permanent part-time working half-time or more, or career seasonal employee of the employer, whether or not covered by civil service; an elected or appointed official of the executive branch of the government, including any full-time member of a board, commission, or committee; a justice of the supreme court or a judge of the court of appeals

or of a superior court; or a member of the state legislature.

NEW SECTION

WAC 154-04-110 DEFERRED COMPENSATION REVOLVING FUND. "Deferred compensation revolving fund" means the special fund created in the treasury of the state of Washington pursuant to RCW 41.04.260 into which shall be paid all deferred compensation hereunder and from which shall be paid as necessary costs of administration and staffing of the plan, expenses of the committee, and such other amounts determined by the committee and permitted by law; and benefits payable hereunder to participants or their respective beneficiary or beneficiaries unless otherwise paid.

Chapter 154-08 WAC ADMINISTRATION

NEW SECTION

WAC 154-08-010 ADMINISTERED BY COMMITTEE. This plan shall be administered by the committee which shall represent the employer in all matters concerning the administration of this plan.

NEW SECTION

WAC 154-08-020 COMMITTEE TO ADOPT RULES AND REGULATIONS. The committee shall have full power and authority to adopt rules and regulations for the administration of the plan, and to interpret, alter, amend, or revoke any rules and regulations so adopted.

NEW SECTION

WAC 154-08-030 COMMITTEE ACTION FAIR AND REASONABLE. Every action taken by the committee shall be presumed to be fair and reasonable exercise of the authority vested in or the duties imposed upon it. The committee and its individual members shall be deemed to have exercised reasonable care, diligence and prudence and to have acted impartially as to all persons interested, unless the contrary be proven by affirmative evidence. Neither the employer nor the committee and its individual members shall be liable for amounts of compensation deferred by participants or for other amounts payable under the plan.

NEW SECTION

WAC 154-08-040 COMMITTEE TO MAINTAIN RECORDS OF ACCOUNTS. To facilitate an orderly administration of the plan, the committee shall maintain or cause to be maintained a deferred compensation ledger account with respect to each participant.

NEW SECTION

WAC 154-08-050 DEFERRED COMPENSATION REVOLVING FUND. All deferred compensation hereunder shall be paid into the deferred

compensation revolving fund. All costs of administration and staffing of the plan, expenses of the committee, and such other amounts determined by the committee and permitted by law, shall be paid as necessary out of the deferred compensation revolving fund. Amounts in the deferred compensation revolving fund may be invested pursuant to RCW 41.04.250 as directed by the committee. All benefits payable to participants or their respective beneficiary or beneficiaries shall be paid from the deferred compensation revolving fund unless otherwise paid.

Chapter 154-12 WAC PARTICIPATION IN THE PLAN

NEW SECTION

WAC 154-12-010 ENROLLMENT. Enrollment in the plan.

(1) An employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("deferred amount") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or 154-12-060 of this plan. Participants must have at least one monthly deferral.

NEW SECTION

WAC 154-12-020 DEFERRAL LIMITATIONS. Except as provided in WAC 154-12-030, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of (1) \$7,500 or (2) 33 1/3% of the participant's includible compensation; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

NEW SECTION

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

NEW SECTION

WAC 154-12-040 COMMITTEE MAY DISALLOW DEFERRAL. The participant acknowledges the right of the committee or the administrator to disallow deferral of compensation under the plan in excess of the limitations stated above. However, neither the committee nor the administrator shall have any duty to assure that amounts deferred are in compliance with such limitations and neither shall have any liability to a participant if the committee fails to disallow a deferral in excess of such limitations, if the participant's participation agreement directed such deferral. In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth in WAC 154-12-020 and 154-12-030 shall apply to all such plans considered together.

NEW SECTION

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may change the amount of deferral specified pursuant to WAC 154-12-010(2) of this plan at any time, but no more frequently than twice in any calendar year, unless the committee by specific action authorizes a special additional open change period. Such change shall be effective as to any calendar month only if a new participation agreement is executed by the participant and approved by the committee or its designee before the beginning of such calendar month.

NEW SECTION

WAC 154-12-060 REVOCATION OF DEFERRAL. A participant may at any time direct that deferrals under the participant's participation agreement shall cease by completing the proper form and filing it with the committee prior to the first day of the calendar month for which the deferrals shall cease; however, accrued benefits shall only be paid as provided in chapters 154-16 and 154-20 WAC.

NEW SECTION

WAC 154-12-070 REINSTATEMENT OF DEFERRAL. A participant who has directed the cessation of deferrals under the participant's participation agreement as set forth in WAC 154-12-060, may resume deferrals for any calendar month commencing no sooner than six months after such deferrals ceased by executing a new participation agreement to defer compensation.

NEW SECTION

WAC 154-12-080 DESIGNATION OF BENEFICIARIES. Each participant shall have the right to designate a beneficiary or beneficiaries to receive any benefit to which said participant may be entitled in the event of death prior to the complete distribution of benefits. If no such designation is in effect on a participant's death, the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may

change beneficiary designation at any time by filing a change of beneficiary form with the committee.

NEW SECTION

WAC 154-12-090 ELECTION. Each participant may elect the payout options and the payout period for each event stated in chapters 154-16 and 154-20 WAC. Such payment, method of payment and settlement options must be selected prior to the earliest distribution date provided in the plan from among options provided by rule by the committee. In the absence of such election a payout option of one hundred twenty monthly installments, or such lesser number of monthly installments as is required by treasury regulations promulgated from time to time under Section 457 of the Internal Revenue Code or any successor statute of similar import so that the payout option does not exceed the life expectancy of the participant or the joint and last survivor expectancy of the participant and the participant's spouse, shall be automatically invoked by the committee: PROVIDED, That the mode of payment of a deceased participant's benefit shall be determined by the committee within the limitations of WAC 154-16-020 and 154-20-020.

NEW SECTION

WAC 154-12-100 INCOME METHOD ELECTION. Each participant shall designate on his participation agreement the method for calculating investment income to be accrued on amounts deferred. Such designation shall continue unless changed pursuant to this section. The method for calculating investment income shall be selected from those methods made available for this purpose from time to time by the committee, in its sole discretion.

The committee may make available as methods for such calculation and accrual of investment income (1) a fixed rate of interest or (2) the earnings that the deferred amount would have earned if invested in specified mutual fund shares, deposits with a credit union, savings and loan association, bank, or mutual savings bank, life insurance, shares of an investment company, or fixed and/or variable annuities or other methods permitted by law and selected by the committee. The committee may from time to time change the available methods for the calculation of investment income, and a participant may, no more frequently than twice each calendar year unless the committee by specific action authorizes a special additional open change period, change the election of the method, provided that any change may affect only income to be accrued after such change. In the event that the investment constituting the standard of measurement of investment income experiences a loss, the participant's benefits payable hereunder shall likewise reflect loss, rather than income, for the period. Nothing in this section shall require the employer to invest any amount in the investments constituting the basis for measuring investment income on deferred amounts, and if the employer should so invest, no participant shall have any right, title, or interest in the assets so invested.

For purposes of determining the amount of benefits payable to a participant or the participant's beneficiary

or beneficiaries under the plan, the amount payable shall be reduced by costs of the plan paid from the deferred compensation revolving fund pursuant to WAC 154-08-050, and any investment income which would otherwise have been earned thereon.

NEW SECTION

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the participant's taxable year in which the participant attains normal retirement age, or, if earlier, age sixty-five; (b) the close of the participant's taxable year in which the participant separates from service with the employer; or (c) the close of the participant's taxable year in which the participant attains age seventy and one-half.

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide for payment over a period not longer than (a) the life of the participant; (b) the lives of the participant and the participant's spouse; (c) a period certain not extending beyond the life expectancy of the participant; or (d) a period certain not extending beyond the joint life and last survivor expectancy of the participant and the participant's spouse.

(3) Notwithstanding anything in this plan to the contrary, beginning with the participant's taxable year in which the participant attains age seventy and one-half (or, if later, the participant's taxable year in which payments commence), the amount to be paid to the participant each year under the plan shall be not less than the least of (a) the balance of the amounts deferred; (b) an amount equal to the quotient obtained by dividing the balance of the amounts deferred at the beginning of the year by the life expectancy of the participant (or the joint life and last survivor expectancy of the participant and the participant's spouse, as applicable), determined as of the date the participant attains age seventy and reduced by one for each taxable year commencing after the participant attains age seventy and one-half; or (c) the minimum amount permitted by Treasury Regulations promulgated under Section 457 of the Internal Revenue Code.

Chapter 154-16 WAC BENEFITS ON RETIREMENT

NEW SECTION

WAC 154-16-010 NORMAL RETIREMENT. If the participant continues in the service of the employer until or beyond normal retirement age, the employer shall pay to such participant a retirement benefit equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the method set forth in the participant's participation agreement(s) under which

such compensation was deferred. The participant's retirement benefit may be paid in one or more installments as elected by the participant pursuant to WAC 154-12-090. Payment of a participant's retirement benefit shall commence on or before the earlier of:

(1) The first day of any month commencing after the date of the participant's retirement as designated by the participant by written notice to the committee; provided, the committee must receive said written notice no fewer than sixty days prior to the date on which payments are to commence; or

(2) The latest date on which payments are required to commence pursuant to WAC 154-12-110(1).

NEW SECTION

WAC 154-16-020 UPON DEATH OF PARTICIPANT. Should the participant die at any time after retirement, whether prior to or after the participant has begun to receive the retirement payment(s) provided by WAC 154-16-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s). The entire amount payable under this section shall be paid within five years after the participant's death (or the death of the surviving spouse).

Chapter 154-20 WAC BENEFITS ON TERMINATION OF SERVICES OR DEATH PRIOR TO RETIREMENT

NEW SECTION

WAC 154-20-010 TERMINATION OF SERVICES. In the event of the participant's termination of services as defined in WAC 154-04-060, an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-100 by the method set forth in the participant's participation agreement(s), shall be paid to the participant in such a manner as the participant may elect pursuant to WAC 154-12-090. In no event shall the committee be required to cause payments to commence until it has been given at least sixty days written notice by the participant of the participant's termination of services.

NEW SECTION

WAC 154-20-020 DEATH OF PARTICIPANT. In the event the participant dies before retirement or prior to receiving all the benefits provided for in WAC

154-20-010, or if payment has commenced to the participant's surviving spouse and such surviving spouse dies before the entire amount is paid, the participant's designated beneficiary or beneficiaries shall be entitled to receive the balance remaining of such payment(s). If no beneficiary is designated as provided in the participation agreement or if the designated beneficiary does not survive the participant for a period of thirty days, then there shall be paid, in accordance with WAC 154-12-080, to the surviving spouse or to the estate of the participant, a lump sum amount, or such other mode of payment as is determined by the committee if the beneficiary or beneficiaries request it, equal to the current value of such payment(s). The entire amount payable under this section shall be paid within five years after the participant's death (or the death of the surviving spouse).

Chapter 154-24 WAC
UNFORESEEABLE EMERGENCY

NEW SECTION

WAC 154-24-010 UNFORESEEABLE EMERGENCY. Notwithstanding any other provisions herein, in the event of an unforeseeable emergency, a participant may request the committee to pay benefits. If the application for payment is approved by the committee, payment will be made as soon as possible following such an approval. Benefits to be paid shall be limited strictly to that amount reasonably necessary to satisfy emergency need. Any remaining benefits shall be paid in accordance with chapters 154-16 and 154-20 WAC of the plan.

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved (1) through reimbursement or compensation by insurance or otherwise; (2) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or (3) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

Chapter 154-28 WAC
LEAVE OF ABSENCE

NEW SECTION

WAC 154-28-010 LEAVE OF ABSENCE. If a participant is on an approved leave of absence from the employer, participation in this plan shall continue.

Chapter 154-32 WAC
AMENDMENT OR TERMINATION OF PLAN

NEW SECTION

WAC 154-32-010 TERMINATION OF PLAN. The employer or the committee may at any time terminate this plan. Upon such termination, benefits will be paid to each participant pursuant to chapter 154-20 WAC of the plan. Each participant's full compensation on a nondeferred basis will thereupon be restored.

NEW SECTION

WAC 154-32-020 AMENDMENT OF PLAN. The committee may also amend the provisions of this plan at any time: PROVIDED, HOWEVER, That no amendment shall affect the rights of participants or their beneficiaries to the receipt of payment of benefits, to the extent of any compensation deferred before the time of the amendment and investment income or loss thereon accrued to the date of the amendment, calculated in accordance with WAC 154-12-010.

Chapter 154-36 WAC
RELATIONSHIP TO OTHER PLANS

NEW SECTION

WAC 154-36-010 RETIREMENT AND SOCIAL SECURITY NOT REDUCED. It is intended that, pursuant to Section 457 of the Internal Revenue Code, the amount of deferred compensation will not be considered as current compensation for purposes of federal income taxation. Such amounts will, however, be included as compensation in determining benefits or rights under the employer's group insurance, other retirement plans and FICA. Payments under this plan will supplement retirement and death benefits payable under the employer's group insurance and other retirement plans.

Chapter 154-40 WAC
TRANSFER IN LIEU OF BENEFITS

NEW SECTION

WAC 154-40-010 ASSETS IN LIEU OF CASH. Upon the occurrence of any event requiring the payment of benefits under this plan, the committee may, in its sole discretion, elect to honor a request from the participant to substitute the transfer in kind and assignment of any asset which the employer has acquired, at fair market value.

Chapter 154-44 WAC
NONASSIGNABILITY CLAUSE

NEW SECTION

WAC 154-44-010 BENEFITS NOT ASSIGNABLE. It is agreed that neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, shall have any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments hereunder, which payments and right thereto

are expressly declared to be nonassignable and non-transferable; and in the event of attempt to assign or transfer, the employer shall have no further liability hereunder, nor shall any unpaid benefits be subject to attachment, garnishment or execution, or be transferable by operation of law in event of bankruptcy, insolvency, except to the extent otherwise required by law.

Chapter 154-48 WAC
ASSETS

NEW SECTION

WAC 154-48-010 PLAN ASSETS. All amounts of compensation deferred under the plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property or rights, shall remain (until made available to the participant or the participant's beneficiary or beneficiaries) solely the property and rights of the employer and shall be subject only to the claims of general creditors of the employer.

Chapter 154-52 WAC
PARTICIPATION BY COMMITTEE MEMBERS

NEW SECTION

WAC 154-52-010 PARTICIPATION BY COMMITTEE MEMBERS. Members of the committee, who are otherwise eligible, may participate in the plan under the same terms and conditions as apply to other participants but an individual member shall not participate in any committee action taken with respect to that member's participation.

Chapter 154-56 WAC
EMPLOYER PARTICIPATION

NEW SECTION

WAC 154-56-010 EMPLOYER CONTRIBUTIONS. The employer may, pursuant to a changed or new participation agreement filed by a participant as specified in WAC 154-12-050 or 154-12-070, add additional deferred compensation for services to be rendered by the employee to the employer during any calendar month, provided:

(1) The employee has elected to have such additional compensation deferred, invested, and distributed, pursuant to this plan, prior to the calendar month in which the compensation is earned; and

(2) Such additional deferred compensation, when added to all other deferred compensation under the plan, does not exceed the maximum deferral permitted by chapter 154-12 WAC.

Chapter 154-60 WAC
EMPLOYER NOT RESPONSIBLE

NEW SECTION

WAC 154-60-010 INVESTMENT RESPONSIBILITY. The employer may, but is not required to, invest funds held pursuant to participation agreements between participants and the employer in accordance

with the requests made by each participant. The committee shall retain the right to approve or disapprove such investment requests. Any action by the committee in investing funds, or approving of any such investment of funds, shall not be considered to be either an endorsement or guarantee of any investment, nor shall it be considered to attest to the financial soundness or the suitability of any investment for the purpose of meeting future obligations.

Chapter 154-64 WAC
COMMITTEE POWERS

NEW SECTION

WAC 154-64-010 PLAN PREVAILS. In the event any form or other document used in administering this plan, including but not limited to enrollment forms and marketing materials, conflict with the terms of the plan, the terms of the plan shall prevail.

NEW SECTION

WAC 154-64-020 DECISION BINDING. The committee is authorized to determine any matters concerning the rights of any participant under this plan and such determination shall be binding on the participant and any beneficiary thereof and shall be final.

NEW SECTION

WAC 154-64-030 COMMITTEE TO INTERPRET. The committee is authorized to construe this plan and resolve any ambiguity in the plan, and the committee's construction shall be final. The plan and any form or other document used in administering the plan shall be interpreted, and this plan shall be administered, so as to comply with Section 457 of the Internal Revenue Code and the regulations of the treasury department promulgated thereunder.

NEW SECTION

WAC 154-64-040 TAX STATUS NOT GUARANTEED. The committee does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of the participant's participation in this plan. The participant should consult with the participant's own representative regarding all questions of federal or state income, payroll, personal property or other tax consequences arising from participation in this plan.

NEW SECTION

WAC 154-64-050 COMMITTEE MAY REQUIRE COURT ORDER. The committee or the employer, if in doubt concerning the correctness of their action in making a payment of a benefit, may suspend that benefit until satisfied as to the correctness of the payment or the person to receive the payment or to allow the filing in any state court of competent jurisdiction of a civil action seeking a determination of the benefits to be paid and the persons to receive them. The committee and the employer shall comply with the final orders

of the court in any such suit and the participant, for the participant and the participant's beneficiary or beneficiaries, consents to be bound thereby.

NEW SECTION

WAC 154-64-060 DELEGATION OF AUTHORITY. The committee may delegate its functions to be performed under this plan to any designee with legal authority to perform such functions.

**Chapter 154-68 WAC
APPLICABLE LAW**

NEW SECTION

WAC 154-68-010 PLAN TO CONFORM TO STATE LAW. This plan shall be construed under the laws of the state of Washington.

NEW SECTION

WAC 154-68-020 PLAN TO CONFORM TO FEDERAL LAW. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and shall be interpreted consistent with such section and all regulations promulgated thereunder.

**WSR 82-04-018
ADOPTED RULES
EDMONDS COMMUNITY COLLEGE
[Resolution No. 82-1-4—Filed January 26, 1982]**

Be it resolved by the board of trustees of the Edmonds Community College, acting at Lynnwood Hall, Room 424, Edmonds Community College, Lynnwood, WA 98036, that it does promulgate and adopt the annexed rules relating to facilities scheduling and use rule, chapter 132Y-136 WAC.

This action is taken pursuant to Notice No. WSR 81-22-074 filed with the code reviser on November 4, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140(7) 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 January 21, 1982.

By Jennis J. Bapst
Vice President for Administrative Services

Reviser's Note: The following appear to be new sections, but were not designated as such by the institution filing this order.

**CHAPTER 132Y-136
FACILITIES SCHEDULING AND USE RULE**

WAC

132Y-136-001 Definitions

SCHEDULING OFFICE

132Y-136-101 Scheduling Office – Duties of the scheduling coordinator

132Y-136-201 Available Space

132Y-136-204 Available Space – Listing of space or premises available

132Y-136-208 Available Space – Priority for use

132Y-136-212 Available Space – Classrooms

132Y-136-216 Available Space – Lease requirements

132Y-136-220 Available Space – Leasing free or rental rate

132Y-136-224 Available Space – Scheduling deadlines

132Y-136-228 Available Space – Prohibition

132Y-136-236 Available Space – Authority of scheduling coordinator

132Y-136-304 Use of facilities for campaign purposes **PROHIBITED**

132Y-136-401 Business sales

132Y-136-404 Business sales – Restrictions

132Y-136-501 Library materials and audio visual equipment – Loans

132Y-136-504 Library materials and audiovisual equipment – Fines

**CHAPTER 132Y-136
FACILITIES SCHEDULING AND USE RULE**

WAC 132Y-136-001 DEFINITIONS. (1) "Academic Facilities" shall mean all college owned and/or operated facilities and realty located within the main campus area which are primarily used for classwork and classroom instruction, including all athletic and intramural facilities.

(2) "Accredited Classes" shall mean those classes offered for credit by Edmonds Community College. They include but are not limited to:

(a) Course offerings which appear in current class schedule booklets, or

(b) Workshops, or

(c) Credit and noncredit courses offered through the division of Continuing Education.

(3) "College organizations" shall mean and include those committees or entities established under college policies, the academic units of the college, the Associated Students of Edmonds Community College and the student organizations recognized by the Associated Students of Edmonds Community College.

(4) "Laboratories" are rooms with special purpose equipment for student participation, experimentation, observation, or practice in a field of study. Such rooms include class laboratories, special class laboratories, individual study laboratories, and nonclass laboratories as defined in the Higher Education Facilities Inventory and Classification Manual.

(5) "Noncollege organizations" shall mean and include private entities and other individuals, associations

and corporations not directly associated with Edmonds Community College.

(6) "Scheduling coordinator" shall mean the individual responsible for implementing this Facilities Scheduling and Use Rule.

WAC 132Y-136-101 SCHEDULING OFFICE - DUTIES OF THE SCHEDULING COORDINATOR

(1) The scheduling office is responsible for coordinating all arrangements relative to meetings, conferences, workshops, social functions and other events involving the use of campus facilities. Advance scheduling as far ahead as a full year is strongly recommended.

(2) Any organization, club or individual with an outstanding balance due the college will not be allowed to schedule until all bills are paid.

(3) In planning various group functions, requests for the following items should be directed to the scheduling office.

(a) Campus maps.

(b) Special arrangement of furniture, podiums, and other equipment, construction of special platforms.

(c) Audio-visual equipment such as movie projectors, tape recorders, public address systems, etc.

(d) Parking permits.

(4) Any division or college organization may obtain use of college facilities by filing with the scheduling office a request for the use of college facilities at least seven (7) days before the event; provided, however, the time requirement shall be waived whenever reasonable cause is shown.

(5) Scheduling requests shall include the following information:

(a) The name of the organization or organizations sponsoring the program.

(b) The name of the speaker and the general topic of address and/or program.

(c) The number of persons expected to attend.

(d) Any special facilities or equipment required for the presentation of the program.

(e) The organization's preferences, if any, for specific facilities.

(6) Upon receiving such information the scheduling office shall within 48 hours assign in writing an appropriate room or space, if available, for the meeting and shall assist the sponsoring organization or organizations in arranging for the special equipment that may be required. In assigning space the scheduling office shall consider the size of the facility required, other events scheduled by prior request, and the preferences of the requesting organization, unless the scheduling office deems the requested facilities to be inappropriate for the proposed use, otherwise unavailable. The scheduling office shall consider all facilities, and after consultation with the office authorized to schedule space in the particular facility, may assign any appropriate facility in the college for speakers or programs.

(7) Individual students, faculty members, and staff may form ad hoc organizations for the express purpose of inviting a particular speaker or program to address them and others on a specific occasion by filing with the

scheduling office a statement of intention and sponsorship. The statement of intention and sponsorship shall be signed by at least three students, faculty members, or staff members and shall state the name of the speaker, the subject of his talk, and the purpose of the sponsors in inviting him. The statement shall also contain a certificate signed by the three sponsors stating that they are acting as individuals and not on behalf of any division or organization. The statement of intention and sponsorship shall be accompanied, when required, by payment in advance of the fee for use of the facility. Each signator is individually liable for any damages, costs, or charges incurred as a result of the scheduled event.

WAC 132Y-136-201 AVAILABLE SPACE. The college property available for scheduling and use in accordance with the provisions of this policy shall be limited to:

1. Classrooms
2. Laboratories
3. Conference rooms
4. Gymnasium
5. Dining Hall
6. Student Lounge
7. Library
8. Playing Field
9. Unassigned office space

WAC 132Y-136-204 AVAILABLE SPACE - LISTING OF SPACE OR PREMISES AVAILABLE FOR LEASING OR RENTING. All college space or premises available for leasing or renting under these rules shall be listed in the scheduling coordinator's office, together with the corresponding lease fee or rental rate.

WAC 132Y-136-208 AVAILABLE SPACE - PRIORITY FOR USE. Scheduling of academic facilities space shall be on a first in time of application basis: Provided, that where a lease has not been executed, college organizations shall have priority over noncollege organizations: And provided further, that the academic needs of the institution shall have first priority where a lease has not been executed.

WAC 132Y-136-212 AVAILABLE SPACE - CLASSROOMS. Classrooms may be made available for scheduling and use weekdays between the hours of 7:00 a.m. and 10:00 p.m. Monday through Thursday and 7:00 a.m. and 5:00 p.m. on Friday when not in use by accredited classes and weekends between the hours of 8:15 a.m. and 5:00 p.m.: Provided, the college has sufficient personnel available to open and close the facilities.

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.

WAC 132Y-136-216 AVAILABLE SPACE - LEASE REQUIREMENT. All noncollege persons and organizations desiring to use space in accordance with these rules shall execute a lease with the scheduling coordinator for temporary or short-term use of college

space. The lease may include a description of the premises or space leased, the rental rate, the names of the individuals responsible for the debts of the lessee, the nature and purpose of the intended use, time of use, number of people expected, price of admission, if any, amount of deposit, if any, food service charges, special use or set up charges, statement of responsibility for damages, verification of insurance coverage and other pertinent information, including but not limited to, a statement that the lessee agrees to adhere to and abide by all rules and regulations of Edmonds Community College.

WAC 132Y-136-220 AVAILABLE SPACE - LEASING FEE OR RENTAL RATE. The leasing fee or rental rate for use of college space available in accordance with these rules shall be available in the office of the college scheduling coordinator. Lease fees or rental rates may be different for college organizations than for noncollege organizations. The lease fee or rental rate shall be established by the president. The college reserves the right to change the rates without notice.

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.

WAC 132Y-136-224 AVAILABLE SPACE - SCHEDULING DEADLINES. All applications for the leasing or rental of space shall be submitted in writing, together with a written food service guarantee, if any, not less than ten calendar days in advance of the date requested and a lease or rental agreement shall be executed not less than ten calendar days prior to the date requested.

WAC 132Y-136-228 AVAILABLE SPACE - PROHIBITION. College organizations or members of the staff, faculty, students or administration of Edmonds Community College shall not be permitted to assume co-sponsorship for another group or individual in order to affect favorable scheduling priority or to reduce the costs otherwise chargeable to such other group or individual.

WAC 132-136-236 AVAILABLE SPACE - AUTHORITY OF SCHEDULING COORDINATOR. The scheduling coordinator of Edmonds Community College may impose special conditions or additional requirements where necessary to meet proper health or safety standards, or to assure compliance with college rules, upon any organization as a condition precedent to the scheduling, leasing or renting of college facilities.

Reviser's Note: The above new section was filed by the institution as WAC 132-136-236. This section is placed among sections forming new chapter 132Y-136 WAC, and therefore should be numbered WAC 132Y-136-236. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the institution.

WAC 132Y-136-304 USE OF FACILITIES FOR CAMPAIGN PURPOSES - PROHIBITED. College facilities or services may not be used to establish or

maintain an office or headquarters for a political candidate or partisan political cause. Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties or groups solely on the basis of their particular political viewpoint.

WAC 132Y-136-401 BUSINESS SALES. The soliciting, selling, exposing for sale, or offering to sell of any goods, services, articles, wares, or merchandise of any nature whatsoever, within the boundaries of Edmonds Community College property is prohibited except by written permission of the president unless between individuals where no general or public solicitation, exposure for sale or offer to sell is involved.

WAC 132Y-136-404 BUSINESS SALES - RESTRICTIONS. Edmonds Community College property and facilities may not be used for the activities set forth in WAC 132Y-136-401 unless such activities serve the purposes and needs of the college and are sponsored by a college department, agency, or recognized organization. Such activities should only be permitted where they complement the services provided by local businesses.

WAC 132Y-136-501 LIBRARY MATERIALS AND AUDIOVISUAL EQUIPMENT - LOANS. (1) The Edmonds Community College Library-Media Center (LMC) loans library materials and audiovisual equipment to various users. It does not rent or lease audiovisual equipment to organizations and individuals except as part of a facility rental agreement. The users include and are limited to:

(a) Currently registered students of Edmonds Community College. For audiovisual equipment loans students need an instructor's authorization.

(b) Current academic staff, classified staff, administrative staff, and members of the Board of Trustees.

(c) Students and staff from institutions that contract with Edmonds Community College for services and facilities. Students from these institutions must have an instructor's authorization before checking out equipment.

(d) Holders of currently valid community courtesy cards. This group includes community residents of District XXIII as well as other individuals who show a particular need for specialized items in the LMC collections which are unavailable elsewhere. Holders of community courtesy cards may not check out equipment, and must be at least sophomores in high school. There is no charge for courtesy cards.

(e) Students from other institutions with which the Edmonds Community College LMC has a reciprocal lending agreement. This group may not borrow equipment.

(f) Other libraries and organizations through the Interlibrary Loan process. Equipment is not loaned to other libraries or organizations unless the LMC has a reciprocal lending agreement.

(2) All borrowers are subject to certain loan periods, and to such restrictions as apply to reference books, reserve materials, and audiovisual items and equipment.

Each borrower must present proper identification before checking out LMC resources.

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.

WAC 132Y-136-540 LIBRARY MATERIALS AND AUDIOVISUAL EQUIPMENT - FINES. (1) No fines are levied for material returned after the designated due date, except for reserved items. When materials are not returned, or fines not paid, holds are placed on the transcript records and registration for classes and further borrowing is not permitted for those involved until such deficiencies are cleared through the LMC.

(2) When damage or loss of materials and equipment occurs, the borrower is assessed the replacement cost, plus a processing fee.

WSR 82-04-019

NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—January 25, 1982]

The State Human Rights Commission, at its meeting on January 21, 1982, agreed to hold its regularly scheduled meetings in March and April at the following locations.

The regularly scheduled meetings (WAC 162-04-020(2)) are the third Thursdays of each month.

Previously reported to you was the location of the commission meeting for February 18, 1982. It is to be held in the Commission's Fourth Floor Conference Room at 1601 Second Avenue, Seattle, Washington.

The March and April locations are as follows: March 18, 1982, City Hall, Council Chambers, 412 West Clark, Pasco, Washington, and April 15, 1982, East Central Community Center, S. 500 Stone, Spokane, Washington.

All meetings begin at 9:30 a.m.

WSR 82-04-020

NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum, Chairman—January 22, 1982]

This is to notify you that the February 1, 1982, meeting of the Board of Trustees Seattle Community College District has been cancelled.

The next regular meeting of the board will be held on Monday, March 1, 1982, 6:30 p.m., at North Seattle Community College, 9600 College Way North, Seattle, Washington.

WSR 82-04-021

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 82-9—Filed January 26, 1982]

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 the allowable catch of herring in Marine Fish-Shellfish Catch Reporting Areas 21A and 21B has been harvested.

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 January 26, 1982.

By W. R. Wilkerson
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-49-02000F CLOSED AREA—HERRING. *Notwithstanding the provisions of WAC 220-49-020, effective 12:00 noon January 26, 1982 until further notice, it is unlawful to take, fish for or possess herring for commercial purposes with any type of gear in Marine Fish-Shellfish Catch Reporting Areas 21A and 21B.*

WSR 82-04-022

ADOPTED RULES DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

[Order 82-1—Filed January 26, 1982]

I, Richard T. Schrock, director of the Department of Commerce and Economic Development, do promulgate and adopt at Olympia, Washington, the annexed rules relating to industrial development facility eligibility determination pursuant to RCW 39.84.090(1) and (2).

This action is taken pursuant to Notice No. WSR 82-01-089 filed with the code reviser on December 22, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 39.84.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 26, 1982.

By Richard T. Schrock
Director

NEW SECTION

WAC 130-16-010 PURPOSE AND AUTHORITY. The department of commerce and economic development is charged with determining whether proposed construction or improvement projects, for which financing is sought through revenue bonds issued under chapter 39.84 RCW (Laws of 1981, chapter 300) are for industrial development facilities eligible for such financing. The purpose of the rules contained in this chapter is to establish the procedure and requirements for submitting an application for such an eligibility determination, as required by RCW 39.84.090 (Laws of 1981, chapter 300, § 9), and these rules are intended to administratively implement that statute.

NEW SECTION

WAC 130-16-020 DEFINITIONS. The following words and terms have the following meanings for the purposes of this chapter, unless the context in which they are used indicates otherwise: (1) "Department" means the department of commerce and economic development. Where appropriate, the term "department" also means members of the staff or employees of the department of commerce and economic development.

(2) "Director" means the director of the department of commerce and economic development.

(3) "The Act" means Laws of 1981, chapter 300, (Municipal Industrial Development Program), as codified in chapter 39.84 RCW.

(4) "Industrial development facilities" means manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, and energy facilities.

(5) "Facilities" means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(6) "Construction" or "construct" means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(7) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement; and "to improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(8) "Revenue bond" means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse

revenue obligation issued under the Act for the purpose of financing an industrial development facility on an interim or permanent basis.

(9) "Public corporation" means a corporation created pursuant to provisions of the Act.

(10) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement entered into pursuant to section 12 of the Act; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this subsection.

NEW SECTION

WAC 130-16-030 APPLICATION PROCEDURE. (1) Prior to issuance of any revenue bonds to finance the project costs of industrial development facilities, each public corporation proposing such a bond issue shall submit an application to the department for a determination of the eligibility of the industrial development facility under the Act for such financing.

(2) Such applications shall be submitted on a form prescribed by the director, copies of which may be obtained from the department by writing to:

Department of Commerce and Economic
Development

Industrial Development Division
101 General Administration Building
Olympia, Washington 98504
Mail Stop AX-13

(3) Where indicated on the form, each applicant for eligibility determination shall

(a) describe fully the proposed acquisition, construction or improvement project and the facilities affected thereby; and

(b) specify the basis for qualification as an industrial development facility by describing the manufacturing, processing, production, assembly, warehousing, transportation, pollution control, solid waste disposal, or energy related functions of the facilities.

(4) Each application form must be accompanied by a copy of the applicant public corporation's enabling ordinance and charter; Provided however, if a copy of such ordinance and charter, current as of the date of the application, has previously been submitted to the department in connection with a different application for eligibility determination, then the requirement for submitting a copy of enabling ordinance and charter may be satisfied by reference to the prior application.

NEW SECTION

WAC 130-16-040 APPLICATION PROCESSING. (1) Upon receipt of any application for determination of industrial development facility eligibility, the department will initially review the application for satisfactory compliance with WAC 130-16-030(3) and WAC 130-16-030(4).

(2) If the department determines that the descriptive information required by WAC 130-16-030(3), as provided in the application, is insufficient upon which to render a determination of eligibility, the public corporation will be so notified within five (5) working days of receipt of the application. The notice so provided will address the department's concerns with the adequacy of the information provided, and will invite the public corporation to amend the descriptive information in its application, in writing. The public corporation may thereafter submit an amended application with new or supplemental descriptive information as appropriate, or it may notify the department in writing that no further descriptive information will be provided with the application.

(3) No application will be deemed complete, for purposes of determining the eligibility of an industrial development facility, until the public corporation has complied with WAC 130-16-030(3) to the satisfaction of the department or until the public corporation has notified the department in writing that no further descriptive information will be provided with the application. Failure to comply with WAC 130-16-030(4) will not preclude determination of eligibility, however, the public corporation will be advised that it has failed to comply with RCW 39.84.090(1) and WAC 130-16-030(4).

(4) Within twelve (12) working days of the receipt of a completed application, the department will notify the public corporation if the industrial development facility described in the application is not eligible under the Act. Such notice will specify the department's basis for determining ineligibility.

(5) Failure to be notified of ineligibility as herein provided will be deemed a determination of eligibility; the department may also notify the public corporation of eligibility.

NEW SECTION

WAC 130-16-050 PETITION FOR RECONSIDERATION. (1) Any public corporation, after receipt of the department's notice of the ineligibility of an industrial development project, may petition for reconsideration. Such petitions must set forth with particularity the grounds upon which reconsideration is sought.

(2) A petition for reconsideration must be received by the department within fifteen (15) days of when the notice of ineligibility is received by the public corporation.

(3) The timely filing of a petition for reconsideration shall suspend the department's determination of ineligibility until the corporation receives the department's

written notification that the petition is denied or that the determination of ineligibility is reversed.

(4) In response to a petition for reconsideration, the department may either (a) deny the same, (b) call for further answer, or (c) reverse its prior determination of ineligibility.

NEW SECTION

WAC 130-16-060 CONTESTED CASE HEARINGS. The department shall hold a formal hearing on a petition for reconsideration, conducted as a contested case under chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended, whenever requested by a public corporation in its petition for reconsideration.

NEW SECTION

WAC 130-16-070 JUDICIAL REVIEW. Any public corporation aggrieved by a final decision in a contested case before the department is entitled to judicial review in the manner prescribed in chapter 34.04 RCW (Administrative Procedure Act), as now or hereafter amended.

NEW SECTION

WAC 130-16-080 TIME. In computing any period of time prescribed or allowed in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

NEW SECTION

WAC 130-16-090 WRITTEN NOTIFICATION. Whenever in this chapter written notification is prescribed, which shall include the filing of a petition for reconsideration, the notification shall be made by depositing the papers in the post office, properly addressed, with postage prepaid. Whenever in this chapter written notification is required to be given by the department, such notification shall be by certified mail. Any written notice shall be deemed received upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event the notice shall be deemed received on the first day other than a Saturday, Sunday or legal holiday, following the third day. Legal holidays are prescribed in RCW 1.16.050.

WSR 82-04-023
ADOPTED RULES
DEPARTMENT OF CORRECTIONS
 [Order 82-3—Filed January 26, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of chapter 137-04 WAC, introduction to Department of Corrections; and chapter 137-08 WAC, public records disclosure and repealing chapter 275-52 WAC, institutional industries; and chapter 275-40 WAC, annual inspection of jails.

Correspondence regarding this rule should be addressed to:

Mr. John J. Sinclair, Administrator
 Office of Contracts and Regulations
 Division of Management and Budget
 Mailstop: FN-61
 Post Office Box 9699
 Olympia, Washington 98504
 234-5770

This action is taken pursuant to Notice No. WSR 81-24-077 filed with the code reviser on December 2, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 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 January 5, 1982.

By Amos E. Reed
 Secretary

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 137-04-015 ESTABLISHMENT OF DEPARTMENT. The department of corrections was established effective July 1, 1981, by chapter 136, Laws of

1981, 47th 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 137-04-020 STRUCTURE OF THE DEPARTMENT. (1) The executive head of the department is the secretary who is appointed by the governor with the consent of the senate, and serves at the pleasure of the governor. The secretary manages the department and is responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons.

(2) The department is organized into four divisions which are headed by directors who report to the secretary. The responsibilities of these divisions are:

(a) The division of prisons is responsible for the operation of all state correctional facilities, including the Washington state penitentiary; the Washington corrections center; the Washington state reformatory; the McNeil Island penitentiary; the Purdy treatment center for women; the Cedar Creek corrections center; the Clearwater corrections center; the Firland correctional center; the Indian Ridge treatment center; the Larch corrections center; the Olympic correctional center; the Pine Lodge correctional center; the special offender center; and such other state correctional institutions, camps or facilities as may hereafter be established pursuant to law under the jurisdiction of the department for the confinement of convicted felons.

(b) The division of community services is responsible for community based services such as probation and parole and work/training release.

(c) The division of management and budget is responsible for providing a variety of services to the other divisions and offices of the department including budget and accounting, management information systems, research and analysis, management services, internal audit, and contracts and regulations.

(d) The division of institutional industries is responsible for providing a comprehensive work program for inmates, including free venture industries, tax reduction industries, institutional support industries, community work industries, and community service programs. All inmates working in prison industries are paid a wage and contribute to the cost of corrections. Inmates are assigned to these programs based on skills, aptitude, and experience.

(3) Also reporting to the secretary are the chiefs of personnel services, legal services, public information, special investigations, assistant secretary for program development, and legislative liaison and supervisor of internal audits.

NEW SECTION

WAC 137-04-030 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.

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

(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) Unless waived by a public disclosure coordinator, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request is made, and;

(c) The nature of the request.

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

(3) 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.

(4) 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.

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

(6) 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 plus postage to reimburse itself for actual costs incident to providing copies of public records:

(a) Fifty cents per page for ten pages or less;

(b) Thirty-five cents per page from eleven to fifty pages;

(c) Twenty cents per page for over fifty pages.

(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. The department reserves the right to determine if a public record requested in accordance with the procedures outlined in WAC 137-08-090 is exempt or nondisclosable under RCW 42.17.250 through RCW 42.17.340.

Nondisclosable records include, but are not limited to:

(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).

(7) Criminal history records information including conviction and nonconviction information as required by RCW 10.97.

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 non-disclosure 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.

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 275-40-010 ANNUAL INSPECTION.
- (2) WAC 275-40-020 REPORTS.
- (3) WAC 275-40-030 SPECIAL SUBJECTS OF INSPECTION AND REPORTS.
- (4) WAC 275-40-040 INSPECTION RESULTS AND RATINGS.
- (5) WAC 275-40-050 TRAINING PROGRAMS.
- (6) WAC 275-40-060 ANNUAL REPORT TO LEGISLATURE.
- (7) WAC 275-40-070 REVIEW AND REVISION.

WSR 82-04-024ADOPTED RULESDEPARTMENT OF LICENSING(Board of Dental Examiners)

[Order PL 391—Filed January 26, 1982]

Be it resolved by the Washington State Board of Dental Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to WAC 308-40-020 prescriptions, 308-40-101 examination procedure, 308-40-102 examination content, 308-40-103 dismissal from examination, 308-40-104 examination results, 308-40-105 examination review procedures and 308-40-110 foreign trained dentists.

This action is taken pursuant to Notice No. WSR 81-24-079 filed with the code reviser on December 2, 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 Dental Examiners as authorized in RCW 18.32.040.

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

APPROVED AND ADOPTED January 15, 1982.

By Earl C. Maston
Chairman

AMENDATORY SECTION (Amending Order, § 2, filed 3/23/60)

WAC 308-40-020 PRESCRIPTIONS. Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he or she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. Such prescriptions, to be valid, must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for ~~((three))~~ five years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the director of licenses or his authorized representative.

AMENDATORY SECTION (Amending Order PL 342, filed 4/22/80)

WAC 308-40-101 ((EXAMINATION)) APPLICATION PROCEDURE. (1) To be eligible for the dental examination, the applicant must be a graduate

from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation (~~of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.)~~) which were relevant to accreditation of dental schools and current ~~(on)~~ in January ~~(+5, +977)~~, 1981, and has approved all and only those dental schools which were accredited by the ~~(C.A.D.D.A.E.P.)~~ Commission as of January ~~(+5, +977)~~, 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Applications ~~((blanks))~~ for the examination may be secured from the Division of Professional Licensing, P. O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

~~((3) Completed in every respect means that all portions of the application blank(s) are filled out and that included with the application are:~~

~~(a) the required application fee;~~

~~(b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;~~

~~(c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);~~

~~(d) if not a citizen of or)) (3) Applicants who are not citizens or resident aliens in the United States must attain full citizenship or resident alien status ((must be attained)) within six years from issuance of the license, or the license will be cancelled;~~

(4) The only acceptable proof of graduation from an approved dental school is ~~((either a certified copy of a diploma of graduation and))~~ and official transcript from such school, or a verified list of graduating students from the dean of the dental school. The verified list of ~~((candidates))~~ students will only be acceptable from applicants who have graduated within 45 days of the examination for which they are applying. An applicant may complete his other application requirements and be scheduled for the examination before he ~~((obtains his diploma))~~ has graduated, but no ~~((application))~~ applicant will be admitted to the examination unless ~~((the certified copy of the diploma and))~~ the official transcript or the verified list from the dean has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

~~((6) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not~~

~~transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.~~

~~(7)) (6) Upon ((completion of the application for the examination;)) establishing examination eligibility, the division of professional licensing will mail to each applicant ((one "clinical examination record") examination forms, instructions and schedule. It is imperative that the applicant bring this ((form, unfolded;)) information to the examination as it will be used by the board throughout the practical examination.~~

~~((8) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.~~

~~(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.~~

~~(10) Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all of his or her work will be rejected. Such conduct shall include but not be limited to the following:~~

~~(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.~~

~~(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.~~

~~(c) Giving or receiving aid, either directly or indirectly, during the examination process.~~

~~(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.~~

~~(11) All applicants shall occupy the space assigned to him or her throughout the entire examination.~~

~~(12) Under no circumstances may an examination paper be returned to an applicant once it has been turned in as completed.~~

~~(13) No persons, other than those directly connected with the examination, shall be admitted to the examination clinical operating and grading areas.))~~

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

AMENDATORY SECTION (Amending Order 295, filed 3/13/79)WAC 308-40-102 EXAMINATION CONTENT.

(1) The examination will consist of:

(a) Theory: National Board only accepted.

(b) Practical:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration, a cast gold restoration and a gold foil restoration. ~~Proper radiographs are required for each cavity selection ((and the teeth that are selected must be in contact and occlusion. Radiographs are to be mounted with the raised identifying mark out. All proximal restorations must restore contact. The selection must be on an original cavity in a vital tooth and must penetrate the dentin enamel junction, at least on one proximal surface)).~~

~~Amalgam Class II - ((Teeth restored with two surfaces amalgams and with caries in the remaining proximal surface are acceptable for the amalgam. The candidate must leave a precise model of the cavity preparation with adjacent teeth:))~~

~~((Gold Inlay)) Cast Gold Restoration - Three or more surfaces. ((Teeth restored with two surface amalgams and with caries in the remaining proximal surface are acceptable. Candidates must leave with the board a precise model of the inlay preparation on the day of the inlay preparation. The model must have a separated removable pin die and include adjacent teeth:))~~

~~Gold Foil - Class II, III or V ((A selection of a class II foil is confined to those cases where the forces of occlusion do not surpass the physical properties of the condensed gold.~~

~~The gold foil selection will be on a tooth which has original caries or may be on a tooth which has a small existing restoration that has failed. (The latter condition will be determined by the judgment of the board.)~~

~~Areas of minimal erosion are not acceptable for the class V foil restoration. The erosion must be well advanced into the dentin:))~~

(ii) Prosthetic: Candidates will be evaluated ((a number of completed denture setups as determined by the board)) in the area of prosthetics. ~~((This examination will determine the candidates ability to distinguish between correct and incorrect artificial tooth arrangement and position:))~~

(iii) The board may, at its discretion, give an examination in oral diagnosis and treatment planning, or any other phase of dentistry. Candidates will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not

acceptable as assistants. Assistants must complete a form of eligibility.

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

NEW SECTION

WAC 308-40-103 DISMISSAL FROM EXAMINATION. Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

NEW SECTION

WAC 308-40-104 EXAMINATION RESULTS.

(1) In order to pass the examination the applicant must have a score of 75 in each of the restorative procedures. An overall average of 75 for the entire examination must be achieved.

(2) Applicants will be required to retake the entire examination even though a passing score may have been received on any portion of the examination.

(3) Applicants who fail the examination may apply for reexamination by completing application and submitting the appropriate fee to the division of professional licensing.

(4) Applicants who fail to appear for examination forfeit the examination fee.

AMENDATORY SECTION (Amending Order PL 342, filed 4/22/80)

WAC 308-40-105 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the practical examination for licensure as a dentist and does not pass the examination will be provided, upon written request, ((a statement)) information indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration

for review and possible modification of examination results:

(a) a showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the ~~((review of his/her))~~ examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the board's review of the examination results.

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 PL 253, filed 7/13/76)

WAC 308-40-110 FOREIGN TRAINED DENTISTS. The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the ~~((council on education of the))~~ American Dental Association Commission on Accreditation.

(1) A person who has issued to him or her a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the board of examiners, shall be eligible to take the examination given by the board in the theory and practice of the science of dentistry upon furnishing all of the following:

(a) A certified copy of dental school diploma.

(b) Official dental school transcript.

(c) Proof of identification by an appropriate governmental agency; provided, however, that alternate arrangements may be made for political refugees.

(2) Examination by the board of a foreign trained dental applicant shall be a progression examination given in English in the following sequence:

(a) Passing scores on national board examinations, parts I and II.

(b) Satisfactory performance on a preclinical examination in all portions of the restorative ~~((, operative and prosthetic technique not using patients))~~ examination. This portion will be completed on a typodot.

~~((c) Satisfactory performance or an examination in diagnosis and treatment planning:))~~

~~((d))~~ (c) Satisfactory performance on a clinical examination required of all candidates for dental licensure including the prosthetic/oral diagnosis and treatment planning examination.

(3) When an applicant for a licensure has received a passing grade equivalent to that required of other applicants in the examination of the kind set forth in subsection (2)(a) and (b), he or she shall be exempt from reexamination in that subject in subsequent examinations before the board held within a two-year period

from the date of the examination in which he or she obtained such passing grade. Should an applicant fail the preclinical examination in restorative, ~~((operative and prosthetic technique;))~~ the examiners shall determine if remedial training is required and the applicant shall furnish proof of such training before being allowed to re-take that portion of the examination.

(4) The licensure examination for foreign trained dental applicants shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of the examination shall be fixed by the board at least six months prior to the date that the examination is to be held.

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 82-04-025
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 27, 1982]

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 356-07-030	Description and location of ((central and field)) departmental organization.
New	WAC 356-30-335	Reduction-in-force—Voluntary leave without pay—Return—Procedures;

that such agency will at 10:00 a.m., Thursday, March 11, 1982, 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 March 9, 1982, and/or orally at 10:00 a.m., Thursday, March 11, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: January 26, 1982

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: RCW 41.06.150(5), (6) and (7).

Summary: Proposed change revises definition of "seniority"; would provide that time spent off state payroll in reduction-in-force status be credited.

Reasons: Definition of "seniority" was recently amended to allow time spent on a voluntary leave of absence taken to reduce the effect of an agency reduction-

in-force to be credited; proposed change would provide equitable treatment to those persons in leave without pay status due to reduction-in-force.

Responsibility for Drafting: Carol Schmitt, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-2374; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Washington Federation of State Employees Labor Organizations, Department of Personnel, Governmental Agency.

Comments: This change was adopted on an emergency basis at the January 14, 1982, Personnel Board Meeting and is being brought back for final adoption.

Amend WAC 356-07-030.

Title: Description and location of departmental organization.

Purpose: Identifies location, activity and responsibilities of each division of the Department of Personnel.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposed change deletes reference to Seattle and Spokane branch offices; deletes reference to Special Employment Project Services Unit.

Reasons: Due to the recent budget cuts, the Seattle and Spokane Offices have been closed, and the functions performed by the Special Employment Project Services Unit have been abolished.

Responsibility for Drafting: Roger Sanford, Unit Manager, Operations Division, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, Governmental Agency.

Comments: This proposed change is a housekeeping change to reflect the current organization of the Department of Personnel.

New WAC 356-30-335.

Title: Reduction-in-force—Voluntary leave without pay—Return—Procedures.

Purpose and Summary: Sets forth the rights of an employee to return to full time work after voluntarily taking leave without pay or reduced hours to reduce the effect of an agency reduction-in-force; specifies procedures to be followed when either the employee or the agency wants the employee to return to full time work.

Reasons: A number of agencies and employees are entering into voluntary leave without pay or reduced hours agreements to reduce the effect of reduction-in-force in their agency. The Washington Federation of State Employees raised the concern of providing adequate protection to those employees who wish to return to full time work; this rule provides that protection.

Responsibility for Drafting: Robert Conner, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14C, Olympia, WA 98504, Phone: 753-4070; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: This new rule was adopted on an emergency basis at the January 14, 1982, Personnel Board Meeting and is being brought back for final adoption.

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

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 class which was held prior to the current trial service appointment.

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

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

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force (~~is not~~) will be credited for that period of time the employee is on the RIF register (maximum three years). Leaves without pay 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 because of injury or illness while employed by the state 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 Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055 (4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

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

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

SUSPENSION – An enforced absence without pay for disciplinary purposes.

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

TEMPORARY EMPLOYMENT – Single or multiple periods of 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 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.

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 119, filed 4/14/78)

WAC 356-07-030 DESCRIPTION AND LOCATION OF ((CENTRAL AND FIELD)) DEPARTMENTAL ORGANIZATION. (1) The administrative offices of the Department of Personnel and its staff are located at 600 South Franklin Street, Olympia, Washington ((, with branch offices located at 312 First Avenue North, Seattle, Washington, and at West 1709 Broadway, Spokane, Washington)).

(2) The staff is organized in six general areas:

(a) Operations Division which provides for recruitment, examination, examination development, classification, hearings, certification, and affirmative action ((, and special employment project services)).

(b) Standards and Surveys Division which provides for salary surveys, classification surveys, and research services.

(c) Human Resource Development Division which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(d) Insurance Benefits Division which provides for employee insurance programs and employee advisory services.

(e) Administrative Division which provides departmental fiscal management, management analysis, facilities, word processing support and labor relations services.

(f) Information Systems Division which administers the central personnel and payroll system and insurance eligibility system.

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 356-30-335 REDUCTION-IN-FORCE—VOLUNTARY LEAVE WITHOUT PAY—RETURN—PROCEDURES. (1) Upon written agreement between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of an agency reduction-in-force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to full-time work.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to full-time work.

WSR 82-04-026

EMERGENCY RULES DEPARTMENT OF GAME (Game Commission)

[Order 155—Filed January 27, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to closure of Skokomish River system and Salt Creek to the taking of steelhead trout by treaty Indians, WAC 232-32-141.

We, the Game 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 the public interest. A statement of facts constituting such emergency is data gather by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Skokomish River system and Salt Creek pursuant to the reporting system approved by the United States District Court in *United States vs. Washington* indicates that the treaty Indian share of harvestable steelhead for the areas noted above has been reached or will have been reached on the effective date of this order. Therefore, closure of the Skokomish River system and Salt Creek is necessary to assure non-Indian sport fishermen their right to take their share.

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 Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission 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 January 27, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-32-141 CLOSURE OF SKOKOMISH RIVER AND SALT CREEK TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. Effective 3:00 p.m., January 28, 1982: it is unlawful for

treaty Indians to take, fish for or possess steelhead trout in the Skokomish River and Salt Creek.

WSR 82-04-027

EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 82-10—Filed January 27, 1982]

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 the remainder of the winter herring season is closed to protect small local stocks of spawning herring.

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 January 27, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-49-02000G CLOSED AREA—HERRING. Notwithstanding the provisions of WAC 220-49-020, effective 12:00 noon January 29, 1982 until further notice, it is unlawful to take, fish for or possess herring for commercial purposes with any type of gear in Marine Fish-Shellfish Catch Reporting Areas 20A and 20B.

WSR 82-04-028

ADOPTED RULES LIQUOR CONTROL BOARD [Order 92, Resolution No. 101—Filed January 27, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Guest and courtesy cards—Visitors, WAC 314-40-040.

This action is taken pursuant to Notice No. WSR 82-01-074 filed with the code reviser on December 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 27, 1982.

By Leroy M. Hittle
Chairman

AMENDATORY SECTION (Amending Rule 106, filed 6/13/63)

WAC 314-40-040 GUEST AND COURTESY CARDS—VISITORS. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: PROVIDED, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in WAC 314-40-040(1)(a) and (b) shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: PROVIDED, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans ((or fraternal)) organization may enjoy the privileges of any ((club operated by a local post, chapter, or lodge of any such organization without reference to the above restrictions)) licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED, FURTHER, That WAC 314-40-040(1) and (2) shall not apply to members of such organizations.

(4) Persons who are members in good standing of a licensed golf, tennis, or yacht club may enjoy the privileges of any other licensed golf, tennis, or yacht club, respectively: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED, FURTHER, That WAC 314-40-040(1) and (2) shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

WSR 82-04-029

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 93, Resolution No. 102—Filed January 27, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices, WAC 314-44-005.

This action is taken pursuant to Notice No. WSR 82-01-106 filed with the code reviser on December 23, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 27, 1982.

By Leroy M. Hittle
Chairman

AMENDATORY SECTION (Amending Order 46, filed 6/9/76)

WAC 314-44-005 AGENT'S LICENSE REQUIRED—ELIGIBLE EMPLOYERS DEFINED—CERTAIN CLASSES LIMITED—BONA FIDE ENTITY DEFINED—PROHIBITED PRACTICES. (((RULE 111))) (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of any liquor, or act as the agent for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person is holder of an agent's license as provided in RCW 66.24.310, and this regulation.

(2) An agent's license may be issued to the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24-270 or 66.24.206, a beer wholesaler's license, a brewer's

license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for his accredited representatives on application forms prescribed and furnished by the board.

(3) ~~((Pursuant to the authority provided in RCW 66.24.310(2), certain specific classes of eligible employers are herein limited to a maximum number of licensed agents for each bona fide business entity, subject to the following provisions: An out-of-state holder of a wine certificate of approval, issued pursuant to RCW 66.24.206—a maximum of four licensed agents; and, a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine—a maximum of two licensed agents.~~

~~(a) For the purpose of this regulation, a bona fide entity is defined as an actual, clearly identifiable operating business, independently conducted by an individual, partnership, association, company, or corporation. This definition is not to be construed as authorizing such firms to use added trade names, or other assumed or adopted business identities as a means of obtaining additional agents' licenses.~~

~~(b)) Every firm which applies for an agent's license under the provisions of this section shall furnish the board with satisfactory proof that such firm is in fact a bona fide business entity.~~

(4) Only the licensed agent of a distiller, manufacturer, importer, or distributor of spirituous liquor may contact retail licensees in goodwill activities when such contacts pertain to spirituous liquor products.

(5) No distiller, manufacturer, importer, wholesaler or distributor of liquor, or agent thereof, shall solicit either in person, by mail or otherwise, any liquor vendor or employee of the board, except the purchasing agent thereof, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(6) No distiller, manufacturer, importer, wholesaler or distributor of liquor, or agent thereof, shall visit any state liquor store or agency except for the purpose of making a purchase in the usual manner, as any other customer, and such person shall not enter any warehouse, store or agency of the board for the purpose of sales promotion or to secure information regarding inventory or any other matter relating to sales.

(7) No distiller, manufacturer, importer, wholesaler, or distributor of liquor, or agent thereof, shall give or offer to any employee of the board any entertainment, gratuity or other consideration for the purpose of inducing or promoting the sale of merchandise.

(8) No distiller, manufacturer, importer, wholesaler, or distributor, or agent thereof, shall allow, pay or rebate, directly or indirectly, any cash or merchandise to any retail licensee to induce or promote the sale of liquor, including the payment of tips to such licensees or their employees and the purchasing of drinks "for the

house". Such persons, firms and licensees must operate in conformity with WAC 314-12-140, RCW 66.28.010, RCW 66.28.040, and other applicable laws and rules.

(9) Upon the infraction of any law or regulation by any distiller, manufacturer, importer, wholesaler, distributor, or agent, the board may, in addition to imposing other penalties as prescribed by law, remove such firm's products from the sales list of the board, and/or prohibit the sale of any brand or brands of beer or wine involved as provided in RCW 66.28.030.

(10) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.

WSR 82-04-030

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 97, Resolution No. 106—Filed January 27, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 314-60-030	Description of central and field organization of Washington State Liquor Control Board.
Amd	WAC 314-60-040	Operations and procedure.
Rep	WAC 314-60-150	Adoption of forms.
Rep	WAC 314-60-900	Organization chart (Appendix A).
Rep	WAC 314-60-901	Formal hearings (Appendix B).
Rep	WAC 314-60-902	Notice of proposed order of summary license suspension (Appendix C).
Rep	WAC 314-60-903	Notice of proposed order of summary license suspension with added penalty (Appendix C).
Rep	WAC 314-60-904	Notice of proposed order of summary license suspension with option for monetary penalty (Appendix C).
Rep	WAC 314-60-905	Notice of proposed order of summary license suspension with directions to implement option for monetary penalty (Appendix C).
Rep	WAC 314-60-906	Resolution No. 41 (Appendix D).
Rep	WAC 314-60-907	Request for public record (Appendix E).

This action is taken pursuant to Notice No. WSR 82-01-075 filed with the code reviser on December 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030 and Title 34 RCW.

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

APPROVED AND ADOPTED January 27, 1982.

By Leroy M. Hittle
Chairman

AMENDATORY SECTION (Amending Order 22, filed 4/17/73, effective 5/18/73)

WAC 314-60-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF WASHINGTON STATE LIQUOR CONTROL BOARD. The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW).

(1) The board's major areas of activity are:

(a) Purchase, distribution and sale of liquor in the original package through its stores and agencies.

(i) All spirituous liquor in the original package is exclusively sold by the board.

(ii) Wines and malt beverages in the original package are sold by the board, and wines and beer can, under appropriate license, be sold by licensees.

(b) The licensing of the manufacture, distribution and sale of liquor. Licenses to retailers involve many different classifications and categories for the sale of liquor for on-premises and off-premises consumption. Licenses are also issued to manufacturers, breweries, wholesalers, importers, etc.

(c) The inspection of the activities and operations of liquor licensees and the enforcement of the liquor laws of the state of Washington and the rules and regulations of the board.

(2) The administrative offices of the Washington state liquor control board and its staff are located at:

(a) Main office, (~~General Administration Building~~) Capitol Plaza Building, 1025 East Union Avenue, Olympia.

(b) (~~Warehouse~~) Distribution center and stores and agencies division, (~~4201~~) 4401 East Marginal Way South, Seattle.

(c) (~~Inspection~~) Enforcement offices, including one at Olympia and one at the Seattle (~~warehouse~~) distribution center, are maintained in major cities throughout the state.

(d) Stores and agencies are maintained in cities, towns, and areas throughout the state.

AMENDATORY SECTION (Amending Order 56, filed 5/31/77, effective 7/1/77)

WAC 314-60-040 OPERATIONS AND PROCEDURE. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) (~~The~~) An organizational chart (~~, attached hereto as Appendix A (Revised 5/77) [WAC 314-60-900];~~) is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in Title X Hearings WAC 314-04-010, and in Title XIV Practice and Procedure WAC 314-08-010 through 314-08-590.

(a) (~~Attached hereto as Appendix B (Revised 5/77) [WAC 314-60-901] is~~) General information pertaining

to formal hearings is available from the board's public records office.

(b) (~~Attached hereto as Appendix C (Revised 5/77) [WAC 314-60-902 through 314-60-905] are~~) Forms of notice of proposed order of summary license suspension are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except exempt matters, are made and conducted at its regular and/or special meetings. (~~Attached hereto as Appendix D (Revised 5/77) [WAC 314-60-906] is a copy of Board Resolution 41 relating to its schedule for regular meetings.~~) Regular weekly meetings of the board are held on Wednesday of each week, except on holidays, beginning at 9:30 a.m. at its offices on the fifth floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 314-60-150 ADOPTION OF FORMS.

(2) WAC 314-60-900 ORGANIZATION CHART (APPENDIX A).

(3) WAC 314-60-901 FORMAL HEARINGS (APPENDIX B).

(4) WAC 314-60-902 NOTICE OF PROPOSED ORDER OF SUMMARY LICENSE SUSPENSION (APPENDIX C).

(5) WAC 314-60-903 NOTICE OF PROPOSED ORDER OF SUMMARY LICENSE SUSPENSION WITH ADDED PENALTY (APPENDIX C).

(6) WAC 314-60-904 NOTICE OF PROPOSED ORDER OF SUMMARY LICENSE SUSPENSION WITH OPTION FOR MONETARY PENALTY (APPENDIX C).

(7) WAC 314-60-905 NOTICE OF PROPOSED ORDER OF SUMMARY LICENSE SUSPENSION WITH DIRECTIONS TO IMPLEMENT OPTION FOR MONETARY PENALTY (APPENDIX C).

(8) WAC 314-60-906 RESOLUTION NO. 41 (APPENDIX D).

(9) WAC 314-60-907 REQUEST FOR PUBLIC RECORD (APPENDIX E).

WSR 82-04-031**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 98, Resolution No. 107—Filed January 27, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to license does not grant vested right, WAC 314-12-010.

This action is taken pursuant to Notice No. WSR 82-01-105 filed with the code reviser on December 23, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 27, 1982.
By Leroy M. Hittle
Chairman

AMENDATORY SECTION (Amending Rule 1, filed 6/13/63)

WAC 314-12-010 LICENSE DOES NOT GRANT VESTED RIGHT ((RULE 1)). The issuance of any license by the board shall not be construed as granting a vested right in any of the privileges so conferred, and a misrepresentation of fact found to have been made by the applicant or a licensee shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of ((such)) an application or the revocation or suspension of said license by the board.

WSR 82-04-032

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 99, Resolution No. 108—Filed January 27, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Furnishing of information and/or documentation to the board—Oath required—Form of affidavits, WAC 314-12-035.

This action is taken pursuant to Notice No. WSR 82-01-107 filed with the code reviser on December 23, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 27, 1982.
By Leroy M. Hittle
Chairman

NEW SECTION

WAC 314-12-035 FURNISHING OF INFORMATION AND/OR DOCUMENTATION TO THE BOARD—OATH REQUIRED—FORM OF AFFIDAVIT. (1) In order to facilitate the administration and/or enforcement of RCW 66.24.010, licensees, applicants for licenses, or the agents or representatives thereof shall furnish to the board copies of all documents affecting the ownership and/or proposed operation of the premises licensed or sought to be licensed. These documents shall be furnished with the original license application, with any application for transfer of license, and at such other times as may be requested by the board. Licensees, applicants for licenses, or the agents or representatives thereof, shall furnish along with these documents a signed written summary of any oral agreements which affect the ownership and/or proposed operation of the premises licensed, or sought to be licensed. Failure or refusal to furnish said requested documentation will be good and sufficient cause for denial of any application in support of which the documentation was requested, and will be good and sufficient cause for revocation of any license held by a licensee who fails or refuses to furnish the said requested documentation.

(2) Written information and/or documentation requested by the board from any person for the purpose of administering and/or enforcing RCW 66.24.010 shall be submitted to the board along with an affidavit in the form provided in subsection (3) or (4) hereof, whichever is appropriate, which shall be signed by the person submitting the information, given under oath subject to the penalties of perjury, and certifying that all information and/or documentation being furnished is true, accurate and complete.

(3) Where the person furnishing information and/or documentation to the board is a licensee, an applicant for a license, or the agent or representative of such a licensee or applicant, the affidavit referenced in subsection (2) above shall be in the following form:

"AFFIDAVIT OF LICENSEE, APPLICANT FOR LICENSE OR AGENT OR REPRESENTATIVE THEREOF, CONCERNING DOCUMENTATION OF OWNERSHIP INTERESTS IN LICENSED PREMISES AND/OR BUSINESS

I, _____, having been duly sworn upon oath depose and say:

That I have read the following specifically identified application and/or documents which are herewith submitted by me to the board through its authorized representative for the purpose of inducing official action by the board:

(List application by date and documents by type and date)

That I am authorized to submit the application and/or documents on behalf of the licensee or applicant for a license, as the case may be.

That to the best of my knowledge all of the information on said specifically identified application and/or documents is true, accurate and complete.

That there are no oral agreements of any kind whatsoever which modify the provisions of the said specifically identified application and/or documents other than those which are fully disclosed in the said application and/or documents.

That the true identity of all persons or other entities who do, or will, have an interest in the business licensed, or sought to be licensed, have been fully disclosed to the board; all such interests being fully described in the said application and/or documents whether such interests result from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or from any other source whatsoever except open trade accounts incurred in the ordinary course of business.

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____
Title _____
Sole Proprietor,
Corporate Officer
Shareholder, Partner,
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this ____ day of _____ 1981.

Notary Public in and for the state of _____ residing at _____."

(4) Where the person furnishing information and/or documentation to the board is some person other than a licensee or applicant for a license, and the person is not acting as the agent or representative of such a licensee or applicant, the affidavit referenced in subsection (2) above shall be in the following form:

"AFFIDAVIT OF PERSON OTHER THAN A LICENSEE, OR APPLICANT FOR A LICENSE, RELATING TO INFORMATION AND/OR DOCUMENTATION FURNISHED TO THE BOARD

I, _____, having been duly sworn upon oath depose and say:

That I have read the following specifically identified documents which are herewith submitted by me to the

board through its authorized representative for the purpose of inducing official action by the board:

(List documents by type and date)

That to the best of my knowledge all of the information on said specifically identified documents is true, accurate and complete.

That there are no oral agreements of any kind whatsoever which modify the provisions of the said specifically identified documents other than those which are fully disclosed in the said specifically identified documents.

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____
Title _____
Sole Proprietor,
Corporate Officer
Shareholder, Partner,
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this ____ day of _____ 1981.

Notary Public in and for the state of _____ residing at _____."

(5) For the purpose of effectively obtaining information concerning any matter relating to the administration or enforcement of Title 66 RCW, any person providing books, records, or other documents to a person appointed in writing by the board pursuant to RCW 66.08.130 and 66.08.140 for the purposes specified in those statutes, shall provide the board at the same time with an affidavit in the following form:

"AFFIDAVIT OF PERSON PROVIDING BOOKS, RECORDS OR OTHER DOCUMENTS FOR INSPECTION BY THE BOARD PURSUANT TO RCW 66.08.130 OR 66.08.140

I, _____, having been duly sworn upon oath depose and say:

That I have produced the following specifically identified books, records and other documents for inspection by the board, through its authorized representative, in compliance with RCW 66.08.130 and/or 66.08.140:

(List books, records or other documents by type and date)

That I am aware of no other books, records or documents which come within the purview of the request made for production under RCW 66.08.130 or 66.08.140 other than those which have been produced, except the following:

(Insert "none" or describe the other books, records or documents)

That to the best of my knowledge all of the documents which I have provided to the authorized representative of the board are true, correct, and complete, except the following:

(Insert "none" or identify specific documents and describe in what manner they are untrue, incorrect, or incomplete)

That to the best of my knowledge there are no oral agreements of any kind whatsoever which modify the provisions of any of the books, records and/or other documents produced by me other than those which are summarized below:

(Insert "none" or summarize each and every such oral agreement)

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____

Title _____

Sole Proprietor,
Corporate Officer
Shareholder, Partner,
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this _____ day of _____ 1981.

Notary Public in and for
the state of _____
residing at _____."

WSR 82-04-033
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed January 27, 1982]

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 duties of the commission chairman and the conduct of commission meetings, WAC 352-04-010;

that such agency will at 9 a.m., Monday, March 15, 1982, in the Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502, 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 43.51.060 and 42.30.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 12, 1982, and/or orally at 9 a.m., Monday, March 15, 1982, Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502.

Dated: January 27, 1982

By: Robert T. McCoy
Acting Rules Coordinator

STATEMENT OF PURPOSE

Title: Duties of chairman and conduct of meetings.

Description of Purpose: Amends paragraph (4) to change the days on which the commission meets. Amends paragraph (7) to comply with RCW 43.51.020 and 43.51.040(7).

Statutory Authority: RCW 43.51.060 and 42.30.070.

Summary of Rule: WAC 352-04-010(4) is changed to set forth eight meetings per calendar year, starting at 9 a.m. on the third Monday of the scheduled months. Further, that an annual schedule of meeting dates and locations will be adopted by the commission during the last regular meeting of the year and that the schedule be published each January in the Washington State Register; 352-04-010(7) is amended to read: "A majority of the authorized commission membership shall constitute a quorum for the transaction of business at all regular and special meetings."

Reasons Supporting Proposed Action: To meet the requirements of RCW 43.51.030. To bring WAC 352-04-010 into technical conformity with RCW 43.51.020 and 43.51.040(7).

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Tveten, Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, M/S KY-11, Olympia, WA 98504, 753-5757.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Proposed statutory language is contained in the proposed amendatory section shown below.

Federal Law/Court Action: N/A.

AMENDATORY SECTION (Amending Order 47, filed 9/22/80)

WAC 352-04-010 DUTIES OF CHAIRMAN AND CONDUCT OF MEETINGS. (1) The chairman shall call and preside at all regular or special meetings.

(2) The duties of the vice-chairman shall be to preside at all regular or special meetings in the absence of the chairman. In addition, the vice-chairman shall serve as chairman upon his resignation, death, or incapacitation for any reason, and shall so serve until the next regular election, or until the chairman is again able to serve, whichever shall first occur.

(3) The secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall sign such minutes when transcribed and approved by the commission. In addition, the secretary shall succeed to the offices of vice-chairman or chairman in the same manner and under the same conditions as set forth above for the vice-chairman.

(4) ~~((One))~~ Eight regular meetings shall be held each calendar year, commencing at 9:00 a.m., on the third ~~((Thursday))~~ Monday of each month in which a meeting is to be held, unless otherwise called by the chairman or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission during the last regular meeting of each calendar year, and will be published each January in the Washington state register, in accordance with RCW 42.30.075.

(5) An annual election shall be conducted for the offices of chairman, vice-chairman, and secretary, at the first regular meeting of every year. The election shall be conducted by written ballot.

(6) The order of business at all regular meetings shall be:

- (a) The call of the roll.
- (b) Minutes of the previous meeting.
- (c) Acceptance of agenda.
- (d) Business of the day.
- (e) Date and location of next meeting.
- (f) Adjournment.

(7) The chairman shall be a voting member of the commission. A majority of the ~~((appointed commissioners))~~ authorized commission membership shall constitute a quorum ~~((, unless otherwise required by law))~~ for the transaction of business at all regular and special meetings. A majority vote of the commissioners present shall be sufficient to pass or defeat each measure brought to a vote, ~~((provided there is a quorum present))~~ unless otherwise required by law. When a unanimous vote of the authorized membership of the commission is required by law to pass any measure brought to a vote, the vote of any absent commissioner may be registered by mail, or by telephone; provided that any mailed ballot shall be opened and read, or any telephoned vote shall be communicated during the meeting at which such measure is being considered; and provided further that the chairman shall identify the absent commissioner or commissioners so voting, and that such identification shall be incorporated into the minutes of the meeting.

WSR 82-04-034
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 177—Filed January 28, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 232-12-021	Import and retention of nonresident wildlife.
Amd	WAC 232-12-037	Shooting preserves—Licensing—Permits—Operations.
Amd	WAC 232-12-041	Permit for holding field trails.
Amd	WAC 232-12-047	Unlawful firearms for hunting.
Amd	WAC 232-12-057	Hunting with aid of aircraft, boats or other vehicles.
Amd	WAC 232-12-064	Holding live wildlife in captivity.
Amd	WAC 232-12-071	Buying or selling game unlawful.
Amd	WAC 232-12-101	Falconry and captive propagation of raptors permitted.
Amd	WAC 232-12-104	Falconry definitions.
Amd	WAC 232-12-107	Falconry permits required.
Amd	WAC 232-12-114	Permit required for capture, importation, exportation, and transfer of raptors.
Amd	WAC 232-12-117	Marking and identification of raptors required.
Amd	WAC 232-12-121	Falconry reports required.
Amd	WAC 232-12-124	Methods of capture and prohibitions in taking raptors.
Amd	WAC 232-12-127	Revocation, modifications or suspension of falconry permits.
Amd	WAC 232-12-131	Permits for special hunting seasons.
Amd	WAC 232-12-151	Fly fishing rules.
Amd	WAC 232-12-167	Hunting and fishing contest rules.
Amd	WAC 232-12-177	Vehicles using department lands.
Amd	WAC 232-12-181	Livestock grazing on department of game lands.
Amd	WAC 232-12-187	Access areas—Other department lands—Wildlife agent to control traffic thereon.
Amd	WAC 232-12-244	Hunting restrictions.
Amd	WAC 232-12-247	Transmission lines—Unlawful hunting.
Amd	WAC 232-12-271	Conditions for issuance of permits for aquatic plants or releasing of wildlife.
Amd	WAC 232-12-274	Conditions for issuance of permits for scientific collection, research or display.
New	WAC 232-12-813	Copying.
Rep	WAC 232-12-111	Limitation on possession of raptors.
Rep	WAC 232-12-281	Copying.

This action is taken pursuant to Notice Nos. WSR 81-22-067 and 81-24-062 filed with the code reviser on November 4, 1981 and December 2, 1981, respectively. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have 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 January 4 and 5, 1982.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-021 IMPORT AND RETENTION OF NONRESIDENT WILDLIFE. It is unlawful ~~((to import, possess, or transfer in the state of Washington wild animals, wild birds or game fish killed in another state or country without having proof of legal acquisition, which must remain with the wildlife during the period of retention))~~:

(1) To import or possess wildlife, taken in another state or country, into Washington unless the wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the edible parts.

(2) For a person who imports mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the wildlife is being held and general information describing where and how the wildlife was obtained.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-037 SHOOTING PRESERVES—LICENSING—PERMITS—OPERATIONS. A game farm licensed under the provisions of chapter 77.12 RCW may function as a private shooting preserve and dispose of game birds produced or acquired by releasing them on the designated preserve for hunting. The permittee must abide by the following rules:

(1) Each person desiring to operate a private shooting preserve must make application to the ~~((director))~~ department on forms supplied by the department.

(2) ~~The ((director))~~ department shall investigate the property described in the application and determine the number of wild game birds produced annually on the proposed shooting preserve area.

(3) Private shooting preserves must contain a minimum of one hundred acres to a maximum of one thousand acres in a contiguous block. The land must be owned or leased by the applicant for a minimum of five years, and cannot contain lakes or ponds in excess of two acres of surface water or be within one-half mile of bodies of water in excess of two acres.

(4) Shooting preserves may not be located on land having a projected fall population of wild upland game birds in excess of twenty birds per one hundred acres.

(5) Shooting preserves may not be located within one mile of a public hunting area owned or controlled by the department, except lands controlled by year-to-year agreement.

(6) The boundary of shooting preserves must be posted by the permittee with signs approved by the director in such manner as he may direct.

(7) The permittee shall release not less than one game bird per acre, annually.

(8) Game birds taken from a private shooting preserve must be ~~((tagged))~~ marked and accompanied by an invoice showing the permittee's name, address, date of sale, number and species sold and the name and address of the hunter. Said invoice shall be retained by the hunter during the time such species are in his possession. ~~((Tags to be used as identification will be furnished at cost by the department.))~~

(9) During September or October each year, the permittee must deliver to the department the number of live game birds determined under subsection (2) or pay the department the fair market value for the specified number of game birds sixteen weeks of age. Game birds delivered to the department must be sixteen weeks of age, fully feathered and in sound and healthy condition as determined by the department.

~~((10) The permittee shall first be given a reasonable time, not to exceed ninety days, to dispose of his stock of game birds.))~~

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-041 PERMIT FOR HOLDING FIELD TRIALS. (1) Except as authorized by permit issued by the director it is unlawful to hold field trials for hunting dogs during the months of April, May, June, and July. Field trials on department lands or those involving use of live ~~((birds))~~ wildlife may not be held without a permit.

(2) Applications for a field trial permit must be filed with the ~~((director))~~ department at least thirty days before the proposed date for holding such trials. The application shall state the time and place the field trials will be held, the names of sponsors and persons who will conduct the trials, and such other information as the director may require.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-047 UNLAWFUL FIREARMS FOR HUNTING. (1) It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) ~~((A pistol or revolver.))~~ A handgun, except deer, bear, or cougar may be hunted with a 41 magnum, 44 magnum, 44 automatic magnum, 45 Winchester magnum, or any handgun .24 caliber or larger provided it:

(i) Has a minimum barrel length of 6 inches and

(ii) Uses a centerfire cartridge with a minimum overall length (including bullet) of at least 2 inches which are loaded with mushrooming or expanding type bullet of 100 grains or heavier bullet weight designed for big game hunting.

(c) A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches.

(d) A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 foot pounds of energy at 100 yds.

(e) A rifle cartridge containing a bullet other than a mushrooming or expanding type designed for big game hunting.

(f) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer and bear.

(g) A muzzle-loader that does not meet the definition as provided in WAC 232-12-051.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or pistol, with the exception of blue grouse, spruce grouse and ruffed grouse.

(6) It is unlawful to hunt wildlife with a crossbow.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-057 HUNTING WITH AID OF AIRCRAFT, BOATS OR OTHER VEHICLES. (1) It is unlawful to use aircraft to spot, locate or report the location of wildlife for the purpose of hunting; except as authorized by a permit issued by the director.

(2) It is unlawful to hunt wildlife from a vehicle, aircraft, except as authorized by a permit issued by the director, or from a boat propelled by motor unless the motor of such boat has been completely shut off and its progress has ceased.

(3) It is unlawful to use a vehicle, aircraft, or motor-propelled boat for the purpose of pursuing, concentrating, or harassing any wild animal or wild bird.

(4) It is unlawful to hunt big game on the day one was airborne in an aircraft, except on a regularly scheduled commercial airline flight.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-064 HOLDING LIVE WILDLIFE IN CAPTIVITY. It is unlawful to take from the wild, hold in captivity, or possess live wild animals, ~~((game))~~ wild birds, or game fish unless such capture, holding or possession is authorized by a license or permit issued by the ~~((director or the commission))~~ department, except it is lawful to keep game fish alive on stringers, in live wells or other containers while fishing.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-071 BUYING OR SELLING GAME UNLAWFUL. Unless prohibited by federal regulations, nonedible parts of wild animals, game birds or game fish lawfully taken may be offered for sale, sold, purchased or traded, EXCEPT,

It is unlawful to offer for sale, sell, purchase or trade cougar, mountain sheep, mountain goat, velvet antlers of deer or elk or the gall bladder, claws and teeth of bear, except those claws and teeth permanently attached to a full bear skin or mounted bear, unless the offer for sale, sale, purchase or trade is authorized by a written permit issued by the director.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-101 FALCONRY AND CAPTIVE PROPAGATION OF RAPTORS PERMITTED. (1)

The director ~~((, or his authorized representative,))~~ may issue permits for the taking and possession of ~~((any))~~ a raptor for the purpose of falconry, ~~((and for the possession of any raptor for the purpose of))~~ captive live propagation, and for the possession, transfer, use and disposition of adult birds and progeny thereof, except for those species restricted by the state or that appear on the federal endangered species list. ~~((However, any endangered raptor held legally before December 28, 1973, may be retained for falconry use under these regulations.))~~ The director may issue a permit under WAC 232-12-274 for the taking or possession of raptor eggs. However, a federally threatened or endangered raptor held legally before November 10, 1978, and their progeny that have not been intentionally released to the wild may be retained for falconry use under these regulations. Such permits will be restricted to residents of the state of Washington.

(2) It is unlawful to take or possess a raptor or raptor eggs without a permit from the director. It is unlawful to violate the conditions of a permit issued under this rule.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-104 FALCONRY DEFINITIONS.

(1) "Raptor" means a ~~((five))~~ migratory bird of the family Accipitridae ~~((;))~~ other than the bald eagle (*Haliaeetus leucocephalus*), or the family Falconidae, or the great horned owl (*Bubo virginianus*), of the family Strigidae ~~((whether indigenous to the United States or foreign)).~~

~~((a))~~ "Eyas" means any raptor originally taken from the nest or fledgling raptor taken before the juvenile flight feathers have become hard pennaed (fully grown).

~~((b))~~ "Passage hawk" means any raptor originally taken after the juvenile flight feathers have become hard pennaed and before attaining adult plumage.

~~((c))~~ "Haggard" means any raptor originally taken after attaining adult plumage.

~~((d))~~ (2) "Captive-bred raptor" means ~~((any))~~ the progeny of a mating of raptors in captivity.

~~((2))~~ (3) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild ~~((for the purpose of falconry)).~~

~~((3))~~ (4) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

~~((4))~~ "Falconry facilities" means the areas, mews, buildings, structures or enclosures or portions thereof designed for the purpose of providing shelter or housing for raptors held for the purpose of falconry, including all furnishings thereof.

(5) "Falconry equipment" means the perches, swivels, jesses, leashes, lures, traps, snares, nets, harnessed-bait bird or other implement utilized in trapping, transporting, keeping, training or flying raptors for the purpose of falconry.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-107 FALCONRY PERMITS REQUIRED. ~~((+))~~ It is unlawful for ~~((any))~~ a person to possess ~~((any))~~ a raptor for the purpose of falconry or to engage in the practice of falconry without first obtaining and having upon his person a valid Washington state "Falconry Permit."

~~((2))~~ The director, or his authorized representative, may issue three classes of falconry permits as follows:

(a) "Novice Falconry Permit" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, by written application on forms provided that the applicant:

(i) Is at least fourteen years of age;

(ii) is sponsored by a holder of a "General, or Master, Falconry Permit," who shall sign said application;

(iii) has an adequate knowledge of the care of raptors, of the practice of falconry, and the Washington State Game Code and regulations pertaining to falconry, and

(iv) will provide adequate falconry facilities and equipment feed, care and management.

(b) "General Falconry Permit" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, by written application on forms provided that the applicant:

(i) Is at least eighteen years of age;

(ii) has had at least two years of falconry experience under a valid "Novice Falconry Permit" or its equivalent, and is sponsored by two holders of a general or master category, who shall sign said application;

(iii) has a working knowledge and practical expertise in the care of raptors, of the practice of falconry and of the Washington State Game Code and regulations pertaining to falconry, and

(iv) will provide adequate falconry facilities and equipment, feed, care and management.

(c) "Master Falconry Permits" may be issued to qualified applicants who show to the satisfaction of the director, or his authorized representative, provided that the applicant

(i) has had at least five years experience as a general falconer, or its equivalent, and

(ii) had a working knowledge and practical expertise in the care of raptors, of the practice of falconry, and of the Washington State Game Code and regulations pertaining to falconry, and

(iii) passes a review board of not over four members made up of persons appointed by the director or his authorized representative, and

(iv) will provide adequate falconry facilities and equipment, food, care and management.

(3) The director, or his authorized representative, may require any applicant or any person holding a valid falconry permit to satisfactorily complete written or oral examinations upon initial application. Said examinations shall be passed with a score of at least 80 percent.

(4) Facilities and equipment. The director or his authorized representative shall inspect and certify the

applicant's raptor housing facilities and falconry equipment as meeting the following standards before any permit is issued:

(a) Facilities. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below:

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one incompatible raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided:

(ii) Unsupervised outdoor facilities (weathering area) should be fenced or covered to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to insure that birds cannot strike the fence when flying from the perch. Adequate perches shall be provided:

(b) Equipment. The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i) Jesses = at least one pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels = at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(iii) Bath container = at least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches = at least one weathering area perch of acceptable design shall be provided for each raptor; and

(v) Weighing device = a reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than one-half ounce (15 grams) shall be provided.

(c) Maintenance. All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Temporary holding facilities. A raptor may be transported or held by the permittee in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbances for a period not to exceed thirty days.

(5) The director, or his authorized representative, may periodically inspect the falconry facilities and equipment and raptors of any applicant or holder of a falconry permit at reasonable times.))

(1) The requirements for each such permit shall be stated on each permit application. The limitations on the use of these permits shall be stated on each such permit.

(2) Falconry permits shall be issued only to applicants who have successfully passed a supervised examination with a score of at least eighty percent and who have raptor housing facilities and falconry equipment approved by the director. The requirements for such facilities and equipment shall be stated on each falconry permit application.

(3) The department may periodically inspect the falconry facilities, equipment and raptors of a holder of a falconry permit at reasonable times.

(4) It is unlawful for a holder of a falconry permit to have in his possession or under his control, or to capture or attempt to capture, a species or number of raptors specifically prohibited by the director.

(5) It is unlawful for a person to possess a bald eagle, vulture, osprey, or owl, except the great horned owl, for falconry.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-114 PERMIT REQUIRED FOR CAPTURE, IMPORTATION, EXPORTATION, AND TRANSFER OF RAPTORS. (1) It is unlawful for any person to ((trap, net or otherwise attempt to capture any)) take a raptor without first having in his possession and upon his person a valid "Raptor Capture Permit."

(2) ((The director, or his authorized representative, may issue "Raptor Capture Permits" to holders of valid falconry permits and may endorse upon the face of each "Raptor Capture Permit" any limitation thereon, including any prohibited species of raptor. Novice permittees may not take an eyas from the nest, general and master falconers will be allowed to take one eyas each year.

(3) It is unlawful for any person to import into the state of Washington any raptor for falconry purposes without first obtaining a "Raptor Importation Permit."

(4) The director, or his authorized representative, may issue "Raptor Importation or Exportation Permits" for the transfer of raptors into and out of the state of Washington upon such terms and conditions as may be designated thereon.

(5) It is unlawful to transfer ownership or possession of any raptor without first notifying the Department of Game and registering the proposed transfer with said department on appropriate forms to be provided, except a permittee may give temporary care of any raptor to another permittee holding a general or masters permit for a period not to exceed thirty days without prior notification or registration provided written authorization from the registered owner accompany the bird, and a copy thereof be submitted to the Department of Game within three days of said transfer.)) "Raptor Capture Permits" may be issued by the director to holders of valid falconry permits. Additional requirements of each permit shall be stated on the permit. Additional limitation on the use of each permit shall be stated on each permit.

(3) A permittee, after capturing or acquiring a raptor, shall immediately fill out and mark the appropriate dates on the "Raptor Capture Permit." Such permit must be returned to the department within five days of capture or acquisition. A person who captures a raptor shall report such capture to the department within five days of the time of capture.

(4) It is unlawful for a person to import into or export out of the state of Washington any raptor for falconry or propagation purposes without first obtaining a "Raptor Importation or Exportation Permit." "Raptor Importation or Exportation Permits" may be issued by the director for the transfer of raptors into and out of the state of Washington. "Temporary" importation or exportation permits may be issued to licensed falconers for raptors brought into or removed from the state on a temporary basis. Additional requirements and limitations for each permit shall be stated on each permit.

(5) It is unlawful to transfer ownership or possession of a raptor without first notifying the department and registering the proposed transfer with the department. Permanent exportation of a raptor will also require a transfer of raptor permit. It is lawful for a permittee to give temporary care of any raptor to another permittee holding a general or masters permit for up to thirty days without prior notification or registration, if written authorization from the registered owner accompanies the bird, and a copy thereof is submitted to the department within three days of each such transfer.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-117 MARKING AND IDENTIFICATION OF RAPTORS REQUIRED. (1) It is unlawful for ((any)) a person to have in his possession or under his control any raptor that does not bear an identifying ((band provided by the)) United States Fish and Wildlife Service ((and distributed by the Department of Game. PROVIDED, That captive bred raptors whose hatching was reported to the Department of Game within seven days of hatching may be possessed without such identifying band until the thirty-fifth day after hatching. AND PROVIDED FURTHER, That raptors held in compliance with subsection (2) of this section may be possessed without such identifying band for up to fifteen days after taking.

(2) It is unlawful to take any raptor without first having in his possession a capture permit and temporary holding permit. Any permittee, after capturing or acquiring a raptor, shall immediately fill out and remove the appropriate notches of the "Raptor Capture Permit." Said permit will be returned to the Department of Game office within five days of capture or acquisition.

(3) It is unlawful to remove or replace a raptor band without permission and/or supervision of the director, or his authorized representative.

(4) It is unlawful to possess a raptor band in an altered condition.)) band. It is unlawful to possess captive bred raptors after the 35th day of age without such identifying band. It is unlawful to hold raptors taken under a valid permit without an identifying band after fifteen days from capture.

(2) It is unlawful to remove or replace a raptor band without the approval of or under the supervision of the director.

(3) It is unlawful to possess a raptor band that has been altered.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-121 FALCONRY REPORTS REQUIRED. (1) ~~((Any))~~ A person holding a "Falconry Permit" shall ~~((be required to))~~ submit by May 31 of each year an annual report on forms supplied by the department, disclosing such information as the ~~((director, or his authorized representative, may deem valuable and))~~ department deems necessary ~~((to))~~ for the proper management of raptors and the regulation of falconry. ~~((Such reports will be submitted by July 31 of each year.))~~

(2) ~~((Any))~~ A person shall report to the ~~((director, or his authorized representative))~~ department, the loss, death, or release of ~~((any))~~ their raptor possessed by him within ~~((forty-eight hours))~~ five days of ~~((such))~~ each loss, death or release. The carcasses of any dead ~~((bird))~~ raptors shall be ~~((returned))~~ delivered to the nearest department ~~((of Game))~~ office, unless authorized to be retained by the department ~~((or the United States Fish and Wildlife Service)).~~

~~((3) Any person who captures a raptor shall report such capture to the director, or his authorized representative, within forty-eight hours of the time of capture.))~~

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-124 METHODS OF CAPTURE AND PROHIBITIONS IN TAKING RAPTORS. (1) It is unlawful for a person to remove more than one immature ~~((or fledgling))~~ raptor from ~~((any))~~ a nest ~~((or to trap any haggard at any time of the year)).~~

(2) It is unlawful to trap a raptor originally taken after it attains adult plumage at any time of the year except as provided in subsection (6) of this section.

(3) It is unlawful to remove any immature ~~((or fledgling))~~ raptor from ~~((any))~~ a nest unless one or more live, immature ~~((or fledgling))~~ raptors remain in the nest after such removal.

~~((3) It is unlawful for a person to remove any egg from the nest of any wild raptor or to possess such egg or part thereof, unless specifically authorized by the director, or his authorized representative.))~~

(4) It is unlawful to ~~((have))~~ possess or use ~~((any))~~ a trap, snare, net, harnessed bait bird or other implement that is employed in an attempt to capture ~~((any))~~ a raptor without said equipment being ~~((plainly))~~ legibly marked with the name and address of the user.

(5) It is unlawful for ~~((any))~~ a person to leave unattended ~~((any))~~ a trap, snare, harnessed bait bird, or other implement that is set for the purpose of capturing ~~((any))~~ a raptor, except for the Swedish goshawk-type trap.

(6) ~~((It is unlawful to take any raptors from the wild, except during January 1-15 every day, on weekends and~~

holidays (May 31 and July 4) from May 15 to July 31, and every day from August 15 to December 31.

~~((7)) It is unlawful for a person, other than the permittee, to retrap a marked raptor, which has been reported as lost, unless prior permission has been authorized by the director ((, or his authorized representative. Such permission may be granted to the permittee who lost the bird only. Any other bird incidentally trapped in the recapture attempt shall be immediately released.~~

~~((8) Feathers that are molted from birds held in captivity or that die, may be retained and exchanged by permittees only for imping purposes.))~~

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-127 REVOCATION, MODIFICATIONS OR SUSPENSION OF FALCONRY PERMITS. ~~((1) Any))~~ A permit issued hereunder may be revoked, modified or suspended by the director for cause as ~~((follows:))~~ provided in WAC 232-12-197. Cause shall include, but is not limited to, the failure to provide adequate falconry facilities and equipment or the failure to provide adequate care, feed or maintenance for a raptor or for inhumane treatment of a raptor.

~~((a) The director, or his authorized representative, shall revoke the permit and shall not reissue or reinstate any permit issued hereunder to any person for three years following the third conviction or forfeiture for violation of any provision of the Game Code of the State of Washington, Title 77 RCW, or of this chapter occurring within three years.~~

~~((b) The director, or his authorized representative, may revoke, modify or suspend any permit issued hereunder for a period not to exceed one year for cause as follows:~~

~~((i) For first or second conviction or forfeiture for violation of any provision of the Game Code of the State of Washington, Title 77 RCW, or of this chapter through the use of raptors or arising from falconry activities;~~

~~((ii) for failure to complete reexamination as may be required by this chapter;~~

~~((iii) for failure to timely submit reports required by this chapter;~~

~~((iv) for failure to provide adequate falconry facilities and equipment;~~

~~((v) for failure to provide adequate care, feed and maintenance for any raptor in the possession of the person against whom the proceeding is commenced or for inhumane treatment of any such raptors.~~

~~((2) Any proceeding to revoke, suspend or modify and permit issued hereunder, any proceeding challenging the denial of a permit authorized hereunder, shall be a "contested hearing" under chapter 34.04 RCW and all proceedings shall be conducted in compliance with that chapter.))~~

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-131 PERMITS FOR SPECIAL HUNTING SEASONS. (1) Holders of valid hunting

licenses may apply for permits for special hunting seasons as prescribed by the commission.

(2) It is unlawful for a person receiving ~~((an))~~ a special hunting season elk ((or goat)) permit to apply for such a permit for the next two years. A person applying for an elk ~~((or goat))~~ permit during that period will be disqualified for an additional two years, in addition to any other penalty provided by law.

(3) It is unlawful for a person receiving a ~~((mountain sheep (bighorn sheep)))~~ special hunting season goat permit to apply for such a permit for the next five years. A person applying for a ~~((special mountain sheep (bighorn sheep) hunting))~~ goat permit ~~((within a period of five years after having been drawn for such a permit shall be disqualified for an additional two years in addition to any other penalty provided by law))~~ during that period will be disqualified for an additional five years, in addition to any other penalty provided by law.

(4) It is unlawful for a person receiving a special hunting season permit for mountain sheep to apply for another permit for that species if they are successful in taking a mountain sheep. A person who receives a special permit for mountain sheep and is unsuccessful in taking a sheep may re-apply after waiting for five years. A person applying for a permit during that period will be disqualified for an additional five years, in addition to any other penalty provided by law.

(5) It is unlawful for a person receiving a moose permit to apply for another permit for that species.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-151 FLY FISHING RULES. It is unlawful to fish for game fish in waters designated as "Fly Fishing Only" with the use of:

(1) ~~((In waters restricted to fly fishing only, by use of a fixed spool reel, monofilament line or a metal, plastic, or wooden lure, a plug, spinner, tackle or if a weight is attached to the line or leader. Sinking fly lines or fly lines with lead or metal cores are lawful. Monofilament line may be used as a back-up line if it is attached to not less than twenty-five feet of conventional fly line.~~

~~((2) In those waters restricted to fly fishing only, legal angling tackle is limited to dry flies, wet flies, bucktail flies, nymphs and streamers:))~~ A fixed spool reel.

(2) Fishing line other than conventional fly line, except monofilament line may be used as backup line if it is attached to not less than twenty-five feet of fly line at the terminal end.

(3) Weight attached to the leader or line.

(4) Bait.

(5) A lure other than a dry fly, bucktail fly, wet fly, nymph or streamer, with a single pointed hook.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-167 HUNTING AND FISHING CONTEST RULES. A person wishing to conduct a hunting or fishing contest must file an application for a contest permit with the ~~((director))~~ department thirty days prior to the start of the contest.

It is unlawful to:

(1) Charge a fee for entrance to a hunting or fishing contest or request a donation to promote such a contest for a commercial purpose.

(2) Offer or accept prizes or trophies, as a result of a hunting or fishing contest, which have a total ~~((market))~~ retail value of more than four hundred dollars.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-177 VEHICLES USING DEPARTMENT LANDS. It is unlawful to operate a motor driven vehicle on lands owned, controlled or managed by the department except on such land or roads as may be authorized by the director ~~((or his authorized agent)).~~

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-181 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS. It is unlawful to graze livestock on lands owned, or managed by the department under lease or agreement without obtaining a land use agreement from the department. It shall be unlawful to fail to follow or carry out any of the requirements or provisions of the land use agreement.

All persons wishing to apply for a land use agreement should contact the Washington ~~((State Game Department, Habitat Management Division))~~ Department of Game, 600 North Capitol Way, Olympia, Washington 98504.

Policies and general provisions that shall apply to all land use agreements include:

(1) Department is authorized to negotiate land use agreements for grazing. The department shall advertise and sell the license to use department lands for grazing at public auction to the highest bidder. The department is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so.

(2) The director may approve a land use agreement where a comprehensive grazing management plan has been developed by the department. The commission, may review each land use agreement to determine whether the grazing will benefit wildlife or improve public hunting, fishing, or recreation without adverse impact on wildlife.

(3) While each agreement shall contain terms and conditions peculiar to that use of the land, the following general terms shall be included in all such agreements:

(a) The term of the agreement shall be limited to five years.

(b) A full grazing plan shall be part of the land use agreement. That plan shall establish the number and kind of animals that will graze and the area managed under the land use agreement.

(c) The department shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the department, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(d) Holders of agreements shall be required to report monthly to the department the number of animals grazing and the area actually grazed, as well as the expected grazing animals and area for the following month.

(e) Holders of agreements shall be required to maintain all fences to protect adjacent lands from livestock trespass.

(f) All lands covered by any agreement shall at all times be open to the public for lawful hunting and fishing, and other approved recreational uses.

(g) The holder of the agreement shall agree to indemnify the department from liability which may arise out of the exercise of the privileges granted in the agreement.

(h) Holders of agreements shall forfeit their rights under the agreement if they fail to meet any of the terms and conditions of the agreement. Grazing of animals in excess of allowable amounts will result in forfeiture of the grazing agreement and obligate the responsible agreement holder to pay the department for the excess use.

(i) The holder of the agreement shall not transfer the rights contained in the agreement to another person without prior approval from the ((Game)) commission.

(j) The holder of the agreement shall not permit livestock owned by another person to graze upon department ((of Game)) lands under the agreement without the approval of the commission.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-187 ACCESS AREAS—OTHER DEPARTMENT LANDS—WILDLIFE AGENT TO CONTROL TRAFFIC THEREON. It is unlawful to use department owned or controlled lands or waters in a manner or for a purpose contrary to signs or notices posted on those lands or to refuse or neglect to obey directions regarding use of such property by a wildlife agent. It is unlawful to use department owned or controlled lands or waters for a commercial purpose without a permit issued by the director ((or his designee)).

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-244 HUNTING RESTRICTIONS. It is unlawful to hunt ((wild animals or)) wild birds except with a ((rifle, bow and arrow, muzzle-loader, or a)) shotgun containing ((slugs or buckshot)) size 4 or smaller bird shot, or wild animals during open seasons for elk in areas where elk may reasonably be expected((- This rule does not apply to persons who have the proper licenses, permits, and firearms required to hunt for elk; or for deer and elk if seasons are open concurrently:)) unless:

(1) Proper licenses, tags, permits, stamps and firearms for hunting elk are in possession.

(2) Proper licenses, tags, permits, stamps and firearms for hunting deer or elk are in possession if the elk and deer seasons are open concurrently.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-247 TRANSMISSION LINES—UNLAWFUL HUNTING. It is unlawful to ((hunt)) shoot at wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-271 CONDITIONS FOR ISSUANCE OF PERMITS FOR AQUATIC PLANTS OR RELEASING OF WILDLIFE. It is unlawful to plant or release wildlife or aquatic plants in the state without a permit from the ((department)) director.

(1) Application for a permit must be made on a form provided by the department. It must be submitted thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(2) Permits will only be issued if the department determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(3) Thirty days prior to planting or release of wildlife or aquatic plants they must be made available for department inspection. If the department is not satisfied, the wildlife or aquatic plants are disease free, they shall not be released or planted in the state. ((Department)) Director approval for release or planting may be withdrawn for cause.

(4) A person intending to release wildlife in the state shall report immediately to the department the outbreak of any disease among the wildlife intended to be released. If such outbreak presents a threat to the wildlife of the state, the ((department)) director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the department.

(5) Wildlife covered by a permit issued under this regulation shall not be branded, ((tattooed)) tattooed, tagged, fin clipped or otherwise marked for identification without approval of the ((department)) director.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-274 CONDITIONS FOR ISSUANCE OF PERMITS FOR SCIENTIFIC COLLECTION, RESEARCH OR DISPLAY. It is unlawful to collect, conduct research, or publicly display wildlife without a permit from the director.

(1) Application for permits for scientific collection, research or public display purposes must be submitted to the department thirty days prior to the date such collection or display commenced.

(2) Each request must provide the following information:

(a) Qualifications of the person requesting the permit;

(b) An objective(s) for the proposed project including definition or conclusion toward which efforts are to be directed;

(c) Identification of the user(s) of the information and how the findings will be implemented;

(d) A plan of action, the organizational framework and logical sequence of events that will lead to attainment of the study objective; and

(e) A location of the study area.

(3) A final report must be submitted to the department upon completion of the research, collection or public display. Interim reports may be required.

(4) Permits will not be granted for request which do not in the opinion of the department beneficially increase the data base, avoid unnecessary duplication or conflicts with existing scientific information or address goals which will maximize the resource or avoid damage to the resource.

(5) Continuing research or other scientific projects may be extended annually by concurrence of the director.

(6) It is unlawful for a permittee to fail to comply with ~~((any of))~~ the conditions ~~((for issuance of permits))~~ of a permit issued for scientific collections, research or public display.

NEW SECTION

WAC 232-12-813 **COPYING**. No fee shall be charged for the inspection of public records. The department shall charge a fee of twenty-five cents per page for providing copies of public records, and two dollars for certification if requested.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 232-12-111 **LIMITATION ON POSSESSION OF RAPTORS**.

(2) WAC 232-12-281 **COPYING**.

WSR 82-04-035

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 95, Resolution No. 104—Filed January 28, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 314-24-120	Importer of foreign wine—United States wineries—Certificate of approval required—Monthly reports—Records.
Amd	WAC 314-64-030	Procedures for chemical analysis.
Amd	WAC 314-64-040	Procedures for board samples.
Amd	WAC 314-64-050	Accounting for board samples.
Amd	WAC 314-64-080	Procedures.

This action is taken pursuant to Notice No. WSR 82-01-081 filed with the code reviser on December 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED January 28, 1982.

By Leroy M. Hittle
Chairman

AMENDATORY SECTION (Amending Order 85, Resolution 94, filed 10/28/81)

WAC 314-24-120 **IMPORTER OF FOREIGN WINE—UNITED STATES WINERIES—CERTIFICATE OF APPROVAL REQUIRED—MONTHLY REPORTS—RECORDS**. (1) Foreign wine. Wine manufactured outside of the United States may be imported by a wine importer under the following conditions:

(a) The wine importer must be the holder of a certificate of approval.

(b) The wine importer (certificate of approval holder) importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer (certificate of approval holder) or to some other warehouse previously designated by the importer and approved by the board.

(c) On or before the twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board upon forms prescribed and furnished by the board.

(d) All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

(e) Any wine importer (certificate of approval holder) holding a wine wholesaler's license should refer to WAC 314-24-110 for requirements on surety bond and payment of wine tax.

(2) Holders of certificate of approval—United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall, on or before the ~~((tenth))~~ twentieth day of each month, furnish to the board a report of such shipments.

(a) Such report shall show the quantity of wine sold or delivered to each licensed wine importer during the preceding month, together with such other information as the board may require.

(b) All reports shall be made upon forms prescribed and furnished by the Washington State Liquor Control Board.

(3) Failure to make such a report at the time and in the manner as prescribed will be sufficient cause for the board to forthwith suspend or revoke the certificate of the certificate of approval holder.

AMENDATORY SECTION (Amending Order 57, filed 7/28/77, effective 9/1/77)

WAC 314-64-030 PROCEDURES FOR CHEMICAL ANALYSIS (~~((RULE 131))~~). Procedures for submitting samples of beer or wine for chemical analysis are as follows:

(1) Quantity. Samples shall consist of (~~two pints (or) two containers of approximately 375 milliliters each(;) or one quart (or one liter);~~) or one (~~four-fifths quart (or) container of approximately 750 milliliters(;)~~): PROVIDED, ((HOWEVER;)) That if such beer or wine is available only in containers of larger capacity (~~than one liter~~), such a sample may be submitted in such package size nearest in quantity to (~~one liter~~) the aforementioned sizes.

(2) Identification. Suppliers shall identify the items on the cartons and shipping documents as "Samples for chemical analysis".

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to Washington State Liquor Control Board (~~Warehouse~~) Distribution Center, Attention (~~Beer and Wine~~) Manufacturers, Importers, and Wholesalers Division, (~~4201~~) 4401 East Marginal Way South, Seattle, Washington 98134.

(4) Use and disposition of samples. Samples of beer and wine submitted for chemical analysis shall be analyzed at the Washington State Food and Drug Laboratory, University of Washington (~~College of Pharmacy~~), for alcoholic content and to determine whether they conform to standards of identity and quality standards prescribed by board regulations. After such analysis, any remaining portion of said samples shall be disposed of by laboratory personnel.

(5) Reports. The laboratory shall report its findings on appropriate forms to the board's (~~beer and wine~~) manufacturers, importers, and wholesalers division and (~~if~~ quor) the controller of the board. Based on the findings, and other statutory and regulatory requirements, the (~~beer and wine~~) manufacturers, importers, and wholesalers division shall either issue a certificate of label approval to the supplier, or notify the supplier that a certificate of label approval has been denied, along with the reasons for the denial.

(6) Excess. (~~Beer or wine received in excess of the quantity authorized in WAC 314-64-030 for chemical analysis shall be shipped back to the supplier at the supplier's expense, if the supplier is located in the United States. If the supplier is located outside the United States;~~) Beer or wine received in excess of the quantity authorized in WAC 314-64-030 for chemical analysis will be held by the (~~warehouse superintendent~~) general manager of the distribution center or his designee until the supplier has been notified of the overshipment and

given fifteen days in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by a liquor control board auditor in the presence of the (~~warehouse superintendent~~) general manager of the distribution center, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the (~~warehouse superintendent~~) general manager of the distribution center, or his designee, who witnessed the destruction. Copies of such destruct notices shall be distributed to the (~~warehouse superintendent~~) general manager of the distribution center and the liquor control board controller in Olympia.

AMENDATORY SECTION (Amending Order 40, filed 8/21/75)

WAC 314-64-040 PROCEDURES FOR BOARD SAMPLES (~~((RULE 132))~~). Procedures for submitting samples (~~of malt liquor, wine or spirits~~) to the board for the purpose of negotiating the sale of liquor to the board are as follows:

(1) Quantity. Samples shall not exceed in quantity that authorized by the U.S. Bureau of Alcohol, Tobacco and Firearms.

(2) Identification. Suppliers shall identify the items on the cartons and shipping documents as "Samples for the Board".

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to the Washington State Liquor Control Board, Attention Liquor Purchasing Agent, 1025 East Union Avenue, Olympia, Washington 98504.

(4) Use and disposition of samples. Samples (~~submitted~~) furnished for the purpose of negotiating the sale of liquor to the board shall be examined and tested by members of the board, or their designees, and/or the liquor purchasing agent, or his designee, for appearance, aroma and taste, and to determine their probable customer acceptability. After such examination and testing, any remaining portion of said samples shall be disposed of by members of the board, or their designees who examined and tested said samples, or by the purchasing agent, or his designee who examined and tested said samples.

(5) Reports. Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall report their findings and recommendations on appropriate forms to the liquor purchasing agent for consolidation and report to the board. The board shall consider such findings and recommendations, along with other documents furnished by the supplier, in determining whether the items represented by the samples shall be purchased by the board for resale through state liquor stores.

(6) Excess. (~~Samples received in excess of the quantity authorized in WAC 314-64-040 for the purpose of negotiating the sale of liquor to the board shall be shipped back to the supplier at the supplier's expense if~~

~~the supplier is located in the United States. If the supplier is located outside the United States,))~~ Samples received in excess of the quantity authorized in WAC 314-64-040 for the purpose of negotiating the sale of liquor to the board will be held by the liquor board purchasing agent until the supplier has been notified of the overshipment and given fifteen days in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation, or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by ~~((the))~~ a liquor control board auditor in the presence of the liquor purchasing agent, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the liquor board purchasing agent or his designee who witnessed the destruction. Copies of such destruction notices shall be distributed to members of the board, the liquor purchasing agent, and the liquor control board controller.

(7) Containers. Containers submitted to the board for the purpose of negotiating the sale of liquor shall, after examination by the board and/or the liquor purchasing agent, be disposed of as follows:

(a) Figurines, decanters, or other decorative containers may be retained for public display in the board offices in Olympia. After such display, the containers shall be disposed of as provided in WAC 314-64-040(7)(b).

(b) Figurines, decanters, or other decorative containers will be held by the liquor purchasing agent until the supplier has been notified that the containers have been examined by the board, and the supplier will be given fifteen days in which to respond as to whether he wants the containers returned to him at his expense. Failure of the supplier to respond within the time limitation, or notification from the supplier that he does not want the containers returned to him, will result in the containers being disposed of as surplus property, pursuant to RCW 43.19.1919, if the anticipated revenue to be derived from the sale of the containers as surplus property is deemed to exceed the anticipated costs attributable to the sale.

(c) Containers whose anticipated revenue to be derived from their sale as surplus property is deemed not to exceed the anticipated costs attributable to the sale shall be disposed of by members of the board, or their designees who examined and tested said samples, or by the liquor purchasing agent, or his designee who examined and tested said samples.

AMENDATORY SECTION (Amending Order 40, filed 8/21/75)

WAC 314-64-050 ACCOUNTING ~~((RULE 133))~~ FOR BOARD SAMPLES. Samples shall be accounted for as follows:

(1) Beer and wine submitted to the board for chemical analysis.

(a) Upon receipt of the samples at the ~~((warehouse))~~ distribution center in Seattle, the ~~((warehouse superintendent))~~ general manager of the distribution center, or his designee, shall prepare a multiple-copy receiving and disposition report for said samples, clearly identifying

them as "samples for chemical analysis". If they are hand-delivered by the supplier, the supplier will be given a receipt.

(b) The general manager of the distribution center, or his designee, shall sign the multiple-copy receiving and disposition report in the applicable section indicating receipt of samples.

(c) If more than the amount authorized in WAC 314-64-030 is received, the ~~((warehouse superintendent))~~ general manager of the distribution center, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-030(6).

~~((e))~~ (d) The ~~((warehouse superintendent))~~ general manager of the distribution center, or his designee, shall deliver the multiple-copy receiving and disposition report, with the applicable samples, to ~~((the beer and wine enforcement officer))~~ a representative of the manufacturers, importers, and wholesalers division in the Seattle ~~((warehouse))~~ distribution center.

~~((d))~~ (e) The said ~~((enforcement officer))~~ a representative of the manufacturers, importers, and wholesalers division shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples.

~~((e))~~ (f) The ~~((warehouse superintendent))~~ general manager of the distribution center, or his designee, shall distribute the signed multiple-copies of the receiving and disposition report as follows: The original and three copies to the ~~((beer and wine enforcement officer))~~ manufacturers, importers, and wholesalers division in Seattle, one copy to the ~~((warehouse superintendent, one copy to the supervisor of the beer and wine division in Olympia))~~ general manager of the distribution center, and one copy to the liquor board controller in Olympia.

~~((f))~~ The enforcement officer shall prepare a multiple-copy memorandum bill of lading which shall be numbered consecutively, and shall include the applicable warehouse receiving report number:))

(g) ~~((The enforcement officer))~~ A representative of the manufacturers, importers, and wholesalers division shall deliver the ~~((memorandum bill of lading))~~ original and remaining copies of the receiving and disposition reports, with the applicable samples, to the Washington State Food and Drug Laboratory, University of Washington ~~((College of Pharmacy))~~, for chemical analysis and report as provided in WAC 314-64-030.

(h) A representative of the Washington State Food and Drug Laboratory shall sign the ~~((memorandum bill of lading))~~ receiving and disposition reports in the applicable sections, indicating receipt of the samples at the laboratory.

(i) ~~((The enforcement officer))~~ A representative of the manufacturers, importers, and wholesalers division shall distribute the signed ~~((memorandum bill of lading))~~ receiving and disposition reports as follows: The original to the liquor control board controller in Olympia, one copy to the representative of the Washington State Food and Drug Laboratory, one copy to the ~~((beer and wine supervisor))~~ manufacturers, importers, and wholesalers division in Olympia, ~~((one copy to the liquor control board controller in Olympia;))~~ and one copy to be retained by

the ~~((beer and wine enforcement officer))~~ manufacturers, importers, and wholesalers division in Seattle.

(j) The liquor control board controller in Olympia shall maintain the official copies of the receiving and disposition reports ~~((together with the matching bills of lading))~~ chemical analysis reports, and, where applicable, the ~~((destruct))~~ destruction notices.

(2) Malt liquor, wine or spirits submitted to the board for the purpose of negotiating the sale of liquor to the board.

(a) Upon receipt of the samples by the liquor purchasing agent in Olympia, the liquor purchasing agent, or his designee, shall prepare a multiple-copy receiving and disposition report for said samples, clearly identifying them as "samples for the purpose of negotiating the sale of liquor to the board".

(b) If more than the amount authorized in WAC 314-64-040 is received, the liquor purchasing agent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-040~~((6))~~(7).

(c) The liquor purchasing agent, or his designee, shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples.

(d) The liquor purchasing agent, or his designee, shall distribute the signed multiple-copies of the receiving and disposition reports as follows: The original to be retained by the liquor purchasing agent, one copy to each member of the board, and one copy to the liquor control board controller.

(e) The purchasing agent, or his designee, shall ~~((prepare a multiple-copy memorandum bill of lading and a three-part))~~ provide an analysis report form, as required in WAC 314-64-040~~((5))~~(6) for each sample. The ~~((bills of lading))~~ receiving and disposition reports and analysis report forms shall be numbered consecutively, and shall ~~((include the applicable receiving report number))~~ correspond one with the other.

(f) The liquor purchasing agent shall deliver ~~((the memorandum bills of lading))~~ a copy of the receiving and disposition report and ~~((duplicate))~~ the analysis report forms with the samples, to members of the board, or their designees, and/or to the liquor purchasing agent, or his designee, for examination, testing and reporting as provided in WAC 314-64-040(4) ~~((and))~~, (5) and (6).

(g) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall sign the ~~((memorandum bills of lading))~~ receiving and disposition report in the applicable section, indicating receipt of the samples.

(h) The purchasing agent shall distribute the signed ~~((memorandum bills of lading))~~ receiving and disposition report as follows: The original to the member of the board, or his designee, or the liquor purchasing agent, or his designee, to whom the sample was delivered; one copy to the liquor control board controller, and one copy to be retained by the liquor purchasing agent.

(i) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall examine ~~((and))~~, test and report on the sample, as provided in

WAC 314-64-040(4), (5), and (6), complete the ~~((three copy))~~ analysis report form, and distribute the form as follows: The original to the liquor purchasing agent, one copy to the liquor control board controller, and one copy to be retained by the member of the board, or his designee, and/or the liquor purchasing agent, or his designee who examined and tested the sample.

(j) The liquor control board controller shall maintain the official copies of the receiving and disposition reports, together with the matching ~~((memorandum bills of lading;))~~ analysis report forms, and, where applicable, the ~~((destruct))~~ destruction notices.

AMENDATORY SECTION (Amending Order 84, Resolution No. 93, filed 11/18/81)

WAC 314-64-080 PROCEDURES. Procedures for furnishing samples of beer and wine to licensees for the purpose of negotiating a sale are as follows:

(1) Quantity. Except as provided in (c) of this subsection, samples may be furnished only in their original packages or containers as produced by the manufacturer or bottler, as follows:

(a) Wholesaler or importer. A brewer, winery or importer may furnish a sample of beer or wine to a wholesaler or importer who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each wholesaler or importer, the brewer, winery or importer may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine.

(b) Retailer. A brewer, winery, importer or wholesaler may except as hereinafter provided furnish a sample of beer or wine to a retail licensee who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample~~((s))~~. For each retail licensee, the brewer, winery, importer or wholesaler may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine. If a particular product is not available in a size within the quantity limitations of this section, a brewer, winery, importer or wholesaler may furnish the next largest size: PROVIDED, HOWEVER, That unpasteurized beer in its original sealed package shall not be furnished as samples.

(c) Samples in other than the original packages or containers may, subject to the conditions and limitations stated in (a) and (b) of this subsection, be furnished as follows:

(i) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish to authorized licensees at their licensed premises or business office samples of beer and wine from an opened container carried by a licensed agent, provided such samples are furnished only in single-serving samples not to exceed two ounces of wine or twelve ounces of beer.

(ii) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish samples of beer or wine to authorized licensees at the premises of a retail licensee.

(iii) A licensed importer or licensed wholesaler may furnish samples to authorized licensees on the licensed premises of the importer or wholesaler: PROVIDED,

That when exercising the privileges authorized in (c)(ii) and (iii) of this subsection a brewery, winery, importer, or wholesaler may, in addition to furnishing samples of beer or wine as provided, supply small amounts of breads, crackers, cheeses, fruits, or nuts to clear the taste buds of participants between successive samples of beer or wine but shall not furnish meals or additional treats which would be violative of WAC 314-12-140.

(2) Identification. Brewers, wineries, importers or wholesalers shall identify the samples on the containers, cartons and shipping documents as "Samples for Licensees."

(3) Shipping instructions. Brewers, wineries, importers or wholesalers shall, except as provided in subsection (1)(c) of this section, deliver or ship samples to licensees at their licensed premises or business office.

(4) Use and disposition of samples. Samples may be furnished for the purpose of negotiating a sale of beer or wine to a wholesaler, importer, or retail licensee.

WSR 82-04-036

EMERGENCY RULES

ENERGY FACILITY SITE EVALUATION COUNCIL

[Order 82-1—Filed January 28, 1982]

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 463-30-020 Hearings examiners and panels.
Amd WAC 463-30-030 Use of the term council.
Amd WAC 463-30-040 Hearing examiner designation.
Amd WAC 463-30-320 Proposed council order or recommendation.

We, the Energy Facility Site Evaluation Council, 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 council is now in receipt of a new application for site certification of a major energy facility which requires commencing contested case proceedings within a 60-day period thus necessitating immediate clarification of and consistency in terminology surrounding the council's legal officers who assist with conduct of these contested case hearings.

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

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

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

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

APPROVED AND ADOPTED January 28, 1982.

By William L. Fitch
Executive Secretary

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-020 ((HEARING EXAMINERS)) COUNCIL LEGAL OFFICER AND PANELS. The Council may appoint ((a single hearing examiner or)) council legal officers to assist with the conduct of contested case hearings or may appoint a multimember panel of Council members to conduct contested case hearings. Panels may consist of Council members or ((hearing examiners)) council legal officers or both. This shall not preclude the full participation of any other Council member.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-030 USE OF THE TERM "COUNCIL." The term "Council," for purpose of this chapter, shall mean the Council, hearing panel, or ((hearing examiner)) council legal officer whichever is appropriate in context.

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 109, filed 11/16/76)

WAC 463-30-040 ((HEARING EXAMINER)) COUNCIL LEGAL OFFICER DESIGNATION. An attorney appointed to ((fulfill the function of hearing examiner)) assist the council under these rules shall be designated (("Administrative Law Judge.")) "council legal officer."

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-320 PROPOSED COUNCIL ORDER OR RECOMMENDATION. In any case where a contested case proceeding is conducted before a hearing panel or a ((hearing examiner)) council legal officer, there shall be prepared a proposed Council order, supported by written findings of fact and conclusions of law, copies of which shall be served upon all parties. The proposed order, findings and conclusions shall be transmitted to the Council. In a site certification proceeding, the proposed Council order shall be designated a Proposed Council Recommendation and shall be styled accordingly.

WSR 82-04-037
EMERGENCY RULES
STATE PATROL
(Transportation of Hazardous Materials
Technical Advisory Committee)
 [Order 82-1—Filed January 28, 1982]

Be it resolved by the Washington State Patrol, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to transportation of hazardous materials, hazardous waste, and radioactive waste materials, chapter 446-50 WAC.

We, the Washington State Patrol, 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 regulations are required immediately to implement the provisions of chapter 46.48 RCW, regulating the transportation of hazardous materials, hazardous waste, and radioactive waste materials with the state of Washington.

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

This rule is promulgated pursuant to RCW 46.48.170 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.48.170.

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

APPROVED AND ADOPTED January 28, 1982.

By N. W. Moloney
 Chief, Washington State Patrol

AMENDATORY SECTION (Amending Order 80-2, filed January 8, 1981)

WAC 446-50-080 TRANSPORTATION REQUIREMENTS. (1) The Washington State Patrol acting by and through the Chief of the Washington State Patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts ((or sections)) of Title 49 Code of Federal Regulations including all appendices and amendments thereto, in effect on the effective date of this rule: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety and the transportation of hazardous materials upon the public highways. Regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) *Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the Code Reviser's Office, Olympia, and at the Washington State Patrol Headquarters, ((Weight Control Section)) Commercial Vehicle Enforcement Section, Olympia. Additional copies may be available for review at Washington State Patrol District Headquarters Offices, public libraries, Washington Utilities and Transportation Commission Offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.*

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 82-04-038
PROPOSED RULES
STATE PATROL
(Transportation of Hazardous Materials
Technical Advisory Committee)
 [Filed January 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 46.48.170 and 46.48.190, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning transportation of hazardous materials, chapter 446-50 WAC;

that such agency will at 10:00 a.m., Tuesday, March 23, 1982, at the Washington State Patrol, 2803 156th Avenue S.E., Bellevue, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 23, 1982, at the Washington State Patrol, 2803 156th Avenue S.E., Bellevue.

The authority under which these rules are proposed is RCW 46.48.170 and 46.48.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 10:00 a.m., Tuesday, March 23, 1982, Washington State Patrol, 2803 156th Avenue S.E., Bellevue.

Dated: January 28, 1982

By: N. W. Moloney
 Chief, Washington State Patrol

STATEMENT OF PURPOSE

These proposed amendments apply to the hazardous materials safe transportation within the state of Washington, to the carriers handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

Statutory Authority: Chapter 46.48 RCW.

We, the State Patrol and the Hazardous Materials Advisory Committee, find these proposed amendments necessary to insure safe transportation of hazardous materials within the state of Washington.

These amendatory sections were drafted by Lieutenant L. R. Hart, Mr. Kevin Ryan, Assistant Attorney Generals Office, and the Hazardous Materials Advisory Committee. Lieutenant L. R. Hart can be contacted by phone at (206) 753-6554. Implementation of these rules was by the State Patrol and the Hazardous Materials Advisory Committee and shall be enforced by the Washington state Patrol.

Not a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 80-2, filed January 8, 1981)

WAC 446-50-080 TRANSPORTATION REQUIREMENTS.

(1) The Washington State Patrol acting by and through the Chief of the Washington State Patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts (~~(or sections)~~) of Title 49 Code of Federal Regulations including all appendices and amendments thereto, in effect on the effective date of this rule: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety and the transportation of hazardous materials upon the public highways. Regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the Code Reviser's Office, Olympia, and at the Washington State Patrol Headquarters, (~~(Weight Control Section)~~) Commercial Vehicle Enforcement Section, Olympia. Additional copies may be available for review at Washington State Patrol District Headquarters Offices, public libraries, Washington Utilities and Transportation Commission Offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.

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 82-04-039
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-11—Filed January 28, 1982]

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 75.40.010 and 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 January 28, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-32-03000E GILL NET SEASON. *Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except in those areas, at those times and with the gear designated below:*

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.

6 p.m. February 2, until 6 p.m. March 4, 1982.

8 inch minimum mesh restriction.

NEW SECTION

WAC 220-32-05100R GILL NET SEASON. *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish 12 noon February 1 until 12 noon March 21, 1982.*

WSR 82-04-040
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed January 29, 1982]

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 joint venture, WAC 296-15-025, providing a method for existing self-insured employers to pursue application for self-insurance while participating as a sponsor of a joint venture in the state of Washington;

that such agency will at 9:00 a.m., Tuesday, March 9, 1982, in the Director's Conference Room, General Administration Building, 3rd Floor, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Wednesday, March 10, 1982, in the General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 51.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1982, and/or orally at 9:00 a.m., Tuesday, March 9, 1982, Director's Conference Room, General Administration Building, 3rd Floor.

Dated: January 29, 1982

By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and Number of Rule or Chapter: WAC 296-15-025, Joint venture.

Statutory Authority: Title 51 RCW, Industrial Insurance Law, RCW 51.04.020.

Summary of the Rule: The rule provides for joint ventures to apply for self-insured status.

Description of the Purpose of the Rule: This rule establishes procedures for an existing self-insured employer, who is the sponsoring partner, to apply for self-insurance under a joint venture.

Reasons Supporting the Proposed Rule: To provide a method for existing self-insured employers to pursue application as a self-insured employer while participating as a sponsor of a joint venture.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Jule H. Loftus, Manager, Self-Insurance Section, General Administration Building, Room 301, (206) 753-3457.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: N/A.

The rule is not necessary to comply with a federal law or federal or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: [No information supplied by agency]

NEW SECTION

WAC 296-15-025 JOINT VENTURE. (1) An application for certification to self-insure will be made on a form prescribed by the Supervisor of Industrial Insurance which will set forth the necessary information regarding the qualifications of the joint venture to self-insure.

(2) The application form, (SIF 1-A), will be supplied by the department upon written request. It will be completed by the applicant and submitted to the department with all supporting documents attached.

(3) Applications will be acted upon within 14 calendar days of receipt, provided, that if deemed necessary for obtaining additional information, the director may extend the time for acting on the

application. Processing the application will include an evaluation of the financial condition of all parties with interest greater than twenty percent (20%) in the assets and profits of the joint venture and an evaluation of the written safety program to be in effect at all job sites of the joint venture.

(4) Certification will be effective on the first day of a calendar month following receipt of surety and all required documentation. The director will consider the qualifications of the applicant and will advise the applicant of the action taken.

(5) Applicant joint ventures must include a sponsoring party. The word "sponsor" defines an employer presently self-insured in the state of Washington, with a majority interest in the assets and profits of the joint venture. The sponsor shall be responsible for the management of all industrial insurance claims, and shall accept full responsibility for all compensation due claimants. In the event of insolvency, bankruptcy, or dissolution of a party to the joint venture or the joint venture itself, the sponsoring party shall be held primarily responsible for all workmen's compensation benefits due, with all parties to the joint venture being held jointly and severably responsible for payment of all compensations and assessments which may become due until all obligations are released by the department. At the discretion of the director and by written request from the sponsoring party, the department may release a minority party from its obligations one year after fulfillment of the construction contract and a final settlement of the joint venture account has been made.

(6) The agreement under which the joint venture will perform shall be attached to the application form. The joint venture agreement shall contain a description of the obligations and responsibilities of each party for the industrial insurance program of the joint venture. The sponsor shall accept full responsibility for the management and payment for all incurred claims during the life of and after dissolution of the joint venture.

(7) Surety will be required in an amount deemed by the department to insure sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due, but not less than the employer's normal expected annual claim liabilities. The surety bond escrow account will name the joint venture and all the parties thereof as principal. WAC 296-15-030 shall govern the posting of surety by the joint venture.

(8) The joint venture shall be subject to all regulations, reports, and assessments set forth in RCW Title 51 and accompanying WAC rules.

WSR 82-04-041

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health)

[Order 1752—Filed January 29, 1982]

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 ambulances, amending chapter 248-17 WAC.

This action is taken pursuant to Notice No. WSR 81-24-006 filed with the code reviser on November 20, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.73.080 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 January 20, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-010 DECLARATION OF PURPOSE. The ((primary)) purpose of this chapter is to promote safe and adequate prehospital care for victims of motor vehicle accidents, suspected coronary illnesses and other acute illness or trauma through the development of rules and regulations for the licensing and inspection of facilities and personnel providing emergency medical care. To accomplish these purposes, this chapter sets out standards governing(~~(, among other matters,)~~) the ((~~following. The~~)) licensing of ambulances, first aid vehicles, ambulance operators, ambulance directors, first aid vehicle operators, and first aid directors; the training and certification of ((~~advanced first aid qualification and of~~)) emergency medical technicians; communication equipment and emergency medical communications and liability insurance.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-020 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels* and cabin pressurization*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. *Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a flying service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means an emergency vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

((~~(2)~~)) (5) "First aid vehicle" means a vehicle ((~~primarily designed and~~)) used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

((~~(3)~~)) (6) "Emergency medical technician" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

((~~(4)~~)) (7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

((~~(5)~~)) (8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

((~~(6)~~)) (9) "Ambulance driver" means that person who drives an ambulance.

((~~(7)~~)) (10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

((~~(8)~~)) (11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

((~~(9)~~)) (12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

((~~(10)~~)) (13) "First aid vehicle operator" means a person who owns one or more first-aid vehicles and operates them as a private business.

((~~(11)~~)) (14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

((~~(12)~~)) (15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

((~~(13)~~)) (16) "Department" means the Department of Social and Health Services.

((~~(14)~~)) (17) "Shall" means compliance is mandatory.

((~~(15)~~)) (18) "Should" means a suggestion or recommendation, but not a requirement.

((~~(16)~~)) (19) "Committee" means the Emergency Medical ((~~and Ambulance Review~~)) Services Committee.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-030 LICENSE(S) REQUIRED.
((~~(1) After July 1, 1976,~~)) No person or governmental

unit shall operate an ambulance or first aid vehicle without possessing all licenses required by this chapter. Under this chapter the following must be licensed: Ambulances, first aid vehicles, ambulance operators, ambulance directors, first aid vehicle operators, ~~((and))~~ first aid directors, air ambulances and air ambulance services.

~~((a))~~ (1) Application for ambulance operators, first aid vehicle operators, ambulance director and first aid director licenses and renewals~~((, fees))~~. An application for license shall be made to the department upon forms provided by it, and shall contain such information as the department reasonably requires which may include affirmative evidence of ability to comply with standards, rules and regulations as are lawfully prescribed hereunder. An application for renewal of license shall be made to the department upon forms provided by it and submitted thirty days prior to the date of expiration of the license. ~~((Each application for license or renewal thereof shall be accompanied by a triennial fee of ten dollars. PROVIDED, That no fee shall be required from ambulance directors or first aid vehicle directors.~~

~~((b))~~ (2) Application for ambulance license first aid vehicle license and renewals~~((, fees))~~. An application for license shall be made to the department upon forms provided by it, and shall contain such information as the department reasonably requests which may include affirmative evidence of ability to comply with standards, rules and regulations as are lawfully prescribed hereunder. An application for renewal of license shall be made to the department upon forms provided by it, and submitted thirty days prior to the date of expiration of the license. ~~((Each application for license or renewal thereof shall be accompanied by an annual fee of five dollars. PROVIDED, That no fee shall be required for vehicles operated by ambulance directors or first aid vehicle directors.~~

~~((c))~~ (3) Licenses shall not be transferable.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-040 LICENSE EXPIRATION DATES. Ambulance Operator - Ambulance Director - First Aid Operator - First Aid Vehicle Director. The department shall issue an ambulance operator, ambulance director, first aid vehicle operator or first aid vehicle director's license initially and reissue licenses ~~((as often thereafter as necessary to stagger license expiration dates throughout a three-year period so as to cause approximately one-third of the total number of ambulance operator, ambulance director, first aid vehicle operator and first aid vehicle director licenses to expire on the last day of each year; but no license issued pursuant to this chapter shall exceed three years in duration. PROVIDED, That when the triennial license renewal date of a previously licensed operator or director is set by the department on a date less than thirty-six months after date of initial issue, credit will be allowed at the first renewal of a license for that period covered by the previous license fee which falls short of the full 36-month period))~~ every three years.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-050 LICENSE EXPIRATION DATES. Ambulance and first aid vehicle. The department shall issue ~~((an))~~ ambulance and first aid vehicle licenses initially and reissue licenses ~~((as often thereafter as necessary to stagger license expiration dates throughout a one-year period so as to cause approximately one-twelfth of the total number of ambulance and first aid vehicle licenses to expire on the last day of each month but no license issued pursuant to this chapter shall exceed twelve months in duration. PROVIDED, That when the annual license renewal date of a previously licensed ambulance or first aid vehicle is set by the department on a date less than twelve months prior to the expiration date, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license))~~ annually.

NEW SECTION

WAC 248-17-135 AIR AMBULANCE SERVICES. (1) The standards set forth in this section are applicable to those civil providers who wish to license as air ambulance services and who may not be involved in the immediate emergency medical rescue operation but provide air ambulance services between hospitals for the patient who has received initial emergency care and requires definitive care in specialized care centers.

(2) Excluded from the minimum requirements of these rules are Military Assistance to Safety and Traffic (MAST), National Search and Rescue (SAR) units and other military or civil aircraft that may be called into service to initiate the emergency air lift at the scene of the emergency and transports the patient to the nearest available treatment facility.

(3) Minimum standards for personnel and medical equipment for licensing are as follows:

(a) Pilots must possess a valid commercial pilot or air line transport pilot certificate; have a current class II medical certificate and shall be rated and current in the aircraft to be flown.

(b) Medical flight attendants shall be qualified to the level of treatment required for the condition of the patient(s). Such levels of qualification could include physicians, registered nurses or paramedics. Respiratory therapists and other medical professional disciplines may accompany patients enroute as secondary medical attendants when directed by the attending physician. Basic level emergency medical technicians may perform as primary medical flight attendants only when the patient's medical condition requires no medication enroute, there are no intravenous therapy lines or where defibrillation may not be required. All medical flight attendants must be familiar with emergency inflight procedures, seat and litter strap requirements, emergency oxygen supplies, ditching and crash landing procedures, emergency exit locations and the procedures for protection of the patient(s) in all possible inflight emergencies. Medical flight attendants must be familiar with the affects of altitude on the patients condition and shall be

able to brief the pilot for any special flying techniques to be employed for the patients safety.

(c) Medical equipment, supplies and drugs shall be as specified in the state recommended protocols for air ambulance services and shall be readily available for placement aboard the aircraft. Maintenance of any controlled drugs shall be in accordance with Section 406 of the federal controlled substance act.

(d) Miscellaneous emergency and survival equipment shall be those items listed on the department's check list of approved items. All survival and emergency equipment shall be in working order at all times.

(4) In instances where aeromedical evacuation of a patient is necessary because of a life threatening condition and a licensed aircraft is not available, patient transportation may be accomplished by the nearest available aircraft that can accommodate the patient. The attending physician shall justify the need to transport the patient in writing to the department.

NEW SECTION

WAC 248-17-211 BASIC LIFE SUPPORT—EMERGENCY MEDICAL TECHNICIAN QUALIFICATIONS AND TRAINING. (1) Applicants for training as emergency medical technicians (EMT) shall meet the following prerequisites:

(a) Be at least eighteen years of age at the beginning of the course enrollment.

(b) Have a high school diploma or equivalency qualifications.

(c) Possess a valid and current certificate reflecting completion of the "Standard First Aid and Personal Safety" course by the American Red Cross, department of labor and industries or the equivalent training.

(d) Be an active member of one of the following emergency medical services entities:

(i) Firefighter who is providing emergency medical care to the general public;

(ii) Licensed ambulance service;

(iii) Licensed first aid vehicle service;

(iv) State, county or municipal police;

(v) Military and civilian personnel involved in search and rescue to the general public;

(vi) Individuals who have a need for training to qualify for employment in a prehospital emergency medical services system.

(e) Possess a current state driver's license.

(f) Have the physical strength to carry, lift, extricate and perform similar maneuvers in a manner not detrimental to the patient, fellow emergency medical technicians or self.

(2) The prospective student shall have his/her application for training reviewed by selection committees approved by the local emergency medical services council or their delegates. The selection committee shall determine that general prerequisites for enrollment in the course have been met and shall approve or disapprove the application.

(3) Waivers of enrollment in the course may be recommended to the department by the local emergency medical services council selection committee when it is

determined to be in the best interest of the local emergency medical services needs, except that no waivers shall be granted for the age requirement.

(4) In counties where emergency medical services training responsibilities are established by county ordinances, the agency named in the ordinance shall have the same responsibilities for selection of students and training as the local emergency medical services councils described in this section.

NEW SECTION

WAC 248-17-212 EMERGENCY MEDICAL TECHNICIAN TRAINING—COURSE CONTENT, REGISTRATION, AND INSTRUCTOR QUALIFICATIONS. (1) The National Training Course, Emergency Medical Technician - Ambulance, United States Department of Transportation, National Highway Traffic Administration, shall be used in the course presentation. The course shall consist of a minimum of seventy-one hours classroom didactic and practical instruction and ten hours of hospital observation as described in the national course guide.

(2) Emergency medical technician training courses shall normally be conducted by approved training agencies which have written agreements with the department to provide such training. If the regional emergency medical services council recommends another entity to conduct a course in a region, the council shall notify the department of this decision and request approval.

(3) Registration for emergency medical technician training courses shall be submitted to the department at least two weeks prior to the beginning of the course. Registrations shall be completed on the forms supplied by the department. The registration shall consist of a completed registration form, a lesson outline indicating the names of the instructors and a supply requisition form (if course supplies are needed). No course will be certified without an approved registration.

(4) Course instructional and administrative personnel shall consist of:

(a) A course coordinator who shall be responsible for the registration of the course, classroom location, scheduling of instructional personnel, arranging for the ten-hour hospital experience, compliance with contractual conditions and all other administrative matters not involving instruction. The course coordinator need not be a physician or approved lay instructor.

(b) A physician coordinator who shall be a doctor of medicine or osteopathy who has been approved by the department. The physician coordinator shall be responsible for:

(i) Overall supervision of the didactic and practical training aspects of the course;

(ii) The instruction of those lessons requiring a physician and for making arrangements, for guest lecturers as desired;

(iii) For counseling students as needed and to allow only those students who have successfully completed all the requirements of the course to be admitted to the final written and skill examination;

(iv) The final examination of skills of all students enrolled in the class after they complete a final written examination. The physician coordinator shall have the authority to deny certification to a student when, in his/her professional judgment, the student is unable to function as an effective EMT irrespective of successful completion of the course.

(c) A senior lay instructor who shall be approved by the physician coordinator and the department, who is a currently certified emergency medical technician or currently certified in advanced life support skills and who is currently certified as a cardiopulmonary resuscitation instructor by the Washington State Heart Association or the American Red Cross. The senior lay instructor shall:

(i) Assist the physician coordinator as needed;

(ii) Be responsible for the conduct and scheduling of all nonphysician instructors and evaluators participating in an emergency medical technician training course;

(iii) Maintain all registration and other necessary forms for the enrolled students, including the record of attendance of students and instructors;

(iv) Supervise the distribution of textbooks and other course material to the students;

(v) See that all written examinations are graded, discussed with the physician coordinator and that graduation lists are forwarded to the department not later than thirty days following completion of a course;

(vi) The senior lay instructor may be the course coordinator.

(d) Other instructional personnel employed in a course of instruction shall consist of:

(i) Adequate numbers of experienced emergency medical technicians to provide a ratio of one evaluator to six students during practical skills examinations;

(ii) Other qualified individuals such as registered nurses, experts in legal affairs, experts in extrication and driving safety who may act in the capacity of guest lecturers and practical skills evaluators.

(e) Any instruction given in cardiopulmonary resuscitation must be accomplished by an individual who is currently certified as a cardiopulmonary resuscitation instructor by the Washington State Heart Association or the American Red Cross.

(f) Course materials used in the conduct of an emergency medical technician course shall consist of those textbooks, reference materials, visual aids and medical supplies that have been approved by the department.

(g) Testing shall occur periodically throughout the course. There shall be a minimum of a first quarter, mid-term, third quarter and final written examination. The final written examination may be administered through state testing procedures or through the National Registry of Emergency Medical Technicians (NREMT). If the NREMT examination is used, each student is responsible for the testing fee.

(h) The practical examination shall be administered on examination forms supplied by the department and shall be scored as pass or fail. Percentage points shall not be used. Failure in areas of the practical examination that are designated as life-threatening conditions (shaded areas) shall be considered as failure of the examination. In situations where regional or county EMS

councils employ test teams, such teams shall accomplish the practical testing procedures.

(i) A student who fails the state written and/or the practical examination may be retested within two months of the failure. A second failure shall require a repeat of the course.

(j) Rules governing class attendance shall be at the option of the physician coordinator. However, any student missing three sessions (nine hours of instruction) shall be considered to have withdrawn from the course.

NEW SECTION

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) Upon successful completion of an emergency medical technician course, the department shall certify those eligible graduates who have passed either the state written examination or the National Registry of Emergency Medical Technicians written examination and the state practical examination and who have been recommended for certification by the physician coordinator.

(2) The period of certification shall be valid for two years and shall terminate on the last day of the month on the second anniversary of completion of the course. The period of certification for individuals in cities having a population of four hundred thousand or more, shall be for three years and shall terminate on the last day of the month on the third anniversary of completion of the course.

(3) Recertification of currently certified emergency medical technicians shall be by completion of twenty hours of approved continuing education, passing the written and practical examination and being recommended for recertification by the physician coordinator. Individuals who are nationally registered EMT's may elect to recertify through the NREMT.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time testing was performed.

NEW SECTION

WAC 248-17-214 EMERGENCY MEDICAL TECHNICIAN—RECIPROCITY AND CHALLENGES. (1) Reciprocity as a Washington state emergency medical technician may be granted to a currently certified EMT from another state or territory if the applicant has proof of completion of the department of transportation's eighty-one-hour emergency medical technician course.

(2) An individual certified by the National Registry of Emergency Medical Technicians (or other similar national certifying agency) may be considered for reciprocity only under the following conditions:

(a) The applicant must have completed the minimum of an eighty-one-hour department of transportation emergency medical technical course (equivalent training for certification is not acceptable);

(b) The category of the national certification must be "EMT-Ambulance";

(c) The candidate must be fully certified - provisional certification is not acceptable;

(d) The former state of the individual must accept the national certification or must require both state and national certification.

(3) Certification by reciprocity shall be based on need and shall be for the duration of the former state's certification but in no case will exceed two year's duration.

(4) An individual who wishes to challenge the emergency medical technician examination must meet the following conditions of eligibility:

(a) There must be proof of need for certification as specified by WAC 248-17-211;

(b) The candidate must show the testing agency proof of equivalent training and/or experience, including the ten-hour hospital experience required for initial certification.

(5) Reinstatements are recertifications for individuals who have let their certifications lapse before applying for such recertification. Reinstatements may be accomplished in the following manner:

(a) An individual whose expiration of certification is less than one year old may, at the option of the physician coordinator, be allowed to credit prior continuing education and take the practical and written recertification examinations;

(b) An individual whose expiration of certification is more than one year old at the time of application, must retake the basic minimum eighty-one-hour course as described in WAC 248-17-212.

NEW SECTION

WAC 248-17-215 EMERGENCY MEDICAL TECHNICIAN—SPECIALIZED TRAINING. (1) For the purpose of this chapter, specialized training shall mean the training of a basic EMT to use a skill, technique and equipment that is not included as part of the standard course curriculum.

(2) In the event a regional or local emergency medical services council wishes to provide specialized training to emergency medical technicians, the following procedures shall apply:

(a) State-approved protocols shall be developed before training may begin.

(b) Training shall be conducted by personnel experienced and qualified in the area of training. The department shall approve the instructors in advance of the beginning of any training program.

(c) Requests for specialized training shall be submitted to the department on the form "Application for Training".

(3) On completion of the specialized training, personnel using the equipment shall function under authorized physician control.

NEW SECTION

WAC 248-17-216 EMERGENCY MEDICAL TECHNICIAN—SCOPE OF CARE AUTHORIZED—PROHIBITION. (1) An individual who completes a basic emergency medical technician course and is certified by the department to function as an emergency medical technician shall be authorized to provide services only within the scope of training as contained within the curriculum of the course except for formally approved specialized training as described elsewhere in this chapter.

(2) Under RCW 18.73.010, an emergency medical technician certified by the department is authorized to function in a prehospital emergency environment for the purpose of providing immediate treatment for victims of motor vehicle accidents, suspected coronary illnesses and other acute illnesses or trauma. The emergency medical technician may not perform any other routine medical service which may be defined as the practice of medicine and/or service which would customarily be performed by a physician or other licensed practitioner.

(3) The prohibitions imposed by this section do not apply in situations where the emergency medical technician is used to accompany nonemergent patients during interhospital or other medical facility transfers where transportation by ambulance is medically indicated.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-17-210 EMERGENCY MEDICAL TECHNICIAN TRAINING.

**WSR 82-04-042
NOTICE OF PUBLIC MEETINGS
COMMISSION FOR
VOCATIONAL EDUCATION
[Memorandum—January 27, 1982]**

Meeting No. 50 of the Washington State Commission for Vocational Education will be held at 9:30 a.m., February 4, 1982, Educational Service District 113, 601 McPhee Road S.W., Olympia, WA 98502. The meeting site is barrier free.

**WSR 82-04-043
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 156—Filed January 29, 1982]**

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to closure of the Chehalis and Wishkah River systems and marine catch areas 2A, 2B and 2D to the taking of steelhead trout by Indians, WAC 232-32-142.

We, the Game 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 the public interest. A statement of facts constituting such emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by Indian fishermen from the Chehalis and Wishkah River systems and the associated marine catch areas pursuant to the reporting system approved by the United States District Court in *United States vs. Washington* indicates that the Indian share of harvestable steelhead for the areas noted above has been reached or will have been reached on the effective date of this order. Therefore, closure of the Chehalis and Wishkah River systems and catch areas 2A, 2B and 2D through which all these steelhead must migrate is necessary to assure non-Indian sport fishermen their right to take their share.

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 Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission 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 January 29, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-32-142 CLOSURE OF THE CHEHALIS AND WISHKAH RIVER SYSTEMS AND MARINE CATCH AREAS 2A, 2B AND 2D TO THE TAKING OF STEELHEAD TROUT BY INDIANS. *Effective 12:00 noon, January 31, 1982 it is unlawful for Indians to take, fish for or possess steelhead trout in the Chehalis and Wishkah River systems and marine catch areas 2A, 2B and 2D.*

**WSR 82-04-044
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Filed January 29, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations intends to adopt, amend, or repeal rules concerning merger or acquisition of troubled associations, adding a new chapter;

that such agency will at 1:30 p.m., Monday, March 11, 1982, in the Office of Supervisor of Savings and Loan, 2nd Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Monday, March 11, 1982, in the Office of Supervisor of Savings and Loan, 2nd Floor, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 33.12.014.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 11, 1982, and/or orally at 1:30 p.m., Monday, March 11, 1982, Office of Supervisor of Savings and Loan, 2nd Floor, General Administration Building, Olympia, Washington.

Dated: January 26, 1982

By: R. H. "Bob" Lewis
Supervisor

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Pursuant to RCW 33.12.012 and 33.12.014 a savings and loan association may exercise any of the powers conferred upon a federal savings and loan association as of May 8, 1981 doing business in this state.

The Federal Home Loan Bank Board has a statement of policy which sets out guidelines for interstate mergers or acquisitions by federal associations in distress situations.

These regulations establish similar guidelines to be used by state associations.

These rules were drafted and proposed by R. H. "Bob" Lewis, Supervisor, Division of Savings and Loans, 217-C General Administration Building, Olympia, Washington, Telephone: 753-5597. Together with his staff, the supervisor will be responsible for the implementation and enforcement of the rules.

CHAPTER 419-52

MERGER OR ACQUISITION OF TROUBLED ASSOCIATIONS

WAC

- | | |
|------------|--|
| 419-52-010 | Purpose. |
| 419-52-020 | Merger or acquisition of a troubled foreign association by a domestic association. |
| 419-52-030 | Acquisition of a troubled domestic association by a foreign association. |

NEW SECTION

WAC 419-52-010 PURPOSE. The purpose of this chapter is to set forth the guidelines which allow for the interstate merger or acquisition of troubled savings and loan associations. The guidelines follow the Federal Home Loan Bank Board's statement of policy regarding interstate branching.

NEW SECTION

WAC 419-52-020 MERGER OR ACQUISITION OF A TROUBLED FOREIGN ASSOCIATION BY A DOMESTIC ASSOCIATION. Pursuant to RCW 33.12.012 and 33.12.014, a domestic savings and loan association may acquire or merge with a foreign association under the following circumstances:

- (1) The regulator of the foreign association believes that a merger is necessary to prevent the failure of the foreign association;

(2) The regulator of the foreign association believes that no adequate merger candidates exist within the regulator's jurisdiction;

(3) The regulator of the foreign association believes that it is appropriate for the foreign association to be acquired by a domestic association; and

(4) The supervisor believes that it is appropriate for the domestic association to acquire the foreign association.

Any acquisition made under this authority shall be conducted in the same manner so outlined in RCW 33.24.350-380.

NEW SECTION

WAC 419-52-030 ACQUISITION OF A TROUBLED DOMESTIC ASSOCIATION BY A FOREIGN ASSOCIATION. Pursuant to RCW 33.12.012 and 33.12.014, and notwithstanding any other law to the contrary, a foreign savings and loan association may acquire a domestic association under the following circumstances:

(1) The supervisor believes that a merger is necessary to prevent the failure of the domestic association;

(2) The supervisor believes that no adequate merger candidates exist in Washington;

(3) The supervisor believes that it is appropriate for the domestic association to be acquired by a foreign association; and

(4) The regulator of the foreign association believes that it is appropriate for the foreign association to acquire the domestic association.

Any acquisition made under this authority shall be subject to RCW 33.24.350-380.

**WSR 82-04-045
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)
[Filed January 29, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.325 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a new schedule of tolls for the Washington State Ferry System as last amended by Administrative Order 23, Resolution 117, filed July 22, 1981;

that such agency will at 10:30 a.m., Tuesday, March 9, 1982, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Tuesday, March 9, 1982, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1982, and/or orally at 10:30 a.m., Tuesday, March 9, 1982, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

Dated: January 29, 1982

By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

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

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

Statement of Reasons: To revise the fare schedule on the state ferry system to meet the changing economic factors, including effect of inflation, and higher operational costs.

For Further Information: Mr. Don Sorte, Acting Assistant Secretary for Marine Transportation, Room 3D-18, Highway Administration Building, Phone 753-6097, Olympia, Washington, is responsible for the drafting, implementation and enforcement of the rule.

Proponent of the Rule: Washington State Transportation Commission.

Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	PASSENGER		((EXCURSION-)) ((ROUND)) ((FRIP**)) ((Full Half)) ((Fare Fare)) ((**))	
			COM-MU-TATION 20 Rides ((*)**** ((*)*****	SCHOOL COM-MU-TATION 20 Rides Ages 12-20 5-11		
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	((1.35 1.55	.70 .80	16.20 18.60	13.50 15.50	6.75 7.75	1.90 .95))
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon	((1.70 1.90	.90 1.00	10.20 11.40	8.50 9.50	4.25 4.75	N/A N/A))
Pt. Defiance-Tahlequah			((*)*****			
Mukilteo-Clinton Lofall-Southpoint	((.85 .95	.45 .50	10.20 11.40	8.50 9.50	4.25 4.75	1.20 .60))

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides ((*)****)	PASSENGER SCHOOL		((EXCURSION-)) ((ROUND)) ((TRIP*)) ((Full - Half)) ((Fare - Fare)) ((**))
				COM-MU-TATION 20 Rides ((*)****)	COM-MU-TATION 20 Rides ((*)****)	
				Ages		
				12-20	5-11	
Anacortes to Lopez	((1.65 .85	.85 .85	19.80 19.80	16.50 16.50	8.25 8.25	
	1.85	.95	22.20	18.50	9.25	
Shaw, Orcas	((1.85 .95	.95 .95	22.20 22.20	18.50 18.50	9.25 9.25	N/A N/A)
	2.10	1.05	25.20	21.00	10.50	
or Friday Harbor	((2.05 1.65	1.65 1.65	24.60 24.60	20.50 20.50	10.25 10.25	
	2.30	1.15	27.60	23.00	11.50	
Sidney	((4.95 2.50)	2.50 2.50	N/A	N/A	N/A	((5.65 - 2.85))
	5.60	2.80				
Friday Harbor to Lopez, Shaw or Orcas	((1.35 .70	.70 .70	16.20 16.20	13.50 13.50	6.75 6.75	N/A N/A)
	1.55	.80	18.60	15.00	7.50	
Between Lopez, Shaw, or Orcas	((.85 .45	.45 .45	10.20 10.20	8.50 8.50	4.25 4.25	N/A N/A)
	.95	.50	11.40	9.50	4.75	
Sidney to Lopez	((3.55 1.80)	1.80 1.80				((-))
	4.00	2.00				
Shaw or Orcas	((3.30 1.65)	1.65 1.65	N/A	N/A	N/A	((N/A - N/A))
	3.75	1.90				
Friday Harbor	((3.15 1.60)	1.60 1.60				((-))
	3.55	1.80				

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

**Half Fare

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

NOTE: Half-fare privilege does not include vehicle.

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

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

NOTE: Half-fare privilege does not include vehicle.

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

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

((*)****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

((*)*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

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

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER		((Excursion)) ((Round Trip***) ((Full Half)) ((Fare Fare))	
	One Way	Commutation	One Way	Commutation	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ((*)***	3.00	2.05)
		20 Rides ((*)***		20 Rides ((*)***					
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(4.50) 5.10	72.00 81.60	2.45 2.75	32.65 36.65	1.90 2.15	1.25 1.40	19.00 21.50		
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	(6.10) 6.90	48.80 55.20	3.30 3.70	22.00 24.65	2.60 2.90	1.80 2.00	13.00 14.50	N/A	N/A)
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	(3.05) 3.45	48.80 55.20	1.65 1.85	22.00 24.65	1.30 1.45	.90 1.00	13.00 14.50	2.10	1.50)
Lofall-Southpoint									
Anacortes to Lopez	(4.95) 5.60	39.60 44.80	2.90 3.30	38.65 44.00	2.25 2.55	1.45 1.65	22.50 25.50		
Shaw, Orcas or Friday Harbor	(5.60) 6.35	44.80 50.80	3.35 3.80	44.65 50.65	2.55 2.90	1.65 1.85	25.50 29.00	N/A	N/A)
Sidney	(6.40) 7.25	51.20 58.00	3.85 4.35	51.35 58.00	2.90 3.30	1.90 2.15	29.00 33.00		
Friday Harbor to Lopez, Shaw or Orcas	(21.20) 23.95	N/A	(10.65) 12.05	N/A	(6.95) 7.85	(4.50) 5.05	N/A	(9.65	6.85)
Between Lopez, Shaw, or Orcas	(4.00) 4.50	32.00 36.00	2.45 2.75	32.65 36.65	1.90 2.15	1.25 1.40	19.00 21.50	N/A	N/A)
Sidney to Lopez	(2.70) 3.05	21.60 24.40	1.65 1.85	22.00 24.65	1.30 1.45	.90 1.00	13.00 14.50	N/A	N/A)
Shaw or Orcas Friday Harbor	(16.80) 19.00		(8.65) 9.10		(4.95) 5.60	(3.20) 3.60			
	(16.25) 17.55	N/A	(7.65) 8.15	N/A	(4.70) 4.95	(3.05) 3.20	N/A	(N/A	N/A)

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

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

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

((***One day excursion for bicycle and rider with limited time ashore:))

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

SUMMER SURCHARGE

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

PENALTY CHARGES

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

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

SPECIAL SCHOOL RATE

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

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

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER ((AND)), EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER ((25')) 28' LONG		OVERSIZED VEHICLES** ((25')) 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Faultleroy-Southworth Seattle-Bremerton	((7.25 8.60	116.00 137.60	9.95 17.00	159.20 272.00	9.95 11.25	.70)) .80
Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone						
Faultleroy-Vashon	((9.60 12.20	76.80 97.60	12.80 24.20	102.40 193.60	12.80 14.50	.90)) 1.00
Southworth-Vashon Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((4.80 6.10	76.80 97.60	6.40 12.10	102.40 193.60	6.40 7.25	.45)) .50
Lofall-Southpoint						
Anacortes to Lopez, 10 Rides						((-.85)) .95
Shaw, Orcas or Friday Harbor	((9.95 10.25	79.60 82.00	13.55 20.25	108.40 162.00	13.55 15.30	.95)) 1.05
Sidney	((28.95)) 31.30	N/A	((39.55)) 52.90	N/A	((39.55 44.70	1.20)) 2.85
Friday Harbor to Lopez, Shaw or Orcas	((7.25 7.05	58.00 56.40	9.95 13.85	79.60 110.80	9.95 11.25	.70)) .80
Between Lopez, Shaw or Orcas	((4.80 5.00	38.40 40.00	6.40 9.80	51.20 78.40	6.40 7.25	.45)) .50
Sidney to Lopez,						((1.80)) 2.05
Shaw, Orcas or Friday Harbor	((20.15)) 24.90	N/A	((27.55)) 42.10	N/A	((27.55 31.15	1.65)) 1.85
						((1.60)) 1.80

((a)) (1) BULK NEWSPAPERS per 100 lbs. \$((1.75))2.00
 (Shipments exceeding 60,000 lbs. in any month shall be assessed ((.85))95¢ per 100 lbs.)
 Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

((b)) (2) EXPRESS SHIPMENTS per 100 lbs. \$((17.00))19.20
 (Shipments exceeding 100 lbs. assessed \$((5.65))7.50 for each 25 lbs. or fraction thereof.)
 Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.00
 (Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

San Juan Inter-Island express shipments will be handled @ \$((2.25))2.55 per 100 lbs.

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

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

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

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

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

****Half fare.

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

SUMMER SURCHARGE

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

PENALTY CHARGES

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

~~((a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.~~

~~(b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.))~~

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 23, Resolution 117, filed 7/22/81)

WAC 468-300-040 TRUCKS AND ALL VEHICLES WITH TRAILER FERRY TOLLS.

**((TRUCK;)) INCL. DRIVER
OVERALL UNIT LENGTH**

ROUTES	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	((Over Over)) Class VIII Cost Per		
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	78' to 80,000 Ft. Over	80,000 lbs. per over 78 Ft. (bs.))	
***	8,001	10,001	16,001	22,001	28,001	36,001	48,001	60,001	72,001	80,000
	Under 18'	18' to 28'	28' to 38'	38' to 48'	48' to 58'	58' to 68'	68' to 78'	78' to 80,000 Ft. Over	80,000 lbs. per over 78 Ft. (bs.))	
	10,000	16,000	22,000	28,000	36,000	48,000	60,000	72,000	80,000	80,000
	((****))									
	Under 28'	Under 38'	Under 48'	Under 58'	Under 68'	Under 78'	78 Ft.			
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	5.10	8.60	12.80	15.60	19.20	25.00	31.20	37.00	43.00	.70
Pt. Townsend-Keystone Edmonds-Kingston	6.90	12.20	24.20	36.20	48.20	60.20	72.20	84.20	96.20	1.00
Fauntleroy-Vashon Southworth-Vashon	6.90	12.20	24.20	36.20	48.20	60.20	72.20	84.20	96.20	1.00
Pt. Defiance-Tablequah	3.45	6.10	12.10	18.10	24.10	30.10	36.10	42.10	48.10	.50
Mukilteo-Clinton	3.45	6.10	12.10	18.10	24.10	30.10	36.10	42.10	48.10	.50
Lofall-Southpoint	5.60	10.00	17.20	20.80	25.60	33.40	41.60	49.40	57.40	.80
**Anacortes to Lopez Shaw, Orcas	6.35	10.25	20.25	30.25	40.25	50.25	60.25	70.25	80.25	.85
or Friday Harbor Sidney	23.95	31.30	52.90	74.50	96.10	117.70	139.30	160.90	182.50	1.90
**Friday Harbor to Lopez, Shaw or Orcas	4.50	7.05	13.85	20.65	27.45	34.25	41.05	47.85	54.65	.55
**Between Lopez, Shaw or Orcas	3.05	5.00	9.80	14.60	19.40	24.20	29.00	33.80	38.60	.40
**Sidney to Lopez Shaw or Orcas	18.35	24.90	42.10	59.30	76.50	93.70	110.90	128.10	145.30	1.50
Friday Harbor	17.55	24.90	42.10	59.30	76.50	93.70	110.90	128.10	145.30	1.50

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

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

***Includes; trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles (unless over 8 feet in overall height. (See Oversized Vehicles.)).

Also includes all vehicles except motorcycles pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the ((22,001 to 28,000)) 28' to under 38', class III rate. ((Semi-trucks are considered two truck units.))

PENALTY CHARGES -

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

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

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

OVERWIDTH CHARGES -

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-050 TRAILER FERRY TOLLS.

WSR 82-04-046
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed January 29, 1982]

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 dangerous waste regulations, adopting chapter 173-303 WAC and hazardous waste regulation, repealing chapter 173-302 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Wednesday, February 3, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, Building 4, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is chapter 70.105 RCW and RCW 70.95.260.

This notice is connected to and continues the matter in Notice Nos. WSR 81-20-085, 82-01-024 and 82-01-047 filed with the code reviser's office on October 7, 1981, December 10, 1981 and December 16, 1981.

Dated: January 28, 1982

By: Donald W. Moos
 Director

WSR 82-04-047
EMERGENCY RULES
COMMISSION ON EQUIPMENT
 [Order 82-01-01—Filed January 29, 1982]

Be it resolved by the Commission on Equipment, acting at 4242 Martin Way, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to standards for vehicle connecting devices and towing methods, chapter 204-70 WAC.

We, the Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the exception to certification and testing for some trailer hitch manufacturers makes the rule unenforceable and creates a liability for the state.

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 Commission on Equipment as authorized in RCW 46.37.005 and 46.37.320.

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 January 29, 1982.

By R. C. Dale
 Secretary

AMENDATORY SECTION (Amending Order No. 80-02-2-70, filed February 28, 1980)

WAC 204-70-040 DEFINITIONS. (1) The term "commission" as hereinafter referred to within this regulation shall mean the State Commission on Equipment.

(2) "Chain Attaching Means" means the bolt, hook, pin, hole, eye, clevis, bracket, bar, or any other device mounted on and used for anchoring or attaching safety chains to the towed or towing vehicle or hitch.

(3) "Coupling" means that part of the primary connecting system normally mounted on the trailer, such as a socket, by which the connection is actually made and including the supporting attachment to the trailer frame.

(4) "Family of Hitches" means a series of hitches produced by a single manufacturer which have similar traits and characteristics in common with each other. Each regulated manufacturer shall determine which hitches may be appropriately included in a particular family, subject to review by the commission. The necessary criteria which all hitches included within a family must exhibit are as follows:

- (a) similarity of design,
- (b) similar materials of construction,
- (c) similar means of attachment to the towing vehicle, and
- (d) similar strength and performance of characteristics.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle.

(6) "Hitch," defined for specific uses under (a) and (b) below, generally means that part of the primary connecting system normally mounted on the towing vehicle, including a ball-support platform and those components which are attached to the towing vehicle.

(a) "Weight Distributing Hitch" means a mechanical device that connects the trailer to the towing vehicle, and by means of a leverage applied on both trailer and car structures or axles, when properly adjusted, distributes the imposed vertical load at the hitch and coupling connection between the structures of axles of towing vehicle and trailer. The towing vehicle thus loaded tends to retain a level position with respect to the road.

(b) "Weight Carrying Hitch" means a mechanical and/or structural device that connects the trailer to the towing vehicle, and that does not employ features designed to redistribute the load imposed at the hitch and coupling connection. Weight carrying hitches may be designed for bolting or other attachment to the towing vehicle frame, unitized body, bumper structure, or to a combination of these or other points which meet the requirements of WAC 204-70-060(3) and Table 2.

(7) "Maximum Gross Trailer Weight (MGTW)" means the weight of the trailer plus the weight of all

cargo, consumables, and equipment loaded on the trailer when in an actual underway towing condition.

(8) "Maximum Vertical Load on Hitch (Tongue Weight)" means the vertical downward static force exerted on the hitch by the coupling at the point of connection of coupling and hitch, with weight distribution features or devices, if any, deactivated. Tongue weight is measured at the trailer coupling, with the trailer on a level surface (detached from the hitch), and with trailer consumables and cargo in maximum loaded conditions.

(9) "Primary Connecting System" means the combination of devices and their attaching structures that are normally utilized to maintain the connection between towing vehicle and trailer during towing operations. This includes, but is not limited to, the ball-and-socket type of connection or draft means. Note: This does not include a safety chain, which is part of a secondary system normally utilized only upon failure of the primary connection, nor does it include weight distributing or sway control features or devices whose function is accessory to the maintenance of the towing vehicle-trailer connection.

(10) "Safety Chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system. The term "safety chains" includes not only chains, cable, or wire ropes, or equivalent flexible member meeting the strength requirements of Table 3 and approved by the commission, but also any splice, clamp, socket, snap, eye, ring, thimble, pin, or other fastening device or forming method which is part of the assembly of any such flexible tension member.

~~((11) "Responsible Manufacturer" shall mean that person who manufactures a hitch or hitch component either for resale or for sale where it is not actually installed by the manufacturer.~~

~~(12) "Responsible Installer" shall mean a person who installs a pre-manufactured hitch where no custom fabricating is done.~~

~~(13) "Custom Installer" shall mean that person who custom fabricates a hitch which is installed at the place of fabrication.~~

~~Nothing in this section is intended to preclude hitch installers from engaging in the activities covered in definitions (11), (12), and (13) above in any combination.))~~

AMENDATORY SECTION (Amending Order No. 80-02-2-70, filed February 28, 1980)

WAC 204-70-100 CERTIFICATION AND/OR TESTING. (1) Each responsible manufacturer shall certify to the commission or to an equipment approval program or other agency designated by the commission that each of his devices or systems, when installed in accordance with his published instructions (including instructions of manufacturers of weight distributing hitches for use by local installers who fabricate the undercar attachments means for such hitches), complies with and meets the requirements of this regulation. Such certification, shall be corroborated by submission of a properly executed Product and Certification Test Report

form containing test results and required certifications, accompanied by photographs of the test site and equipment and a concise description of the test methodology followed. This report shall be submitted on forms approved by the Commission. To demonstrate compliance with this regulation, the necessary tests shall be conducted by or supervised by an approved certified laboratory or an approved certified testing organization, and the officer or employee of the approved certified testing organization who personally conducted or supervised the testing shall execute the appropriate certification statement contained in the Product and Certification Test Report.

(2) Registration. No vehicle connecting device or system shall be sold within the state of Washington unless the responsible manufacturer has registered his product with the commission, has furnished the commission one copy of instructions for installation (as applicable), use, maintenance and repair, and has stated the maximum towing capacity of his product in terms of the maximum gross trailer weight (MGTW) to be drawn, as measured in accordance with the provisions of WAC 204-70-050 and WAC 204-70-060. There shall be imprinted on each copy of instructions provided with the device or otherwise furnished to the owner the following statement: "This product complies with Regulation V-5." The responsible manufacturer of light Service Class 1 connecting devices or systems for trailers not exceeding 2,000 pounds gross weight who produces not more than five (5) such devices or systems in one calendar year must produce a product which complies with all applicable requirements of this regulation, except the registration requirements of this subsection.

~~((3) In lieu of the registration required in WAC 204-70-100(2), vehicle connecting devices or systems shall be considered to be registered if they appear as an approved device in the American Association of Motor Vehicle Administrators' "Approved Vehicle Devices Handbook". PROVIDED, HOWEVER, That such testing conducted for the approval found the device to be in full conformance with VESC Regulation V-5.~~

~~(4) Custom Installer Conditional Exemption From Certification, Testing and Registration. Hitch installers are required to insure that hitches (as defined in section WAC 204-70-040(6)) manufactured and installed by them meet the requirements of this regulation, except that such hitches are conditionally exempt from the certification, testing and registration provisions of sections WAC 204-70-100(1), (2), and (3). To qualify for this exemption, hitches must be manufactured and installed by the same installer. Hitches so exempted may not be marked with the symbol V-5, but must meet all other identification provisions of section WAC 204-70-080, and, in addition, must be permanently marked or labelled with the legend, "Installer Manufactured," in a manner approved by the commission. The commission reserves the right, in its discretion, in the event of a failure or a suspected failure of a hitch, to require testing of a comparable hitch of the same family fabricated by the manufacturer of the suspected hitch to demonstrate compliance with the strength regulations of this chapter.))~~

AMENDATORY SECTION (Amending Order 80-02-2-70, filed February 28, 1980)

WAC 204-70-(+20)) 110 EFFECTIVE DATE. This chapter shall become effective on April 1, 1980 for components manufactured on or after that date. The effective date for all components sold in the state of Washington, regardless of the date of manufacture, shall be April 1, 1981.

WSR 82-04-048
EMERGENCY RULES
COMMISSION ON EQUIPMENT
 [Order 82-01-02—Filed January 29, 1982]

Be it resolved by the Commission on Equipment, acting at 4242 Martin Way, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to traction devices, chapter 204-24 WAC.

We, the Commission on Equipment, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the amendments are needed to complement the change of signs on mountain passes from "traction devices" to "snow tires" so as to be more understandable to motorists, and to set specific tire chain requirements to eliminate confusion among enforcement personnel and motorists. The amendment is needed immediately while winter conditions prevail.

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 Commission on Equipment as authorized in RCW 46.37.005.

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

APPROVED AND ADOPTED January 20, 1982.

By R. C. Dale
Secretary

AMENDATORY SECTION (Amending Order 7607, filed 9/14/76)

WAC 204-24-040 ((OTHER)) TRACTION DEVICES. ((The studs or other similar devices affixed on or embedded in a new tire or newly-recapped tire may be approved by the Commission on Equipment as suitable traction devices. Special tires specifically designed to improve stopping, traction, and cornering abilities of the tire on ice or snow may be approved by the Commission on Equipment as an approved traction device. An approved traction device is a winter tire with a minimum of 4/32 of an inch tread depth measured in the

~~center portion of the tire at three locations equally spaced around the circumference of the tire which, when compared with conventional rib type tires, has a relatively aggressive tread pattern and is designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread has ribs, lugs, blocks, or buttons, is generally discontinuous, and variably spaced, and has the following markings and characteristics when inflated:~~

~~(1) A substantial portion of the lug, block, or rib edges in the tread design are at an angle greater than 30 degrees to the tire circumferential center line.~~

~~(2) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.~~

The following equipment items are approved by the Commission on Equipment for use as traction devices wherever traction devices are required by the Transportation Commission:

(1) Tire chains meeting the standards in WAC 204-24-020.

(2) Studded tires meeting the standards in WAC 204-24-030.

(3) Garnet tires.

(4) Snow tires. An approved snow tire shall have the following tread characteristics:

(a) A minimum of 4/32 inch treat, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.

(b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread shall have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.

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 81-04-01, filed 4/30/81)

WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. ((When traffic control signs marked "Chains Required" or "Approved Traction Devices Required" are posted by the Transportation Commission, it shall be unlawful for any vehicle not to have tire chains or approved traction devices mounted on the drive wheels of a vehicle, except the use of special tires or approved traction devices other than tire chains by vehicles over 10,000 pounds gross vehicle weight shall not be permitted. These vehicles must use tire chains as set forth. In addition, a wheel on the last axle of any trailer in a two-vehicle combination of vehicles over 10,000 pounds GVW shall have a tire chain mounted on its tire. If the trailer is equipped with a dual rear axle, the chain may be installed on a tire on the forward-most rear axle. On any vehicle equipped with dual tire drive wheels, individual metal chains of hardened metal may be used on the outside wheels, provided a minimum of four such chains equally spaced are used on each such wheel. All-wheel drive vehicles with a gross vehicle weight of 8,000 pounds or less, in gear,

~~equipped with approved traction devices on all wheels, may be exempt from using chains when traffic control signs marked "Chains Required" are posted. PROVIDED: That tire chains for at least one set of drive wheels are carried upon such vehicle. Where traffic control signs are posted marked "Chains Required", the use of special tires or approved traction devices may not be substituted for tire chains on single drive vehicles. The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain control area when it is determined that the vehicle will experience difficulty in safely traveling the area.~~

(1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels tire chains meeting the standards in WAC 204-24-020.

(i) Exception for all wheel drive vehicles. When "Chains Required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive wheels are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains in conformance with subsection (2)(b) of this section.

(b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains as follows:

(i) Single vehicles, including but not limited to trucks, truck-tractors, buses and school buses: A minimum of two drive tires chained, one on each side of the vehicle, both on the same axle.

(ii) Two vehicle combinations, including but not limited to truck and trailer, or truck tractor and semi-trailer: A minimum of two drive wheels chained, one on each side of the vehicle and both on the same axle, and one trailer wheel chained on the last axle of the trailer. If the trailer or semi-trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iii) Three-vehicle combinations, including but not limited to truck tractor, semi-trailer and full trailer: A minimum of four drive wheels chained and two trailer wheels chained. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer

has tandem rear axles, the chained wheel may be on either of the last two axles.

(iv) Combinations of vehicles specially permitted to carry over 80,000 pounds gross vehicle weight: A minimum of four drive tires chained, all on the same axle and two trailer wheels chained, one on each side. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains than the minimums stated in subsection (2)(b) of this section or in the event that chains in use are broken or otherwise made useless: Provided, that highway maintenance vehicles operated by the Department of Transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement.

(d) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Cable chains or plastic chains shall not be allowed. The Commission on Equipment may approve other devices as chains if the devices are equivalent to regular chains in performance.

(3) The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain/snow tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

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 82-04-049
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed January 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning traction devices, chapter 204-24 WAC;

that such agency will at 10 a.m., Wednesday, April 21, 1982, in the 1st floor, large conference room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, April 21, 1982, in the 1st floor, large conference room, General Administration Building, Olympia, Washington.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1982, and/or orally at 10 a.m.,

Wednesday, April 21, 1982, 1st floor, large conference room, General Administration Building, Olympia, Washington.

Dated: January 29, 1982
By: R. C. Dale
Secretary

STATEMENT OF PURPOSE

Title: WAC 204-24-040 and 204-24-050.

Description of Purpose: To set forth approved traction devices and the descriptions thereof; to stipulate requirements which must be adhered to when use of traction devices or chains are required by the Transportation Commission.

Statutory Authority: RCW 46.37.005.

Summary of Rule: WAC 204-24-040 reorganizes the same information previously contained in that section into more orderly understandable form. WAC 204-24-050 reorganizes information previously contained in the section into more orderly and understandable form. It also adds requirements that all vehicles must carry chains when entering a traction device controlled area, deletes the requirement that chains be applied to "the drive wheels" of vehicles weighing over 10,000 pounds gross vehicle weight entering chain control areas, specifies the number of wheels required to be chained on vehicles or combinations thereof weighing over 10,000 pounds gross vehicle weight, requires drag chains on the tire(s) of trailers on combinations of vehicles over 10,000 pounds gross vehicle weight, requires vehicles or combinations of vehicles weighing over 10,000 pounds gross vehicle weight to carry spare chains, prohibits plastic or cable chains on vehicles or combinations thereof weighing over 10,000 pounds gross vehicle weight and provides that traction devices shall be used when the Transportation Commission posts signs reading "snow tires required."

Reasons Supporting Proposed Action: To clarify to the motoring public the difference between signs requiring chains and signs requiring other traction devices; to put in writing the generally needed chaining requirements for trucks rather than providing that all drive wheels shall be chained and actually requiring less by policy.

Agency Personnel Responsible for Drafting: Lieutenant R. C. Dale, 4242 Martin Way, Olympia, 753-6569; Implementation: Commission on Equipment, 4242 Martin Way, Olympia, 753-6569; and Enforcement: Washington State Patrol.

Person or Organization Proposing Rule: Washington Department of Transportation, Washington State Patrol, governmental organizations, and Washington Trucking Association, a private association.

Agency Comments: None.

This rule is not necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 7607, filed 9/14/76)

~~WAC 204-24-040 ((OTHER)) TRACTION DEVICES. ((The studs or other similar devices affixed on or embedded in a new tire or newly-recapped tire may be approved by the Commission on Equipment as suitable traction devices. Special tires specifically designed to improve stopping, traction, and cornering abilities of the tire on ice or~~

~~snow may be approved by the Commission on Equipment as an approved traction device. An approved traction device is a winter tire with a minimum of 4/32 of an inch tread depth measured in the center portion of the tire at three locations equally spaced around the circumference of the tire which, when compared with conventional rib type tires, has a relatively aggressive tread pattern and is designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread has ribs, lugs, blocks, or buttons, is generally discontinuous, and variably spaced, and has the following markings and characteristics when inflated:~~

~~(1) A substantial portion of the lug, block, or rib edges in the tread design are at an angle greater than 30 degrees to the tire circumferential center line.~~

~~(2) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.~~

~~The following equipment items are approved by the Commission on Equipment for use as traction devices wherever traction devices are required by the Transportation Commission:~~

~~(1) Tire chains meeting the standards in WAC 204-24-020.~~

~~(2) Studed tires meeting the standards in WAC 204-24-030.~~

~~(3) Garnet tires.~~

~~(4) Snow tires. An approved snow tire shall have the following tread characteristics:~~

~~(a) A minimum of 4/32 inch tread, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.~~

~~(b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread shall have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.~~

~~(c) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.~~

~~(5) Special tires specifically designed to improve stopping, traction, and cornering abilities of the tire on ice or snow may be approved by the Commission on Equipment as an approved traction device.~~

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 81-04-01, filed 4/30/81)

~~WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. ((When traffic control signs marked "Chains Required" or "Approved Traction Devices Required" are posted by the Transportation Commission, it shall be unlawful for any vehicle not to have tire chains or approved traction devices mounted on the drive wheels of a vehicle, except the use of special tires or approved traction devices other than tire chains by vehicles over 10,000 pounds gross vehicle weight shall not be permitted. These vehicles must use tire chains as set forth. In addition, a wheel on the last axle of any trailer in a two-vehicle combination of vehicles over 10,000 pounds GVW shall have a tire chain mounted on its tire. If the trailer is equipped with a dual rear axle, the chain may be installed on a tire on the forward-most rear axle. On any vehicle equipped with dual tire drive wheels, individual metal chains of hardened metal may be used on the outside wheels, provided a minimum of four such chains equally spaced are used on each such wheel. All-wheel drive vehicles with a gross vehicle weight of 8,000 pounds or less, in gear, equipped with approved traction devices on all wheels, may be exempt from using chains when traffic control signs marked "Chains Required" are posted. PROVIDED: That tire chains for at least one set of drive wheels are carried upon such vehicle. Where traffic control signs are posted marked "Chains Required", the use of special tires or approved traction devices may not be substituted for tire chains on single drive vehicles. The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain control area when it is determined that the vehicle will experience difficulty in safely traveling the area.~~

~~(1) Vehicles under 10,000 pounds gross vehicle weight.~~

~~(a) When traffic control signs marked "Snow Tires Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its~~

drive wheels at least one of the traction devices meeting the requirements of WAC 204-24-040. No vehicle may enter the controlled area which is not carrying chains meeting the requirements of WAC 204-24-020.

(b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels tire chains meeting the standards in WAC 204-24-020.

(i) Exception for all wheel drive vehicles. When "Chains Required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive wheels are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains in conformance with subsection (2)(b) of this section.

(b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains as follows:

(i) Single vehicles, including but not limited to trucks, truck-tractors, buses and school buses: A minimum of two drive tires chained, one on each side of the vehicle, both on the same axle.

(ii) Two vehicle combinations, including but not limited to truck and trailer, or truck tractor and semi-trailer: A minimum of two drive wheels chained, one on each side of the vehicle and both on the same axle, and one trailer wheel chained on the last axle of the trailer. If the trailer or semi-trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iii) Three-vehicle combinations, including but not limited to truck tractor, semi-trailer and full trailer: A minimum of four drive wheels chained and two trailer wheels chained. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iv) Combinations of vehicles specially permitted to carry over 80,000 pounds gross vehicle weight: A minimum of four drive tires chained, all on the same axle and two trailer wheels chained, one on each side. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains than the minimums stated in subsection (2)(b) of this section or in the event that chains in use are broken or otherwise made useless: Provided, that highway maintenance vehicles operated by the Department of Transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement.

(d) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Cable chains or plastic chains shall not be allowed. The Commission on Equipment may approve other devices as chains if the devices are equivalent to regular chains in performance.

(3) The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain/snow tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

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 82-04-050
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 82-2—Filed January 29, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 1981-83 salary-compensation lid compliance, chapter 392-140 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 school districts are in the process of complying with the provisions of this chapter for the 1981-82 school year. The adoption of these rules on an emergency basis is necessitated by the requirement to provide notice to districts as to what constitutes compliance.

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 January 27, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 acts for the common schools (~~chapter 340, Laws of 1981~~) currently in effect. 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).

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 reported on the Form S-275 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 reported on the Form S-277 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, certificate number, 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, social security number, 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.

(20) "RIF" shall mean any person employed by a school district during the prior school year and reported on the Form S-275 or the Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a reduction in force adopted by the district.

(21) "New position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(a) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year, and

(b) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 on or about the third Wednesday in December, 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.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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)~~) after district edited data are printed by the superintendent of public instruction as compliance records, 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.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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)~~) submit additional data to 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)~~) such additional data within ((twenty)) thirty calendar days from the date the district receives the written notice of the need for additional information from the superintendent of public instruction. The school district has the option of submitting such additional data to the superintendent of public instruction either on forms prepared by the superintendent of public

instruction or in a format which is similar to the format of the state forms. If the superintendent of public instruction does not receive such ((a timely request)) additional information in a timely manner, 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. The superintendent of public instruction shall analyze additional data submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent shall notify the district in writing of such determination. Within ten calendar days of receipt of such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent and the district. If the district does not make a timely request for an informal review, the superintendent shall withhold five percent of the district's basic education funds pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year.

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

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE. In the event a school district changes personnel data reported on the Form S-275 or Form S-277 for the current year or increases the rate of salary or compensation 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)) thirty 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.

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 81-7, filed 7/30/81)

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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21): PROVIDED FURTHER, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1980-81 school year if the 1981-82 average salary does not increase over the 1981-82 control average salary. The 1981-82 control average salary shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document 2 by the percent increase specified for the 1981-82 school year on LEAP Document 2;

(b) Adjusting the district's 1981-82 mix factor by the proportion obtained by comparing the 1980-81 derived base salary reported on LEAP Document 2 with the corrected 1980-81 derived base salary; and

(c) Multiplying (a) by (b). This product is the 1981-82 control average salary.

(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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 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.

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 81-7, filed 7/30/81)

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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 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.

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

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

WSR 82-04-051

ATTORNEY GENERAL OPINION

Cite as: AGO 1982 No. 4

[January 28, 1982]

COURTS—JUSTICE COURTS—MOTOR VEHICLES—VENUE IN CASE OF CRIMINAL OFFENSES UNDER MOTOR VEHICLE CODE

The proper venue for those violations of the state Motor Vehicle Code which remain criminal offenses under RCW 46.63.020, in those counties governed by the 1961 Justice Court Act, is in the district justice court of the district in which the alleged violation occurred in accordance with RCW 3.66.070.

Requested by:

Honorable Russ Juckett
Prosecuting Attorney
Snohomish County

3000 Rockefeller Avenue
 Everett, Washington 98201

WSR 82-04-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1739—Filed February 1, 1982]

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 day care participation, repealing WAC 388-15-172.

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 SHB 811.

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 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 February 1, 1982.

By David A. Hogan
 Director, Division of Administration

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-15-172 DAY CARE PARTICIPATION.

WSR 82-04-053
PROPOSED RULES
COMMISSION FOR
THE BLIND

[Filed February 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning adding new section WAC 67-30-040, economic need to chapter 67-30 WAC, vocational rehabilitation services;

that such agency will at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118, 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 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, April 23, 1982, and/or orally at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118.

This notice is connected to and continues the matter in Notice No. WSR 81-24-052 filed with the code reviser's office on December 1, 1981.

Dated: January 29, 1982

By: Paul Dziedzic
 Director

WSR 82-04-054
PROPOSED RULES
COMMISSION FOR
THE BLIND

[Filed February 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning adding new section WAC 67-14-060, public access to information and records to new chapter 67-14 WAC;

that such agency will at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118, 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 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, April 23, 1982, and/or orally at 9:00 a.m., Saturday, April 24, 1982, 3411 South Alaska Street, Seattle, WA 98118.

This notice is connected to and continues the matter in Notice No. WSR 81-24-053 filed with the code reviser's office on December 1, 1981.

Dated: January 29, 1982

By: Paul Dziedzic
 Director

WSR 82-04-055
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed February 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt,

amend, or repeal rules concerning public use of state park areas, chapter 352-32 WAC; including camping regulations WAC 352-32-030; reservations for group day use 352-32-045; standard fees charged 352-32-250; application of standard fees 352-32-280; and application of standard fees to volunteers 352-32-285; add a new section on camper self-registration 352-32-255. The commission will also take under advisement the issue of other fee adjustments, in addition to those noted on the proposed changes, shown below, to 352-32-250 and 352-32-045, in accordance with its announced policy to annually review fees charged patrons of Washington state parks. These rules will be publicly reviewed at least every four years;

that such agency will at 9 a.m., Monday, March 15, 1982, in the Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502, 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 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 12, 1982, and/or orally at 9 a.m., Monday, March 15, 1982, Thurston County Courthouse Complex, Building #1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502.

Dated: February 1, 1982

By: Robert T. McCoy
Acting Rules Coordinator

STATEMENT OF PURPOSE

Title: WAC 352-32-030 Camping; 352-32-045 Reservations for group use; 352-32-250 Standard fees charged; 352-32-255 Self-registration; 352-32-280 Applicability of standard fees; and 352-32-285 Applicability of standard fees to volunteers in parks.

Description of Purpose: To clarify wording; to adjust standard fees; to add reference to new section on moorage fees; and to add new section on camper self-registration.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Amendatory sections will change the wording in WAC 352-32-030 to change the camping limit from ten days to ten nights, and clarify the wording in 352-32-030(7); increase fees for group day use reservations, group camping, environmental learning center users, and extra vehicle parking charge; add a reference to new section on moorage fees; add a new section on camper self-registration; redundant legal citations will be removed; and finally, language erroneously referring to a seven day camping limit, 352-32-030(5) is being removed from 352-32-280(6) and 352-32-285(5).

Reasons Supporting Proposed Action: Commission policy directs that fees be reviewed annually and adjusted as needed; increases in fees will cover costs of operating environmental learning centers; other fee increases will help defray administrative and enforcement costs; removal of a reference to a seven day camping limit in

the regulations governing volunteers, et. al., is intended to make those regulations consistent with the other regulations cited therein; agency anticipates using a self-registration process requiring a new section; cross references will be added to make note of the new moorage fee; and other amendatory sections are there to make the wording more understandable.

Agency Personnel Responsible for Drafting: Dennis Smith, Assistant Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, M/S KY-11, Olympia, WA 98504, 753-5766; Implementation: Lynn Genasci, Assistant Director; and Enforcement: By existing operational staff.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended statutory language is contained in the proposed amendatory sections shown below.

Federal Law/Court Action: N/A.

AMENDATORY SECTION (Amending Order 50, filed 4/14/81)

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

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

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

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

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to ten consecutive ((days)) nights in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(6) The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle. A greater number may be authorized in specific areas when constructed facilities so warrant.

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

(8) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a ranger and shall pay the applicable group camping fee.

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

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

(9) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

AMENDATORY SECTION (Amending Order 45, filed 4/4/80)WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE.

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

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

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

(4) A permit fee of ~~((five))~~ ten dollars shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the Group Use Permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservation seven or more days before the effective date of the reservations.

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

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

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

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

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

AMENDATORY SECTION (Amending Order 50, filed 4/14/81)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping - standard campsite: \$5.50 per night;

(2) Overnight camping - utility campsite \$5.50 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.00 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping - Primitive campsite: \$3.00 per night for non-motorized vehicle and \$4.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Group camping area - certain parks: ~~((\$.25))~~ \$.35 per person per night. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(6) Environmental Learning Centers: (ELC) overnight camping \$2.20 per camper per night: PROVIDED, however, the fee shall be \$2.50 per camper per night, effective September 7, 1982;

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: \$2.60 per camper per night: PROVIDED, however, the fee shall be \$2.90 per camper per night, effective September 7, 1982;

(b) Environmental Learning Center day use only: \$.90 multiplied by the minimum capacity established for each ELC or \$.90 for each member of the group - whichever is higher: PROVIDED, however, the amount to be multiplied or to be charged for each member of the group - whichever is higher, shall be \$1.00 effective September 7, 1982;

(7) Hot Showers: \$.10 for four minutes shower time;

(8) Electric Stoves: \$.10 for thirty minutes cooking time;

(9) Senior Citizens Pass: \$12.00 per season (from September 15 through April 30). This fee will provide a maximum of 30 camping nights in one season. A \$1.00 per night surcharge will be added for the use of an electrical hookup;

(10) Washington senior citizens and disabled or handicapped persons found eligible under ~~((chapter 330, Laws of 1977 ex.sess. [RCW 43.51.055] and chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055]))~~ shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the commission. Military veterans found eligible under ~~((chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055]))~~ shall be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass holder and guest or guests in one car or one recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

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

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

(11) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(12) Extra vehicle charge: ~~((\$.00))~~ \$2.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite;

(13) ~~((All fees in this rule shall become effective May 15, 1981 except ELC fees which shall become effective September 8, 1981))~~ Marine park moorage facilities - see WAC 352-12-020 and 030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

NEW SECTION

WAC 352-32-255 SELF-REGISTRATION. In those parks so posted by the Commission, park visitors shall register for the use of campsites and shall pay the appropriate fee, as provided for herein, on a self-registration basis, in accordance with all posted instructions.

AMENDATORY SECTION (Amending Order 39, filed 5/1/78)

WAC 352-32-280 APPLICABILITY OF STANDARD FEES. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park Development and Management Plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The ((seven-day)) limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending Order 53, filed 7/20/81)

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS. The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The Park Manager has determined that the personal service is desirable;

(2) at least four hours of service per day are performed for each campsite occupied;

(3) the service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(4) the service performed is not one commonly performed by members of an organized trade union;

(5) the service performed does not result in any type of development which will necessarily create future operating costs to the commission.

The ((seven-day)) limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160.

**WSR 82-04-056
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL**

[Filed February 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning:

Amd WAC 463-30-020 Hearings examiners and panels.

Amd WAC 463-30-030 Use of term "council".

Amd WAC 463-30-040 Hearing examiner designation.

Amd WAC 463-30-320 Proposed council order or recommendation;

that such agency will at 1:30 p.m., Monday, March 22, 1982, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, 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 80.50.040(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1982, and/or orally at 1:30 p.m., Monday, March 22, 1982, EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA.

Dated: February 1, 1982

By: William L. Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title and Purpose: WAC 463-30-020 Hearings examiners and panels; 463-30-030 Use of term "council"; 463-30-040 Hearing examiner designation; and 463-30-320 Proposed council order or recommendation.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: This action is being taken to clarify and make consistent the terminology surrounding the council's legal officers who assist with conduct of the agency's contested case hearings.

Agency Responsibility for Drafting and Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, 4224 6th Avenue S.E., Lacey, WA 98504, 459-6490; and **Enforcing:** Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, 4224 6th Avenue S.E., Lacey, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.

Agency Comments, if any: None.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-020 ((HEARING EXAMINERS)) COUNCIL LEGAL OFFICER AND PANELS. The Council may appoint ((a single hearing examiner or)) council legal officers to assist with the conduct of contested case hearings or may appoint a multimember panel of Council members to conduct contested case hearings. Panels may consist of Council members or ((hearing examiners)) council legal officers or both. This shall not preclude the full participation of any other Council member.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-030 USE OF THE TERM "COUNCIL." The term "Council," for purpose of this chapter, shall mean the Council, hearing panel, or ((hearing examiner)) council legal officer whichever is appropriate in context.

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 109, filed 11/16/76)

WAC 463-30-040 ((HEARING EXAMINER)) COUNCIL LEGAL OFFICER DESIGNATION. An attorney appointed to ((fulfill the function of hearing examiner)) assist the council under these rules shall be designated ((Administrative Law Judge.²)) "council legal officer."

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-320 PROPOSED COUNCIL ORDER OR RECOMMENDATION. In any case where a contested case proceeding is conducted before a hearing panel or a ((hearing examiner)) council legal officer, there shall be prepared a proposed Council order, supported by written findings of fact and conclusions of law, copies of which shall be served upon all parties. The proposed order, findings and conclusions shall be transmitted to the Council. In a site certification proceeding, the proposed Council order shall be designated a Proposed Council Recommendation and shall be styled accordingly.

**WSR 82-04-057
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed February 2, 1982]

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 land acquisition procedure, WAC 352-04-030;

that such agency will at 9:00 a.m., Monday, March 15, 1982, in the Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502, 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 43.51.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 12, 1982, and/or orally at 9 a.m., Monday, March 15, 1982, Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502.

Dated: February 2, 1982

By: Robert T. McCoy
Acting Rules Coordinator

STATEMENT OF PURPOSE

Title: WAC 352-04-030 Land acquisition procedure.

Description of Purpose: To repeal this section.

Statutory Authority: RCW 43.51.040.

Summary of Rule: Subsection (1) of this rule allows the commission to purchase or lease land upon the favorable vote of three commissioners; whereas, RCW 43.51.040 requires a minimum of four favorable votes for these actions. Subsection (2) of this rule simply repeats the provisions of RCW 8.26.180(2). Since both statutes and rules have the effect and force of law, it is unnecessary for a rule to restate a statute.

Reasons Supporting Proposed Action: Rule is not needed (see above).

Agency Personnel Responsible for Drafting: Daren Johnson, Assistant Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, M/S KY-11, Olympia, Washington 98504, 753-5767.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: N/A.

Federal Law/Court Action: N/A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-04-030 LAND ACQUISITION PROCEDURE.

WSR 82-04-058
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed February 2, 1982]

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 moorage and the use of marine facilities; WAC 352-12-005 definitions; 352-12-010 moorage and use of marine facilities; 352-12-020 moorage fees; 352-12-030 seasonal permits; 352-

12-040 use of onshore campsites; and 352-12-050 self-registration;

that such agency will at 9 a.m., Monday, March 15, 1982, in the Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502, 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 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 12, 1982, and/or orally at 9 a.m., Monday, March 15, 1982, Thurston County Courthouse Complex, Building # 1, Room 280, 2000 Lakeridge Drive S.W., Olympia, WA 98502.

Dated: February 2, 1982

By: Robert T. McCoy
Acting Rules Coordinator

STATEMENT OF PURPOSE

Title: WAC 352-12-005 Definitions; 352-12-010 Moorage and use of marine facilities; 352-12-020 Moorage fees; 352-12-030 Seasonal permits; 352-12-040 Use of onshore campsites; and 352-12-050 Self-registration.

Description of Purpose: To regulate the use of Washington State Parks and Recreation owned and/or operated state marine park areas and facilities and to establish fees and charges for the use of such facilities.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Amends existing sections of chapter 352-12 WAC, and adds new sections to include definition of vessel; extends 36 hour moorage limit to three consecutive nights; prohibits aircraft from mooring at marine park facilities; sets moorage arrangements at state parks floats; prohibits devices using open flame on state park operated floats; sets a fee schedule for moorage at and use of state park floats and primitive campsites in state park marine areas; and sets a self-registration system.

Reasons Supporting Proposed Action: To regulate the safe and orderly use of marine park facilities and areas that have become very heavily utilized by the boating public, and to recover partial operating costs of maintaining state parks marine park facilities.

Agency Personnel Responsible for Drafting and Implementation: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, Olympia, 753-5761; and Enforcement: State Parks and Recreation Commission park managers and park rangers.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended regulatory language is contained in the proposed amendatory and new sections shown below.

Federal Law/Court Action: N/A

NEW SECTION

WAC 352-12-005 DEFINITIONS. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commission" shall mean the Washington state parks and recreation commission. Where appropriate, the term "Commission" also refers to the staff and employees of the Washington state parks and recreation commission.

(2) "Facility" shall mean state park floats, piers and mooring buoys.

(3) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

(4) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(5) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, including bowsprit or bunion or as shown on vessel's State or Coast Guard registration certificate.

(6) "Night" shall mean the period between 3 p.m. and 8 a.m.

AMENDATORY SECTION (Amending Order, filed 6/30/65)

WAC 352-12-010 MOORAGE AND USE OF MARINE FACILITIES. (1) No person or persons shall moor(~~-dock~~) or berth (~~a boat or other object overnight~~) a vessel of any type in a (~~Washington state parks and recreation~~) commission owned (~~and~~) or operated park or marine area except in designated marine park areas and at designated facilities.

(2) Use of (~~these~~) designated marine park areas and facilities by commercial (~~craft~~) vessels is prohibited. (~~For the purpose of this rule "commercial craft" shall mean craft used for any commercial purpose but shall not include a commercial craft operated within the terms of a concession lease with the commission.~~)

(3) In order to afford the general public the greatest possible use of (~~such~~) marine park facilities, continuous moorage (~~occupancy~~) at a facility by the same vessel, person or persons (~~of facilities in any areas~~) shall be limited to (~~thirty-six hours~~) three consecutive nights, unless otherwise posted (~~Shorter or longer limitation for occupancy may be established~~) by the (~~Washington state parks and recreation~~) commission at any individual facility or area.

(4) No aircraft shall be moored at or taxied within one hundred (100) feet of any marine facility.

(5) In order to maximize usable space at mooring floats, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also encouraged, within posted limits.

(6) Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(7) Dinghies shall be tied up only in designated spaces on moorage floats.

(8) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachies, stoves and heaters, shall not be permitted on state park floats or piers.

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 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through Labor Day, inclusive, according to the following schedule:

(a) Twenty-six (26) feet in length, and over, \$5.00 per night;

(b) Under twenty-six (26) feet in length, \$3.00 per night: PROVIDED, however, vessels properly displaying a valid seasonal permit shall not be charged a nightly moorage fee: PROVIDED FURTHER, there shall be no moorage fee for dinghies, vessels moored to state park buoys, or any vessel riding on its own anchor: PROVIDED FURTHER, there shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty (30) minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

NEW SECTION

WAC 352-12-030 SEASONAL PERMITS. (1) Seasonal moorage permits may be obtained for the period May 1 through Labor Day, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the commission headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Seasonal moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Seasonal permits for vessels twenty-six (26) feet in length and over shall cost \$50.00; for vessels under twenty-six (26) feet in length shall cost \$30.00.

(3) Seasonal permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

NEW SECTION

WAC 352-12-040 USE OF ONSHORE CAMPSITES. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) established in WAC 352-32-250 shall be paid in addition to any moorage fee provided for herein.

NEW SECTION

WAC 352-12-050 SELF-REGISTRATION. In those marine park areas so posted by the commission, park visitors shall register for the use of marine facilities and onshore campsites, and pay the appropriate moorage and campsite fees as provided for herein, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay moorage and campsite fees may result in eviction from moorage and campsite space, in addition to any other penalty prescribed by law for violation of commission rules and regulations.

WSR 82-04-059

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed February 2, 1982]

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 new chapters 137-57 and 137-56 WAC and repealing chapter 275-92 WAC.

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

John J. Sinclair, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
Olympia, Washington 98504
(206) 753-5770

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., March 12, 1982, in the Office of the Secretary, Olympia, Washington.

The authority under which these rules are proposed is RCW 72.65.100 and 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 March 12, 1982.

Dated: January 5, 1981[1982]

By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045 and regards the adoption of chapters 137-57 and 137-56 WAC dealing with the operation and siting of work/training release programs and facilities and the repeal of the former DSHS chapter 275-92 WAC.

These rule changes are necessary due to the establishment of the new Department of Corrections in chapter 136, Laws of 1981, 47th Legislature.

Statutory Authority: RCW 72.65.100 and chapter 136, Laws of 1981.

Summary of the Rule Changes: The purpose of chapter 137-57 WAC is to ensure department cooperation with local jurisdictions in the siting of work/training release facilities and to encourage public comment and advise in the siting decisions; the purpose of chapter 137-56 WAC is to set forth the rules and regulations governing the administration of the department's work/training programs; and the repeal of chapter 275-92 WAC is necessitated by the adoption of the above.

The Person Responsible for Drafting, Implementation and Enforcement of the Rule is: John J. Sinclair, Administrator, Office of Contracts and Regulations, Division of Management and Budget, Mailstop FN-61, (206) 753-5770.

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

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

Chapter 137-57 WAC
SITING OF COMMUNITY RESIDENTIAL PROGRAMS
(WORK/TRAINING RELEASE FACILITIES)

NEW SECTION

WAC 137-57-005 PURPOSE. The purpose of this chapter is to ensure department cooperation with local jurisdictions in the siting of work/training release facilities and to encourage public comment and advice in the siting decisions.

NEW SECTION

WAC 137-57-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

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

(3) "Assistant director" is the assistant director of community residential programs, division of community services, department of corrections.

(4) "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training release inmates or residents as defined in WAC 137-56-010.

(5) "Office of contracts and regulations" is an office within the division of management and budget, department of corrections.

NEW SECTION

WAC 137-57-020 SECRETARY'S AUTHORITY. (1) Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Although the facilities are not subject to the zoning laws of the city or county in which they are situated, it is the purpose of this chapter to

ensure department cooperation with local jurisdictions in siting decisions and to encourage public comment and advice.

(2) All contracts and leases authorized under RCW 72.65.080, excepting contracts or leases with a federal, state, or local government agency, shall be solicited and awarded in conformance with this chapter effective March 1, 1982.

NEW SECTION

WAC 137-57-030 ADVISORY COMMITTEE. When the department intends to locate or relocate a work/training release facility, the assistant director shall be responsible for assembling a department advisory committee composed of local elected and/or public officials, local law enforcement heads, interested citizens and department staff. The advisory committee shall be apprised of the department's need for the site and the geographical location desired.

The committee shall then be given the opportunity to make recommendations to the assistant director regarding said site and the selection thereof. These recommendations shall be recorded in writing.

NEW SECTION

WAC 137-57-040 REQUEST FOR PROPOSAL. (1) If the department is seeking a contractor or vendor to provide both a site and a program, the assistant director, in conjunction with the committee and the department's office of contracts and regulations, shall develop a request for proposal (RFP) articulating the department's requirements.

(2) Proposals received in response to the RFP shall be evaluated by the committee in accordance with criteria developed by the committee.

Such criteria shall include:

- (a) The cost of the program;
- (b) The reliability of the contractor;
- (c) The scope of the program; and
- (d) The site selected and site criteria in WAC 137-57-050.

(3) The assistant director shall then submit three recommendations to the director (or less if there are not three responsive bids), who shall then submit these to the secretary for approval.

NEW SECTION

WAC 137-57-050 SITE SELECTION ONLY. (1) If the department is seeking a site only and not a work/training release vendor or contractor, the department need not prepare a request for proposal (RFP). Instead, the assistant director shall advertise the department's need in a local newspaper and shall perform a search of possible locations.

(2) After locations have been identified, the assistant director shall submit the possible sites to the advisory committee for review. The committee's review shall evaluate the following factors:

- (a) The cost of the site, e.g., improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;
- (b) The desirability of the site for program activities;
- (c) The access to public transportation available at the site;
- (d) The community impacts associated with the site; and
- (e) The current zoning restrictions applicable to property in that geographical area.

(3) The advisory committee shall make three recommendations to the secretary (or less if there are not three available sites) for a preliminary approval.

NEW SECTION

WAC 137-57-060 PUBLIC NOTICE, HEARING REQUIREMENTS. (1) After the secretary selects a site, or selects a contractor or vendor with an existing site, the assistant director under the direction of the office of contracts and regulations, shall either apply for or assist the contractor in applying for all the necessary permits required by local zoning laws.

(2) In the event there are no local zoning requirements, or hearing requirements, or where the secretary waives the permit requirement in (1) of this section, the assistant director under the direction of the office of contracts and regulations shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

(3) The comments received at the public hearing shall be submitted to the secretary for review and final approval of the proposed site.

NEW SECTION

WAC 137-57-070 CONTRACT/LEASE. Upon final approval pursuant to **WAC 137-57-060** the office of contracts and regulations shall negotiate and draft a lease or contract for execution by the secretary. Said contract shall not run beyond a biennium.

NEW SECTION

WAC 137-57-080 WAIVER. The secretary may waive any provisions of this chapter if he/she deems such waiver to be in the best interest of the department.

**Chapter 137-56 WAC
COMMUNITY RESIDENTIAL PROGRAMS,
WORK/TRAINING RELEASE**

NEW SECTION

WAC 137-56-005 PURPOSE. The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's work/training release programs.

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 residential programs.

(4) "Community residential programs administrator" is the staff member 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 residential programs administrator to administer and supervise a specific work/training release facility and includes his/her designee.

(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 the inmate's or resident's 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 chapter 72.65 RCW 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, without the written approval of the secretary.

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 residential programs, or his or her designee, 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 residential 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 residential 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 facility supervisor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release facility supervisor. The inmate or resident may appeal in writing to the community residential 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 residential 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 report to his or her designated assignment or 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 state law.

(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 release facility supervisor. All income from any source shall be immediately placed in the resident's trust fund account by the facility supervisor. A receipt will be issued by the facility supervisor.

(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 137-56-120 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.

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;

(7) When on authorized medical appointments or court appearances.

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 facility supervisor; 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.

(3) Sponsor-escorts must complete a sponsor orientation class provided by the work/training release facility before eligibility under this section.

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 facility supervisor 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 facility supervisor may suspend the work/training release plan and place the inmate or resident in custody pending a termination hearing.

(2) The work/training release facility supervisor 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 residential 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 at least four members, including the work/training release facility supervisor or his or her designee and a member of the contractor's staff, if the facility is under contract with the department. The two additional members shall be selected by the facility supervisor from either state staff, including probation and parole officers or the contractor's staff. No resident or inmate may be a member of this committee. 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.

(5) Although relevant, the chairman of the review committee may exclude evidence if the probative value is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the committee or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

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 residential 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 residential 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.

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 PROPOSED 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—FINDINGS 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.

WSR 82-04-060
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-4—Filed February 2, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to WAC 296-150B-300 Construction requirements for mobile homes; 296-150B-305 Standards for recreational vehicles; 296-150B-310 Construction requirements for recreational vehicles—Power-supply assembly; 296-150B-315 Construction standards for recreational vehicles—Low voltage circuits; 296-150B-400 through 296-150B-820 Construction standards for commercial coaches; and 296-150B-950 Hearing on grievances. These standards update the construction standards for mobile homes, recreational vehicles, and commercial coaches to comply with the latest applicable national codes and the latest construction techniques.

This action is taken pursuant to Notice Nos. WSR 81-21-063, 81-23-049 and 82-02-020 filed with the code reviser on October 21, 1981, November 16, 1981 and December 29, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.340 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 January 29, 1982.
 By Sam Kinville
 Director

Chapter 296-150B WAC
STANDARDS FOR FACTORY ASSEMBLED STRUCTURES

- WAC 296-150B-300 Construction requirements for mobile homes.
- 296-150B-305 Standards for recreational vehicles.

- 296-150B-310 Construction requirements for recreational vehicles—Power-supply assembly.
- 296-150B-315 Construction standards for recreational vehicles—Low voltage circuits.
- 296-150B-950 Hearing on grievances.

NEW SECTION

WAC 296-150B-300 CONSTRUCTION REQUIREMENTS FOR MOBILE HOMES. Alterations and repairs to mobile homes made after sale to a dealer shall comply with this section.

(1) Subject to the exceptions in subsections 2 and 3, mobile homes must comply with the 1977 edition of the Standard for Mobile Homes, as adopted by the National Fire Protection Association (NFPA) and approved by the American National Standards Institute (ANSI) in ANSI/NFPA 501B 1977.

(2) Mobile homes need not comply with Chapter 1, 1-2 Definitions Common to Chapters 1-5 (see WAC 296-150-015).

(3) Mobile homes must comply with the following provisions of ANSI/NFPA 501B 1977, as amended. Chapter 4, Section 4-6.3.5 Installation of Solid Fuel-Burning Fireplaces and Fireplace Stoves. Subsection (A)1. is amended to read: "A listed factory-built chimney designed to be attached directly to the fireplace or fireplace stove shall be used. The listed factory-built chimney shall be equipped with and contain as part of its listing a termination device and a spark arrester." Subsection (A)3. is amended to read: "The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping into the area beneath the mobile home."

NEW SECTION

WAC 296-150B-305 STANDARDS FOR RECREATIONAL VEHICLES. (1) Subject to the exceptions in subsection (2), recreational vehicles must comply with the 1977 edition of the Standard for Recreational Vehicles, as adopted by the National Fire Protection Association (NFPA) and approved by the American National Standards Institute (ANSI) ANSI/NFPA 501C (1977 edition).

(2) Recreational vehicles need not comply with the following provision of ANSI/NFPA 501C 1977.

(a) Delete Section 4-7.6.4 and exceptions No. 1 and No. 2 of Chapter 4, Electrical Systems. See WAC 296-150B-310.

(b) Delete the Note in Section 3-6.2.2 in Chapter 3, Heating/Air Conditioning, and add the following exception:

A fuel-burning refrigerator may be installed to meet the above requirements using panels provided by the recreational vehicle manufacturer if the refrigerator manufacturer furnishes the necessary vents and grills as specified by the listing requirements and the refrigerator is equipped with the necessary

means to ensure the integrity of the separation of the combustion system when the refrigerator is removed for field service and reinstalled.

(c) Delete Section 4-4.1 from Chapter 4, Electrical Systems. See WAC 296-150B-315.

NEW SECTION

WAC 296-150B-310 CONSTRUCTION REQUIREMENTS FOR RECREATIONAL VEHICLES—POWER-SUPPLY ASSEMBLY. In accordance with Sections 4-7.6.4 and 4-7.4.4 of Chapter 4 of ANSI/NFPA 501C 1977, any recreational vehicle with a rating that exceeds 30 amperes, 120 volts, shall use an approved, listed, and appropriately rated 120/240 volt power-supply assembly. However, if a recreational vehicle has a dual power supply source that consists of a generator and a power-supply cord, the recreational vehicle must comply with Section 4-7.8 of Chapter 4 of ANSI/NFPA 501C 1977.

NEW SECTION

WAC 296-150B-315 CONSTRUCTION STANDARDS FOR RECREATIONAL VEHICLES—LOW VOLTAGE CIRCUITS. (1) All low-voltage circuits furnished and installed by a recreational vehicle manufacturer are subject to this chapter, except for battery circuits of 24 volts or less if they

(a) are installed in a recreational vehicle that has no electrical circuits other than battery circuits of 24 volts or less; and

(b) are used exclusively for the following purposes:

(i) to illuminate lights when the recreational vehicle contains no systems, such as plumbing or heating systems, other than the battery-powered electrical system; or

(ii) to supply power for running lights, taillights, stoplights, electrical braking, or ignition.

(2) The metal frame or chassis of a recreational vehicle may be used as the return path for exterior lighting circuits. Terminals for connection to the frame or chassis shall be of the solderless kind and shall be approved for the size and kind of wire used. Mechanical connections to the frame or chassis shall be made secure.

NEW SECTION

WAC 296-150B-950 HEARING ON AGGRIEVANCES. A person who is aggrieved by an order, notice, or decision of the department under this chapter may request a hearing. The request must be in writing and must describe briefly the cause of the grievance.

The director of the department may hear the matter, or may assign the hearing to his or her representative. The department shall notify the complainant of the time, date, and place for the hearing. The hearing shall be held no later than 30 days after the department receives the request for the hearing. If the complainant fails to appear at the scheduled hearing, the department may dismiss the matter.

Upon conclusion of the hearing, the director or his or her representative shall notify the petitioner in writing of his or her decision in the matter.

Chapter 296-150B WAC
STANDARDS FOR MOBILE HOMES, COMMERCIAL COACHES, AND RECREATIONAL VEHICLES

NEW SECTION

WAC 296-150B-400 DEFINITIONS. The following definitions shall apply to WAC 296-150B-400 through 296-150B-820.

(1) "Ceiling height" means the clear vertical distance from the finished floor to the finished ceiling.

(2) "Dead load" means the weight of all permanent construction including walls, floors, roof, partitions, and fixed service equipment.

(3) "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

(4) "Dormitory" means a room designed to be occupied by more than two guests.

(5) "Dwelling unit" means one or more habitable rooms that are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation.

(6) "Exit" means a continuous and unobstructed means of egress to a public way.

(7) "Gross floor area" means the net floor area within the enclosing walls of a room in which the ceiling height is not less than five feet.

(8) "Guest room" means a room used or intended to be used by a guest for sleeping purposes. Every one hundred square feet of superficial floor area in a dormitory shall be considered to be a guest room.

(9) "Habitable room" means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes (not including bathrooms, toilet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces).

(10) "Interior finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the commercial coach structure, including any material such as paint or wallpaper. Interior finish does not include decorations or furnishings that are not affixed to the commercial coach structure.

(11) "Live load" means the weight superimposed by the use and occupancy of the commercial coach, including wind load and snow load, but not including dead load.

(12) "Occupancy" means the purpose for which a commercial coach is designed to be used.

(13) "Perimeter blocking" means supports placed under exterior walls.

(14) "Shear wall" means a wall designed and constructed to transfer lateral loads.

(15) "Tiedown" means a device designed to anchor a commercial coach to ground anchors.

(16) "Wind load" means the lateral or vertical pressure or uplift due to wind blowing in any direction.

(17) "Window" means a glazed opening on the exterior of a structure, including glazed doors.

NEW SECTION

WAC 296-150B-403 MINIMUM REQUIREMENTS. (1) The design and construction of a commercial coach shall conform with the provisions of WAC 296-150B-400 through 296-150B-820. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer or installer may exceed these standards provided such deviation does not result in any inferior installation or defeat the purpose and intent of the standard.

(2) All construction methods and installations shall conform with this chapter and accepted engineering practices, provide minimum health and safety to the occupants of commercial coaches and the public, and demonstrate acceptable workmanship reflecting journeyman quality of work of the various trades.

(3) When a habitable room is part of a commercial vehicle, the habitable room(s) shall meet egress, ventilation, interior finish, automatic smoke detectors and applicable plumbing, mechanical, and electrical requirements.

NEW SECTION

WAC 296-150B-407 STRUCTURAL ANALYSIS. The strength and rigidity of the components, equipment, and integrated structure shall be determined by engineering analysis or by suitable load tests pursuant to WAC 296-150B-473.

NEW SECTION

WAC 296-150B-410 STANDARDS FOR EQUIPMENT AND INSTALLATIONS. Standards for equipment and installations are listed in WAC 296-150B-530. Equipment and installations conforming to these standards or to other approved standards shall be considered acceptable by the department when listed or labeled and installed in accordance with the requirements of this chapter and the conditions of their approval, except where otherwise provided in this chapter. All equipment shall be clearly labeled to indicate compliance with applicable standards.

NEW SECTION

WAC 296-150B-413 STRUCTURAL DESIGN—REQUIREMENTS. Each commercial coach shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this chapter and shall be capable of transmitting these loads to stabilizing devices without causing an unsafe deformation or abnormal internal movement of the structure or its structural parts. The commercial coach shall be capable of withstanding the adverse effects of transportation shock and vibration, both as an integrated structure and to its parts.

NEW SECTION

WAC 296-150B-417 NEW MATERIALS AND METHODS. (1) Any new material or method of construction not provided for in this standard and any material or method of questioned suitability, proposed for use in the manufacture of the structure, shall nevertheless conform in performance to the requirements of this standard.

(2) Unless based on accepted engineering design for the use indicated, all new commercial coach materials, equipment systems or methods of construction not provided for in this standard shall be subjected to the tests specified in subsection (4).

(3) Allowable design stress. The design stresses of all materials shall conform to accepted engineering practice. The use of materials not identified as to strength or stress grade shall be limited to the minimum allowable stresses under accepted engineering practice.

(4) Alternate test procedures. In the absence of listed and prescribed standards, the manufacturer shall develop or cause to be developed necessary tests, suitable to the department, to demonstrate the structural properties and the significant characteristics of the method employed. The tests shall be made by an approved testing agency or by a licensed professional engineer or architect. Copies of the test results shall be submitted to the department for approval.

NEW SECTION

WAC 296-150B-420 DESIGN DEAD LOADS. Design dead loads shall be the actual dead load supported by the structural assembly under consideration.

NEW SECTION

WAC 296-150B-423 DESIGN LIVE LOADS. The design live loads shall be as specified in WAC 296-150B-427, 296-150B-430, 296-150B-440, 296-150B-450, 296-150B-463, and 296-150B-473 and shall be considered to be uniformly distributed. The roof live load shall not be considered as acting simultaneously with the wind load, and the roof and the floor live loads shall not be considered as resisting the overturning moment due to wind. The roof live load and the floor live load shall be considered to act both simultaneously and separately in order to determine the critical design loading for stresses and deflections.

NEW SECTION

WAC 296-150B-427 STANDARD WIND. When a commercial coach is not designated "Hurricane and Windstorm-Resistive," the commercial coach and each wind resisting part and portion thereof shall be designed for the following wind loads:

- Horizontal 15 lb/ft²
(1 day load duration)
- Vertical Upward 9 lb/ft²
(1 day load duration)
- Vertical Downward (See WAC 296-150B-430, Roof Loads)

For exposures in areas where records or experience indicate that the commercial coach will be subjected to wind loads in excess of the above loads, the coach shall be designed for the loads to which it will be subjected.

NEW SECTION

WAC 296-150B-430 ROOF LOADS. Flat, curved, and pitched roofs shall be designed to sustain all loadings as follows:

- (1) All dead loads plus a minimum unit live load of 30 lb/ft² (2 months load duration).
- (2) A vertical net uplift load of 9 lb/ft² (1 day load duration).

NEW SECTION

WAC 296-150B-433 SNOW LOADS. For exposures in areas where snow records or experience indicate that the commercial coach will be subjected to snow loads in excess of 30 lb/ft², the roof shall be designed for the loads to which it will be subjected.

NEW SECTION

WAC 296-150B-437 POSTING DESIGN LOADS. The manufacturer shall post the loads the commercial coach has been designed for as follows:

- Roof Live Load _____ psf
- Floor Live Load _____ psf
- Wind Load _____ psf

Design loads shall be posted on the exterior of the commercial coach. The design loads shall be shown on a label securely affixed to the rear of the vehicle on the lower left hand corner of the exterior wall not less than six inches above the floor line or on the exterior wall immediately adjacent to the main door not less than six inches above floor line.

NEW SECTION

WAC 296-150B-440 DESIGN LOAD DEFLECTION. When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following:

- Floor L/240
- Roof and Ceiling L/180
(See WAC 296-150B-470)
- Headers, Beams, Girders L/180
(Vertical Loads Only)
- Walls and Partitions L/180

L = the clear span between supports or two times the length of a cantilever.

NEW SECTION

WAC 296-150B-443 FASTENING OF STRUCTURAL SYSTEMS. Roof framing shall be securely fastened to wall framing, walls to floor structure and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind uplift, overturning and sliding as imposed by design

loads in WAC 296-150B-427. Directions for setup and anchorage shall accompany all commercial coaches.

NEW SECTION

WAC 296-150B-447 INSTRUCTIONS. The manufacturer shall provide printed instructions with each commercial coach specifying the following:

(1) The location and required capacity of stabilizing devices, (tiedowns, piers, blocking, etc.) on which the design is based.

(2) Devices and methods to be used in connecting all components and systems including, but not limited to, roofs, walls, floors, frames and utilities.

(3) Leveling, including releveling.

NEW SECTION

WAC 296-150B-450 WALLS. The walls shall be of sufficient strength to withstand the load requirements set out in 296-150B-427, 296-150B-430, and 296-150B-433 without exceeding the deflections specified in WAC 296-150B-440. The connections between the bearing walls, floor, and roof framework members shall be fabricated to provide support for the material used to enclose the commercial coach and to provide for transfer of all lateral and vertical loads to the floor and chassis.

NEW SECTION

WAC 296-150B-453 DRILLING OR NOTCHING OF WOOD WALL STRUCTURAL MEMBERS. Except where substantiated by engineering designs, studs shall not be notched or drilled.

NEW SECTION

WAC 296-150B-457 FIRESTOPPING. Firestopping shall be provided in commercial coaches to cut off all concealed draft openings in all stud walls and partitions, including furred spaces, so placed that the maximum vertical dimension of any concealed space is not over eight feet.

NEW SECTION

WAC 296-150B-460 INTERIOR WALLS AND PARTITIONS. Interior walls and partitions shall be constructed with structural capacity adequate for the intended purpose and shall be capable of resisting a horizontal load of not less than five pounds per square foot without exceeding the deflections specified in WAC 296-150B-440.

NEW SECTION

WAC 296-150B-463 FLOORS. (1) Floor assemblies shall be designed in accordance with accepted engineering practice standards to support a minimum uniform and concentrated live load, in accordance with WAC 296-150B-537 and 296-150B-540, plus the dead load of the materials. In addition (but not simultaneously), floors and floor sheathing shall be able to support a 200-pound concentrated load on a one-inch diameter disc at the most critical location with a maximum deflection not to exceed one-eighth inch relative to the

floor framing. The floor sheathing shall be able to support a 600-pound concentrated load on a one-inch diameter disc at the most critical location. Joists of more than six inches depth shall be stabilized against overturning from superimposed loads as follows: At ends by solid blocking not less than two-inch thickness by full depth of joist, or by connecting to a continuous header not less than two-inch thickness and not less than the depth of the joist with connecting device; at eight-foot maximum intermediate spacing by solid blocking or by wood cross-bridging of not less than one inch by three inches, metal cross-bridging of equal strength, or by other approved methods.

(2) Wood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture shall be moisture resistant or shall be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive.

NEW SECTION

WAC 296-150B-467 DRILLING OR NOTCHING OF WOOD JOIST STRUCTURAL MEMBERS. Except where substantiated by engineering design, notches on the ends of joists shall not exceed one-fourth the joist depth. Holes bored in joists shall not be within 2 inches of the top or bottom of the joist, and the diameter of any such hole shall not exceed one-third of the depth of the joist. Notches in the top or bottom of the joists shall not exceed one-sixth the depth and shall not be located in the middle third of the span. Joists in transverse floor framing systems, which do not have perimeter blocking, shall not be drilled or notched without substantiation by engineering design or approved tests.

NEW SECTION

WAC 296-150B-470 ROOF TRUSSES. All roof truss construction shall be first approved by a licensed professional engineer or architect and subsequently approved by the department. Roof trusses shall be tested as directed in ANSI/NFPA 501B-1977, Appendix to chapter 2. Initial certification tests shall be performed using certified minimum quality of materials (lowest of the grade) and workmanship.

Any one of the three following options may be used in production:

(1) Stress graded materials must be used in the manufacture of rafters and trusses.

(2) Nongraded materials may be used if each truss is tested in an approved testing jig at the manufacturer's site with a load equivalent to full design load. (1.75 times the full design load sustained for 12 hours.)

(3) The manufacturer shall employ an approved testing agency to certify the rafter and truss construction and to test the rafters and trusses as to required loads. The testing agency is to prepare an approved quality control program and to test the rafters and trusses in accordance with sound testing procedures.

(4) When requested by the department, representative trusses taken from the production line shall be tested

and a report furnished to the department by the approved testing agency or a licensed architect or civil or structural engineer. Unless there are apparent problems with the trusses, the frequency of these tests shall not exceed two times per year per design.

(5) The manufacturer shall be required to maintain an acceptable quality level not to exceed 1% using acceptable sampling procedures. (The acceptable quality level is defined as the maximum percentage of defective units.)

(6) All test reports are to be stamped, signed, and dated by a licensed professional engineer.

NEW SECTION

WAC 296-150B-473 **STRUCTURAL LOAD TEST.** Structural assemblies or subassemblies tested for qualification shall sustain the design dead load (see WAC 296-150B-420), plus the superimposed design live loads (see WAC 296-150B-423) equal to 1.75 times the required live loads for a period of 12 hours without failure, unless otherwise specified in this chapter. Failure shall be considered rupture, fracture, or residual deflection which is greater than the limits set in WAC 296-150B-440. An assembly or subassembly to be tested shall be representative of the minimum quality of materials of the group of assemblies or subassemblies as ordinarily manufactured. Each test assembly, component or subassembly shall be identified as to type and quality or grade of material. Structural load tests or other tests based on nationally recognized standards may be approved. Submit the test procedure to the department for approval before proceeding with the tests.

NEW SECTION

WAC 296-150B-477 **ROOF COVERINGS.** (1) **General.** The roof covering shall be securely fastened in an approved manner to the supporting roof construction and shall provide weather protection for the commercial coach and the occupants. All roof decks shall be designed with sufficient slope or camber to assure adequate drainage, or shall be designed to support maximum loads including possible ponding of water due to deflection. The roof covering shall be installed in accordance with the manufacturer's instructions and as approved by the department.

(2) **Construction.** All roofs shall be so framed and tied into the framework and supporting walls as to form an integral part of the commercial coach. All trusses shall be laterally braced.

(3) **Roofing membranes** shall be of sufficient rigidity to prevent deflection that would permit ponding of water or separation of seams due to snow and wind, or erection or transportation forces.

(4) **Cutting of roof framework members** for passage of electrical, plumbing, or mechanical systems shall not be allowed except where substantiated by engineering analysis.

(5) **Electrical, plumbing, or mechanical systems** shall not penetrate the roofing membrane unless the penetration point is adequately sealed.

NEW SECTION

WAC 296-150B-480 **FLAME-SPREAD LIMITATIONS AND COMBUSTIBILITY.** (1) The surface flame-spread rating of interior finish materials shall not exceed the following when tested by the Standard Method of Test for Surface Burning Characteristics of Building Materials, ASTM E84. Testing shall be by an approved testing agency.

(a) The interior finish of all walls and partitions shall have a flame-spread rating not exceeding 200 except as otherwise specified in this section. The flame-spread limitation shall not apply to molding, trim, windows, doors or series of doors not exceeding 4 feet in width, and permanently attached decorative items such as pictures or accent panels constituting not more than 10 percent of the aggregate wall surface in any room or space nor more than 32 square feet in surface area, whichever is less.

(b) All ceiling interior finish shall have a flame-spread rating not exceeding 200, excluding molding and trim 2 inches or less in width.

(c) Furnace and water heater spaces shall be enclosed by walls, ceiling, and doors having an interior finish with a flame-spread rating not exceeding 200.

(d) Combustible kitchen cabinet doors, countertops, exposed bottoms, and end panels shall not exceed a flame-spread rating of 200. Cabinet rails, stiles, mullions, and toe strips are exempted.

(e) Exposed interior finishes adjacent to the cooking range shall have a flame-spread rating not exceeding 50. Adjacent surfaces are the exposed vertical surfaces between the range top height and the overhead cabinets or ceiling and within 6 horizontal inches of the cooking range.

(f) Finish surfaces of plastic bath tubs, shower units and tub or shower doors shall not exceed a flame-spread rating of 200.

(2) **Combustibility.** The exposed wall adjacent to the cooking range, as defined in subsection (1)(e), shall be surfaces with 5/16 inch gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces, all openings for pipes and vents shall be tight-fitted or firestopped.

NEW SECTION

WAC 296-150B-483 **KITCHEN CABINET PROTECTION.** The bottom and sides of combustible kitchen cabinets over cooking ranges or tops including a space of 6 inches from the edge of the burners shall be protected with at least 1/4 inch thick asbestos millboard covered with not less than 26 gage sheet metal (.017 stainless steel, .024 aluminum or .020 copper) or equivalent protection. The protective metal over the range shall form a hood with not less than a 3-inch eyebrow (measuring horizontally from face of cabinet). The hood shall be centered over and shall be at least as wide as the cooking range or top.

NEW SECTION

WAC 296-150B-487 CARPETING. (1) Surface flammability of carpets and rugs shall at least meet the Department of Commerce Standard DOCFF 1 test.

(2) Carpeting shall not be used under a heat-producing appliance.

(3) Carpet and carpet pads shall not be installed in concealed spaces subject to excessive moisture such as under plumbing fixtures.

(4) Carpet and carpet pads shall not be installed beneath the bottom plate of shear, bearing, or exterior walls.

NEW SECTION

WAC 296-150B-490 UNDERVEHICLE CLOSURE MATERIAL. Undervehicle closure material and method of construction shall be such as to resist damage that would permit penetration of the underside of the commercial coach by air, water, rodents, insects, or dust. The closure material shall be listed and installed as follows:

(1) Fibrous material (with or without patches) shall meet or exceed the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with ASTM designation D 781-68.

(2) The material shall be installed in accordance with installation instructions furnished by the supplier of the material.

(3) The material shall be suitable for patches and the patch life shall be equivalent to the material life. Patch installation instructions shall be included in the commercial coach manufacturer's instructions.

NEW SECTION

WAC 296-150B-497 BATHROOM. Each bathroom shall be provided with artificial light and with external windows or doors having not less than 1/2 square feet of fully openable glazed area, except where a mechanical ventilation system capable of producing a change of air every 12 minutes is provided. Any mechanical ventilation system shall exhaust directly to the outside of the commercial coach.

NEW SECTION

WAC 296-150B-500 GLASS AND GLAZED OPENINGS. (1) Application. The provisions of this section shall apply to the installation of glass or glazed openings including hazardous locations as indicated in WAC 296-150B-533.

(2) Standards and identification. Safety-glazing materials shall meet the requirements of American National Standards Institute (ANSI) Standard Z-97, 1-1975.

(3) Louvered windows. Plate, float, sheet or patterned glass in jalousies and louvered windows shall be not thinner than nominal 3/16-inch and no more than 40 inches in length. Exposed edges shall be smooth.

(4) Wind loads and glass area limitations. Exterior glass and glazing shall be capable of withstanding a wind load pressure of 20 pounds per square foot acting inward or outward.

(5) Glazing and hazardous locations. For safety glazing installed in hazardous locations such as sliding glass doors, storm doors, exit and entrance doors, and fixed glass panels located within 18 inches of the floor or equivalent surface, shower or tub enclosures or their doors to a height of 6 feet above the fixture floor shall meet the requirements set forth in WAC 296-150B-533.

NEW SECTION

WAC 296-150B-503 FIRE WARNING EQUIPMENT—AUTOMATIC SMOKE DETECTORS. (1) General. At least one listed smoke detector (which may be a single station smoke detector) shall be installed in each commercial coach to protect each separate bedroom. Smoke detectors shall meet the requirements of the Standard for Single and Multiple Station Smoke Detectors of the Underwriters Laboratories Inc. (UL 217-1976).

(2) Smoke detector location. A smoke detector shall be installed in the hallway or space communicating with the bedroom, and shall be mounted, where possible, between the living area and the first bedroom door on an interior wall. Where such mounting cannot be achieved due to limited interior wall space, the smoke detector shall be located as close as practical to the first bedroom door on an interior wall. Commercial coaches having bedrooms separated by one or a combination of common use areas (such as a kitchen, dining room, living room, or family room, but not a bathroom or utility room) shall have at least two smoke detectors, one smoke detector protecting each bedroom.

(3) Installation. Smoke detectors shall be installed on an interior wall of the commercial coach. The top of the detector shall be 5 to 7 inches from the ceiling. The smoke detector mounting shall be attached to an electrical outlet box and the detector shall be permanently wired into a general purpose electrical circuit. There shall be no switches in the circuits to the detectors other than the circuit breaker serving the circuits.

(4) The commercial coach manufacturer shall provide a copy of the testing and maintenance instructions supplied by the manufacturer of the smoke detector for the information of the consumer and users of the commercial coach.

NEW SECTION

WAC 296-150B-507 ROOM AND HALLWAY SIZES. (1) Rooms designed for sleeping purposes shall have a minimum gross square foot floor area as follows:

- One person 50
- Two persons 70
- Each person in excess of two 50

(2) Every habitable room shall have a minimum ceiling height of not less than 7 feet.

(3) No habitable room, except a kitchen, shall be less than five feet in any clear horizontal dimension.

(4) Each toilet compartment shall be a minimum of 30 inches in width and have at least 21 inches of clear space in front of each toilet.

(5) Hallways shall have a minimum horizontal dimension of 32 inches.

NEW SECTION

WAC 296-150B-510 HANDICAP STANDARDS. When applicable, a commercial coach shall comply with the standards set by the Washington state building code in RCW 19.27.030(5) requiring buildings and facilities to be accessible to and usable by physically handicapped and elderly persons.

NEW SECTION

WAC 296-150B-513 LIGHT AND VENTILATION. Habitable rooms shall be provided with exterior windows or doors having a total glazed area of not less than 10 percent of the floor area. An area equivalent to not less than 5 percent of the floor area shall be available for unobstructed ventilation. Glazed areas need not be openable where a mechanical ventilation system is provided and is capable of producing a change of air in the room(s) every thirty minutes with not less than one-fifth of the air supply taken from outside the commercial coach.

NEW SECTION

WAC 296-150B-517 EXIT FACILITIES. (1) Commercial coaches shall have a minimum of two exterior doors located remote from each other and so arranged as to provide a means of unobstructed travel to the outside of the commercial coach.

(2) Exterior doors shall be constructed for exterior use and in no case provide less than a 35-inch wide by 79-inch high clear opening (36" x 80" door). Each swinging exterior door shall have a key-operated lock that has a deadlocking latch. A deadlock with a passage set installed below the deadlock may be used as an acceptable alternate for each exterior door. The locking mechanism of the lock shall be engaged or disengaged by the use of a lever, knob, button, handle, or other device from the side from which egress is to be made when the commercial coach is occupied. Locks shall not require the use of a key for operation from the inside.

(3) The department may grant a variance to the two door and/or the minimum door size and locking mechanism requirements for special commercial coach usage or conditions. A commercial coach that is 24 feet or less in length and 14 feet or less in width needs only one exit door, unless it has a sleeping area.

(4) Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window which can be opened from the inside without the use of tools to provide a clear opening of not less than 22 inches in its smallest dimension and 5 square feet in area with the bottom of the opening not more than 3 feet above the floor.

Where a screen or storm window is required to be removed from this window to permit emergency egress, it shall be readily removable without requiring the use of tools.

NEW SECTION

WAC 296-150B-520 WEATHER RESISTANCE. Exterior covering shall be of moisture and weather-resistant materials attached with corrosion-resistant fasteners to resist wind and rain deterioration. Electroplated, electro-deposited zinc, electro-galvanized, etc. staples shall not be considered as qualifying as corrosion resistant. Metal covering shall be of corrosion-resistant materials.

NEW SECTION

WAC 296-150B-523 WINDSTORM PROTECTION. (1) Provisions for Support and Anchoring Systems. Each commercial coach shall have provisions for support and anchoring systems that, when properly designed and installed, will resist overturning and lateral movement of the commercial coach as imposed by the respective design loads, and shall be designed by a licensed professional engineer or architect.

(2) The manufacturer of each commercial coach is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices.

(3) The manufacturer shall provide printed instructions with each commercial coach specifying the location and required capacity of stabilizing devices on which the design is based.

(4) The provisions made for anchoring systems shall be based on the following design criteria for single-wide commercial coaches:

(a) The minimum number of ties required per side shall be in accordance with WAC 296-150B-527.

(b) Ties shall be as evenly spaced as practicable along the length of the commercial coach with not more than 8 feet open-end spacing on each end.

(c) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

(d) Add-on sections of expandable commercial coaches shall have provisions for vertical ties at the exposed ends.

(5) Double-wide commercial coaches require only the diagonal ties specified in the following table. These shall be placed along the outer side walls.

(6) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

(7) Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the commercial coach.

(8) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(a) Slit or cut edges of zinc-coated steel strapping do not need to be zinc-coated.

(b) Type 1, Class B, Grade 1 steel strapping, 1 1/4 inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-G, is judged to conform with the provisions of this paragraph.

NEW SECTION

WAC 296-150B-527 TABLE—TIES REQUIRED PER SIDE OF SINGLE WIDTH COMMERCIAL COACH.

NUMBER OF TIES REQUIRED PER SIDE OF SINGLE WIDTH COMMERCIAL COACHES

This Table is based on a minimum working load per anchor of 3,150 pounds with a 50 percent overload (4,725 pounds total).

Length of Commercial Coach (Feet) ^{2,4}	Hurricane Resistive	Hurricane Resistive	Non-Hurricane Resistive	Non-Hurricane Resistive
	No. of Vertical Ties	No. of Diagonal Ties	No. of Vertical Ties	No. of Diagonal Ties
32-40	2	4	2	3
41-46	2	4	2	3
47-49	2	5	2	3
50-54	3	5	2	3
55-58	3	5	2	4
59-64	3	6	2	4
65-70	3	6	2	4
71-73	3	7	2	4
74-84	4	7	2	5

- (1) Double-width commercial coaches require only the diagonal ties specified in column 3 or 5, and these shall be placed along the outer side walls.
- (2) Length of commercial coach (as used in this Table) means length excluding draw bar.
- (3) Diagonal ties in this method shall deviate at least 40° from a vertical direction.
- (4) In commercial coaches less than 32' long, the number of ties shall be according to engineering analysis approved by the department.

NEW SECTION

WAC 296-150B-530 TABLE—ACCEPTED ENGINEERING PRACTICE STANDARDS.

ACCEPTED ENGINEERING PRACTICE STANDARDS

This Table is included for information purposes.

ALUMINUM

Aluminum Construction Manual, Specifications for Aluminum Structures AA-1976

STEEL

Specification for the Design, Fabrication and Erection of Structural Steel for Buildings AISC-1969+

Specification for the Design of Cold-Formed Steel Structural Members AISI-1968++

Specification for the Design of Light-Gage Cold-Formed Stainless Steel Structural Members AISI-1974

Standard Specifications for Open Web Steel Joists, J- and H-Series SJ1 and AISC-1974

WOOD AND WOOD PRODUCTS

Hardboard AHA PS 58, 59, & 60-1973

Hardwood and Decorative Plywood USDC PS 51-71

Structural Design Guide for Hardwood Plywood HPMA-SG-71

Inspection Manual for Structural Glued Laminated Timber AITC-200-1973

Timber Construction Manual AITC-1974 (2nd Ed.)

Structural Glued Laminated Timber USDC PS, 56-73

Plywood—Construction & Industrial USDC PS 1-74

Plywood Commercial/Industrial Construction Guide APA-Y300-1976

Plywood Residential Construction Guide APA-Y405-1976

Plywood Design Specification APA-Y510-1977

Plywood Design Specification Supplement No. 2 - "Plywood Beams" APA-S812-1977

Plywood Design Specification Supplement No. 3 - "Stressed Skin Panels" APA-U813-1977

Plywood Fabrication Specification GT-8 "Trussed Rafters" APA-W395-1974

Plywood Fabrication Specification BB-8 "Plywood Beams" APA-V375-1975

- Plywood Fabrication Specification
SS-8 "Stress Skin Panels" APA-V340-1974
- All Plywood Beams for Mobile
Homes, Report 124 APA-Y490-1976
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and Addendum No. 2, dated February 4, 1977.
- * Supplement issued December, 1972.

- AA — The Aluminum Association, 750 Third Ave., New
York, N.Y. 10017.
- AMA — American Board Products Association, 205
West Toulay Ave., Park Ridge, Illinois 60068.
- AISC — American Institute of Steel Construction, 1221
Avenue of the Americas, New York, N.Y. 10020.
- AISI — American Iron and Steel Institute, 1000 16th St.
NW, Washington, DC 20036.
- AITC — American Institute of Timber Construction, 333
West Hampden Ave., Englewood, Colorado 80110.
- ANSI — American National Standards Institute, 1430
Broadway, New York, N.Y. 10017.
- APA — American Plywood Association, 1119 A Street,
Tacoma, Washington 98401.
- ASHRAE — American Society of Heating, Refrigeration
and Airconditioning Engineers, 345 East 47th
Street, New York, N.Y. 10017.
- ASTM — American Society for Testing and Materials,
1916 Race Street, Philadelphia, Pennsylvania
19103.
- CS — Commercial Standards — available from Sup't. of
Documents, U.S. Government Printing Office,
Washington, D.C. 20402.
- FIT — Fastener Institute of Tectonics, P.O. Box 5490,
Hacienda Heights, California 91745.
- HPMA — Hardwood Plywood Manufacturers Assn.,
P.O. Box 6246, Arlington, Virginia 22206.
- HUD — U.S. Department of Housing and Urban Devel-
opment, Washington, DC 20411.
- I-SANTA — Industrial Staple and Nailing Technical
Association, 435 N. Michigan Ave., Suite 1717,
Chicago, Illinois 60611.
- NFPA — National Fire Protection Assn., 470 Atlantic
Avenue, Boston, Massachusetts 02210.
- (N) FPA — National Forest Products Association
(formerly National Lumber Manufacturers Assn.),
1619 Massachusetts Ave. N.W., Washington, D.C.
20036.
- NPA — National Particleboard Association, 2306
Perkins Place, Silver Spring, Maryland 20910.
- PFS — Product Fabrication Service, 1619 West Beltline
Highway, Madison, Wisconsin 53713.
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ments, U.S. Government Printing Office,
Washington, D.C. 20402.
- SJI — Steel Joist Institute, 2001 Jefferson Davis High-
way, Arlington, Virginia 22202.
- TPI — Truss Plate Institute, 7100 Baltimore Ave., Col-
lege Park, Maryland 20740.
- UL — Underwriters' Laboratories, Inc., 333 Pfnstgen
Road, Northbrook, Illinois 60062.
- USDC — United States Department of Commerce,
Washington, D.C. 20234.

NEW SECTION

WAC 296-150B-533 TABLE—GLAZING IN HAZARDOUS LOCATIONS.

Glazing in the following specific hazardous locations shall meet the following requirements:

Specific Hazardous Locations	Size of Individual Glazed Area	Requirements ²
Glazing in exit and entrance doors	Over 6 sq. ft.	Each glazed area shall pass the requirements of ANSI Standard Z97.1—1975 if not protected by a protective grille ¹ firmly attached to stiles on each exposed side.
Glazing in storm doors	Over 2 sq. ft.	Each glazed area shall pass the requirements of ANSI Standard Z97.1—1975 if not protected by a protective grille ¹ firmly attached to stiles on each exposed side.
Glazing in sliding exterior doors	All Sizes	Each glazed area shall pass the requirements of ANSI Standard Z97.1—1975.
Glazing in all unframed doors (swinging)	All Sizes	Each glazed area shall be fully tempered glass and pass the requirements of ANSI Standard Z97.1—1975.
Glazing in shower doors and tub enclosures	All Sizes	Each glazed area shall pass the test requirements of ANSI Standard Z97.1—1975 except Section 4.3.
Other fixed glazed panels located within 12 inches on either side of exit and entrance doors	Over 18 inches	Each glazed area within 18 inches of the floor shall pass the requirements of ANSI Standard Z97.1—1975 unless the glazed area is protected by a barrier within 12 inches immediately in front of the glazing.

¹Shall be constructed and attached in such a manner so as to prevent human impact from being transmitted to glass surface.

²Annealed glass less than single strength in thickness shall not be used. If short dimension is larger than 24 inches, annealed glass must be double strength or thicker.

NEW SECTION

WAC 296-150B-537 TABLE—MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS.

MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

Occupancy or Use	Live Load psf
Apartments (see Residential)	
Assembly halls and other places of assembly:	

Occupancy or Use	Live Load psf
Fixed seating	50
Movable seating and other areas	100
Corridors (same as occupancy served except as indicated)	
Dining rooms and restaurants	100
Dwellings (see Residential)	
Hospitals	
Operating rooms	60
Private rooms	40
Wards	40
Hotels (see Residential)	
Libraries	
Reading rooms	60
Stack rooms	150
Manufacturing or Storage	
Light	125
Heavy	250
Office Units	
Offices (including job shacks)	50
Lobbies	100
Residential	
Multifamily units:	
Private apartments	40
Public rooms	100
Corridors	80
Single family units	40
Schools	
Classrooms	40
Corridors	80
Stores	
Retail	75
Theaters	
Aisles, corridors and lobbies	100

NEW SECTION

WAC 296-150B-540 TABLE—CONCENTRATED LIVE LOADS.

CONCENTRATED LIVE LOADS

Location	Loads in pounds*
Office floors (except 8' and 10' wide units)	2,000
Schools and 10' wide office floors	1,000

*Uniformly distributed over a 2 1/2 foot square area placed anywhere on the floor without the uniform live load present.

NEW SECTION

WAC 296-150B-543 INTERIOR PRIVACY. A commercial coach interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when lock

has been locked by a locking knob, lever, button, or other locking device on the inside.

NEW SECTION

WAC 296-150B-547 INTERIOR PASSAGE. Commercial coach interior doors having passage hardware shall open from either side by a single movement of the hardware mechanism.

NEW SECTION

WAC 296-150B-550 ELECTRICAL—GENERAL. Electrical equipment and installations in or on a commercial coach shall be installed in accordance with requirements of the National Electrical Code, 1981 Edition, unless otherwise specifically exempted or required by these rules. The provisions of this section are also applicable to the alteration or conversion of electrical equipment and installations in any commercial coach bearing or required to bear a department insignia of approval.

NEW SECTION

WAC 296-150B-553 DEFINITIONS. Definitions contained in the National Electrical Code, 1981 Edition, and the following definitions shall apply to the commercial coach standards.

- (1) Converter means a device that changes electrical energy from one form to another, as from alternating current to direct current.
- (2) Feeder assembly means the overhead or under-chassis feeder conductor, including the grounding conductor, together with the necessary fittings and equipment or a power-supply cord approved for mobile home use, designed to deliver energy from the source of electrical supply to the distribution panelboard within a commercial coach.
- (3) Low voltage means an electromotive force rated at 24 volts or less, supplied from a transformer, converter, or battery.
- (4) N.E.C. means the National Electrical Code, 1981 Edition.

NEW SECTION

WAC 296-150B-557 LOW-VOLTAGE SYSTEMS—LOW-VOLTAGE CIRCUITS. (1) Low-voltage circuits furnished and installed by the commercial coach manufacturer are subject to these rules, except that commercial coaches containing only battery circuits of 24 volts or less supplying energy exclusively for the following are not subject to this section:

- (a) Illuminating lights when the commercial coach contains no other systems such as plumbing, heating, or electrical over 24 volts; and
 - (b) Circuits supplying running lights, taillights, stop lights, electrical braking, or vehicle ignition systems.
- (2) Low-voltage wiring materials.
- (a) Copper or copper-clad aluminum conductors shall be used for low-voltage circuits.

(b) The insulation of low-voltage conductors used in battery and direct current circuits shall be rated at least 60° C.

(c) Conductors furnished and installed by the commercial coach manufacturer shall have a minimum of 30 mils thermoplastic insulation or equal.

(d) The insulation of outdoor or under-chassis wire shall be moisture and heat resistant, type THW or equivalent.

(e) Single-wire, low-voltage conductors shall be of the stranded type.

(3) Low-voltage wiring methods.

(a) Conductors shall be protected against physical damage and shall be secured.

(b) Conductors shall be spliced or joined with approved splicing devices or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices, joints and free ends of conductors shall be covered with an insulation equivalent to that on the conductors.

(c) Low-voltage circuits shall be physically separated by at least a 1/2 inch gap or other approved means, from wiring of circuits in excess of 24 volts. This may be accomplished by clamping, routing, or equivalent means that ensure permanent total separation.

(4) Battery installations. Storage batteries subject to the provisions of this standard shall be securely attached to the commercial coach and installed in an area vapor-tight to the interior and ventilated directly to the exterior of the commercial coach. When batteries are installed in a compartment, the compartment shall be ventilated with openings of not less than 2 square inches at the top and 2 square inches at the bottom. Batteries shall not be installed in a compartment containing spark or flame producing equipment, except that they may be installed in an engine generator compartment if the only charging source is from the engine generator.

(5) Overcurrent protection.

(a) Low-voltage circuit wiring shall be protected by overcurrent protective devices rated not in excess of the ampacity of the conductors, as follows:

Wire Size	Area Cir. Mils	Ampacity	Wire Type
18	1620	6	Stranded only
16	2580	8	Stranded only
14	4110	15	Stranded or solid
12	6530	20	Stranded or solid
10	10380	30	Stranded or solid

(b) Circuit breakers or fuses shall be of an approved type, including automotive types. Fuseholders shall be clearly marked with maximum fuse size. For further information, see Society of Automotive Engineers (SAE) Standard J 554a-1973 and Underwriters' Laboratories, Inc. Standard 275B-1973.

(c) Higher current-consuming direct-current appliances such as pumps, compressors, heater blowers, and similar motor-driven appliances shall be installed in accordance with the manufacturer's instructions.

(d) The overcurrent protective device shall be installed in an accessible location on the commercial coach as close as practical to the point where the power supply connects to the vehicle circuits. If located outside the commercial coach, the device shall be protected against weather and physical damage.

(6) Switches shall be rated at not less than the connected load.

NEW SECTION

WAC 296-150B-560 WIRING MATERIALS—COMBINATION ELECTRICAL SYSTEMS. (1) General. Vehicle wiring suitable for connection to a battery or direct-current supply source shall be permitted to be connected to a 115-volt source if the entire wiring system and equipment are rated and installed in full conformity with requirements of this section covering 115-volt electrical systems. Circuits fed from alternating-current transformers shall not supply direct-current appliances.

(2) Voltage converters (115-volt alternating current to low-voltage direct current). The 115-volt alternating current side of voltage converters, other than those supplied as an integral part of a listed appliance, shall be wired in full conformity with the provisions of this section for 115-volt electrical systems. All converters and transformers shall be listed and shall be used within their marked electrical ratings.

(3) Dual-voltage fixtures or appliances. Fixtures or appliances having both 115-volt and low-voltage connections shall be listed or approved for dual voltage.

(4) Autotransformers shall not be used.

(5) Receptacles and plug caps. When a commercial coach is equipped with a 120-volt or 120/240-volt alternating-current system and a low-voltage system, receptacles and plug caps of the low-voltage system shall differ in configuration from those of the 120- or 120/240-volt system.

(6) Identification. When a commercial coach equipped with a battery or direct-current system has an external connection for low-voltage power, the receptacle shall have a configuration that will not accept 120-volt power. The commercial coach shall have permanently affixed on the outside wall adjacent to the point of entrance of the power supply conductors a label that reads:

THIS CONNECTION IS FOR LOW-VOLTAGE BATTERY OR DIRECT CURRENT ONLY. DO NOT CONNECT TO 120 or 240 VOLTS AC.

NEW SECTION

WAC 296-150B-563 GENERATOR INSTALLATIONS—MOUNTING. (1) Generators shall be mounted in such a manner as to be effectively bonded to the commercial coach chassis.

(2) Generator protection. Equipment shall be installed to ensure that the generator is disconnected when the vehicle is energized from an outside source and to ensure that the outside source is disconnected when the vehicle is energized by the generator. The generator field shall be protected by appropriately rated, listed equipment.

(3) Installation of generators. Internal-combustion-driven generator units (subject to the provisions of this chapter) shall be secured in place to avoid displacement from vibration and road shock and shall be installed in a compartment that is vaportight to the interior of the vehicle. (See WAC 296-150B-557(4) for battery installations.)

(4) Ventilation of generator compartments. Compartments accommodating internal-combustion-driven generator units shall be provided with approved ventilation in accordance with instructions provided by the manufacturer of the generator unit.

(5) Location of internal-combustion-engine generator exhaust. Exhaust from generator internal-combustion engines shall not terminate within 3 feet of the commercial coach gasoline-tank filler-spout inlet.

(6) Supply conductors. Supply conductors from the generator(s) to the junction box (having a blank cover) on the compartment wall shall be of the stranded type installed in flexible conduit.

NEW SECTION

WAC 296-150B-567 BRANCH CIRCUIT AND FEEDER CALCULATIONS. Branch circuit and feeder calculations shall be determined in accordance with Article 220 of the National Electrical Code.

NEW SECTION

WAC 296-150B-570 DISCONNECTING MEANS AND BRANCH-CIRCUIT PROTECTIVE EQUIPMENT—GENERAL. (1) The branch-circuit equipment shall be permitted to be combined with the disconnecting means as a single assembly. Such a combination shall be permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size for the mains shall be plainly marked with lettering at least 1/4-inch high and visible when fuses are changed.

See Article 110-22 of the National Electrical Code concerning identification of each disconnecting means and each service, feeder or branch circuit at the point where it originated and type marking needed.

(2) Plug fuses and fuseholders shall be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards.

(3) Disconnecting means. A single disconnecting means shall be provided in each commercial coach consisting of a circuit breaker or a switch and fuses and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the commercial coach. The main circuit breakers or fuses shall be plainly marked "Main." This equipment shall contain a solderless type of grounding connector or bar for the purposes of grounding with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors shall be insulated.

(4) The disconnecting equipment shall have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, shall be located a minimum of 24 inches from the bottom of such

equipment to the floor level of the commercial coach. The main circuit breakers or switches shall be plainly marked "Main." There shall be a label attached to the panelboard stating:

This Panelboard shall be connected by a Feeder Assembly having Overcurrent Protection rated at not more than Amperes.

The correct ampere rating shall be marked in the blank space.

(5) Branch-circuit distribution equipment shall be installed in each commercial coach and shall include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(6) The branch-circuit overcurrent devices shall be rated:

- (a) not more than the circuit conductors; and
- (b) not more than 150 percent of the rating of a single appliance rated ten amperes or more; but
- (c) not more than the overcurrent protection rating marked on the motor-operated appliance.

A device not approved for branch circuit protection, such as a thermal cutout or motor overload protective device, shall not be considered as the overcurrent device protecting the circuit.

(7) A 20-ampere fuse or circuit breaker shall be considered adequate protection for fixture leads, cords for portable appliances and No. 14 AWG (American Wire Gauge) tap conductors, not over six feet long, for recessed lighting fixtures.

(8) If more than one outlet or load is on a branch circuit, a 15-ampere receptacle shall be considered protected by a 20-ampere fuse or circuit breaker.

(9) When circuit breakers are provided for branch-circuit protection, 240-volt circuits shall be protected by two-pole common or companion trip circuit breakers.

NEW SECTION

WAC 296-150B-573 POWER SUPPLY—FEEDER ASSEMBLY EQUIPMENT. A commercial coach shall be provided with feeder assembly equipment, installed by the manufacturer in accordance with the National Electrical Code and the provisions of this chapter. The assembly shall consist of either:

- (1) One overhead assembly containing the required number of insulated color-coded feeder conductors, one of which shall be a grounding conductor; or
- (2) One undervehicle assembly consisting of conduit running from the commercial coach branch-circuit panelboard to the underside of the commercial coach. Conduit shall be sized in accordance with the National Electrical Code; or
- (3) Other installations approved by the department.

NEW SECTION

WAC 296-150B-577 IDENTIFICATION OF FEEDER ASSEMBLY CONNECTION. (1) Each commercial coach equipped with a 120-volt electrical system shall have permanently affixed on the outside

wall adjacent to the point of entrance of the feeder assembly, a label that reads:

THIS CONNECTION IS FOR 110-125 VOLT AC SERVICE. DO NOT CONNECT TO HIGHER VOLTAGE.

(2) Each commercial coach equipped with a 120/240-volt AC electrical system shall have permanently affixed on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, a label that reads:

THIS CONNECTION IS FOR 120/240 VOLT AC AMPERE SERVICE.

The correct service rating shall be stamped in the blank space.

(3) Each commercial coach equipped with a 480/277-volt electrical system shall have permanently affixed on the outside wall, adjacent to the point of entrance of the supply assembly or permanently installed feeders, a label that reads:

THIS CONNECTION IS FOR 480/277 VOLT AC AMPERE SERVICE.

The correct service rating shall be stamped in the blank space.

NEW SECTION

WAC 296-150B-580 WIRING METHODS—WIRING OF EXPANDABLE OR MULTIPLE UNITS. (1) Where circuits in expandable or multiple units are designed to be energized from one main panelboard, permanent-type wiring methods and materials shall be used for connecting the units to each other.

(2) Commercial coaches may have individual branch circuit panelboards installed in each unit subject to the requirements of WAC 296-150B-570, 296-150B-573 and 296-150B-577 of this chapter.

NEW SECTION

WAC 296-150B-583 UNDER-CHASSIS WIRING. Outdoor or under-chassis wiring (120/240 volts) exposed to moisture and mechanical damage shall be protected by rigid metal conduit, electrical metallic tubing or liquid-tight flexible metal conduit. The conductors shall be NMC, RW, TW or equivalent, subject to the requirements of WAC 296-150B-550.

NEW SECTION

WAC 296-150B-587 RODENT RESISTANCE. All exterior openings around wiring, conduit, cable boxes, and equipment shall be sealed to resist the entrance of rodents.

NEW SECTION

WAC 296-150B-590 ELECTRICAL EQUIPMENT—LIGHTING FIXTURES. Combustible walls or ceiling finish, exposed between the edge of a fixture,

canopy, or pan and an outlet box shall be covered with non-combustible material.

NEW SECTION

WAC 296-150B-593 EQUIPMENT MOUNTING. Electrical equipment shall be securely mounted to prevent displacement during transit.

NEW SECTION

WAC 296-150B-597 OUTDOOR OUTLETS, FIXTURES, AIR COOLING EQUIPMENT, ETC. (1) Outdoor fixtures and equipment shall be listed for outdoor use. Outdoor receptacle or convenience outlets shall be of a gasketed-cover type for use in wet locations. A disconnecting means shall be located in sight of the equipment.

(2) A commercial coach designed to energize heating and/or air-conditioning equipment located outside the commercial coach shall have permanently affixed, adjacent to the point of connection, a label that reads:

"THIS CONNECTION IS FOR
..... PHASE AIR-CONDITIONING
EQUIPMENT RATED AT NOT
MORE THAN AMPERES,
AT VOLTS, 60 HERTZ."

The correct voltage and ampere rating shall be given.

NEW SECTION

WAC 296-150B-600 GROUNDING—GENERAL. Grounding of both electrical and nonelectrical metal parts in a commercial coach shall be through connection to a grounding bus in the commercial coach distribution panel. The grounding bus shall be grounded through the green-colored conductor in the supply cord or the feeder wiring to the service ground in the service-entrance equipment located adjacent to the commercial coach location. Neither the frame of the commercial coach nor the frame of any appliance shall be connected to the neutral conductor in the commercial coach.

(1) Insulated neutral.

(a) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panels and in ranges, clothes dryers, counter-mounted cooking units and wall-mounted ovens shall be insulated from the equipment enclosure. Bonding screws, straps or buses in the distribution panel or in appliances shall be removed and discarded.

(b) Connections of ranges and clothes dryers with 115/230 v, 3-wire ratings shall be made with 4-conductor cord and 3-pole, 4-wire grounding-type plugs or by Type AC metalclad cable or individual conductors enclosed in flexible metal conduit.

Type NM or Type SE cable shall not be used to connect a range or a dryer. This shall not prohibit the use of Type NM or Type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

For 115-v rated devices, a 3-conductor cord and 2-pole, 3-wire grounding-type plug shall be permitted.

(2) Equipment grounding means.

(a) The green-colored grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panel or disconnecting means.

(b) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., shall be effectively bonded to the grounding terminal or enclosure of the distribution panel.

(c) Cord-connected appliances shall be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(3) Bonding of noncurrent-carrying metal parts.

(a) All exposed noncurrent-carrying metal parts that may become energized shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible terminal on the chassis.

(b) Grounding terminals shall be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used. The bonding conductor shall be solid or stranded, insulated or bare and shall be No. 8 copper minimum or equal. The bonding conductor shall be routed so as not to be exposed to physical damage.

(c) Metallic gas, water and waste pipes and metallic air circulating ducts shall be considered bonded if they are connected to the terminal on the chassis (see (3)(a) of this section) by clamps, solderless connectors or by suitable grounding-type straps.

(d) Any metallic roof and exterior covering shall be considered bonded if (i) the metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners, and (ii) if the lower panel of the metallic exterior covering is secured by metallic fasteners at a cross-member of the chassis by two metal straps per commercial coach unit or section at opposite ends.

NEW SECTION

WAC 296-150B-603 SWITCH AND RECEPTACLE PLATES. Metallic faceplates shall be used only with grounding-type devices or grounded metallic outlet boxes.

NEW SECTION

WAC 296-150B-607 DIELECTRIC STRENGTH TEST. (1) The wiring of each commercial coach shall be subjected to a 1-minute, 900-volt, dielectric strength test (with all switches closed) between live parts (including neutral) and the commercial coach ground. Alternatively, the test may be performed at 1,080 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. However, fixtures and appliances that are listed shall not be required to withstand the dielectric strength test.

(2) Each commercial coach designed with a 480-volt electrical system shall be subjected to a one-minute

1,275-volt dielectric strength test between current-carrying conductors and the coach ground. Alternatively, the test may be performed at 1,500 volts for one second.

(3) Low-voltage circuit conductors in each commercial coach shall withstand the applied potential without electrical breakdown of a one-minute, 500-volt or a one-second, 600-volt dielectric strength test. The potential shall be applied between live and grounded conductors.

The test may be performed on running light circuits before the lights are installed provided the vehicle's outer covering and interior cabinetry has been secured. The braking circuit may be tested before being connected to the brakes provided the wiring has been completely secured.

NEW SECTION

WAC 296-150B-610 MECHANICAL—GENERAL. Mechanical equipment and installations in or on a commercial coach shall be installed in accordance with the requirements of this chapter and the conditions of the mechanical equipment approval or listing. The provisions of this chapter are also applicable to the alteration or conversion of mechanical equipment and installations in any commercial coach bearing or required to bear a department insignia of approval.

NEW SECTION

WAC 296-150B-613 MECHANICAL—DEFINITIONS. The following definitions shall apply to this chapter.

(1) Absorber (adsorber) means that part of the low side of an absorption system used for absorbing (adsorbing) vapor refrigerant.

(2) Absorption system means a refrigerating system in which the gas evolved in the evaporator is taken up by an absorber or adsorber.

(3) Absorption unit means a factory-built assembly designed to produce refrigeration for comfort cooling or comfort heating by the application of heat.

(a) A direct absorption unit is a unit in which the refrigerant evaporator is in direct contact with the air to be conditioned.

(b) An indirect absorption unit is a unit in which the refrigerant evaporator is not in direct contact with the air to be conditioned.

(4) Accessible means when applied to a fixture, connection, appliance, or equipment, having access thereto but which may require the removal of an access panel, door, or similar obstruction.

(5) Air-conditioning or comfort-cooling equipment means equipment intended or installed to treat air to control its temperature, humidity, cleanliness, or distribution to meet the requirements of the conditioned space.

(6) Air-handling unit means a blower or fan used to distribute conditioned air to a room or space.

(7) Anti-flooding device means a primary safety control which causes the liquid fuel flow to be shut off upon a rise in fuel level or upon receiving excess fuel, and that operates before a hazardous discharge of fuel can occur.

(8) Appliance compartment means a room having a floor area not in excess of twice the largest plan area of the appliance or appliances contained therein plus the clearances required in this chapter.

(9) Automatic pilot device means a device employed with gas-burning equipment that will either automatically shut off the gas supply to the burner being served or automatically actuate, electrically or otherwise, a gas shut-off device when the pilot flame is extinguished.

(10) Automatic pump (oil lifter) means a pump, not an integral part of the oil-burning appliance, that automatically pumps oil from the supply tank and delivers the oil by gravity under a constant head to an oil-burning appliance.

(11) Btu means British Thermal Unit, which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

(12) Btuh means British Thermal Units per Hour.

(13) Burner means a device for the final conveyance of fuel or a mixture of fuel and air to the combustion zone.

(14) Chimney, factory-built means a chimney consisting entirely of factory-made parts, each designed to be assembled with the others without requiring field construction.

(15) Class O air ducts means a duct of materials and connectors having a fire-hazard classification of zero.

(16) Class I air ducts means a duct of materials and connectors having a flame-spread rating of not over 25 without evidence of continued progressive combustion and a smoke-developed rating of not over 50.

(17) Class II air ducts means a duct of materials and connectors having a flame-spread rating of not over 50 without evidence of continued progressive combustion and a smoke-developed rating of not over 50 for the inside surface and not over 100 for the outside surface.

(18) Clearance means the distance between the appliance, chimney, vent, or chimney or vent connector or plenum and the nearest surface.

(19) Combustible material means a material adjacent to or in contact with heat-producing appliances, vent connectors, chimneys, or steam and hot water pipes, made of or surfaced with wood, compressed paper, plant fibers, or other materials that will ignite and burn. Such material shall be considered combustible even though flameproofed, fire-retardant treated, or plastered.

(20) Compressor means a specific machine, with or without accessories, for compressing a given refrigerant vapor.

(21) Compressor unit means a condensing unit less the condenser and liquid receiver.

(22) Condenser means a vessel or arrangement of pipe or tubing in which vaporized refrigerant is liquefied by the removal of heat.

(23) Condensing unit means a specific refrigerating machine combination for a given refrigerant, consisting of one or more power-driven compressors, condensers, liquid receivers (when required), and the regularly furnished accessories.

(24) Connector-gas appliance means a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliances,

used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room with the outlet.

(25) Duct means a conduit or passageway for conveying air to or from heating, cooling, air conditioning, or ventilation equipment, but not including the plenum.

(26) Evaporator means that part of the system in which liquid refrigerant is vaporized to produce refrigeration.

(27) Expansion coil means an evaporator constructed of pipe or tubing.

(28) Fuel gas piping system means the arrangement of piping, tubing, fittings, connectors, valves, and devices designed and intended to supply or control the flow of fuel gas to an appliance.

(29) Fuel oil piping system means the arrangement of piping, tubing, fittings, connectors, valves, and devices designed and intended to supply or control the flow of fuel oil to an appliance.

(30) Gas means fuel gas, such as natural gas, manufactured gas, undiluted liquefied petroleum gas (vapor phase only), liquefied petroleum air-gas mixtures, or mixtures of these gases that would ignite in the presence of oxygen.

(31) Gas clothes dryer means a device used to dry wet laundry by means of heat derived from the combustion of fuel gases. Dryer classifications are as follows:

(a) Type 1. Factory-built package, multiple produced. Primarily used in family living environment. May or may not be coin-operated for public use. Usually the smallest unit physically and in function output.

(b) Type 2. Factory-built package, multiple produced. Used in business with direct intercourse of the function with the public. May or may not be operated by public or hired attendant. May or may not be coin-operated. Not designed for use in individual family living environment. May be small, medium or large in relative size.

(32) Gas refrigeration means a gas-burning appliance that is designed to extract heat from a suitable chamber.

(33) Gas-supply connection means the terminal end or connection to which a gas-supply connector is attached.

(34) Gas vents means factory-built vent piping and vent fittings listed by an approved testing agency that are assembled and used in accordance with the terms of their listings, for conveying flue gases to the outside atmosphere.

(a) Type-B Gas Vent. A gas vent for venting gas appliances with draft hoods and other gas appliances listed for use with Type-B Gas Vents.

(b) Type-BW Gas Vent. A gas vent for venting listed gas-fired vented wall furnaces.

(35) Heating appliance means an appliance for comfort heating of a commercial coach or for water heating.

(36) Heat-producing appliance means all heating and cooking appliances and all fuel burning appliances.

(37) High side means the parts of a refrigerating system under condenser pressure.

(38) Input rating means the maximum fuel-burning capacity of any warm-air furnace, recessed heater, or burner expressed in British Thermal Units per Hour.

(39) Liquefied petroleum gases (LPG) means any material that is composed predominantly of propane, propylene, butanes (normal butane or isobutane), and butylenes, or any mixture of them.

(40) Low side means the parts of a refrigerating system under evaporator pressure.

(41) Plenum means an air compartment that is part of an air-distributing system to which one or more ducts are connected.

(a) A furnace-supply plenum is a plenum attached directly to, or an integral part of, the air-supply outlet of the furnace.

(b) A furnace-return plenum is a plenum attached directly to or an integral part of, the return inlet of the furnace.

(42) Quick-disconnect device means a hand-operated device that provides a means for connecting and disconnecting a gas supply or connecting gas systems and that is equipped with an automatic means to shut off the gas supply when the device is disconnected.

(43) Readily accessible means having direct access without the necessity of removing any panel, door, or similar obstruction.

(44) Refrigerant means a substance used to produce refrigeration by its expansion or vaporization.

(45) Refrigerating system means a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat.

(46) Roof jack means that portion of a commercial coach heater flue or vent assembly, including the cap, insulating means, flashing, and ceiling plate, located in and above the roof of a commercial coach.

(47) Sealed absorption system means a unit system for Group 2 refrigerants only in which all refrigerant-containing parts are made permanently tight by welding or brazing against refrigerant loss.

(48) Sealed combustion system appliance means an appliance that by its inherent design is constructed so that all air supplied for combustion, the combustion system of the appliance, and all products of combustion are completely isolated from the atmosphere of the space in which it is installed.

(49) Self-contained system means a complete factory-made and factory-tested system in a suitable frame or enclosure that is fabricated and shipped in one or more sections and in which no refrigerant-containing parts are connected in the field other than by companion or block valves.

(50) Unit system means a self-contained system that has been assembled and tested prior to its installation and that is installed without connecting any refrigerant-containing parts. A unit system may include factory-assembled companion or block valves.

(51) Vent connector means a pipe for conveying products of combustion from a fuel-burning appliance to a vent.

(52) Water heater means an appliance for heating water for domestic purposes other than for space heating.

NEW SECTION

WAC 296-150B-617 LPG EQUIPMENT AND INSTALLATIONS—CONSTRUCTION OF CONTAINERS. Containers shall be constructed and marked in accordance with the specifications for LPG containers of the U.S. Department of Transportation (DOT) or the Rules for Construction of Unfired Pressure Vessels, Section VIII, Division 1, ASME Boiler and Pressure Vessel Code. ASME containers shall have a design pressure of not less than 312.5 psig.

(1) Container supply systems shall be arranged for vapor withdrawal only.

(2) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable internal withdrawal tube which communicates with the vapor space or near the highest point in the container when it is mounted in service position, with the commercial coach on a level surface. Containers shall be permanently and legibly marked in a conspicuous manner on the outside to show the correct mounting position and the position of the service outlet connection. The method of mounting in place shall be such as to minimize the possibility of an incorrect positioning of the container.

NEW SECTION

WAC 296-150B-620 LOCATION OF LPG CONTAINERS AND SYSTEMS. (1) LPG containers shall not be installed, nor shall provisions be made for installing or storing any LPG container, even temporarily, inside any commercial coach except for listed, completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of not more than 2 1/2 pounds (approximately one pound LPG capacity).

(2) Containers, control valves and regulating equipment, when installed, shall be mounted on the "A" frame of the commercial coach, or installed in a compartment that is vapor-tight to the inside of the commercial coach and accessible only from the outside. The compartment shall be ventilated at top and bottom to facilitate diffusion of vapors. The compartment shall be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and shall open unrestricted to the outside atmosphere. The required vents shall be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent shall be located in the access door or wall with the bottom of the vent not more than 12 inches below the ceiling level of the compartment. All vents shall have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments shall not be equipped with locks or require special tools or knowledge to open.

(3) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments

when filled with fuel, using a safety factor of not less than four based on the ultimate strength of the material to be used.

NEW SECTION

WAC 296-150B-623 LPG CONTAINER VALVES AND ACCESSORIES. (1) Valves in the assembly of a two-cylinder system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliance. This provision is not to be construed as requiring an automatic change-over device.

(2) Shutoff valves on the containers shall be protected in transit, in storage, and while being moved into final use as follows:

(a) By setting into a recess of the container to prevent possibility of their being struck if container is dropped upon a flat surface, or,

(b) By ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped four feet. Construction shall be such that the blow will not be transmitted to the valve.

(3) Regulators shall be connected directly to the container shutoff valve outlets or mounted securely by means of a support bracket and connected to the container shutoff valve or valves with listed high-pressure connections. If the container is permanently mounted, the connector shall be as required above or with a listed semi-rigid tubing connector.

NEW SECTION

WAC 296-150B-627 LPG SAFETY DEVICES.

(1) DOT containers shall be provided with safety-relief devices as required by the regulations of the U.S. Department of Transportation. ASME containers shall be provided with relief valves in accordance with Subsection 221 of the Standard for the Storage and Handling of Liquefied-Petroleum Gases (NFPA No. 58-1976). Safety-relief valves shall have direct communication with the vapor space of the vessel.

(2) The delivery side of the gas-pressure regulator shall be equipped with a safety-relief device set to a discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator.

(3) Systems mounted on the "A" frame assembly shall be so located that the discharge from the safety-relief devices shall be into the open air and not less than three feet horizontally from any opening into the commercial coach below the level of such discharge.

NEW SECTION

WAC 296-150B-630 LPG SYSTEM ENCLOSURE AND MOUNTING. (1) Housings and enclosures shall be designed to provide proper ventilation at least equivalent to that specified in WAC 296-150B-620(2).

(2) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for replacement of containers shall incorporate means for

clamping them firmly in place and preventing them from working loose during transit.

(3) Provisions shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(4) Containers shall be mounted on a substantial support or a base secured firmly to the commercial coach chassis. Neither the container nor its support shall extend below the commercial coach frame.

NEW SECTION

WAC 296-150B-633 **LPG SYSTEM DESIGN AND SERVICE LINE PRESSURE.** Systems shall be of the vapor-withdrawal type. Gas, at a pressure not over 14 inches water column (1/2 psi) shall be delivered from the system into the gas supply connection.

NEW SECTION

WAC 296-150B-637 **ELECTRICAL EQUIPMENT.** All electrical equipment installed in conjunction with gas equipment shall be listed for the purpose intended.

NEW SECTION

WAC 296-150B-640 **GAS PIPING SYSTEMS—GENERAL.** The requirements of this section shall govern the installation of all fuel gas piping attached to any commercial coach. Gas delivered into the gas supply system shall be at a pressure not exceeding 14 inch water column (1/2 psi). None of the requirements listed in this section shall apply to the piping supplied as a part of an appliance.

NEW SECTION

WAC 296-150B-643 **PIPING DESIGN.** Commercial coaches requiring fuel gas for any purpose shall be equipped with a gas-piping system that is designed for LPG only, combination LPG and natural gas, or natural gas.

NEW SECTION

WAC 296-150B-647 **MATERIALS.** All materials used for the installation, extension, alteration, or repair of any gas-piping system shall be new and free from defects or internal obstructions. It shall not be permissible to repair defects in gas piping or fittings. Inferior or defective materials shall be removed and replaced with acceptable material. The system shall be made of materials having a melting point of not less than 1,450°F (789°C), except as provided in WAC 296-150B-670. They shall consist of one or more of the following materials:

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10-1975 for Wrought-Steel and Wrought-Iron Pipe. Threaded brass pipe in iron pipe sizes may be used.

(2) Fittings for gas piping shall be wrought iron, malleable iron, steel or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88-76), or shall comply with the Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280-76. When used on systems designed for natural gas, such tubing shall be internally tinned.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for tubing of 1/2 inch diameter and smaller and 0.049 inch for diameters 1/2 inch and larger. Steel tubing shall be constructed in accordance with ASTM Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539-73), and shall be externally corrosion protected.

NEW SECTION

WAC 296-150B-650 **EXPANDABLE OR MULTIPLE COMMERCIAL COACHES.** Where gas piping is to be installed in more than one portion of an expandable or multiple commercial coach, the design and construction shall be as follows:

(1) There shall be only one point of crossover which shall be readily accessible from the exterior of the commercial coach.

(2) The connector between units shall be a listed flexible connector for exterior use, sized in accordance with WAC 296-150B-653.

(3) Protective caps or plugs shall be permanently attached to the coach by means of a metal chain and used to seal the system when not in use.

NEW SECTION

WAC 296-150B-653 **SYSTEM SIZING—GAS PIPE SIZING.** Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from any gas supply connection, when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column as determined on the basis of test or in accordance with WAC 296-150B-667. The natural gas supply connection shall be not less than the size of the gas piping but shall be not smaller than 3/4 inch nominal pipe size.

NEW SECTION

WAC 296-150B-657 **SIZING AND CAPACITY OF GAS PIPING.** In order to determine the size of piping to be used in designing a gas piping system, the following factors must be considered:

(1) Allowable loss in pressure from the commercial coach gas supply connection to appliance.

(2) Maximum gas consumption to be provided.

(3) Length of piping.

(4) Type of gas.

NEW SECTION

WAC 296-150B-660 **DESCRIPTION OF TABLES.** (1) The quantity of gas to be provided at each outlet shall be determined directly from the manufacturer's Btu input rating of the appliance that will be installed.

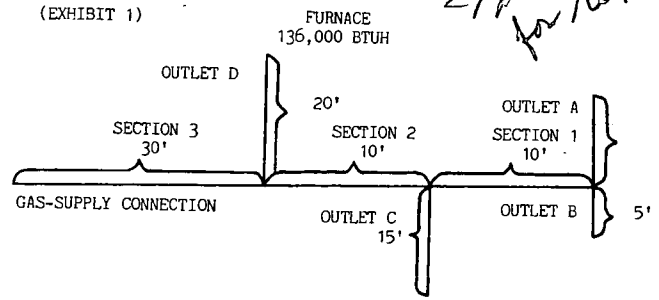
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Must be reviewed for reapproval

(2) Capacities for combustion of LPG and natural gas at low pressures (0.5 psig or less) in thousands of Btu per hour for different sizes and lengths are shown in the table in WAC 296-150B-667 for iron pipe or equivalent rigid pipe and for semi-rigid tubing. WAC 296-150B-667 is based upon a pressure drop of 0.5 inch water column. In using the table, no additional allowance is necessary for an ordinary number of fittings.

(3) Capacities in thousands of Btu per hour of undiluted liquefied petroleum gases based on a pressure drop of 0.5 inch water column for different sizes and lengths are shown in the table in WAC 296-150B-667 for iron pipe or equivalent rigid pipe and for semi-rigid tubing. In using this table, no additional allowance is necessary for an ordinary number of fittings.

(4) For any gas piping system, for special gas appliances or for conditions other than those covered by WAC 296-150B-667, such as longer runs, greater gas demands or greater pressure drops, the size of each gas piping system shall be determined by standard engineering methods acceptable to the department.



OUTLET A	WATER HEATER	30,000 BTUH
OUTLET B	REFRIGERATOR	3,000 BTUH
OUTLET C	RANGE	73,000 BTUH
OUTLET D	FURNACE	136,000 BTUH

SOLUTION:

(1) The length of pipe from the gas supply inlet to the most remote outlet (A) is 60 feet. This is the only distance used.

(2) Using the column marked 60 feet in the table:
Outlet A, supplying 30,000 BTUH, requires 3/8" iron pipe.

Outlet B, supplying 3,000 BTUH, requires 1/4" iron pipe.

Section 1, supplying outlets A and B, or 33,000 BTUH, requires 3/8" iron pipe.

Outlet C, supplying 73,000 BTUH, requires 3/4" iron pipe.

Section 2, supplying outlets A, B and C, or 106,000 BTUH, requires 3/4" iron pipe.

Outlet D, supplying 136,000 BTUH, requires 3/4" iron pipe.

Gas Supply Connection, Section 3, supplying outlets A, B, C and D, or 242,000 BTUH, requires 1" iron pipe.

NEW SECTION

WAC 296-150B-663 USE OF CAPACITY TABLES. To determine the size of each section of gas piping in a system within the range of the capacity tables, proceed as follows:

(1) Determine the gas demand of each appliance to be attached to the piping system. When the table in WAC 296-150B-667 is to be used to select the piping size, calculate the gas demand in terms of thousands of Btu for each piping system outlet.

(2) Measure the length of piping from the gas supply connection to the most remote outlet in the commercial coach.

(3) In the appropriate capacity table, select the column showing the measured length or the next longer length if the table does not give the exact length. This is the only length used in determining the size of any section of gas piping.

(4) Use this same vertical column to locate ALL gas demand figures for this particular system of piping.

(5) Starting at the most remote outlet, find in the vertical column just selected the gas demand for that outlet. If the exact figure or demand is not shown, choose the next larger figure below in the column.

(6) Opposite this demand figure, in the first column at the left, will be found the correct size of gas piping.

(7) Proceed in a similar manner for each outlet and each section of gas piping. For each section of piping, determine the total gas demand supplied by that section.

- Example of Piping System Design:

Determine the required pipe size of each section and outlet of the piping system, with a designated pressure drop of 0.5 inch water column.

NEW SECTION

WAC 296-150B-667 TABLE—IRON PIPE AND TUBING SIZES.

PART I

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Natural Gas For Gas Pressures of 0.5 Psig or Less and a Maximum Pressure Drop of 1/2 Inch Water Column

PART I(A)

I.D.	Iron Pipe Sizes									
	Length in Feet									
	10	20	30	40	50	60	70	80	90	100
1/4"	43	29	24	20	18	16	15	14	13	12
3/8"	95	65	52	45	40	36	33	31	29	27
1/2"	175	120	97	82	73	66	61	57	53	50
3/4"	360	250	200	170	151	138	125	118	110	103
1"	680	465	375	320	285	260	240	220	215	195

PART I(B)

Tubing										
Length in Feet										
O.D.	10	20	30	40	50	60	70	80	90	100
3/8"	27	18	15	13	11	10	9	9	8	8
1/2"	56	38	31	26	23	21	19	18	17	16
5/8"	113	78	62	53	47	43	39	37	34	33
3/4"	197	136	109	93	83	75	69	64	60	57
7/8"	280	193	155	132	117	106	98	91	85	81

PART II

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of BTU's Per Hour of Undiluted Liquefied Petroleum Gas Based on a Maximum Pressure Drop of 1/2 Inch Water Column

PART II(A)

Iron Pipe Sizes										
Length in Feet										
I.D.	10	20	30	40	50	60	70	80	90	100
1/4"	67	46	37	31	28	25	23	21	20	19
3/8"	147	101	81	70	62	56	51	48	45	42
1/2"	275	189	152	129	114	103	96	89	83	78
3/4"	567	393	315	267	237	217	196	185	173	162
1"	1071	732	590	504	448	409	378	346	322	307

PART II(B)

Tubing										
Length in Feet										
O.D.	10	20	30	40	50	60	70	80	90	100
3/8"	39	26	21	19	—	—	—	—	—	—
1/2"	92	62	50	41	37	35	31	29	27	26
5/8"	199	131	107	90	79	72	67	62	59	55
3/4"	329	216	181	145	131	121	112	104	95	90
7/8"	501	346	277	233	198	187	164	155	146	138

NEW SECTION

WAC 296-150B-670 JOINTS AND INSTALLATION—JOINTS FOR GAS PIPE. All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with ANSI Standard Pipe Threads (Except Dryseal) B2.1-1968. Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000°F (537°C).

NEW SECTION

WAC 296-150B-673 JOINTS IN GAS TUBING SYSTEMS. Tubing joints shall be made with either a single or double flare of the proper degree, as recommended by the tubing manufacturer, by means of listed gas tubing fittings, or by being brazed with material having a melting point exceeding 1,000°F (537°C).

NEW SECTION

WAC 296-150B-677 CONCEALED TUBING. Tubing shall not be run inside walls, floors, partitions, or roofs. Where tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing shall be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

NEW SECTION

WAC 296-150B-680 PIPE-JOINT COMPOUND. Screw joints shall be made tight with listed pipe-joint compound that is insoluble in liquefied petroleum gas. The pipe-joint compound shall be applied to the male threads only.

NEW SECTION

WAC 296-150B-683 CONCEALED JOINTS. Piping or tubing joints shall not be located in any floor, wall partition, or similar concealed construction space.

NEW SECTION

WAC 296-150B-687 HANGERS AND SUPPORTS. All gas piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than four feet, except where adequate support and protection is provided by structural members. Solid-iron pipe gas-supply connections shall be rigidly anchored to a structural member within six inches of the supply connections.

NEW SECTION

WAC 296-150B-690 ELECTRICAL GROUND. Gas piping shall not be used for an electrical ground.

NEW SECTION

WAC 296-150B-693 IDENTIFICATION OF GAS SUPPLY CONNECTIONS. A label shall be permanently attached on the outside of the exterior wall of the commercial coach adjacent to the gas supply connection which reads (as appropriate) either:

LP-Gas System

This gas piping system is designed for use of liquefied petroleum gas only.

DO NOT CONNECT NATURAL GAS TO THIS SYSTEM.

CONTAINER SHUTOFF VALVES SHALL BE CLOSED DURING TRANSIT.

When connecting to lot outlet, use a listed gas supply connector for vehicles rated at

- 100,000 Btuh or more
- 250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

or

Combination LP-Gas and Natural Gas System

This gas piping system is designed for use of either liquefied petroleum gas or natural gas.

NOTICE: BEFORE TURNING ON GAS, BE CERTAIN APPLIANCES ARE DESIGNED FOR THE GAS CONNECTED AND ARE EQUIPPED WITH CORRECT ORIFICES. SECURELY CAP THIS INLET WHEN NOT CONNECTED FOR USE.

When connecting to lot outlet, use a listed gas supply connector for vehicles rated at

- 100,000 Btuh
or more
 250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

The appropriate Btuh input rating shall be marked.

NEW SECTION

WAC 296-150B-697 GAS PIPING SYSTEM OPENINGS. All openings in the gas piping system shall be closed gas-tight with threaded pipe plugs or pipe caps.

NEW SECTION

WAC 296-150B-700 APPLIANCE CONNECTIONS. All interior gas-burning appliances shall be connected to the gas piping system with materials as provided in WAC 296-150B-647 or with listed gas appliance connectors. Listed appliance connectors, if used, shall not be run through walls, floors, ceilings, or partitions. Listed appliance connectors shall also not be run through cabinets or cupboards unless protected or positioned to minimize mechanical damage. Where a listed connector is used, only one connector may be used to serve a single appliance. Connectors with aluminum exterior surfaces shall not be used outdoors.

NEW SECTION

WAC 296-150B-703 VALVES. (1) A shutoff valve shall be installed in the fuel piping outside of each gas appliance but inside the commercial coach structure, and upstream of the union or connector, in addition to any valve on the appliance. The shutoff valve shall be located within 6 feet of a cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one appliance if located as required above.

(2) Shutoff valves used in connection with gas piping shall be of a type designed and listed for use on LPG.

NEW SECTION

WAC 296-150B-707 TESTING FOR LEAKAGE—BEFORE APPLIANCES ARE CONNECTED. The piping system shall stand a pressure of at least six inches mercury or three PSI gage for a period of not less than ten minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or slope gage calibrated so as to be read in increments of not greater than one-tenth pound or an equivalent device. The source of pressure shall be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping shall be approximately the same and constant air temperature shall be maintained throughout the test.

NEW SECTION

WAC 296-150B-710 AFTER APPLIANCES ARE CONNECTED. After gas appliances have been connected, the gas-piping system shall be subjected to a pressure test with the burner valves closed. The test shall consist of air at not less than ten inches nor more than 14 inches pressure of water column (six to eight ounces), the system shall hold this pressure for a period of not less than 10 minutes with no perceptible leakage. Before beginning the test, the temperature of the gas-piping system and the test air shall be equalized and maintained throughout the test.

Appliance shut-off valves ahead of listed gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed in this manner, these valves shall be opened and, while the system is under pressure, the appliance connectors shall be tested with an approved leak detector or approved bubble solution.

NEW SECTION

WAC 296-150B-713 RODENT RESISTANCE. All exterior openings around piping, ducts, plenums, or vents shall be sealed to resist the entrance of rodents.

NEW SECTION

WAC 296-150B-717 OIL PIPING SYSTEMS—GENERAL. The requirements of this section shall govern the installation of all liquid fuel piping attached to any commercial coach. None of the requirements listed in this section shall apply to the piping in the appliances.

NEW SECTION

WAC 296-150B-720 OIL PIPING SYSTEMS—EXPANDABLE OR MULTIPLE COMMERCIAL COACHES. When a commercial coach is composed of two or more units or includes expandable rooms, the oil-piping system shall be located only in the unit containing the oil-supply connection.

NEW SECTION

WAC 296-150B-723 OIL PIPING SYSTEMS—MATERIALS. All materials used for the installation, extension, alteration, or repair of any oil piping system shall be new and free from defects or internal obstructions. The system shall be made of materials having a melting point of not less than 1,450°F (789°C), except as provided in WAC 296-150B-730. They shall consist of one or more of the following materials:

(1) Steel or wrought-iron pipe shall comply with American National Standard for Wrought-Steel or Wrought-Iron Pipe, B36.10-1975. Threaded copper or brass pipe in iron pipe sizes may be used.

(2) Fittings for oil piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88-76); or shall comply with the specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280-76.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for diameters up to 1/2 inch and 0.049 inch for diameters of 1/2 inch and larger. Steel tubing shall be constructed in accordance with the Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539-73) and shall be externally corrosion protected.

NEW SECTION

WAC 296-150B-727 OIL PIPING SYSTEMS—SIZE OF OIL PIPING. The minimum size of all fuel-oil tank piping connecting outside tanks to the appliance shall be no smaller than three-eighth-inch OD copper tubing or one-fourth-inch ips. If No. 1 fuel oil is used with a listed automatic pump (fuel lifter), copper tubing shall be sized as specified by the pump manufacturer.

NEW SECTION

WAC 296-150B-730 OIL PIPING SYSTEMS—JOINTS FOR OIL PIPING. All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with American National Standard for Pipe Threads (Except Dryseal), B2.1-1968. The material used for brazing pipe connections shall have a melting temperature in excess of 1,000°F (537°C).

NEW SECTION

WAC 296-150B-733 OIL PIPING SYSTEMS—TUBING JOINTS. Tubing joints shall be made with either a single or double flare of the proper degree, as

recommended by the tubing manufacturer, by means of listed tubing fittings or brazed with material having a melting point exceeding 1,000°F (537°C).

NEW SECTION

WAC 296-150B-737 OIL PIPING SYSTEMS—PIPE-JOINT COMPOUND. Threaded joints shall be made tight with listed pipe joint compound which shall be applied to the male threads only.

NEW SECTION

WAC 296-150B-740 OIL PIPING SYSTEMS—COUPLINGS. Pipe couplings and unions shall be used to join sections of threaded pipe. Right and left nipples or couplings shall not be used.

NEW SECTION

WAC 296-150B-743 OIL PIPING SYSTEMS—GRADE OF PIPING. Fuel oil piping installed in conjunction with gravity feed systems to oil heating equipment shall slope in a gradual rise upward from a central location to both the oil tank and the appliance in order to eliminate air locks.

NEW SECTION

WAC 296-150B-747 OIL PIPING SYSTEMS—STRAP HANGERS. All oil piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe oil supply connections shall be rigidly anchored to a structural member within 6 inches of the supply connections.

NEW SECTION

WAC 296-150B-750 OIL PIPING SYSTEMS—TESTING FOR LEAKAGE. Before setting the system in operation, tank installations and piping shall be checked for oil leaks with fuel oil of the same grade that will be burned in the appliance. No other material shall be used for testing fuel oil tanks and piping. Tanks shall be filled to maximum capacity for the final check for oil leakage.

NEW SECTION

WAC 296-150B-753 APPLIANCES—HEAT-PRODUCING. General. (1) Heat-producing appliances and vents, roof jacks, and chimneys necessary for their installations in commercial coaches shall be listed or certified by a nationally recognized testing agency for use in mobile homes or commercial coaches. Air conditioning units and combination air conditioning and heating units shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended.

(2) Fuel-burning heat-producing appliances and refrigeration appliances, except ranges and ovens, shall be of the vented type and vented to the outside.

(3) Fuel-burning appliances shall not be converted from one fuel to another fuel unless converted in accordance with the terms of their listing and the appliance manufacturer's instructions.

(4) Gas-fired absorption comfort-cooling units shall meet all the requirements of American National Standard for Gas-Fired Absorption Summer Air Conditioning Appliances (ANSI Z21.40.1-1973).

(5) Mechanical comfort-cooling units shall meet all the requirements of the Standard for Unitary Air-Conditioning Equipment (ARI Standard 210-74).

(6) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed in a commercial coach shall employ a type of refrigerant that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals."

NEW SECTION

WAC 296-150B-757 APPLIANCES—INSTALLATION. (1) The installation of each appliance shall conform to the terms of its listing and the manufacturer's instructions. The installer shall leave the manufacturer's instructions attached to the appliance. Every appliance shall be secured in place to avoid displacement.

(2) All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the commercial coach. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by:

(a) The installation of direct vent system (sealed combustion system) appliances, or

(b) The installation of appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the commercial coach. There shall not be any door, removable access panel or other opening into the enclosure from the inside of the commercial coach. Any opening for ducts, piping, wiring, etc., shall be sealed.

(3) A forced air appliance and its return-air system shall be designed and installed so that negative pressure created by the air-circulating fan cannot affect its or another appliance's combustion air supply or act to mix products of combustion with circulating air.

(4) The air circulating fan of a furnace installed in an enclosure with another fuel-burning appliance shall be operable only when any door or panel covering an opening in the furnace fan compartment or in a return air plenum or duct is in the closed position. This subsection does not apply if both appliances are direct vent system (sealed combustion system) appliances.

(5) If a warm air appliance is installed within an enclosure to conform to subsection (2)(b), each warm-air outlet and each return air inlet shall extend to the exterior of the enclosure. Ducts, if used for that purpose, shall not have any opening within the enclosure and shall end at a location exterior to the enclosure.

(6) Cooling coils installed as a portion of, or in connection with, any forced-air furnace shall be installed on the downstream side unless the furnace is specifically otherwise listed.

(a) A cooling coil shall not be located in the air discharge duct or plenum of any forced-air furnace unless such furnace is listed for use with a cooling coil or listed for operation at not less than 0.5 inch water column external static pressure.

(b) If a cooling coil is installed within a forced-air furnace, the coil shall be listed for use with that furnace in the manner so installed or be approved for such use.

NEW SECTION

WAC 296-150B-760 APPLIANCES—VENTING, VENTILATION, AND COMBUSTION AIR.

(1) The venting required by WAC 296-150B-753(2) shall be accomplished by:

(a) An integral vent system listed or certified as part of the appliance; or

(b) a venting system consisting entirely of listed components, including a roof jack, installed in accordance with the terms of the appliance listing and the appliance manufacturer's instructions (see WAC 296-150B-757(2)).

(2) Venting and combustion air systems shall be installed in accordance with the following:

(a) Components shall be securely assembled and properly aligned using the method shown in the appliance manufacturer's instructions.

(b) Draft hood connectors shall be firmly attached to draft hood outlets or flue collars by sheet metal screws or by an equivalent means.

(c) Every joint of a vent, vent connector, exhaust duct, and combustion air intake shall be secure and in alignment.

(3) Venting systems shall not terminate underneath a commercial coach.

(4) Venting system terminations shall be not less than three feet from any motor-driven air intake discharging into habitable areas.

(5) The area in which cooking appliances are located shall be ventilated by a metal duct which may be single wall, not less than 12.5 square inches in cross-sectional area (minimum dimension shall be two inches) located above the appliances and terminating outside the commercial coach, or by listed mechanical ventilating equipment that is installed in accordance with the terms of listing and the manufacturer's instructions. Gravity or mechanical ventilation shall be installed within a horizontal distance of not more than ten feet from the vertical front of the appliances.

NEW SECTION

WAC 296-150B-763 APPLIANCES—CLEARANCE-GENERAL. (1) Information on clearances, input rating, lighting, and shut-down shall be attached to the appliances with the same permanence as the nameplate and so located that it is easily readable when the appliance is properly installed.

(2) Each fuel-burning appliance shall bear permanent marking designating the types of fuel for which it is listed.

(3) Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. Sufficient room shall be available to enable the operator to observe the burner, control, and ignition means while starting the appliance.

(4) Heat-producing appliances shall be so located that no doors, drapes, or other such material can be placed or swung closer to the front of the appliance than the clearances specified on the labeled appliances.

(5) Clearances between heat-producing appliances and adjacent surfaces shall not be less than specified in the terms of their listing. Clearance spaces shall be framed in or guarded to prevent creation of storage space.

(6) Operating instructions shall be provided with appliances.

NEW SECTION

WAC 296-150B-767 SAFETY DEVICES—WATER HEATER RELIEF VALVES. (1) All water heaters shall be installed with approved and listed fully automatic valve or valves designed to provide temperature and pressure relief.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose shall have the temperature sensing element immersed in the hottest water within the upper 6 inches of the tank. It shall be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210°F.

(3) Relief valves shall be provided with full-sized drains that shall be directed downward and shall discharge beneath the commercial coach. Drain lines shall be of a material listed for hot water distribution and shall drain fully by gravity, shall not be trapped, and shall not have their outlets threaded.

NEW SECTION

WAC 296-150B-770 AIR DUCT MATERIAL FOR CIRCULATING AIR SUPPLY SYSTEM. Supply ducts shall be made from galvanized steel, tin-plated steel, or aluminum, or shall be listed Class 0, Class 1, or Class 2 air ducts. Class 2 air ducts shall be located at least 3 feet from the furnace bonnet or plenum. A duct system integral with the structure shall be of durable construction that can be demonstrated to be equally resistant to fire and deterioration. Ducts constructed from sheet metal shall be in accordance with Table H-3.

Class 1 air ducts shall have a flame-spread rating of not over 25 without evidence of continual progressive combustion and a smoke-developed rating of not over 50. Class 2 air ducts shall have a flame-spread rating of not over 50 without evidence of continued progressive combustion and a smoke-developed rating of not over 50 for the inside surface material and not over 100 for the outside surface material.

Minimum Metal Thickness for Ducts*

Duct Type	Diameter 14 inches or less	or	Width over 14 inches
Round	0.013 in.		0.016 in.
Enclosed Rectangular	0.013 in.		0.016 in.
Exposed Rectangular	0.016 in.		0.019 in.

*When "nominal" thicknesses are specified, 0.003 inch shall be added to these "minimum" metal thicknesses.

NEW SECTION

WAC 296-150B-773 SIZING OF AIR DUCTS. Ducts shall be designed so that when a labeled forced-air furnace is installed and operated continually at its normal input rating in the commercial coach, with all registers in full open position, the static pressure measured in the duct plenum shall not exceed that shown in the table in WAC 296-150B-777 or exceed that shown on the label of the appliance. When an air-cooler coil is installed between the furnace and the duct plenum, the total static pressure between the furnace and the coil shall not exceed that shown on the label of the furnace. The minimum dimension of any branch duct shall be at least 1 1/2 inches, and of any main duct, 2 1/2 inches.

NEW SECTION

WAC 296-150B-777 AIRTIGHTNESS OF AIR SUPPLY DUCT SYSTEMS. An air supply duct system shall be considered substantially airtight when the static pressure in the duct system, with all registers sealed and with the furnace air circulator at high speed, is at least 80 percent of the static pressure measured in the furnace casing, with its outlets sealed and the furnace air circulator operating at high speed. For the purpose of this section and WAC 296-150B-783, pressures shall be measured with a water manometer or equivalent device calibrated to read in increments not greater than 1/10 inch water column.

Maximum Allowable Static Pressures in Supply Duct Systems

Input to Forced-Air Furnace Btu/hr.	External Static Pressure Inches Water Column Measured at the Furnace Outlet	
	Temperature of Outlet Air Determined by Function of Limit Control	
	Above 165°F	165°F or Less
55,000 and under	0.10	0.20
Over 55,000 to 80,000	0.12	0.24
Over 80,000 to 100,000	0.15	0.30

NEW SECTION

WAC 296-150B-780 AIR DUCTS—EXPANDABLE OR MULTIPLE COMMERCIAL COACH CONNECTIONS. (1) An expandable or multiple commercial coach may have ducts of the heating system installed in the various units. The points of connection

must be so designed and constructed that when the commercial coach is fully expanded or coupled, the resulting duct joint will conform to the requirements of this chapter.

(2) Installation instructions for supporting the cross-over duct from the commercial coach shall be provided for onsite installation. The duct shall not be in contact with the ground.

NEW SECTION

WAC 296-150B-783 AIR DUCTS—RETURN AIR SYSTEMS. Provisions shall be made to permit the return of circulating air from all rooms and living spaces except toilet rooms, to the circulating air supply inlet of the furnace.

(1) Duct material. Return ducts and any diverting dampers contained therein shall be in accordance with the following:

(a) Portions of return ducts directly above the heating surfaces or closer than 2 feet from the outer jacket or casing of the furnace shall be constructed of metal in accordance with the table in WAC 296-150B-770 or shall be listed Class 0 or Class 1 air ducts.

(b) Return ducts, except as required by (1)(a), shall be constructed of one-inch (nominal) wood boards (flame-spread classification of not more than 200), other suitable material no more flammable than one-inch board, or in accordance with the table in WAC 296-150B-770.

(c) The interior of combustible ducts shall be lined with noncombustible material at points where there might be danger from incandescent particles dropped through the register or furnace such as directly under floor registers and the bottom of vertical ducts or directly under furnaces having a bottom return.

(2) The cross-sectional area of the return air duct shall not be less than 2 square inches for each 1,000 Btu per hour input rating of the appliance. Dampers shall not be placed in any return air duct, except that a diverting damper may be placed in a combination fresh air intake and return air duct so arranged that the required cross-sectional area will not be reduced at all possible positions of the damper.

(3) Permanent uncloseable openings. Living areas not served by return air ducts or closed off from the return opening of the furnace by doors, sliding partitions, or other means shall be provided with permanent uncloseable openings in the doors or separating partitions to allow circulated air to return to the furnace. The openings may be grilled or louvered. The net free area of each opening shall be not less than 1 square inch for every 5 square feet of total living area closed off from the furnace by the door or partition serviced by that opening. Undercutting doors connecting the closed-off space may be used as a means of providing return air area. However, in the event that doors are undercut, they shall be undercut a minimum of 2 inches and no more than 2 1/2 inches and no more than one-half of the free air area so provided shall be counted as return air area.

NEW SECTION

WAC 296-150B-787 AIR DUCTS—JOINTS AND SEAMS. Joints and seams of ducts shall be securely fastened and made substantially airtight. Slip joints shall have a lap of at least 1 inch and shall be individually fastened. Tape or caulking compound may be used for sealing mechanically secure joints. Where used, tape or caulking compound shall not be subject to deterioration under long exposures to temperatures up to 200°F. and to conditions of high humidity, excessive moisture, or mildew. Ducts shall be securely supported.

NEW SECTION

WAC 296-150B-790 AIR DUCTS—REGISTERS OR GRILLS. Fittings connecting the registers or grills to the duct system shall be constructed of metal or material that complies with the requirements of Class 1 or 2 ducts under Underwriters' Laboratories, Inc. Standard for Air Ducts, UL181-1974. Registers or grills shall be constructed of metal or conform with the following:

(1) Be made of a material classified 94VE-0 or 94VE-1 when tested as described in Underwriters' Laboratories, Inc. Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances, UL94-1976.

(2) Floor register or grills shall resist without structural failure a 200 lb. concentrated load on a 2-inch diameter disc applied to the most critical area of the exposed face of the register or grill. For this test the register or grill is to be at a temperature of not less than 165°F. and is to be supported in accordance with the manufacturer's instructions.

NEW SECTION

WAC 296-150B-793 AIR DUCTS—DUCT AND PLENUM INSULATION. Every heating and cooling duct and plenum shall be installed in accordance with the following:

(1) Air supply ducts that are not within the coach insulation having a thermal insulation (R) factor of at least 4 shall be insulated.

(2) Supply ducts within the coach but not within the insulation described in subsection (1) shall be insulated with rigid insulation having a thermal insulation (R) factor not less than 3 with a continuous vapor barrier having a perm rating of not more than 1.0.

(3) Supply ducts exposed directly to outside air, such as under chassis crossover ducts, shall be insulated with material having a thermal insulation (R) of not less than 4.0 with a continuous vapor barrier having a perm rating of not less than 1.0.

(4) Aluminum foil used as a vapor barrier shall be at least 2 mils in thickness.

NEW SECTION

WAC 296-150B-797 PLUMBING—DEFINITIONS. Definitions contained in the Uniform Plumbing Code, 1979 Edition, and the following definitions shall apply to this chapter:

(1) Drain outlet means the discharge end of the commercial coach main drain to which a drain connector may be attached.

(2) Main drain means the principal artery of the commercial coach drainage system to which drainage branches may be connected.

(3) Uniform Plumbing Code (UPC) means the 1979 edition, as published by the International Association of Plumbing and Mechanical Officials.

(4) Water-supply connection means the fitting or point of connection of the commercial coach water distribution system designed for connection to a water connector.

NEW SECTION

WAC 296-150B-800 PLUMBING—GENERAL.

Plumbing fixtures, equipment, and installations in commercial coaches shall conform to the provisions of the Uniform Plumbing Code, 1979 Edition, except part 1, unless specifically exempted or required by this section. The provisions of this chapter are also applicable to the alteration or conversion of plumbing equipment and installations in any commercial coach bearing or required to bear a department insignia of approval.

NEW SECTION

WAC 296-150B-803 PLUMBING—LOCATION OF WATER-SUPPLY CONNECTIONS. (1) Each commercial coach equipped with a water distribution system shall have a water-supply connection that shall terminate within 18 inches of the outside wall of the commercial coach.

(2) Water-supply connections shall be equipped with a watertight cap or plug that shall be permanently attached to the vehicle.

NEW SECTION

WAC 296-150B-807 PLUMBING—TUB AND SHOWER ENCLOSURES. Wall surfacing for tub and shower enclosures shall meet the following requirements:

(1) The wall covering material must have an exposed surface that is impervious to water; the substrate material must be resistant to deterioration from exposure to high humidity and temporary water leakage.

(a) The complete wall assembly, including the wall covering substrate, shall be capable of withstanding a uniform load of five pounds per square foot applied perpendicular to the surface. The deflection, under load, shall not exceed 1/180 of the height of the wall, for the assembly; or 1/240 the distance between framing members, for the wall covering substrate.

(b) Surface finish. The exposed surface must meet the minimum requirements of the American Hardboard Association PS59-73, Prefinished Hardboard Paneling, Class 1, as certified by the panel manufacturer.

(c) Size. The minimum thickness of the material shall be 1/8" nominal. The width shall be sufficient to give a continuous unbroken surface from corner to corner or the end of the tub in a corner installation. In an installation incorporating a shower, the unbroken surface

must continue to a height of at least 6' above the floor of the shower.

(d) Type. The substrate material shall also meet the requirements of the appropriate standard:

(i) Hardboard shall be of high strength and water resistance to meet Commercial Standard CS-251-63 or AHA PS 58-73, either standard or tempered.

(ii) Softwood plywood must meet U.S. Product Standard P.S. 1-74, including exterior type glue line and grade A face veneer "suitable for painting."

(iii) Hardwood plywood must meet U.S. Product Standard P.S. 51-71 Type I glue line and sound grade face veneer.

(iv) Other materials not meeting subsections (d)(i), (d)(ii), or (d)(iii) above, shall meet the requirements of this chapter and the appropriate Product Standard, Industry Standard, Commercial Standard, or Federal Specification.

(2) Installation. The material must be installed in conformance with this chapter and the application instructions provided by the material manufacturer. In case of conflict, this chapter shall take precedence.

(a) Framing. Wood framing shall be spaced not more than 16" o.c. Blocking shall be 1" x 3" or equal, installed horizontally at height to match rim of the tub or shower pan. All corners shall have sufficient framing members for attachment of corner moldings.

(b) Fastening. All edges and ends of panel shall occur on framing members. Panels shall be applied to wood framing members using water resistant, non-hard setting adhesive. Adhesive shall be applied to the face of all framing members except locations where panel edges fall beneath applied moldings. Panels may also be applied over solid backing using an adhesive.

Fasteners, if necessary, shall be used only in locations where they will be covered by applied moldings and shall be used on not more than two adjacent edges. No other interior fasteners or fixtures, other than required functional plumbing fixtures, shall penetrate the face of the panel. Openings for these plumbing fixtures must be sealed with caulk.

(c) Corners and edges. All corners and edges must be caulked or sealed against moisture penetration. A nonhard setting sealant material must be used with applied moldings. Fastening of moldings to framing shall not be greater than 6" o.c.

NEW SECTION

WAC 296-150B-810 DRAINAGE—LOCATION OF DRAIN OUTLETS. (1) Each commercial coach equipped with plumbing fixtures or equipment shall have only one drain outlet, which shall terminate within 18 inches of the outside wall of the commercial coach.

(2) A multiple commercial coach may have more than one drain outlet when approved by the department.

NEW SECTION

WAC 296-150B-813 DRAINAGE—CAP OR PLUG. Drain outlets shall be equipped with a watertight cap or plug that shall be permanently attached to the vehicle.

NEW SECTION

WAC 296-150B-817 DRAINAGE—CLEARANCE FROM DRAIN OUTLET. The drain outlet and couplers shall be provided with a minimum clearance of three inches in any direction from all parts of the structure or appurtenances and with not less than 18 inches unrestricted clearance directly in front of the drain outlet.

NEW SECTION

WAC 296-150B-820 DRAINAGE—DRAINAGE SYSTEMS MATERIALS. Plastic drain-waste-vent piping shall be permitted for domestic sewage as defined in the Uniform Plumbing Code.

REPEALER

Chapter 296-48B of the Washington Administrative Code is repealed as follows:

- (1) **WAC 296-48B-001 ADMINISTRATIVE AUTHORITY FOR COMMERCIAL COACH CODE.**
 (2) **WAC 296-48B-002 ADMINISTRATIVE AUTHORITY FOR COMMERCIAL COACH CODE—ENFORCEMENT.**
 (3) **WAC 296-48B-005 GENERAL.**
 (4) **WAC 296-48B-006 APPROVALS, INSPECTIONS, QUALITY CONTROL, IDENTIFICATION.**
 (5) **WAC 296-48B-009 DEFINITIONS INCORPORATED BY REFERENCE.**
 (6) **WAC 296-48B-010 DEFINITIONS.**
 (7) **WAC 296-48B-015 MINIMUM REQUIREMENTS.**
 (8) **WAC 296-48B-020 STRUCTURAL ANALYSIS.**
 (9) **WAC 296-48B-025 STANDARDS FOR EQUIPMENT AND INSTALLATIONS.**
 (10) **WAC 296-48B-030 STRUCTURAL DESIGN—REQUIREMENTS.**
 (11) **WAC 296-48B-032 NEW MATERIALS AND METHODS.**
 (12) **WAC 296-48B-035 DESIGN DEAD LOADS.**
 (13) **WAC 296-48B-040 DESIGN LIVE LOADS.**
 (14) **WAC 296-48B-050 STANDARD WIND.**
 (15) **WAC 296-48B-055 ROOF LOADS.**
 (16) **WAC 296-48B-060 SNOW LOADS.**
 (17) **WAC 296-48B-065 POSTING DESIGN LOADS.**
 (18) **WAC 296-48B-068 DESIGN LOAD DEFLECTION.**
 (19) **WAC 296-48B-070 FASTENING OF STRUCTURAL SYSTEMS.**
 (20) **WAC 296-48B-075 INSTRUCTIONS.**
 (21) **WAC 296-48B-080 WALLS.**
 (22) **WAC 296-48B-085 DRILLING OR NOTCHING OF WOOD WALL STRUCTURAL MEMBERS.**
 (23) **WAC 296-48B-090 FIRESTOPPING.**
 (24) **WAC 296-48B-095 INTERIOR WALLS AND PARTITIONS.**

- (25) **WAC 296-48B-100 FLOORS.**
 (26) **WAC 296-48B-105 DRILLING OR NOTCHING OF WOOD JOIST STRUCTURAL MEMBERS.**
 (27) **WAC 296-48B-115 ROOF TRUSSES.**
 (28) **WAC 296-48B-120 STRUCTURAL LOAD TEST.**
 (29) **WAC 296-48B-125 ROOF COVERINGS.**
 (30) **WAC 296-48B-140 FLAME-SPREAD LIMITATIONS AND COMBUSTIBILITY.**
 (31) **WAC 296-48B-142 KITCHEN CABINET PROTECTION.**
 (32) **WAC 296-48B-143 CARPETING.**
 (33) **WAC 296-48B-145 UNDERVEHICLE CLOSURE MATERIAL.**
 (34) **WAC 296-48B-150 HEAT LOSS.**
 (35) **WAC 296-48B-160 BATHROOM.**
 (36) **WAC 296-48B-165 GLASS AND GLAZED OPENINGS.**
 (37) **WAC 296-48B-175 FIRE WARNING EQUIPMENT—AUTOMATIC SMOKE DETECTORS.**
 (38) **WAC 296-48B-177 ROOM AND HALLWAY SIZES.**
 (39) **WAC 296-48B-178 CEILING HEIGHT.**
 (40) **WAC 296-48B-179 LIGHT AND VENTILATION.**
 (41) **WAC 296-48B-180 EXIT FACILITIES—EXITS.**
 (42) **WAC 296-48B-185 WEATHER RESISTANCE.**
 (43) **WAC 296-48B-190 WINDSTORM PROTECTION.**
 (44) **WAC 296-48B-19001 TABLE—TIES REQUIRED PER SIDE OF SINGLE WIDE (1) COMMERCIAL COACH.**
 (45) **WAC 296-48B-19002 TABLE I—APPENDIX CC—ACCEPTED ENGINEERING PRACTICE STANDARDS.**
 (46) **WAC 296-48B-19003 TABLE II—APPENDIX CC—GLAZING IN HAZARDOUS LOCATIONS.**
 (47) **WAC 296-48B-19004 TABLE III—APPENDIX CC—MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS.**
 (48) **WAC 296-48B-19005 TABLE IV—APPENDIX CC—CONCENTRATED LIVE LOADS.**
 (49) **WAC 296-48B-193 INTERIOR PRIVACY.**
 (50) **WAC 296-48B-196 INTERIOR PASSAGE.**
 (51) **WAC 296-48B-200 ELECTRICAL—GENERAL.**
 (52) **WAC 296-48B-210 DEFINITIONS.**
 (53) **WAC 296-48B-215 LOW-VOLTAGE SYSTEMS—LOW-VOLTAGE CIRCUITS.**
 (54) **WAC 296-48B-220 WIRING MATERIALS—COMBINATION ELECTRICAL SYSTEMS.**
 (55) **WAC 296-48B-225 GENERATOR INSTALLATIONS—MOUNTING.**
 (56) **WAC 296-48B-230 CALCULATIONS—BRANCH CIRCUIT AND FEEDER CALCULATIONS.**

- (57) WAC 296-48B-235 DISCONNECTING MEANS AND BRANCH-CIRCUIT PROTECTIVE EQUIPMENT—GENERAL.
- (58) WAC 296-48B-245 POWER SUPPLY—FEEDER ASSEMBLY EQUIPMENT.
- (59) WAC 296-48B-250 IDENTIFICATION OF FEEDER ASSEMBLY CONNECTION.
- (60) WAC 296-48B-255 WIRING METHODS—WIRING OF EXPANDABLE OR MULTIPLE UNITS.
- (61) WAC 296-48B-260 UNDER-CHASSIS WIRING.
- (62) WAC 296-48B-265 RODENT RESISTANCE.
- (63) WAC 296-48B-270 ELECTRICAL EQUIPMENT—LIGHTING FIXTURES.
- (64) WAC 296-48B-275 EQUIPMENT MOUNTING.
- (65) WAC 296-48B-280 OUTDOOR OUTLETS, FIXTURES, AIR COOLING EQUIPMENT, ETC.
- (66) WAC 296-48B-285 GROUNDING—GENERAL.
- (67) WAC 296-48B-290 SWITCH AND RECEPTACLE PLATES.
- (68) WAC 296-48B-295 TESTING—DIELECTRIC STRENGTH TEST.
- (69) WAC 296-48B-400 MECHANICAL—GENERAL.
- (70) WAC 296-48B-405 MECHANICAL—DEFINITIONS.
- (71) WAC 296-48B-410 LPG EQUIPMENT AND INSTALLATIONS—CONSTRUCTION OF CONTAINERS.
- (72) WAC 296-48B-415 LOCATION OF LP-GAS CONTAINERS AND SYSTEMS.
- (73) WAC 296-48B-420 LP-GAS CONTAINER VALVES AND ACCESSORIES.
- (74) WAC 296-48B-425 LP-GAS SAFETY DEVICES.
- (75) WAC 296-48B-430 LP-GAS SYSTEM ENCLOSURE AND MOUNTING.
- (76) WAC 296-48B-435 LP-GAS SYSTEM DESIGN AND SERVICE LINE PRESSURE.
- (77) WAC 296-48B-440 ELECTRICAL EQUIPMENT.
- (78) WAC 296-48B-445 GAS PIPING SYSTEMS—GENERAL.
- (79) WAC 296-48B-450 PIPING DESIGN.
- (80) WAC 296-48B-455 MATERIALS.
- (81) WAC 296-48B-460 EXPANDABLE OR MULTIPLE COMMERCIAL COACHES.
- (82) WAC 296-48B-465 SYSTEM SIZING—GAS PIPE SIZING.
- (83) WAC 296-48B-467 SIZING AND CAPACITY OF GAS PIPING.
- (84) WAC 296-48B-468 DESCRIPTION OF TABLES.
- (85) WAC 296-48B-469 USE OF CAPACITY TABLES.
- (86) WAC 296-48B-46901 TABLE H-2—PART I AND PART II.
- (87) WAC 296-48B-470 JOINTS AND INSTALLATION—JOINTS FOR GAS PIPE.
- (88) WAC 296-48B-475 TUBING JOINTS.
- (89) WAC 296-48B-480 CONCEALED TUBING.
- (90) WAC 296-48B-485 PIPE-JOINT COMPOUND.
- (91) WAC 296-48B-490 CONCEALED JOINTS.
- (92) WAC 296-48B-500 HANGERS AND SUPPORTS.
- (93) WAC 296-48B-505 ELECTRICAL GROUND.
- (94) WAC 296-48B-510 IDENTIFICATION OF GAS SUPPLY CONNECTIONS.
- (95) WAC 296-48B-515 GAS PIPING SYSTEM OPENINGS.
- (96) WAC 296-48B-520 APPLIANCE CONNECTIONS.
- (97) WAC 296-48B-525 VALVES.
- (98) WAC 296-48B-530 TESTING FOR LEAKAGE—BEFORE APPLIANCES ARE CONNECTED.
- (99) WAC 296-48B-535 TESTING FOR LEAKAGE—AFTER APPLIANCES ARE CONNECTED.
- (100) WAC 296-48B-540 RODENT RESISTANCE.
- (101) WAC 296-48B-550 OIL PIPING SYSTEMS—GENERAL.
- (102) WAC 296-48B-555 OIL PIPING SYSTEMS—EXPANDABLE OR MULTIPLE COMMERCIAL COACHES.
- (103) WAC 296-48B-560 OIL PIPING SYSTEMS—MATERIALS.
- (104) WAC 296-48B-565 OIL PIPING SYSTEMS—SIZE OF OIL PIPING.
- (105) WAC 296-48B-570 OIL PIPING SYSTEMS—JOINTS FOR OIL PIPING.
- (106) WAC 296-48B-575 OIL PIPING SYSTEMS—TUBING JOINTS.
- (107) WAC 296-48B-580 OIL PIPING SYSTEMS—PIPE-JOINT COMPOUND.
- (108) WAC 296-48B-585 OIL PIPING SYSTEMS—COUPLINGS.
- (109) WAC 296-48B-590 OIL PIPING SYSTEMS—GRADE OF PIPING.
- (110) WAC 296-48B-595 OIL PIPING SYSTEMS—STRAP HANGERS.
- (111) WAC 296-48B-598 OIL PIPING SYSTEMS—TESTING FOR LEAKAGE.
- (112) WAC 296-48B-600 APPLIANCES—HEAT-PRODUCING.
- (113) WAC 296-48B-610 APPLIANCES—INSTALLATION.
- (114) WAC 296-48B-615 APPLIANCES—VENTING, VENTILATION AND COMBUSTION AIR.
- (115) WAC 296-48B-620 APPLIANCES—CLEARANCE—GENERAL.
- (116) WAC 296-48B-675 SAFETY DEVICES—WATER HEATER RELIEF VALVES.
- (117) WAC 296-48B-680 AIR DUCTS—DUCT MATERIAL FOR CIRCULATING AIR SUPPLY SYSTEM.

- (118) WAC 296-48B-685 AIR DUCTS—SIZING OF DUCTS.
- (119) WAC 296-48B-690 AIR DUCTS—AIR-TIGHTNESS OF SUPPLY DUCT SYSTEMS.
- (120) WAC 296-48B-695 AIR DUCTS—EXPANDABLE OR MULTIPLE COMMERCIAL COACH CONNECTIONS.
- (121) WAC 296-48B-720 AIR DUCTS—RETURN AIR SYSTEMS.
- (122) WAC 296-48B-725 AIR DUCTS—JOINTS AND SEAMS.
- (123) WAC 296-48B-730 AIR DUCTS—SUPPORTS.
- (124) WAC 296-48B-735 AIR DUCTS—REGISTERS OR GRILLS.
- (125) WAC 296-48B-740 AIR DUCTS—DUCT AND PLENUM INSULATION.
- (126) WAC 296-48B-800 PLUMBING—DEFINITIONS.
- (127) WAC 296-48B-805 PLUMBING—GENERAL.
- (128) WAC 296-48B-810 PLUMBING—LOCATION OF WATER-SUPPLY CONNECTIONS.
- (129) WAC 296-48B-815 PLUMBING—TUB AND SHOWER ENCLOSURES.
- (130) WAC 296-48B-820 DRAINAGE—LOCATION OF DRAIN OUTLETS.
- (131) WAC 296-48B-825 DRAINAGE—CAP OR PLUG.
- (132) WAC 296-48B-830 DRAINAGE—CLEARANCE FROM DRAIN OUTLET.
- (133) WAC 296-48B-835 DRAINAGE—DRAINAGE SYSTEMS MATERIALS.

WSR 82-04-061
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed February 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning 1981-83 salary-compensation lid compliance, chapter 392-140 WAC;

that such agency will at 2:00 p.m., Tuesday, March 9, 1982, in the State Modular Building, Executive Services Conference Room, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, March 10, 1982, in the State Modular Building, Executive Services Conference Room, 7510 Armstrong Street S.W., Tumwater, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1982, and/or orally at 2:00 p.m., Tuesday, March 9, 1982, State Modular Building,

Executive Services Conference Room, 7510 Armstrong Street S.W., Tumwater, WA.

Dated: February 1, 1982

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC Special allocations, instructions and requirements—Sections concerning salary-compensation lid compliance.

Rule Section(s): WAC 392-140-010 Salary-compensation lid compliance—Authority and purpose; 392-140-011 Definitions; 392-140-014 Initial reporting cycle; 392-140-015 Need for additional information; 392-140-016 Review of additional information; 392-140-018 Final reporting cycle; 392-140-019 Compliance of certificated salaries; and 392-140-020 Compliance of classified salaries.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To implement the portion of section 92, chapter 340, Laws of 1981 which establishes limits on compensation paid to school district employees, as amended by section 76, chapter 14, Laws of 1981 2nd ex. sess.

Summary of the New Rule(s) and/or Amendments: WAC 392-140-010 Adds language recognizing that more than one appropriation act governs the compliance lid; 392-140-011(1) Adds form on which data are reported; 392-140-011(2) Adds form on which data are reported; 392-140-011(15) Adds "lower certificate" to list of data items; 392-140-011(16) Adds "social security number" to list of data items; 392-140-011(20) Adds definition of "RIF"; 392-140-011(21) Adds definition of "new position"; 392-140-014 Changes time for SPI to return personnel data to school districts to "on or about December 15"; 392-140-015 Changes time for SPI to determine if additional information is necessary to make compliance decision to "after district edited data are printed by SPI as compliance records"; 392-140-016 Permits school district to send additional compensation data to SPI and extends the time limit for districts to report to SPI from twenty days to thirty days; gives district the option of submitting data on SPI forms or in same format as that prescribed by SPI; states that SPI shall review additional data and notify districts in writing of compliance determination; gives districts ten days after receipt of such notice to request an informal review; if district does not request an informal review, SPI shall commence withholding of basic education allocation; 392-140-018 Requires school district to notify SPI if there is a change in salary or compensation data reported on the annual personnel report forms for the current year; extends time district has to report changes from twenty days to thirty days; 392-140-019 Permits district to exclude from the district's compliance calculation persons who were RIFed and persons hired in new positions; allows school district to correct personnel data for the 1980-81 school year and remain in compliance with the salary-compensation lid; and 392-140-020 Permits district to exclude from the district's compliance calculation persons who were RIFed and persons hired in new positions.

Reasons Which Support the Proposed Action(s): Enactment, chapter 14, Laws of 1981 2nd ex. sess.; clarification of procedures and recognition of major personnel changes in salary-compensation lid compliance.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Perry G. Keithley, SPI Building, Room 1000A, (206) 753-1717; Implementation and Enforcement: Chas. A. McNurlin, SPI Building, Room 1000A, (206) 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): None.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 acts for the common schools (~~chapter 340, Laws of 1981~~) currently in effect. 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).

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 reported on the Form S-275 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 reported on the Form S-277 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, certificate number, 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, social security number, 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.

(20) "RIF" shall mean any person employed by a school district during the prior school year and reported on the Form S-275 or the Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a reduction in force policy adopted by the district.

(21) "New position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(a) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year; and

(b) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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 on or about the third Wednesday in December, 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.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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) after district edited data are printed by the superintendent of public instruction as compliance records, 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.

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 81-7, filed 7/30/81)

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))~~ submit additional data to 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))~~ such additional data within ~~((twenty))~~ thirty calendar days from the date the district receives the written notice of the need for additional information from the superintendent of public instruction. The school district has the option of submitting such additional data to the superintendent of public instruction either on forms prepared by the superintendent of public instruction or in a format which is similar to the format of the state forms. If the superintendent of public instruction does not receive such ~~((a timely request))~~ additional information in a timely manner, 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. The superintendent of public instruction shall analyze additional data submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent shall notify the district in writing of such determination. Within ten calendar days of receipt of such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent and the district. If the district does not make a timely request for an informal review, the superintendent shall withhold five percent of the district's basic education funds pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE-FINAL REPORTING CYCLE. In the event a school district changes personnel data reported on the Form S-275 or Form S-277 for the current year or increases the rate of salary or compensation 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))~~ thirty 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.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21): PROVIDED FURTHER, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the

1980-81 school year if the 1981-82 average salary does not increase over the 1981-82 control average salary. The 1981-82 control average salary shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document 2 by the percent increase specified for the 1981-82 school year on LEAP Document 2;

(b) Adjusting the district's 1981-82 mix factor by the proportion obtained by comparing the 1980-81 derived base salary reported on LEAP Document 2 with the corrected 1980-81 derived base salary; and

(c) Multiplying (a) by (b). This product is the 1981-82 control average salary.

(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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 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.

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 81-7, filed 7/30/81)

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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(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: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 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.

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

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

WSR 82-04-062

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-12—Filed February 2, 1982]

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 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 continues to protect spawning fall chinook and a local sturgeon population, until a public hearing can be held on February 20, 1982.

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 February 2, 1982.
By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-16000R COLUMBIA RIVER. *Effective immediately until further notice, it is unlawful to take, fish for or possess any species of foodfish for personal use in that portion of the Columbia River from Vernita Bridge downstream to the Hanford powerline crossing (wooden towers at S24, T13N, R27E).*

WSR 82-04-063
WITHDRAWAL OF PROPOSED RULES
PLANNING AND
COMMUNITY AFFAIRS AGENCY
(Building Code Advisory Council)
[Filed February 2, 1982]

The State Building Code Advisory Council and the Planning and Community Affairs Agency request withdrawal of the notice of intent to amend rules concerning state regulations for barrier-free facilities, chapter 51-10 WAC. The Building Code Advisory Council has withdrawn plans to update the regulations at this time due to lack of funds. Notice of intent to amend the barrier-free regulations was filed with your office on January 6, 1982, and was published in the State Register, WSR 82-02-082, on January 20, 1982. The public hearing scheduled for February 17, 1982, at 9:30 a.m. in the Sea-Tac Airport Fire Station Conference Room, 2400 South 170th, Seattle, is cancelled.

Karen Rahm
Director

WSR 82-04-064
NOTICE OF PUBLIC MEETINGS
PLANNING AND COMMUNITY
AFFAIRS AGENCY
[Memorandum—February 2, 1982]

HEARING ON WEATHERIZATION STATE PLAN

The Planning and Community Affairs Agency will hold a public hearing on the draft 1982 Washington State Low-Income Weatherization Assistance Plan.

The hearing is scheduled for 9:00 a.m. on Friday, March 5, 1982, in the Planning and Community Affairs Agency conference room, Ninth and Columbia Building, Fifth Floor, Olympia. Two typewritten copies of all oral testimony are requested. There will be a question and answer period.

Written testimony may be submitted until 5:00 p.m. on March 4, 1982, to the attention of Art Cantrall, Assistant Director, Planning and Community Affairs Agency, Division for Community Services, Ninth and

Columbia Building, MS GH-51, Olympia, Washington 98504.

For additional information or a copy of the draft proposal, contact Claire Hopkins at (206) 753-4106 or toll free 1-800-562-5677.

WSR 82-04-065
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning goals of board on correctional training standards and education, repealing WAC 139-36-010.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, March 11, 1982, in the Criminal Justice Training Center, 2450 South 142nd, Seattle, WA.

The authority under which these rules are proposed is RCW 43.101.080(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1982, and/or orally at 10:00 a.m., Thursday, March 11, 1982, Criminal Justice Training Center, 2450 South 142nd, Seattle, WA.

Dated: February 2, 1982

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: Repeal WAC 139-36-010 Goals of board on correctional training standards and education.

Agency: Washington State Criminal Justice Training Commission.

Purpose: To repeal WAC 139-36-010 in its entirety.

Statutory Authority: RCW 43.101.030(2).

Reason for Repeal: Repeal of this section is necessary because new and expanded sections are being implemented under this chapter, as required by recently passed legislation, RCW 43.101.220.

Responsible Agency Personnel: James C. Scott, Executive Director, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, Phone (206) 459-6342, Scan 585-6342; and M. Linda Chapman, Corrections Training Manager, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 139-36-010 GOALS OF BOARD ON CORRECTIONAL TRAINING STANDARDS AND EDUCATION.

WSR 82-04-066
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed February 3, 1982]

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

New	WAC 139-36-020	Requirement of basic corrections training.
New	WAC 139-36-030	Requirements of basic corrections academy.
New	WAC 139-36-031	Basic corrections officers academy curriculum.
New	WAC 139-36-032	Basic correctional services academy curriculum.
New	WAC 139-36-033	Basic group life and youth camp counselors academy curriculum.
New	WAC 139-36-034	Basic juvenile detention workers academy curriculum.
New	WAC 139-36-040	Requirement of first- and second-level corrections supervisory training.
New	WAC 139-36-041	First- and second-level supervision curriculum—Corrections.
New	WAC 139-36-050	Requirement of middle-management corrections training.
New	WAC 139-36-051	Middle-management curriculum—Corrections.
New	WAC 139-36-060	Requirement of executive management corrections training.
New	WAC 139-36-061	Executive management curriculum—Corrections;

that such agency will at 10:00 a.m., Thursday, March 11, 1982, in the Criminal Justice Training Center, 2450 South 142nd, Seattle, 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 43.101.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1982, and/or orally at 10:00 a.m., Thursday, March 11, 1982, Criminal Justice Training Center, 2450 South 142nd, Seattle, WA.

Dated: February 2, 1982

By: James C. Scott
 Executive Director

STATEMENT OF PURPOSE

Rule: New sections WAC 139-36-020 Requirement of basic corrections training; 139-36-030 Requirements of basic corrections academy; 139-36-031 Basic corrections officers academy curriculum; 139-36-032 Basic correctional services academy curriculum; 139-36-033 Basic group life and youth camp counselors academy curriculum; 139-36-034 Basic juvenile detention workers academy curriculum; 139-36-040 Requirement of first- and second-level corrections supervisory training; 139-36-041 First- and second-level supervision curriculum—Corrections; 139-36-050 Requirement of middle-management corrections training; 139-36-051 Middle-management curriculum—Corrections; 139-36-060 Requirement of executive management corrections training;

and 139-36-061 Executive Management curriculum—Corrections.

Agency: Washington State Criminal Justice Training Commission.

General Purpose of Rule: This rule prescribes state-wide basic and management training for all corrections personnel.

Description, Summary and Statutory Authority for Rule: RCW 43.101.220 provides that all newly hired corrections personnel and all newly promoted or appointed corrections supervisory and management personnel must complete training as prescribed by the Washington State Criminal Justice Training Commission within the first six months of employment as a condition of further employment. These requirements apply to all city, county, and state agencies. This rule prescribes training and training standards which are responsive to and necessitated by such mandate.

The Following Personnel of the Washington State Criminal Justice Training Commission have Responsibility for Drafting, Implementing and Enforcing this Rule: James C. Scott, Executive Director and M. Linda Chapman, Corrections Training Manager, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, Phone (206) 459-6342, Scan 585-6342.

NEW SECTION

WAC 139-36-020 REQUIREMENT OF BASIC CORRECTIONS TRAINING. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after July 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington State Criminal Justice Training Commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the Commission. Requests for extension or waiver of the basic training requirement shall be submitted to the Commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as prescribed below:

(a) Corrections Officers Academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Correctional Services Academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile and adult probation and parole officers, institution counselors, and psychiatric social workers.

(c) Juvenile Detention Workers Academy. All employees who are responsible for the care, custody and safety of youth in county juvenile court detention centers.

(d) Group Life and Youth Camp Counselors Academy. All employees responsible for the care, custody, and safety of juvenile offenders in state institutions, camps and group homes. Representative job classes include, but are not limited to, group life counselors, youth camp counselors, and cottage parents.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the Commission.

(3) Failure to comply with the above requirements of the Board on Correctional Training Standards and Education shall result in a notification of non-compliance from the Commission directed to the individual employee, and, as appropriate, the employing agency director,

chief or sheriff, the Civil Service Commission, the State Jail Commission, and/or the State Auditor's Office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the Commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

NEW SECTION

WAC 139-36-030 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Commission. The performance of each trainee shall be evaluated as follows:

(a) **Scholarship.** A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the Commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) **Participation.** Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification. Provided, that any applicant whose beginning date of continuous corrections officer employment precedes July 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) **Department and conduct.** Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the Commission.

Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the Commission shall allow such trainee's admission to any subsequent academy only if:

(a) such trainee has been terminated by the employing agency and subsequently rehired by it, or

(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Corrections Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

NEW SECTION

WAC 139-36-031 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. The Basic Corrections Officers Academy of the Washington State Criminal Justice Training Commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The System
 - (a) Overview of the Criminal Justice System
 - (b) Practical Law for Corrections Officers
 - (c) Problem Solving
- (2) Supervision and Care of Inmates
 - (a) Supervising Inmates
 - (b) Physical and Safety Needs
 - (c) Orienting and Inmate
 - (d) Mental and Physical Problems

- (e) Discipline and Rewards
- (3) Safety and Security
 - (a) Security Management
 - (b) Proper Use of Physical Force
 - (c) Observation of Group Dynamics
 - (d) Teamwork and Security
- (4) Communication Skills
 - (a) Incident Report Writing
 - (b) Licensing
 - (c) Interpersonal Skills
 - (5) Personal Development
 - (a) Stress Management
 - (b) Professionalism and Self-Image Building
 - (c) Physical Fitness

NEW SECTION

WAC 139-36-032 BASIC CORRECTIONAL SERVICES ACADEMY CURRICULUM. The basic Correctional Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be 80 hours in length and shall include the following subject matter:

- (1) Key Treatment Approaches
 - (a) Research Review
 - (b) Program Specificity
 - (c) Offense Prevention
 - (d) Life Goals
- (2) Core Skills
 - (a) Interpersonal Skills
 - (b) Interviewing
 - (c) Managing Information
 - (d) Report Writing
 - (e) Rewards and Sanctions
 - (f) Legal Issues
- (3) Personal Skills
 - (a) Stress Management
 - (b) Physical Fitness (alternate option - Health class)
 - (c) Time Management
 - (d) Personal Development
- (4) Case Management Skills
 - (a) Assessment
 - (b) Goal Setting
 - (c) Program Planning
 - (d) Intervention and Monitoring

NEW SECTION

WAC 139-36-033 BASIC GROUP LIFE AND YOUTH CAMP COUNSELORS ACADEMY CURRICULUM. The Basic Group Life and Youth Camp Counselors Academy curriculum of the Washington State Criminal Justice Training Commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The System
 - (a) Overview of the Juvenile Justice System
 - (b) Legal Aspects
- (2) Supervision and Care
 - (a) Physical and Safety Needs
 - (b) Basic Child Care Techniques
 - (c) Discipline Techniques
- (3) Program Techniques
 - (a) Listening Skills
 - (b) Interpersonal Skills
 - (c) Observation Skills
 - (d) Group Dynamics
 - (e) Counseling Skills
 - (f) Empathetic Responding
 - (g) Leading Groups in Correctional Setting
 - (h) Youth Skills Training
- (4) Security
 - (a) Incident Report Writing
 - (b) Proper Use of Physical Force
- (5) Personal Development
 - (a) Physical Fitness
 - (b) Stress Management
 - (c) Positive Image Building

NEW SECTION

WAC 139-36-034 BASIC JUVENILE DETENTION WORKERS ACADEMY CURRICULUM. The basic Juvenile Detention Workers Academy curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) The System
 - (a) Overview of the Juvenile Justice System
 - (b) Legal Rights of Incarcerated Youth
- (2) Communications Skills
 - (a) Listening Skills
 - (b) Incident Report Writing
 - (c) Interpersonal Skills
- (3) Security Management
 - (a) Principles of Security
 - (b) Proper Use of Physical Force
 - (c) Discipline Techniques
- (4) Personal Development
 - (a) Physical Fitness
 - (b) Stress Management

NEW SECTION

WAC 139-36-040 REQUIREMENT OF FIRST- AND SECOND-LEVEL CORRECTIONS SUPERVISORY TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time first- or second-level supervisory position on or after July 1, 1982, shall obtain the supervisory certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise extended or waived by the Commission. The requirements for supervisory certification are:

(a) Possession of a basic corrections academy certificate of the Washington State Criminal Justice Training Commission; and

(b) successful completion of the Commission's First- and Second-Level Supervision course, or other training deemed the equivalent by the Board on Correction Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the first- and second-level supervisors course, based on job duties and the prerequisites for the above required course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors, district administrators, classification and parole supervisors, cottage supervisors, unit supervisors, unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Corrections Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

NEW SECTION

WAC 139-36-041 FIRST-AND SECOND-LEVEL SUPERVISION CURRICULUM—CORRECTIONS. The First- and Second-Level Supervision curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) Role of the Supervisor
- (2) Advanced Oral Communication
- (3) Team Building
- (4) Goal Setting
- (5) Work Planning/Time Management
- (6) Scheduling and Delegating
- (7) On-the-Job Training

- (8) Performance Monitoring
- (9) Employee Selection
- (10) Employee Performance Appraisal
- (11) Handling Incompetent Staff and Preventing Grievances
- (12) Handling Criticism from Staff
- (13) Preventing and Handling Staff Burnout
- (14) Leading Meetings

NEW SECTION

WAC 139-36-050 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle-management position on or after July 1, 1982, shall obtain the middle-management certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission. The requirements for middle-management certification are:

(a) Possession of the supervisory certificate of the Washington State Criminal Justice Training Commission; provided, that such certificate requirement may be waived for any person serving within a first- or second-level supervisory position as defined in WAC 139-36-040 prior to July 1, 1982; and further provided that this waiver shall be extended to persons laterally entering a correctional department as a middle manager.

(b) Successful completion of the Commission's Corrections Middle-Management course and Advanced Problem Solving and Conflict Management course or Correctional Services Academy Phase II, or other middle-management training deemed the equivalent thereof by the Board on Correctional Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the middle-management course, based on job duties and the prerequisites for the above required course. In general, middle managers shall be defined as those people in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first- and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, and superintendents of small and medium sized jails and correctional facilities.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Correctional Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

NEW SECTION

WAC 139-36-051 MIDDLE-MANAGEMENT CURRICULUM—CORRECTIONS. The Middle-Management curriculum of the Washington State Criminal Justice Training Commission shall be 40 instructional hours in length and shall include the following subject matter:

- (1) Teamwork
- (2) Internal Consulting
- (3) Budgeting
- (4) Program Development
- (5) Program Evaluation
- (6) Procedures Development
- (7) Motivation and Bureaucracy
- (8) Procedure Writing
- (9) Managing by Systems

NEW SECTION

WAC 139-36-060 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW

43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position on or after July 1, 1982, shall obtain the executive management certification of the Washington State Criminal Justice Training Commission prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission. The requirements for executive management certification are:

(a) Possession of middle-management certification of the Washington State Criminal Justice Training Commission; provided, that such certification requirements may be waived for any person serving in a middle-management position as defined by WAC 139-36-050 prior to July 1, 1982; and

(b) Successful completion of the Commission's Corrections Executive Management training program or other executive management training deemed the equivalent thereof by the Board on Correctional Training Standards and Education.

(2) It shall be the responsibility of the employing agency to determine which of its job classifications should attend the executive management course, based on job duties and the prerequisites for the above required course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed by the Board on Correctional Training Standards and Education which shall determine whether any factual or legal base exists upon which such action may be justified. The Board thereafter shall affirm, rescind, or amend such action. Subsequent appeal may be taken to the Commission pursuant to the procedural rules and regulations adopted by the Commission.

NEW SECTION

WAC 139-36-061 EXECUTIVE MANAGEMENT CURRICULUM—CORRECTIONS. The Executive Management curriculum of the Washington State Criminal Justice Training Commission shall be 64 instructional hours in length and shall include the following subject matter:

- (1) Team Building and Organizational Goal Setting
- (2) Long-Range Planning
- (3) Your Public Image
- (4) Creating Momentum for Organizational Change
- (5) Organizational Communication
- (6) Organizational Leadership
- (7) Policy Development
- (8) Executive Self-Care
- (9) Managing with Limited Resources
- (10) Executive Career Ladder and Power Base
- (11) Program Effectiveness Research
- (12) Quality Control
- (13) View of the Executive
- (14) Training Systems
- (15) Budgeting
- (16) Futures Planning

WSR 82-04-067
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning private forest land grades according to species and site index, amending WAC 458-40-19300;

that such agency will at 1:00 p.m., Tuesday, March 9, 1982, in the Conference Room, 2nd Floor, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA 98501, conduct a hearing relative thereto.

The Formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 24, 1982, in the Director's Office, Room 415, General Administration Building, Olympia, Washington, 98504.

The authority under which these rules are proposed is RCW 84.33.110 through 84.33.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1982, and/or orally at 1:00 p.m., Tuesday, March 9, 1982, Conference Room, 2nd Floor, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA 98501.

Dated: February 3, 1982

By: Trevor W. Thompson
 Director, Property Tax Division

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed values to be promulgated by the Department of Revenue as follows:

Title: WAC 458-40-19300 Private forest land grades according to species and site index.

Purpose: To adjust the forest land grades for certain lands previously surveyed and graded under the Department of Natural Resources forest land grading program.

Statutory Authority: RCW 84.33.110 through 84.33-118 requires the Department of Natural Resources to grade all private forest land in the state of Washington and RCW 84.33.115(1) requires the Department of Revenue to certify to each county assessor the grades established for forest land within each county.

Summary and Reasons for the Rule: This rule makes possible accurate and uniform forest land grading and valuation of all private forest lands in the state of Washington.

Drafters of the Rule: John Conklin, Room 301, Evergreen Plaza Building, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-2871; and Bill Derkland, Room 301, Evergreen Plaza Building, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-1359.

Rule Implementation and Enforcement: Donald R. Burrows, Acting Director of Revenue, Room 415, General Administration Building, Olympia, Washington 98504, (206) 753-5574.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

AMENDATORY SECTION (Amending Order FT 80-4, filed 12/1/80)

WAC 458-40-19300 PRIVATE FOREST LAND GRADES ACCORDING TO SPECIES AND SITE INDEX. Notwithstanding the provisions of WAC 458-40-020, those counties that have received certification of their forest land grades by the department of revenue as required by RCW 84.33.110 through 84.33.118, the following shall

constitute the conversion of species and site indices to forest land grades:

WASHINGTON STATE PRIVATE FOREST LAND GRADES

Species	Site Index	Land Grade
WESTSIDE		
Douglas Fir	136 ft. and over	1
	118-135 ft.	2
	99-117 ft.	3
	84-98 ft.	4
	under 84 ft.	5
Western Hemlock	136 ft. and over	1
	116-135 ft.	2
	98-115 ft.	3
	83-97 ft.	4
	68-82 ft.	5
	under 68 ft.	6
Red Alder	117 ft. and over	6
	under 117 ft.	7
	((MFP & NC *2))	((8))
	<u>MFP</u>	7 or 8 *2
	<u>NC</u>	8 *3

EASTSIDE			
Douglas Fir & Ponderosa Pine	((137) 140 ft. and over	*1	3
	120-((136) 139 ft.	*1	4
Ponderosa Pine	((95) 96-119 ft.	*1	5
	((69-94) 70-95 ft.	*1	6
	under ((69) 70 ft.	*1	7
	((MFP & NC))	((*2 ----- 8))	
	<u>MFP</u>	*2	7 or 8
	<u>NC</u>	*3	8

*1 These are the site indices for 100% stocked stands. Stands with lower stocking levels would require higher site indices to occur in the same land grade.

*2 (MFP) Marginal Forest Productivity will be land grade 7 operability class 3, in the following townships. All MFP in other townships will be land grade 8.

WESTERN WASHINGTON

- Whatcom County - All townships east of Range 6 East, inclusive.
- Skagit County - All townships east of Range 7 East, inclusive.
- Snohomish County - All townships east of Range 8 East, inclusive.
- King County - All townships east of Range 9 East, inclusive.
- Pierce County - T15N, R7E; T16N, R7E; T17N, R7E; T18N, R7E; T19N, R9E; T19N, R10E; T19N, R11E.

EASTERN WASHINGTON

- Chelan County - All townships west of Range 17 East, inclusive.
- Kittitas County - All townships west of Range 15 East, inclusive.
- Yakima County - All townships west of Range 14 East, inclusive.

*3 (NC) Non Commercial

WSR 82-04-068
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed February 3, 1982]

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 251-10-030 Layoff—Authority, to limit the reasons for which layoff action may be taken to a lack of funds or lack of work;

that such agency will at 10:00 a.m., Thursday, March 18, 1982, in the Board Room, Administration Building, Centralia Community College, Centralia, 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 March 18, 1982, and/or orally at 10:00 a.m., Thursday, March 18, 1982, Board Room, Administration Building, Centralia Community College, Centralia, Washington.

Dated: February 3, 1982
 By: Douglas E. Sayan
 Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 3, 1982, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-10-030 Layoff—Authority.

Purpose of Existing Rule: Sets forth the reasons for which classified employees may be laid off.

Summary of Proposed Change: To limit the reasons for which layoff action may be taken to a lack of funds or lack of work.

Agency Person Responsible for Drafting, Implementing and Enforcing Rule: Douglas E. Sayan, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, Washington 98504, (206) 753-3730, 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 76, filed 6/29/79, effective 8/1/79)

WAC 251-10-030 LAYOFF. (1) An appointing authority may separate or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds(,curtailment) or lack of work(,or good faith reorganization for efficiency reasons).

(2) Each institution shall develop for approval by the director a lay-off procedure based upon layoff seniority as defined in WAC 251-04-020, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in WAC 251-10-030(5) and (6). The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to comparable position(s), as determined by the personnel officer, in:

(a) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(b) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option WAC 251-10-030 (5)(a) or (5)(b) provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) above shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

- (i) At the same level or lower than the class from which the employee is being laid off; and
- (ii) Vacant or held by a provisional, temporary, or probationary employee; and
- (iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection (6) will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which selective certification as identified in WAC 251-18-250(1)(a) has been authorized by the personnel officer, the employee must possess the required prerequisite skill(s) called for in the selective certification.

(8) In a layoff action involving a position for which a particular sex is a bonafide occupational requirement, as approved by the Washington State Human Rights Commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction-in-force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-18-410 shall be administered as provided in WAC 251-10-035.

WSR 82-04-069

ADOPTED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Order 93—Filed February 3, 1982]

Be it resolved by the Higher Education Personnel Board, acting at The Evergreen State College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 251-04-020 Definitions (temporary employment).
 Amd WAC 251-04-040 Exemptions.
 Amd WAC 251-06-070 Allocation appeal—Higher Education Personnel Board.
 Amd WAC 251-18-350 Appointment—Temporary.

This action is taken pursuant to Notice Nos. WSR 81-20-089, 81-24-027 and 82-02-011 filed with the code reviser on October 7, 1981, November 25, 1981 and December 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED January 21, 1982.

By Douglas E. Sayan
 Director

AMENDATORY SECTION (Amending Order 92, filed 11/24/81, effective 1/1/82)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

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

"**ALLOCATION**" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

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

"**AVAILABILITY**" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"**BOARD**" – The higher education personnel board established under the provisions of the higher education personnel law.

"**CERTIFICATION**" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"**CHARGES**" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"**CLASS**" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"**CLASSIFIED SERVICE**" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"**COLLECTIVE BARGAINING**" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

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

"**CORRECTIVE EMPLOYMENT PROGRAM**" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"**COUNSELING EXEMPTION**" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"**DEMOTION**" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"**DEVELOPMENT**" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"**DIRECTOR**" – The personnel director of the higher education personnel board.

"**DISMISSAL**" – The termination of an individual's employment for just cause as specified in these rules.

"**ELIGIBLE**" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"**ELIGIBLE LIST**" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"**EMPLOYEE**" – A person working in the classified service at an institution.

"**EMPLOYEE ORGANIZATION**" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"**EMPLOYING OFFICIAL**" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"**EXECUTIVE EMPLOYEES**" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and
- (5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

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

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"INSTRUCTIONAL YEAR" – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six months of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

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

"TEMPORARY ((EMPLOYMENT)) APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

~~((2))~~ (3) Performance of extra work required at a work load peak ~~((or))~~, a special project~~((s))~~, or a cyclic work load~~((s))~~ which does not ~~((to))~~ exceed one hundred ~~((eighty))~~ seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(5).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

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

AMENDATORY SECTION (Amending Order 70, filed 9/29/78, effective 11/1/78)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher

education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2)(a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(c) ~~((Temporary))~~ Nonclassified employees filling positions identified in subsections ~~((2))~~ (1)(a) and (3) of the definition of "temporary ~~((employment))~~ appointment" in WAC 251-04-020.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: **PROVIDED**, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(7) Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to the regular position, or to a like position, at the conclusion of such temporary appointment. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420.

AMENDATORY SECTION (Amending Order 81, filed 12/3/79)

WAC 251-06-070 ALLOCATION APPEAL—HIGHER EDUCATION PERSONNEL BOARD. (1) The employee or employee representative may file a written appeal with the board under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 250-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the board in determining the proper allocation of the position.

~~(2) ((Within thirty calendar days of receipt of the appeal, the director will investigate the appeal and attempt to resolve the allocation to the satisfaction of all parties. This may be extended by thirty calendar days provided the affected employee is given notice of the extension. The employee will be notified of the director's recommended allocation and of the right to pursue the case to hearing if desired. If the employee wishes to pursue the case to hearing, he/she must so notify the director within twenty-one calendar days of service of the director's notice.)) Allocation appeals will be processed under the procedure provided in WAC 251-12-075 (1) or (2).~~

~~((3) The burden of proof in an allocation appeal shall rest with the appellant.~~

~~(4) Allocation appeal hearings will be informal and will allow sufficient time for the parties to present facts pertinent to the proper allocation of a position. The appellant may represent him/herself or may be represented by any person of his/her choosing at the hearing. In appeals heard by a hearing examiner, the hearing examiner will issue a recommended decision within thirty calendar days of the hearing. The recommended decision will be transmitted to both parties by certified mail with a statement regarding the right to file exceptions to the recommended decision. Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exception to the recommended decision. If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that forty calendar day period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision. When exceptions are filed, such written statements must indicate in detail the specific items of the recommended decision to which exception is taken. Thereafter, a hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument. Within thirty calendar days of hearing the testimony or arguments upon exceptions, the board will issue a decision which is final and binding.))~~

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-350 APPOINTMENT—TEMPORARY. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary ((employment)) appointment" in WAC 251-04-020.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary ((assignment)) appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this ((rule)) subsection is not limited to the one hundred ((eighty)) seventy-nine consecutive calendar day limitation identified in WAC 251-04-020(3) and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-04-020(1)(a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-04-020(1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-04-020(1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(7) At the conclusion of a temporary appointment of less than one hundred eighty consecutive calendar days, a permanent employee shall have the right to revert to his/her former position.

WSR 82-04-070
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1753—Filed February 3, 1982]

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 Payment of foster care—Effective date, amending WAC 388-70-024.

This action is taken pursuant to Notice No. WSR 82-01-068 filed with the code reviser on December 18,

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 February 3, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-024 PAYMENT OF FOSTER CARE—EFFECTIVE DATE. (1) A foster care payment is effective the date a child is placed in care if an application for foster care payment is received within seven working days of placement. If an application is not received within seven working days of placement, the effective date of care is the date the application is received.

(2) ~~The effective date of termination of family foster care payments ((is the date the child no longer needs foster care or reaches the age of 18. If the child is attending but has not finished high school at the age of 18, payments shall be terminated on the date the high school program is completed. Such payments shall not be extended beyond age 21.))~~ for children in family foster care is the date:

(a) The child no longer needs foster care.

(b) The child reaches the age of eighteen. If the child is attending but has not finished high school or its equivalent at the age of eighteen, payments shall be terminated on the date the high school program or its equivalent is completed. Such payments shall not be extended beyond age twenty-one.

(3) Payment for group foster care is limited to children who are at least six years of age but under the age of eighteen. The effective date of termination of foster care payments for children in group foster care is the date:

(a) The child no longer needs group foster care.

(b) The child has been in group care eighteen consecutive months.

(c) The child reaches the age of eighteen. If the child is attending but has not finished high school or its equivalent at the age of eighteen, payment shall be terminated on the date the high school program or its equivalent is completed or the child has spent eighteen consecutive months in group care, whichever comes first.

WSR 82-04-071

ADOPTED RULES

DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1754—Filed February 3, 1982]

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 scope of care for medically indigent, amending WAC 388-100-035.

This action is taken pursuant to Notice No. WSR 82-01-004 filed with the code reviser on December 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 February 3, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act (ITA) or detoxification for an acute alcohol condition as defined in chapter 388-40 WAC, the requirements for acute and emergent need and the fifteen hundred dollar deductible shall apply.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

(8) A request for an exception to policy shall not be approved without review by the division of medical assistance.

WSR 82-04-072
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1755—Filed February 3, 1982]

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 Overpayment—Repayment, amending chapter 388-44 WAC.

This action is taken pursuant to Notice No. WSR 82-01-103 filed with the code reviser on December 23, 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 February 3, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-010 **OVERPAYMENT—DEFINED.** (1) "Overpayment" means any grant or medical assistance paid to a person (~~who is~~) not eligible or grant or medical assistance paid to an eligible person in excess of the amount (~~he/she~~) the person was eligible to receive.

(2) An overpayment includes:

(a) Vendor payments for medical care provided during a period when the individual was not eligible for public assistance(-),

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client,

(c) Payments made during the ten day advance notice period when the client is ineligible for payment, and

(d) Continued payments received by the recipient because the appropriate ten day advance period extends into the next month.

(3) Funeral expenses paid by the department are an overpayment to the extent the value of the estate is not used as a resource in determining eligibility. However, the department's funeral expense payment is not repayable when the estate consists only of assets (resources) which are exempt in determining eligibility for public assistance for the surviving spouse and/or dependents.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-035 **OVERPAYMENT—AMOUNT.** (1) The amount of (~~the~~) overpayment (~~to an individual~~) shall be determined as follows:

(a) If assistance is obtained as a result of a willful act of the recipient to deceive the department, the overpayment shall be one hundred twenty-five percent of the amount of assistance, including medical care, to which (~~he/she~~) the assistance unit was not entitled.

(b) If no willful act to deceive is involved, the overpayment shall be the amount of assistance, including medical care, to which (~~he/she~~) the assistance unit was not entitled.

(c) To determine the amount to which (~~he/she~~) the assistance unit was not entitled in (a) and (b) of this subsection the overpayment shall be reduced (~~by~~):

(i) By the amount of assistance that the (~~recipient~~) assistance unit would have been eligible to receive during the period of ineligibility from any other category of assistance.

(ii) For overpayments incurred in months prior to October 1, 1981, only the amount of any child care paid by a recipient while earning unreported wages in the amount (~~which~~) the department would have paid if the employment and child care had been properly reported. For AFDC or refugee assistance overpayments incurred after October 1, 1981, there will be no allowable work expenses computed in determining the amount of an overpayment resulting from unreported wages. For general assistance overpayments incurred after October 1, 1981, the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported.

(iii) By the amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance (~~to which~~) the (~~individual~~) assistance unit was actually entitled.

(2) When establishing an overpayment for a period of time containing both overpayments and underpayments any overpayment (~~in any month prior to the effective date of the latest recomputation of grant~~) shall be reduced by the amount of any underpayment (~~in any month prior to the effective date of the latest recomputation~~).

(3) Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-050 OVERPAYMENT—RELATIONSHIP TO UNDERPAYMENT. (~~It is possible to overpay one recipient in an assistance unit while another in the same unit is underpaid, or to overpay in one requirement and underpay in another.~~) The assistance unit's over- or underpayment is the net amount or difference between (~~the two~~) any incorrect payments or computations. Over- or underpayment in one assistance unit shall not be credited to any other assistance unit.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-110 OVERPAYMENT—LIABILITY ((OF PAYEE)). (1) (~~Liability for an overpayment shall follow the payee of the grant as an individual. The overpayment account receivable is established in the name of the payee and all further action (monthly deduction from grant, suspension of grant, claim against estate, etc.) is taken against that individual.~~) Overpayments may be recovered from:

- (a) The assistance unit which was overpaid;
- (b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or
- (c) Any individual members of the overpaid assistance unit whether or not currently a recipient.

(2) The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

~~((2) Joint liability for an overpayment results when all of the following factors are present: overpayment is the result of fraud; collusion is shown between the payee and another party who received a financial benefit as a result of the overpayment. In these instances the overpayment account receivable is established in the name of both parties. Subsequent action is taken against the parties either jointly or individually.)~~

(3) There shall be no liability placed upon recipients of nonfraudulent general assistance overpayments when the department determines that the cost of collection exceeds the amount recoverable. The department has determined that the cost of collection exceeds the amount recoverable when the total overpayment being established is fifty dollars or less.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

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))~~ The department 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))~~ The 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) An explanation of the method of repayment and the effect of the overpayment on future grant payments,
- ~~((d))~~ (e) A determination that fraud is or is not involved,
- ~~((e))~~ (f) A statement that overpayments (~~and any penalties for fraud~~) are debts due the state,
- ~~((f))~~ (g) A computation of the amount due the state,

~~((g))~~ (h) A ((request)) statement that the ((person contact the office of reimbursements to discuss the method of repayment)) financial recovery office is responsible for establishing repayment schedules when recoupment is not subject to a mandatory deduction from the current grant,

~~((h))~~ (i) 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))~~ the 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.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-125 REPAYMENT OF OVERPAYMENT FROM CURRENT RECIPIENTS. (1) Repayment of an overpayment shall be made by the individual or the overpaid assistance unit from (~~(his)~~) resources (~~(or)~~) and/or income, (~~(or in certain cases)~~) and/or by deductions from subsequent grants, (~~(or)~~) and/or as a result of civil or criminal action initiated by the department or the prosecutor, and/or from (~~(his)~~) an estate upon death.

(2) Deleted.

(3) In determining whether a person or assistance unit is financially able to make repayment, (~~(the individual)~~) he, she, or they, except when fraud is involved, (~~(is)~~) are not asked to mortgage (~~(his)~~) the home or personal property which (~~(he)~~) is (~~(using)~~) being used, or make a loan on (~~(his)~~) life insurance, in order to secure cash to repay the department.

(4) A public assistance money grant may not be reduced to recover overpayments of medical assistance, food coupons, or food commodities.

(5) The recipient is required to pay all overpayments except where recovery is determined to be inequitable under WAC 388-44-127(2). A mandatory grant deduction will be used to liquidate the overpayment.

(6) An additional deduction from subsequent grants can be made if the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-127 REPAYMENT OF OVERPAYMENT RESULTING FROM DEPARTMENT ERROR. (1) Overpayments resulting from department error (~~((shall not be used as the basis for a))~~) are debts due the state and are subject to mandatory grant deduction (~~((When such overpayment is verified, the amount of the overpayment becomes a debt due the state only if relief from liability may not be granted to a recipient or former recipient pursuant to this section))~~) except where recovery is determined to be inequitable.

(2) When (~~(such)~~) an overpayment is discovered, and before liability is imposed, the CSO must first determine that recovery would not be inequitable. Recovery shall be deemed inequitable if:

(a) The department admitted or stated to the recipient or to the recipient's authorized representative that the recipient was entitled in whole or in part to the moneys or services overpaid, or acted in a manner which would reasonably lead that recipient to believe that he or she was eligible to receive in whole or in part the moneys or services overpaid; and

(b) The recipient retained or accepted the moneys or services overpaid on the faith of such an admission, statement, act or omission; upon which he or she had a right to rely; and

(c) The recipient would suffer an injury if the department were allowed to repudiate (~~(its)~~) the department's admission, statement, act or omission.

"Injury," as used in this section includes the imposition of liability for repayment of a debt due the state.

(3) If recovery would be inequitable, the recipient shall not be liable for repayment; the overpayment shall not be a debt due the state, and the recipient shall be so informed.

(4) If recovery would not be inequitable, the recipient shall be notified that he or she is liable for repayment of the debt and the overpayment is subject to a mandatory deduction from the current grant. (~~(He or she)~~) The recipient shall also be informed as to the specific reasons why recovery would not be inequitable, including a copy of this rule, and as to his or her right to contest such decision.

(5) Department decisions made pursuant to this section shall be subject to fair hearing review in accordance with the procedures set forth in chapter 388-08 WAC and appropriate findings and conclusions shall be made on all of the factors made pertinent in this section.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-130 ((VOLUNTARY)) REPAYMENT OF OVERPAYMENT FROM FORMER RECIPIENTS. (~~((+))~~) Overpayments are debts due the state. Collection of such debts shall be effected by the department according to established rules and procedures. A former recipient continues to be liable for overpayment debts incurred while he or she was a recipient, until such time as the debt is paid in full or charged off as uncollectible by the secretary and the attorney

general. The financial recovery office shall be responsible for establishing a repayment schedule for former recipients.

~~((Whenever possible, repayment by a recipient or former recipient should be voluntary, resulting from a common understanding between the department and the debtor.~~

~~(2) The possibility of immediate repayment shall be discussed, if possible, with the individual at the time the overpayment is discovered. If the individual has sufficient funds available and is willing to repay all or part of the amount due, collection is effected and the situation summarized in the case record.~~

~~(3) When an overpayment is the result of departmental error or nonfraudulent recipient action and the recipient desires to repay from future assistance grants, a voluntary grant deduction may be used to liquidate the overpayment. Before such plan is established, the local office must explain to the recipient that this overpayment is not collectible under the mandatory deduction rules in WAC 388-44-145 and that a voluntary deduction cannot be made unless the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.~~

~~(4) If a former recipient is not able to repay in full immediately but can pay in installments or at some future date, the individual shall be requested to sign a written agreement in duplicate confirming the plan. A copy of the agreement shall be given to the individual. The agreement may be modified at any time if justified by extenuating circumstances. Necessary controls shall be established to insure that repayment plans are complied with:))~~

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-140 ((INVOLUNTARY REPAYMENT)) RESPONSIBILITY FOR RECOVERY OF OVERPAYMENT. (1) The local office shall be responsible for effecting ((involuntary)) repayment of overpayments from current recipients when ((such)) repayments are to be made by grant deduction as specified in WAC 388-44-145.

(2) The ((reimbursement section)) financial recovery office and the attorney general shall be responsible for effecting ((involuntary)) repayment of overpayments from former recipients.

~~((3) Except in cases involving substantiated fraud, it is the policy of the department not to seek involuntary repayment from a former recipient whose income and resources do not exceed departmental standards for determining public assistance eligibility:))~~

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants ((only when the department has

~~made a determination that the overpayment resulted from recipient fraud as defined in WAC 388-44-020)) except as modified by subsection (2) of this section and WAC 388-44-127.~~

(2) If an overpayment is ((the result of recipient fraud)) subject to recovery by mandatory recoupment and if the recipient has cash, bank accounts, or marketable securities ((which)) he or she refuses to use in full or partial satisfaction of an overpayment, a monthly deduction of up to one hundred percent of future grant(s) shall be established until such time as the amount of the grant(s) the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities which have been withheld.

(3) When deductions have been made pursuant to subsection (2) of this section and the recipient still owes money, or when subsection (2) of this section does not apply,

(a) The department shall, on a case-by-case basis, limit the amount of the monthly deduction so ((as not to cause undue hardship:)) the deduction shall not exceed ten percent of the recipient's total monthly ((requirements)) assistance payment unless the recipient voluntarily requests a larger deduction in writing.

(b) Deleted.

(c) Deleted.

(d) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

(e) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

~~((f) A deduction shall not be made from a noncontinuing general assistance employable grant to liquidate an overpayment:))~~

(4) ((A letter confirming the repayment plan shall be sent to the recipient. The letter shall state)) Whenever there is a grant deduction, the client shall be informed in writing of the ((percentage)) amount of the monthly ((requirements to be deducted)) deduction. ((It)) The notification shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-150 INVOLUNTARY REPAYMENT OF OVERPAYMENT—LIEN ON PROPERTY. When the department determines that fraud is involved in an overpayment, the filing of a lien against property owned by the individual shall be the responsibility of the ((reimbursement section)) financial recovery office.

AMENDATORY SECTION (Amending Order 1638, filed 4/15/81)

WAC 388-44-250 GIFTS, BEQUESTS BY WILL, CONTRIBUTIONS. (1) The department may accept gifts, bequests or contributions in cash or otherwise from persons, associations, or corporations.

(2) The ~~((LΘ))~~ CSO shall not accept a gift or contribution from a person eligible for public assistance.

(3) A recipient of public assistance or any other person desiring information or assistance regarding the preparation of a will shall be advised to contact an attorney of his or her choice or the local legal aid society.

WSR 82-04-073
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1756—Filed February 3, 1982]

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 method of rate determination, amending WAC 388-96-719.

This action is taken pursuant to Notice No. WSR 82-01-102 filed with the code reviser on December 23, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 3, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1669, filed 7/15/81)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by contractors.

(2) Data containing obvious errors, data for facilities which are out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five

percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735(3).

(3) (a) Adjustments for inflation will be:

(i) 5.0 percent for July 1, 1981 rate setting;

(ii) ~~((5.2))~~ 4.25 percent for January 1, 1982 rate setting; and

(iii) ~~((4.35))~~ 3.25 percent for July 1, 1982 and January 1, 1983 rate setting.

(b) Property and return on equity rates will not be adjusted for inflation.

(4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

WSR 82-04-074
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1757—Filed February 3, 1982]

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 day care participation, repealing WAC 388-15-172.

This action is taken pursuant to Notice No. WSR 82-01-070 filed with the code reviser on December 18, 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 February 3, 1982.

By David A. Hogan
Director, Division of Administration

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-15-172 DAY CARE PARTICIPATION.

WSR 82-04-075
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division for Vocation Rehabilitation)
 [Order 1758—Filed February 3, 1982]

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 Purchase of services—Selection criteria—Rehabilitation facilities and workshops, amending WAC 490-500-520.

This action is taken pursuant to Notice No. WSR 82-01-069 filed with the code reviser on December 18, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.10-.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 28A.10 RCW.

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

APPROVED AND ADOPTED February 3, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1391, filed 4/26/79)

WAC 490-500-520 PURCHASE OF SERVICES—SELECTION CRITERIA—REHABILITATION FACILITIES AND WORKSHOPS. (1) A rehabilitation facility or a sheltered workshop (~~(which is)~~) to be utilized by the division for vocational evaluation, vocational adjustment, placement, or extended sheltered employment, shall have a current full or provisional certification from the division stating (~~(those)~~) the specific services ((it) the facility or workshop is qualified to provide. The facility or workshop shall show evidence of an ongoing effort to move clients through the rehabilitation process; i.e., from work evaluation, work adjustment to competitive placement or extended sheltered employment. Certification, whether full or provisional, by the division shall be based, in part, upon compliance with (~~(those)~~) accreditation criteria, (~~(which have been)~~) approved by the division, or such other national accreditation body as the division shall deem appropriate. Criteria for accreditation shall include, but are not limited to, evaluations of the organization, administration and stated purpose of the facility; the services provided to the clients; personnel, including educational or other preparation for the position, as well as ongoing training within the facility; the maintenance of record keeping systems adequate to document both the fiscal adequacy and reliability of the facility and the

services (~~(which are)~~) provided to, and the progress of, the client; fiscal management; physical plant, including adequacy, maintenance and compliance with all applicable statutes, regulations and ordinances; and such other evaluations of the program of the facility as a whole as the division shall require. National accreditation shall be one of the essential criteria utilized by the division in (~~(its)~~) determination of certifiability; however, no facility shall be certified by the division unless the division shall have determined, in (~~(its)~~) the division's sole discretion, that there are sufficient potential clients to generate a need for the facility.

(2) Certification will be revoked, suspended or denied for failure to adequately comply with the criteria as determined by the division.

(3) Provisional certification may be granted by the division for not more than two years when a facility has been determined to be in substantial compliance with the (~~(above stated)~~) criteria established in this section, but is not yet eligible for national accreditation.

(4) The department shall maintain available copies of regulations for distribution. (~~(These)~~) The regulations may be found in the Washington state facility plan.

(~~(5) The division may reimburse any rehabilitation facility for its cost of participation in required accreditation surveys performed by a nationally recognized accreditation surveyor which the division deems appropriate.~~)

WSR 82-04-076
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1759—Filed February 3, 1982]

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 Congregate care—Alcoholism treatment, amending WAC 388-37-060.

This action is taken pursuant to Notice No. WSR 82-01-057 filed with the code reviser on December 17, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.08.044 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 February 3, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1173, filed 11/24/76)

WAC 388-37-060 CONGREGATE CARE—ALCOHOLISM TREATMENT. (1) For persons eligible for congregate care see WAC ((388-16-336)) 388-15-562.

(2) Alcoholism treatment is provided to the detoxified alcoholic in congregate care facilities for which the treatment program has been approved by the state. Treatment may be:

(a) Intensive inpatient treatment services for thirty days or less

(b) Long term services in a nonintensive program in a residential setting for one hundred and eighty days. This program may be extended in individual cases.

(c) Rehabilitative services in a half-way house setting for up to ((ninety)) sixty days.

(3) An individual's need for alcoholism treatment in either a privately or publicly operated facility shall be determined by

(a) Evaluation and recommendation of a state approved community alcoholism center, or

(b) a court order

(4) Persons receiving services in an intensive alcoholism treatment program shall not be required to participate in the cost of care. Following the month of admission income of individuals receiving long term or rehabilitative services shall be considered according to the rules applicable to the program under which the benefits are received.

WSR 82-04-077**ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 1760—Filed February 3, 1982]

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 AFDC and GA—Grant or vendor payment, amending chapter 388-33 WAC.

This action is taken pursuant to Notice No. WSR 82-01-067 filed with the code reviser on December 18, 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 February 3, 1982.

By David A. Hogan
Director, Division of Administration

NEW SECTION

WAC 388-33-387 NOTIFICATION OF EXCEPTION TO POLICY REQUEST AND DECISION. Within ten days of such decision, the CSO shall notify an applicant or recipient in writing:

(1) Of a decision to not initiate an exception to policy when an exception to policy has been requested;

(2) That an exception to policy has been requested;

(3) Of the approval or denial of an exception to policy request.

NEW SECTION

WAC 388-33-389 GRIEVANCE PROCEDURE—APPLICANTS AND RECIPIENTS OF PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, AND SOCIAL SERVICES ADMINISTERED BY WAC 388. (1) If an applicant or recipient is aggrieved by a decision of the department, he or she shall have the right to present the grievance, in written form, to the supervisor of the line worker with whom the applicant or recipient had previously been dealing.

(2) The supervisor shall make a decision on a grievance and notify the recipient in writing within ten days of receipt of the grievance.

(3) If the applicant or recipient is not satisfied with the decision of the supervisor, he or she shall have the right to present the grievance in writing to the CSO administrator.

(4) The CSO administrator shall make a decision on a grievance and send the applicant or recipient written notice of his or her decision within ten days of receipt of the grievance. This notice terminates the grievance procedure.

(5) The exercise of the right to pursue a grievance shall not in any way preclude the exercise of any rights of the applicant or recipient may have under chapter 388-08 WAC.

(6) If administrative or judicial review is pending on the same issue, the department may choose to respond to the grievance by informing the applicant or recipient that the department prefers that the matter be resolved through the administrative or judicial review process.

WSR 82-04-078**ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Division for Vocational Rehabilitation)**

[Order 1761—Filed February 3, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 490-500-180 Economic need.

Amd WAC 490-500-190 Economic need—Standards for determining.

This action is taken pursuant to Notice No. WSR 82-01-036 filed with the code reviser on December 15,

1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.10-.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 28A.10 RCW.

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

APPROVED AND ADOPTED February 3, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-180 ECONOMIC NEED. (1) The division shall provide the following services regardless of the economic need of the client receiving the services:

(a) Diagnostic and related services,

(b) Counseling,

(c) ~~((Training))~~ Placement,

(d) ~~((Interpreter services for the deaf;))~~ All other services of the division will be provided only if the client who is to receive the services is eligible for such services on the basis of economic need as provided in WAC 490-500-190.

~~((c) Placement.~~

~~(2) The following vocational rehabilitation services shall be provided by the division only if the client receiving the services is eligible for such services on the basis of economic need:~~

~~(a) Physical restoration services;~~

~~(b) Transportation, except where provided in connection with diagnostic services;~~

~~(c) Training tools, material, books and supplies;~~

~~(d) Placement tools, equipment, and initial stocks and supplies;~~

~~(e) Occupational licenses;~~

~~(f) Maintenance, except where provided in connection with diagnostic services;~~

~~(g) Other goods and services necessary for the client rehabilitation, including post-employment services necessary for the client's rehabilitation.)~~

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible ~~((on the basis of economic need))~~ to receive vocational rehabilitation services or extended evaluation services from the division when ~~((the))~~ total ~~((of his/her))~~ obligations, debts, and expenses ~~((is))~~ equals ~~((to))~~ or exceeds ~~((the total of his/her))~~ income and nonexempt assets ~~((or))~~ and resources. When ~~((the value of his/her))~~ income and nonexempt assets ~~((is))~~ are greater than the value of ~~((his/her))~~ obligations, debts, and expenses, the excess ~~((of the former over the latter~~

~~shall be taken into account in planning for payment of the cost of those services which are conditioned upon economic need)) is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.~~

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of ~~((his/her))~~ his or her entire family unit, including ~~((his/her))~~ his or her dependents or, if the client is an unemancipated minor, ~~((his/her))~~ his or her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions.

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis,

(c) Net profit from roomers or boarders,

(d) Net profit from property rentals,

(e) Net profit from farm products,

(f) Net profit from business enterprises,

(g) Scholarship or fellowship funds,

(h) Income from public or private welfare agencies,

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or ~~((his/her))~~ his or her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or ~~((his/her))~~ his or her family as the principle place of residence or when it will be so occupied in the predictable future.

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and ~~((his/her))~~ his or her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of ~~((his/her))~~ his or her dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if ~~((it))~~ the equipment and/or machinery is being used to provide part or all of the living expenses of the client and ~~((his/her))~~ his or her dependents or if ~~((it))~~ the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that ~~((it))~~ the livestock produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to ~~((its))~~ the nonexempt assets fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses,

(b) Shelter and living expenses for the client's dependents,

(c) Payments which the client is required to make under court order,

(d) Outstanding taxes on earnings or personal or real property,

(e) Insurance premium payments,

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

(7) When maintenance is to be paid by the division of vocational rehabilitation to a client, ~~((it))~~ the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client and dependents up to a maximum of:

(a) ~~((\$230.25))~~ Two hundred thirty dollars and twenty-five cents for self;

(b) ~~((\$64.00))~~ Sixty-four dollars additional for each dependent consistent with DVR policies and criteria.

WSR 82-04-079

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum, Director—February 3, 1982]

The Interagency Committee for Outdoor Recreation will hold its regular meeting on March 25-26, 1982, in Olympia. This meeting is a funding session. The committee will consider funding of acquisition, development, rehabilitation and redevelopment outdoor recreation areas and facilities projects applications received from local agencies throughout the state. Also on the agenda are: Fiscal, planning and administrative reports; certain project changes; and discussion of legislation affecting the IAC.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided at this IAC meeting if necessary. A request for this type of service, however, must be received by the IAC ten days before the meeting (March 15, 1982). Please contact Robert L. Wilder, Director, IAC, 4800 Capitol Boulevard, Olympia, (206) 753-3610. The meeting site is barrier free.

WSR 82-04-080

PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restricted noxious weed seeds, chapter 16-300 WAC;

that such agency will at 1:00 p.m., Tuesday, March 23, 1982, in the Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 31, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 15.49.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 1:00 p.m., Tuesday, March 23, 1982, Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903.

Dated: February 3, 1982

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-300-020 Restricted noxious weed seeds.

Description of Purpose: To enforce and administer the Washington State Seed Act, chapter 15.49 RCW, for the purpose of promoting the well-being of the seed industry and consumer.

Statutory Authority: Chapter 15.49 RCW, Washington State Seed Act.

Summary of Rule: Deletion of certain standards from the noxious weed seed list.

Reasons for Supporting Proposed Action: To bring our standards up to date to meet industry and marketing requirements.

Drafting, Implementation and Enforcement: Max G. Long, Chief, Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone: (509) 575-2750.

Person or Agency Proposing Rule: Washington State Department of Agriculture.

No agency comments.

Whether Rule is Necessary as a Result of Federal Law: No.

AMENDATORY SECTION (Amending Order No. 1604, filed 4/30/79)

WAC 16-300-020 RESTRICTED NOXIOUS WEED SEEDS.

(1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithospermum arvense
Halogeton	Halogeton glomeratus C.A. Mey.
Jointed goatgrass (only in small grain)	Aegilops ((Cylindrica)) <u>cylindrica</u>
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
((Pacific-Meadow-foxtail))	((Alopecurus myosuroides Huds. Fr. Angl.))
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
((Rye-(only in other small grain)))	((Secale cereale))
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

WSR 82-04-081
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning seed testing charges, chapter 16-304 WAC;

that such agency will at 1:00 p.m., Tuesday, March 23, 1982, in the Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a hearing relative thereto.

AMENDATORY SECTION (Amending Order No. 1688, filed 5/30/80)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass(*)	2 oz.	(\$19.50) \$21.50	(\$12.00) \$13.00	(\$10.50) \$11.50	(\$30.00) \$33.00	(\$16.00) \$18.00
Bluegrass(*)	4 oz.	((+6.00)) 18.00	((+6.00)) 11.00	((+1.00)) 12.00	((27.00)) 30.00	((+6.00)) 18.00
Bromegrass	6 oz.	((+7.50)) 19.00	((+6.00)) 11.00	((9.00)) 10.00	((26.50)) 30.00	((+6.00)) 18.00
Fescue	4 oz.	((+6.00)) 18.00	((+6.00)) 11.00	((9.00)) 10.00	((25.00)) 28.00	((+6.00)) 18.00
Orchardgrass	4 oz.	((+9.50)) 21.00	((+2.00)) 13.00	((+6.00)) 11.00	((29.50)) 32.00	((+6.00)) 18.00
Ryegrass	4 oz.	((+6.00)) 18.00	((+6.00)) 11.00	((8.50)) 9.50	((24.50)) 27.50	((+6.00)) 18.00
Crested Wheatgrass	4 oz.	((+9.50)) 21.50	((+2.00)) 13.00	((+6.00)) 11.00	((29.50)) 32.50	((+6.00)) 18.00
Other Wheatgrasses	6 oz.	((28.00)) 31.00	((+7.00)) 19.00	((+6.00)) 11.00	((38.00)) 42.00	((+6.00)) 18.00
Other grasses	4 oz.	((+4.00)) 15.00	((8.50)) 9.50	((8.50)) 9.50	((22.50)) 24.50	((+6.00)) 18.00
Beans & Peas	1 1/4 lb.	((+6.00)) 11.00	((5.50)) 6.50	((9.00)) 10.00	((+9.00)) 21.00	((+6.00)) 18.00
Cereals	1 1/4 lb.	((+6.50))	((7.00))	((9.00))	((+9.50))	((+6.00))

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 31, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 15.49.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 1:00 p.m., Tuesday, March 23, 1982, Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903.

Dated: February 3, 1982

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-304-040 Schedule of charges and 16-304-050 Miscellaneous charges.

Description of Purpose: To enforce and administer the Washington State Seed Act, chapter 15.49 RCW, for the purpose of promoting the well-being of the seed industry and consumer.

Statutory Authority: Chapter 15.49 RCW Washington State Seed Act.

Summary of Rule: Fees charged for seed testing.

Reasons for Supporting Proposed Actions: The proposed increases are necessary to cover increased operating costs.

Drafting, Implementation and Enforcement: Max G. Long, Chief, Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone: (509) 575-2750.

Person or Agency Proposing Rule: Washington State Department of Agriculture.

No agency comments.

Whether Rule is Necessary as a Result of Federal Law: No.

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA- ZOLIUM 200 Seeds
Other crops	4 oz.	11.50 ((10.50)) 11.50	8.00 ((7.00)) 8.00	10.00 ((9.00)) 10.00	21.50 ((19.50)) 21.50	18.00 ((16.00)) 18.00
Mixture (for each additional kind)		((8.50)) 9.50		((10.00)) 11.00		((16.00)) 18.00
(**Separation of other varieties)		6.50 (Required when labeling bentgrass or bluegrass by variety name:))				
Beets		((11.00)) 12.00	((6.50)) 7.50	((14.00)) 15.00	((25.00)) 27.00	((16.00))

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram - bluegrass; 5 grams - alfalfa; and 100 grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams - bluegrass; 50 grams - alfalfa; ~~((100))~~ 500 grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 seeds.

(c) Purity and Germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium Test - a chemical test that measures viability and germination potential. (A germination test should also be obtained).

(2) Special Tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or Weed Exam Noxious only fee plus \$3.50 (or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each 5 grams ~~((8-8.50))~~ \$14.00

Poa annua check for other grasses - each 10 grams ~~((7-7.00))~~ \$14.00

(c) Sod Seed Analysis -

Bluegrass \$49.00
Fescue \$35.00
Ryegrass \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use).

Bluegrass test includes purity, (~~variety separation~~) 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop. (Fluorescent required on Ryegrass; germ and fluorescent test additional fee).

(d) Fluorescent Test - (400 seed test) \$11.00
(e) Pest & Disease, Soil Exam or similar \$14.00

(Reported on Seed Analysis Certificate). A visual examination of a representative sample. (~~Phyto requested in addition to analysis certificate, additional fee of~~ \$ 7.00))

(f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) \$13.00

(g) Variety Separation of Kentucky bluegrass \$16.00
If separated at time of purity analysis \$ 8.00

(3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks ~~except mixtures~~ tested at lowest possible charge. Not an official germination test.

(a) Reports will not be mailed until all tests are completed.
(b) Samples must be plainly labeled "Inventory Samples".

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will be one-half the regular germination fee (~~except for mixtures where the primary ingredient will be tested at half price - balance to be tested at regular germination fee~~).

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous Laboratory Fees;

(a) Rush Samples (including phone report if requested at time sample is submitted) ~~((7.00))~~ \$12.00

(b) Phone reports on test result, per call \$2.50

(c) Preliminary report on germination (phone report only) \$7.00

(d) Morphological Test \$7.00

(Alfalfa or clover examined under magnification for combine damage).

(e) Additional mailing of report (each destination) \$1.50

(f) Recopies of reports (minimum fee) \$2.50 (or hourly fee when applicable)

(g) ISTA Test - Purity and germination fee plus 50 percent

(h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. \$5.50

(i) Hourly fee for miscellaneous services ~~((11.00))~~ \$16.00

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. 1736, filed 5/15/81)

WAC 16-304-050 MISCELLANEOUS CHARGES.

(1) Sanitary Certificate \$20.00

(2) Service Sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size per cwt \$ 0.03

(b) For all other kinds - per cwt \$ 0.15

(c) Minimum charge ~~((15.00))~~ \$16.00

(3) Tagging and Sealing or similar service: The fee for each service requested shall be:

(a) For all kinds of seed - per cwt \$ 0.15

(b) Minimum fee ~~((15.00))~~ \$16.00

(4) Checkweighing, checkloading, or similar service shall be - per hour ~~((12.50))~~ \$16.00

Minimum fee ~~((15.00))~~ \$16.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$16.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, processing plants, etc. shall be at the rate of \$16.00 per hour plus mileage and travel time.

(7) Requests for services not listed - most appropriate fee.

WSR 82-04-082

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning general seed certification; bean seed certification; sod quality standards; grass seed standards; and grass and bean varieties, chapter 16-316 WAC;

that such agency will at 1:00 p.m., Tuesday, March 23, 1982, in the Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903 conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 31, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 15.49.310 and 15.49.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 1:00 p.m., Tuesday, March 23, 1982, Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903.

Dated: February 3, 1982

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-316-160 Prohibited noxious weeds; 16-316-165 Objectionable weeds; 16-316-214 Limitation of liability; 16-316-270 Certification fees; 16-316-370 Seed standards; 16-316-620 Standards; 16-316-790 Varieties eligible for seed certification; 16-316-800 Grass varieties eligible; 16-316-810 Red clover varieties eligible; 16-316-815 Other clover varieties; 16-316-820 Alfalfa varieties eligible; 16-316-830 Bean varieties eligible; 16-316-0011 Promulgation; 16-316-0016 Promulgation; 16-316-0019 Promulgation; 16-316-0020 Promulgation; 16-316-0021 Promulgation; 16-316-0022 Promulgation; 16-316-0025 Promulgation; 16-316-0026 Promulgation; 16-316-0027 Promulgation; 16-316-0029 Promulgation; 16-316-0037 Promulgation; 16-316-0038 Promulgation; 16-316-004 Promulgation; 16-316-0043 Promulgation; 16-316-0044 Promulgation; 16-316-0045 Promulgation; 16-316-0053 Promulgation; 16-316-0058 Promulgation; 16-316-0059 Promulgation; 16-316-006 Promulgation; 16-316-0062 Promulgation; 16-316-0065 Promulgation; 16-316-0081 Promulgation; 16-316-0086 Promulgation; and 16-316-0096 Promulgation.

Description of Purpose: To enforce and administer the Washington State Seed Act, chapter 15.49 RCW, for

the purpose of promoting the well-being of the seed industry and consumer.

Statutory Authority: Chapter 15.49 RCW Washington State Seed Act.

Summary of Rule: The proposed amendments include changes in seed standards for sod quality and grass seed; addition of grass varieties; addition and deletion of varieties approved for certification; an increase in fees for bean seed certification; and the addition of a new section for a limitation of liability statement for seed certification purposes.

Reasons for Supporting Proposed Action: The proposed changes are necessary in order to bring standards up to date to meet industry and marketing requirements. The increased bean seed certification fees are necessary to cover increased field inspections and final certification costs. The last increases occurred in 1977.

Drafting, Implementation and Enforcement: Max G. Long, Chief Seed Branch, 2015 South 1st Street, Yakima, WA 98903, phone: (509) 575-2750.

Person or Agency Proposing Rule: Washington State Department of Agriculture, Jacklin Seed Company.

No agency comments.

Whether Rule is Necessary as a Result of Federal Law: No.

AMENDATORY SECTION (Amending Order No. 1648, filed 8/31/79)

WAC 16-316-160 PROHIBITED NOXIOUS WEEDS. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium arvanse (L.) Scop.
Dodder	Cuscuta spp.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass	aegilops cylindrica
Leafy spurge	Euphorbia esula L.
((Pacific meadow-foxtail))	((Alopecurus myosuroides Huds. - Fl. Angl.))
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudan-grass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

AMENDATORY SECTION (Amending Order No. 1648, filed 8/31/79)

WAC 16-316-165 OBJECTIONABLE WEEDS. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Halogeton	Halogeton glomeratus C.A. Mey.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Gromwell (in small grain)	Lithospermum arvense
((Rye (in other small grain)))	((Secale cereale))

NEW SECTION

WAC 16-316-214 LIMITATION OF LIABILITY. The Washington State Department of Agriculture warrants that the seed has been produced and conditioned according to the certification rules and regulations promulgated under the Washington State Seed Act, Chapter 15.49 RCW. The Department of Agriculture makes no warranty, expressed or implied, or any representation as to the freedom from disease or quality of certified seed.

AMENDATORY SECTION (Amending Order No. 1648, filed 8/31/79)

WAC 16-316-270 CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:
Per variety, per grower \$10.00
(b) Acreage fee:
(i) One Inspection: (per acre) ((\$1.00))

\$ 1.50
((For) One inspection is required for certification of Great Northern, Red Mexican, Pinto, Pink, and Small White Beans.

(ii) Two Inspections: ((per acre)) ((\$ 1.50))
\$ 3.00

Includes windrow inspection which is required for: Certification of Snap Beans, ((and) Kidney Beans((:)), and ((Phyto-Sanitary-Certificates; Eligibility)) eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. ((Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made:))

(c) Late application penalty fee: \$10.00
This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$20.00
If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt. ((\$ 0.20))
\$ 0.30

The production fees are billed at completion of tests. ((If none of the seed is tagged, 10¢ of the 20¢ cwt. production fee charged is refundable:))

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this order shall be the most applicable fee established by the director of agriculture.

AMENDATORY SECTION (Amending Order No. 1648, filed 8/31/79)

WAC 16-316-370 SEED STANDARDS. Seed standards for grass shall be as follows:

PART ONE OF TABLE

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Fndt. Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Bluegrass							
Sherman	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada	(A)	80	80	96	92(d)	4	8
Canby	(A)	70	70	90	90	10	10
Smooth Brome	(C)	80	85	95	95	5	5
Meadow Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	85	95	95	5	5
Deertongue	(C)	50	50	97	95	3	5
Fescue							
Tall	(C)	80	85	95	97	5	3
Hard Fescue	(C)	80	85	95	95	5	5
Other Fescue	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85	85	90	15	10
						80 for Pennlate & Latar	
Ryegrass	(C)	85(g)	90(g)	96	97	4	3
Pennfine	(C)	85(g)	85(g)	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass							
Beardless	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
Streambank	(C)	80	85	90	90	10	10
Crested, and							
Siberian	(C)	80	85	90	95	10	5
Slender	(S)	80	85	90	95	10	5
Tall	(C)	80	85	95	95	5	5
Indian Ricegrass	(C)	80	80	95	90	5	10
Fults, Puccinellia distans	(C)	80	80	95	95	5	5

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Bluegrass						
Sberman	.05	.3	.1	.5	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Smooth Brome	.05	.3(e)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
Deertongue	.50	.5(c)	1.0	1.0	1%	—
Fescue						
Tall	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfinc	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
Wheatgrass						
Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	.1.0	1/50 grams	5/50 gram
Fults Puccinellia distans	.3	.5	.5	.1.0	1/10 grams	1/1 gram

[The following (a-f) are NOTES to the above tables.]

- (a) Not to exceed twenty-five hundredths of one percent (.25%) other grass species for certified seed.
- (b) Grass seed must not contain more than 45 per lb. for registered seed, 90 ((fper)) per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) Grass seed must be free of the seed of prohibited noxious weeds.
- (c) A tolerance of .5% will be allowed for samples containing weedy bromus spp., provided the total of all other weed seeds does not exceed .3%.
- (d) A 3% tolerance of other Kentucky Bluegrass varieties will be allowed in Merion. (Note: containing minimum 92% Merion.) ((In a Kentucky Bluegrass other than Merion, 2% of varieties other than the variety certified will be allowed:)) In Canada Bluegrass, 3% Kentucky Bluegrass will be permitted.
- (e) A standard tetrazolium (200 seed) test may be used in lieu of germination test.
- (f) A tolerance of .8% will be allowed in registered and certified wheatgrass containing small grain seed, providing the total of all other crop seed does not exceed .1% for registered class and .5% for certified class.
- (g) Acceptable maximum fluorescence allowed:

Variety	Foundation	Registered	Certified
NK-100	3 - 12%	—	3 - 12%
Norlea	2%	—	5%
Pelo	1%	2%	5%
Pennfinc	0 - 1%	—	0 - 3%
Cropper	0	—	3%
NK-200	0	—	3%
Yorktown	0	0	2%
Loretta		—	2%

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

AMENDATORY SECTION (Amending Order No. 1619, filed 4/30/79)

WAC 16-316-620 STANDARDS. Seed standards for sod quality grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germination	Maxi-mum* Other Crop	Maxi-mum*** Weed
Merion Kentucky Bluegrass	95%	80%	0.1%**	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%**	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%

- *Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover, ((and)) meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%.
- **Other Kentucky bluegrass - Maximum 2%.
- ***Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

AMENDATORY SECTION (Amending Order No. 1619, filed 4/30/79)

WAC 16-316-790 VARIETIES ELIGIBLE FOR SEED CERTIFICATION. (1) Following are the lists of varieties eligible and certification scheme:

- * These varieties are certified on a limited generation basis where: Foundation seed is eligible to produce certified seed; Certified seed is not eligible for recertification.
 - ** These varieties are certified on the generation basis where: Foundation seed is eligible to produce registered seed; Registered seed is eligible to produce certified seed; Certified seed is not eligible for recertification.
 - *** These varieties are not certified on a generation basis: Certified seed is eligible to produce certified seed.
- pvpV=plant variety protected to be sold by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency.

AMENDATORY SECTION (Amending Order No. 1619, filed 4/30/79)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: Astoria Colonial***
(subject to poa annua quarantine) Bardot Colonial*
Highland Colonial**
Seaside Creeping***
Emerald Creeping**
- Big Bluegrass: Sherman**
- Canada Bluegrass: Reubens**
(subject to poa annua quarantine)
- Canby Bluegrass: Canbar**
- Kentucky Bluegrass: A20-6*
(subject to poa annua quarantine) A-34 (Bensun)**
Adelphi**
Argyle**
Baron**
Birka*
Bonnieblue (Pac)**
Bono (Birdie)*
Bristol*
Cheri (Golf)*
Cougar*
Delta*
Eclipse*

Enmundi*
Fylking**
 Georgetown**
 Geronimo*
 Glade**
 Holiday*
 Kenblue*
 I-13**
 Majestic**
 Merion**
Mystic*
 Newport**
 Nugget*
 Pacific*pvpV
 Parade*
 Park**
Pennstar*
 Plush*
 Ram I*pvpV
 Rugby*
Sydsport*
 S-21**
 Touchdown*
 Troy**
 Victa*
 Wabash*
 Regar**
 Bromar**
 Baylor*
 Blair*
Bromex*
 Manchar**
 Tempo
 Sac**
 Saratoga*
 Tioga*
 Cascade Chewings**
 Jamestown Chewings*pvpV
 ((Chewings*))
 Durar Hard**
 Scaldis Hard*
 Dawson Red*
 Novorubra Red*
 Pennlawn Red*
 Ruby Red*
 Wintergreen Red*
 Covar Sheep**
 Alta Tall**
 Fawn Tall*
Forager Tall*
 Hay King*
 Latar**
 Pennlate*
 Potomac*
 Nezpar**
 Belle*
 Cropper*
 Diplomat*pvpV
Elka*
 Jackpot
 NK-100*
 Yorktown*pvpV
 Norlea*
 Pennfine*pvpV
 Pelo**
 Yorktown II*pvpV
 Manhattan*
 LP-20*

Meadow Brome:

Mountain Brome:

Smooth Brome:

Deertongue:
 (subject to poa annua
 quarantine)

Fescue:
 (subject to poa annua
 quarantine - except tall
 fescue)

Orchardgrass:

Indian Ricegrass:

Perennial Ryegrass:

(subject to poa annua
 quarantine)

Puccinellia distans:

Timothy:

Wheatgrass:

Fults*

Champlain*
 Climax*
 Clair*
 Mohawk**
 Pronto*

Whitmar Beardless**
 Secar Bluebunch**
 Fairway Crested*
 Nordan Crested**
 Amur Intermediate***
 Greengar
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 Siberian**
 Greenleaf Pubescent*
 Luna Pubescent**
 Topar Pubescent**
 Primar Slender**
 P-27 Siberian
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**

Basin Wild Rye:

Magnar**

(2) VARIETY RESTRICTIONS.

(a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years.

(d) Bristol Kentucky Bluegrass: Maximum of four seed crops on foundation, five seed crops on certified.

(e) Pacific Kentucky Bluegrass: Maximum of five seed crops on foundation, five seed crops on certified.

Reviser's Note: 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. 1697, filed 5/30/80)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*	Lakeland*
Chesapeake*	Pennscott*
((E-688*p)) E-688*	Prosper ((I*p)) I*
((Flare*p)) Flare*	((Redland*pvpV)) Redland*pvpV
((Florex*pvpV)) Florex*	Redland ((H*p)) II*
((Florice*p)) Florice*	((Redman*p)) Redman*
((Hamidori*p)) Hamidori*(Ruby**p) Ruby**	((Tristan*p)) Tristan*
Kenland*	
Kenstar*pvpV	

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding.

NEW SECTION

WAC 16-316-815 OTHER CLOVER VARIETIES.

White Clover: Sacramento Ladino*
 Star White*

AMENDATORY SECTION (Amending Order No. 1697, filed 5/30/80)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A-24**	Saranac*
A-59**	Saranac AR* <u>pvpV</u>
Agate*	Spredor ((+*)) <u>2*</u>
Anchor*	SX-10*

Answer*	SX-418*
Apalachee*	Team*
Aquarius*	Tempo*
Apollo*	Thor*
<u>Apollo II*</u>	
Arc*	Titan*
Arnim*	Trident*
	<u>Trumpetor*</u>
Atlas*	Vernal*
Atra-55*	Vancor*
Baker* <u>pvpV</u>	Vanguard*
	<u>Vernema*</u>
	Vista*
Blazer*	
<u>Cimarron*</u>	Voris A77*
Citation*	WL-220*
Classic*	Warrior*
Conquest*	Washoe*
Dawson*	Weevlchek*
Defender*	WL-215*
Delta**	
Duke*	
Dupuits*	WL-219*
Epic*	WL-221*
<u>Expo*</u>	
G-777*	WL-311*
G-7730*	
((<u>Glacier*</u>))	WL-312*
Gladiator*	WL-313*
Hi-Phy*	
<u>Honeoye*<u>pvpV</u></u>	WL-315*
Iroquois*	WL-316*
Ladak**	WL-318*
Ladak 65*	120*
Liberty((<u>f**</u>)) **	123*
<u>Maverick*</u>	
Marathon*	130*
Mesilla**	521*
Multileaf* <u>pvpV</u>	520*
Narragansett**	530*
Nomad**	
Nugget*	
Olympic*	
<u>Oncida*<u>pvpV</u></u>	
Peak*	
Perry*	
Phytor*	
Polar II*	
((<u>Polar I*</u>))	
Primal*	
Prowler*	
Raidor*	
Ramsey*	
Ranger**	

<u>Epic, Vernema</u>	<u>4</u>	<u>6</u>
<u>Ranger (Beginning with 1980 plantings)</u>		<u>6</u>

AMENDATORY SECTION (Amending Order No. 1697, filed 5/30/80)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59** NW-63** Rufus**
Pinto:	NW-410 NW-590 Olathe ** <u>pvpV</u>
<u>Pindak**</u>	
	U of I 114*** <u>Wyo 166**</u>
Pink:	Gloria** Roza** Viva**
Small White:	Chief** Aurora** Bonus**
	NW-395**
Kidney:	Royal Red**
Snap Bean:	Yakima** Apollo**
Navy:	NW 395**
Great Northern:	Harris**
<u>Black Turtle:</u>	<u>Black Turtle Soup**</u>

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-0011 PROMULGATION
- (2) WAC 16-316-0016 PROMULGATION
- (3) WAC 16-316-0019 PROMULGATION
- (4) WAC 16-316-0020 PROMULGATION
- (5) WAC 16-316-0021 PROMULGATION
- (6) WAC 16-316-0022 PROMULGATION
- (7) WAC 16-316-0025 PROMULGATION
- (8) WAC 16-316-0026 PROMULGATION
- (9) WAC 16-316-0027 PROMULGATION
- (10) WAC 16-316-0029 PROMULGATION
- (11) WAC 16-316-0037 PROMULGATION
- (12) WAC 16-316-0038 PROMULGATION
- (13) WAC 16-316-004 PROMULGATION
- (14) WAC 16-316-0043 PROMULGATION
- (15) WAC 16-316-0044 PROMULGATION
- (16) WAC 16-316-0045 PROMULGATION
- (17) WAC 16-316-0053 PROMULGATION
- (18) WAC 16-316-0058 PROMULGATION
- (19) WAC 16-316-0059 PROMULGATION
- (20) WAC 16-316-006 PROMULGATION
- (21) WAC 16-316-0062 PROMULGATION
- (22) WAC 16-316-0065 PROMULGATION
- (23) WAC 16-316-0081 PROMULGATION
- (24) WAC 16-316-0086 PROMULGATION
- (25) WAC 16-316-0096 PROMULGATION

(2) VARIETY RESTRICTIONS.

((a) Baker: The length of stand, including the year of establishment, shall not exceed the following:

- (i) breeder seed, two years;
- (ii) foundation seed, three years with a fourth year option dependent on breeder approval;
- (iii) certified seed, six years both inside and outside the area of adaptation.

(b) Ranger: Length of stand shall not exceed six years.

(c) Trident: Maximum of two seed crops on foundation, five seed crops certified.)

	Breeder	NO. OF SEED HARVESTS	
		Foundation Registered	Certified
<u>Apollo II</u>			<u>3</u>
123		2	4
<u>Blazer, Peak, WL-313, WL-221, 120</u>			<u>3</u>
Answer, Trident, Voris A-77		2	5
<u>Defender, Polar II, Prowler, Raidor,</u>			<u>5</u>
Spreador 2, Trumpetor, Vancor	2	3	5
<u>Duke, Expo, G-7730, Maverick,</u>			<u>5</u>
WL-315, WL-316, 130		3	5
<u>Baker, Perry</u>	2	3	6
<u>Honeoye, Iroquois, Multileaf,</u>			<u>6</u>
<u>Oncida, Saranac, Saranac AR</u>		3	6

WSR 82-04-083

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)

(Library Network Computer Services Council)

[Memorandum—February 3, 1982]

Please note the following meeting dates:

Washington State Library Commission

March 11, 1982 – Timberland Regional Library Service
Center – Olympia

June 10, 1982

September 9, 1982

December 2, 1982

Washington Library Network Computer Services
Council

March 9, 1982 - Seattle
June 8, 1982
September 7, 1982
November 30, 1982

WSR 82-04-084
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the standard form to be used by counties in the state of Washington for uniform commercial code fixture filings, WAC 308-400-042;

that such agency will at 10:00 a.m., Friday, March 12, 1982, in the 4th Floor Conference Room, Highways-Licenses 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 62A.9-409(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1982, and/or orally at 10:00 a.m., Friday, March 12, 1982, 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington.

Dated: February 3, 1982
By: Ken Mark
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing.

General Purpose: The purpose of the rule is to adopt the form which will be used in the state of Washington as the standard Uniform Commercial Code (UCC) Fixture Filing Form. The form will be used to perfect a security interest in a fixture on real property when it is filed with the county auditor of the county in which the real property is located.

Statutory Authority: RCW 62A.9-409(1).

Summary of Rule and Reasons for Proposed Action: New section WAC 308-400-042 UCC-2 Fixture Filing Form. This rule sets forth the standard UCC-2 Fixture Filing Form, prescribed by the Department of Licensing, which will be effective as of July 1, 1982. The UCC provides for the department's adoption of a standard form by setting one fee for a filer who uses the department's standard form, and a higher fee for those persons who make a UCC filing on a different form.

In addition to the director, the following agency personnel have knowledge of and have responsibility for drafting, implementing and enforcing these rules: Ken Mark, Assistant Director, Business License Center, Highways-Licenses Building, Olympia, WA, 234-1749 Scan, 753-1749 Comm; and Peggy Ann O'Neill, Administrator, Highways-Licenses Building, Olympia, WA, 234-9627 Scan, 753-9627 Comm.

Agency Proposing Rule: Department of Licensing.

Agency Comments: None.

Necessity for Rule: The proposed rule is necessitated by the amendments to the UCC adopted by the 1981 Washington State Legislature and codified in chapter 62A.9 RCW. It is not the result of federal or state court action.

NEW SECTION

WAC 308-400-042 UCC-2 FIXTURE FILING FORM. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing form prescribed by the Department of Licensing:

PLEASE TYPE FORM.

This FIXTURE FILING is presented pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

3. NUMBER OF ADDITIONAL SHEETS ATTACHED:

4. SECURED PARTY(IES) (or assignee(s))
(last name first, and address(es))

5. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

6. This FIXTURE FILING covers the following types or items of property:

The goods are to become fixtures on...

The property is timber standing on...

The property is minerals or the like (including gas and oil) or accounts to be financed at the wellhead or minehead of the well or mine located on...

(Describe real estate. Use legal description.)

This fixture filing is to be filed for record in the real estate records. If the debtor does not have an interest of record in the realty, the name of a record owner is _____

Products of collateral are also covered.

7. RETURN ACKNOWLEDGMENT COPY TO:

FILE FOR RECORD WITH:

COUNTY AUDITOR OF COUNTY
IN WHICH REAL PROPERTY IS
LOCATED

8. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral

(Please check appropriate box)

already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or

which is proceeds of the original collateral described above in which a security interest was perfected, or

as to which the filing/recording has lapsed, or

acquired after a change of name, identity, or corporate structure of the debtor(s).

Former Name _____

Original Recording Number _____

9.

USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

10. TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the fixture filing bearing the recording number shown above.

NAME: _____

DATE: _____

Return to: COUNTY AUDITOR of County where original filing/recording was made.

SIGNATURE _____

<p><u>Note:</u> All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows: COPY 2 - DEBTOR COPY 3 - SECURED PARTY Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of copy 3.</p>	

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Instructions UCC-2 Fixture Filing
1. PLEASE TYPE THIS FORM.

2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, pref-

erably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.

3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in Box 7 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (2) and (3). SEND copy (1) to the County Auditor of the county in which the real property is located.

Termination Statement

When the filing is to be terminated the acknowledgement copy (1) may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with the signature. No fee is required for a termination statement.

WSR 82-04-085
PROPOSED RULES
GAMBLING COMMISSION
 [Filed February 3, 1982]

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 amending of WAC 230-08-090, 230-40-050 and 230-08-100;

that such agency will at 10:00 a.m., Friday, March 12, 1982, in the Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, March 12, 1982, in the Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington.

WAC 230-08-090 is promulgated pursuant to RCW 9.46.070(8) and (14), WAC 230-08-100 is promulgated pursuant to RCW 9.46.070(8) and (14) and WAC 230-40-050 is promulgated pursuant to RCW 9.46.070(11) and is 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 March 12, 1982, and/or orally at 10:00 a.m., Friday, March 12, 1982, Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington.

Dated: February 3, 1982
 By: Richard A. Finnigan

for Keith Kisor
 Director

STATEMENT OF PURPOSE

Title: Amendments to WAC 230-08-090 Daily records—Card games; 230-40-050 Fees for card playing; and 230-08-100 Political contributions of licensees to be reported.

Description of Purpose: Amendment to WAC 230-08-090, the purpose of this amendment is to set forth the requirements which must be met in filling out the commission's required record of each card room occasion. An occasion is a time that the card room is operated. It requires a standardized form which will be issued by the commission to the licensee and requires that that form contain information as specified in the rule; amendment to WAC 230-40-050, there are two purposes for the proposed amendment to this rule. The first is to simplify the structure of the rule so that it is more easily understood and to delete language that repeats requirements contained in WAC 230-08-090. The second purpose is to add a section that requires the licensee to collect the same fee from all players at a table or, if a free right of play is allowed, then to give all players at that table the right to play for free; and amendment to WAC 230-08-100, the purpose of this proposed amendment is to make it easier for licensees to comply with the requirements that they report political contributions and to make the rule itself more workable from an enforcement standpoint.

Statutory Authority: The statutory authority for the amendment to WAC 230-08-090 is RCW 9.46.070(8) and (14). The statutory authority for the amendment to WAC 230-40-050 is RCW 9.46.070(11). The statutory authority for the amendment to WAC 230-08-100 is RCW 9.46.070(8) and (14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-08-090, the proposed changes to this rule allow the commission to provide a consecutively prenumbered standard format record sheet for the maintenance of daily card room records. The record is to contain the date of the occasion, the time that the half-hour fee was charged, the amount of half-hour fee charged per table, the number of players at each table at the time of collection, the names and times played for each nonpaying house player, the amount of fees collected at each table each half hour, the cumulative gross amount received from fees collected on each occasion and in total, a reconciliation of chips and cash on a daily basis, and the name, signature and hours worked of the person who is responsible for collecting fees. The original of the record is to be maintained for a period of not less than three years. The reason for the proposed change is to specify the information the commission feels is necessary to collect from licensees operating card rooms to ensure proper operation of those card rooms as a commercial stimulant; amendment to WAC 230-40-050, the proposed changes to this rule: Delete information and requirements contained in WAC 230-08-090 pertaining to the maintenance of records for card games; rewrite the language of the rule so that the rule itself is clear and more easily

understood; and establish a requirement that the licensee collect the same fee from all players at the table and that if a licensee allows free play then all players at the table must be allowed to play for free. The reasons for the changes are to make the rule easier to understand, insofar as the deletions and restructuring of the rules are concerned, and to prevent licensees from manipulating their daily card room records by theoretically allowing some players to play for free; and amendment to WAC 230-08-100, the proposed changes to this rule would require the reports of political contributions be made to the commission as a part of the licensee's financial activity report rather than as an independent report made within ten calendar days of the date of the gift or if the election is three weeks away from the date of the gift within three days after the gift is made. The proposed changes also delete the requirement that the report be made under oath. In addition, the proposed changes raise the limit from \$5 to \$10 below which a report does not have to be made and deletes the requirement that the commission specifically approve of a trade association before no report is necessary when contributions are made by licensees to trade associations which make contributions to political candidates.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rule: Keith Kisor, Director; and Elwin Hart, Deputy Director, Capital Plaza Building, 1025 East Union, Olympia, WA 98504, 234-0865 Scan, 753-0865 Comm.

Proponents and Opponents: These proposed amendments to this rule are proposed by the staff of the Washington State Gambling Commission.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

This rule was not made necessary as a result of a federal law or state court action.

AMENDATORY SECTION (Amending Order 23, filed 9/23/74)

WAC 230-08-090 DAILY RECORDS - CARD GAMES. In addition to any other requirements set forth in these rules, ~~((licensees to allow certain premises to be used by persons to play cards))~~ persons licensed to operate card rooms shall be required to prepare a detailed record covering each occasion. ~~((and maintain the record for a period of three years. The following information shall be included at a minimum:~~

- ~~(1) The amount of the fee per hour or other time charged by the licensee for a person to play cards; and~~
- ~~(2) The gross amount received from such fees on that day; and~~
- ~~(3) The gross amount paid out as prizes in tournament play; and~~
- ~~(4) The types of card games played that day;))~~

The commission shall provide to the licensee a consecutively prenumbered standard format record sheet in three parts. This form shall contain the following:

- (1) The date of the occasion;
- (2) The time that the half hour fee was charged;
- (3) The amount of half hour fee charged per table;
- (4) The number of players at each table at the time of collection;
- (5) The names and time of play or each nonpaying house player (which may only include licensed card room employees and the licensee);
- (6) The amount of fees collected at each table each half hour;
- (7) The cumulative gross amount received from fees collected on each occasion and in total;
- (8) A reconciliation of chips and cash on a daily basis; and
- (9) A printed name, signature, and hours worked of the person who was responsible for the collection of fees.

All detailed record sheets issued to a licensee shall be numerically accounted for, and the original of each three part record shall be maintained on the premises for a period of not less than three years from the date of the occasion which it records.

AMENDATORY SECTION (Amending Order 23, filed 9/23/74)

WAC 230-08-100 POLITICAL CONTRIBUTIONS OF LICENSEES TO BE REPORTED. Each licensee shall file with the commission a report fully disclosing each gift or contribution of money, or other thing of value, made directly or indirectly by the licensee or the licensee's spouse, or by any person having a substantial interest in the licensee, to, or for the benefit of:

- (1) Any candidate for public office or any public officeholder; or
- (2) Any committee or association of persons formed to promote to encourage any candidate or candidates for, or holder or holders of, any public office; or
- (3) Any person or association actually advocating any legislation or administrative rule, or any changes therein.

These reports shall be filed ~~((in the office of the commission within ten calendar days after each gift or contribution is made, or if the gift or contribution is made within three weeks prior to any election of the candidate for public office or the balloting on any legislative or referendum or other ballot issue for or to which the gift or contribution is made, then the report shall be filed within three days after each gift or contribution is made.))~~ with financial activity reports pursuant to instructions included with activity report forms provided by the commission.

The filing herein shall reflect all such gifts or contributions made ~~((prior to the time of the report. The report shall be made under oath on a form obtained from the commission.))~~ during the period covered by the activity report. No report need cover any period of time which is covered by a previous report filed with the gambling commission.

The report shall at minimum include the following for each gift or contribution:

- (a) The amount of the gift or contribution, or a description and the retail value if other than cash; and
- (b) The name of the person for whose benefit the gift or contribution was made; and
- (c) The name of the person or association to whom the gift or contribution was actually made; and
- (d) The name of the person or association actually making the gift or contribution; and
- (e) The date the contribution was made.

PROVIDED, That gifts or contributions made directly to a recognized political party in the state of Washington for general party purposes and not for the benefit of a specific candidate or candidates, and gifts or contributions for the benefit of a specific person or persons or for the benefit of any initiative, referendum or ballot issue which accumulate to less than ~~((five))~~ ten dollars in any calendar ~~((year))~~ quarter shall be exempt from this reporting requirement.

PROVIDED FURTHER, That licensed, dues paying members of bona fide trade associations which are not principally formed for the purpose of influencing candidates for public office, public officeholders, legislation, or administrative rules are not principally formed for the purpose of representing, speaking for or advising licensees of the commission are exempted from this reporting requirement concerning the funds paid to the trade association only, if:

- (a) The trade association is registered as a political committee, or its authorized representative is registered as a lobbyist, with the Washington state public disclosure commission and copies of all reports furnished by the trade association, its registered lobbyist, or both to the public disclosure commission are furnished to the gambling commission at the same time they are required to be filed with the public disclosure commission;

~~((b))~~ (b) Such exemption is specifically granted by the Washington state gambling commission to the trade association's dues paying members; and

~~((c))~~ (b) The trade association agrees in writing to open its financial records relating to dues, voluntary donations, gifts, contributions or other sources of income or expenditures for inspection by the gambling commission at any time, with or without notice.

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 103, filed 7/17/80)

WAC 230-40-050 FEES FOR CARD PLAYING. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below:

(1) For all card games, except as provided in (2) below, the fee shall not exceed \$1.00 per half hour, or portion thereof, per player.

The fee charged shall be collected by the licensee in cash, or in wagering chips, directly from the player upon each half hour only. ~~((The amount collected each half hour shall be recorded by the licensee, by date and time collected, on a format which shall also show the amount collected respecting each type of card game being played, and the number of players in each such game, at the time of collection.))~~ No player shall be required to pay for or purchase any other goods or services as a condition of playing cards beyond the \$1.00 per half hour per player except under Section (3) below. The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

(2) The fee for entry into a tournament for prizes shall not exceed \$25.00, including all separate fees which might be paid by a player for various phases or events of the tournament. The licensee shall maintain a record of all such fees collected, by date of collection, for each such tournament held.

(3) A person requesting a new deck of cards beyond those regularly furnished by the operator as required by WAC 230-40-070(2) may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, ~~((E))~~ class D licensees ~~((only))~~ may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game. ~~((The licensee shall maintain a record of all such fees collected, by the date of collection.~~

~~No player shall be required to pay hereunder more than \$1.00 during any half hour period for use of decks of cards: PROVIDED: That a person requesting a new deck of cards in addition to those regularly furnished by the operator as required by WAC 230-40-070(2) may be additionally charged therefor under this rule.))~~

(4) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

~~((5) Records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept unless released by the commission from this requirement.))~~

(5) The licensee shall collect the same fee from all players at a table except licensed card room employees or the licensed owner. If he elects to allow free play, then all players at a table must be allowed to play for free.

The amount collected each half hour shall be recorded by the licensee on a standard card room format prescribed and supplied by the commission to the licensee. All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

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 82-04-086
PROPOSED RULES
BOARD OF PHARMACY
 [Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the repealing of WAC 360-16-110;

that such agency will at 9:00 a.m., Thursday, March 18, 1982, in the Burien Police Department, 14905 6th S.W., Burien, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 18, 1982, in the Burien Police Department, 14905 6th S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1982, and/or orally at 9:00 a.m., Thursday, March 18, 1982, Burien Police Department, 14905 6th S.W., Burien, WA.

Dated: February 3, 1982

By: Donald H. Williams
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of the repeal of WAC 360-16-110 is to eliminate a rule that was inadvertently left in effect when chapter 360-17 WAC was adopted.

Statutory Authority: RCW 18.64.005(11).

Summary of the Rule: WAC 360-16-110 contains the regulation for hospital pharmacies.

Reason for Proposed Rule: The repeal of WAC 360-16-110 is proposed because the contents of this rule are now contained in rules in chapter 360-17 WAC.

In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing this rule: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East 7th Avenue, Olympia, WA 98504, 234-6834 Scan, 753-6834 Comm.

Proponents: The repealer of WAC 360-16-110 is proposed by the Washington State Board of Pharmacy.

REPEALER

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

WAC 360-16-110 HOSPITAL PHARMACY STANDARDS.

WSR 82-04-087
PROPOSED RULES
DEPARTMENT OF LICENSING
(Dental Disciplinary Board)
 [Filed February 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Dental Disciplinary Board intends to adopt, amend, or repeal rules concerning maintenance and retention of patient records, amending WAC 308-37-110;

that such agency will at 11:00 a.m., Friday, March 12, 1982, in the Seattle Airport Hilton, Pioneer Room, 17620 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, March 12, 1982, in the Seattle Airport Hilton, Pioneer Room, 17620 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.32.640.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 12, 1982, and/or orally at 11:00 a.m., Friday, March 12, 1982, Seattle Airport Hilton, Pioneer Room, 17620 Pacific Highway South, Seattle, WA.

Dated: January 25, 1982

By: Susan E. Shoblom
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Dental Disciplinary Board.

Purpose of Amendment: To clarify the intent of an existing rule.

Statutory Authority: RCW 18.32.640.

Summary of Rule: WAC 308-37-110 Maintenance and retention of patient records.

Reason for Proposed Amendment and Rule: WAC 308-37-110, to expand the existing language by adding a statement that patient records may be forwarded upon written request when proper documentation is recorded.

The Washington State Dental Disciplinary Board and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is: Susan E. Shoblom, P.O. Box 9649, Olympia, WA 98504, telephone (206) 235-1867 Scan, (206) 754-1867 Comm.

Proponents of the Proposed Amendments and Rules: This amendment was proposed by the Washington State Dental Disciplinary Board.

Agency Comments: This amendment was proposed and initiated pursuant to RCW 34.04.060.

Federal Law or Federal or State Court Requirement: The proposed amendment is not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order PL 373, filed 2/20/81)

WAC 308-37-110 MAINTENANCE AND RETENTION OF PATIENT RECORDS. Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the Dental Disciplinary Board or its authorized representative: PROVIDED, That records or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

WSR 82-04-088

ADOPTED RULES

JAIL COMMISSION

[Order 22—Filed February 3, 1982]

Be it resolved by the Washington State Jail Commission, acting at Hyatt Hotel, Seattle, Washington, that it

does promulgate and adopt the annexed rules relating to amendments to provisions of chapter 289-20 WAC, jail health and welfare custodial care standards, which impose health appraisal data collection requirements, designating such procedures as advisory rather than mandatory.

This action is taken pursuant to Notice No. WSR 82-01-110 filed with the code reviser on December 23, 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 Jail Commission as authorized in RCW 70.48.050(1) and 70.48.070(4).

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 January 29, 1982.

By George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-20-205 HEALTH CARE POLICIES AND PROCEDURES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following:

- (a) Receiving screening;
- (b) Health appraisal data collection; WAC 289-20-205(1)(b) ADVISORY
- (c) Nonemergency medical services;
- (d) Deciding the emergency nature of illness or injury;
- (e) Availability of dental referral examination, and treatment;
- (f) Provision of medical and dental prostheses;
- (g) First aid;
- (h) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (i) Providing chronic care;
- (j) Providing convalescent care;
- (k) Providing medical preventive maintenance; WAC 289-20-205(1)(k) ADVISORY

(l) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;

- (m) Implementing the special medical program;
- (n) Delousing procedures;
- (o) Detoxification procedures; and
- (p) Pharmaceuticals.

(2) The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the responsible physician.

WAC 289-20-210 HEALTH SCREENING. (DETENTION AND CORRECTIONAL FACILITIES) (1) Receiving screening shall be performed on all

prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form approved by the jail commission. The screening shall include inquiry into:

- (a) Current illnesses and health problems including those specific to women;
- (b) Medications taken and special health requirements;
- (c) Screening of other health problems designated by the responsible physician;
- (d) Behavioral observation, including state of consciousness and mental status;
- (e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;
- (f) Condition of skin and body orifices, including rashes and infestations; and
- (g) Disposition/referral of inmates to qualified medical personnel on an emergency basis.

(2) The health appraisal data collection ((~~shall~~)) should be completed for each prisoner within fourteen days after admission to the facility in accordance with the adopted standard operating procedures: PROVIDED, That this subsection does not apply to prisoners who are able to receive medical care in the community. WAC 289-20-210(2) ADVISORY

(3) Such health appraisal ((~~shall~~)) should include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status: PROVIDED, That such appraisal is not intended to be a standard "annual physical" but rather such minimum physical and mental status review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals ((~~shall~~)) should be included within such appraisal. WAC 289-20-210(3) ADVISORY

(4) Health history and vital signs ((~~shall~~)) should be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data ((~~shall~~)) should be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems ((~~shall~~)) should be made by a physician or designated qualified medical personnel. All health appraisal data ((~~shall~~)) should be recorded on the health data forms approved by the responsible physician. WAC 289-20-210(4) ADVISORY

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)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- 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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-54-082	AMD	82-03-019	67-14-060	NEW-C	82-04-054	132Y-136-540	NEW	82-04-018
16-96-130	AMD	82-04-001	67-30-040	NEW-C	82-04-053	137-04-010	NEW	82-04-023
16-300-020	AMD-P	82-04-080	82-20-010	NEW-P	82-02-074	137-04-015	NEW	82-04-023
16-304-040	AMD-P	82-04-081	82-20-020	NEW-P	82-02-074	137-04-020	NEW	82-04-023
16-304-050	AMD-P	82-04-081	82-20-030	NEW-P	82-02-074	137-04-030	NEW	82-04-023
16-316-0011	REP-P	82-04-082	82-20-040	NEW-P	82-02-074	137-08-010	NEW	82-04-023
16-316-0016	REP-P	82-04-082	82-20-050	NEW-P	82-02-074	137-08-020	NEW	82-04-023
16-316-0019	REP-P	82-04-082	82-20-060	NEW-P	82-02-074	137-08-060	NEW	82-04-023
16-316-0020	REP-P	82-04-082	82-20-070	NEW-P	82-02-074	137-08-070	NEW	82-04-023
16-316-0021	REP-P	82-04-082	130-16-010	NEW	82-04-022	137-08-080	NEW	82-04-023
16-316-0022	REP-P	82-04-082	130-16-020	NEW	82-04-022	137-08-090	NEW	82-04-023
16-316-0025	REP-P	82-04-082	130-16-030	NEW	82-04-022	137-08-100	NEW	82-04-023
16-316-0026	REP-P	82-04-082	130-16-040	NEW	82-04-022	137-08-110	NEW	82-04-023
16-316-0027	REP-P	82-04-082	130-16-050	NEW	82-04-022	137-08-120	NEW	82-04-023
16-316-0029	REP-P	82-04-082	130-16-060	NEW	82-04-022	137-08-130	NEW	82-04-023
16-316-0037	REP-P	82-04-082	130-16-070	NEW	82-04-022	137-08-140	NEW	82-04-023
16-316-0038	REP-P	82-04-082	130-16-080	NEW	82-04-022	137-08-150	NEW	82-04-023
16-316-004	REP-P	82-04-082	130-16-090	NEW	82-04-022	137-08-160	NEW	82-04-023
16-316-0043	REP-P	82-04-082	132H-116-350	AMD	82-04-005	137-08-170	NEW	82-04-023
16-316-0044	REP-P	82-04-082	132H-116-370	AMD	82-04-005	137-08-180	NEW	82-04-023
16-316-0045	REP-P	82-04-082	132H-116-480	AMD	82-04-005	137-56-005	NEW-P	82-04-059
16-316-0053	REP-P	82-04-082	132H-116-490	AMD	82-04-005	137-56-010	NEW-P	82-04-059
16-316-0058	REP-P	82-04-082	132H-116-500	AMD	82-04-005	137-56-020	NEW-P	82-04-059
16-316-0059	REP-P	82-04-082	132H-116-550	AMD	82-04-005	137-56-030	NEW-P	82-04-059
16-316-006	REP-P	82-04-082	132H-116-580	AMD	82-04-005	137-56-040	NEW-P	82-04-059
16-316-0062	REP-P	82-04-082	132H-116-590	AMD	82-04-005	137-56-050	NEW-P	82-04-059
16-316-0065	REP-P	82-04-082	132H-116-610	AMD	82-04-005	137-56-060	NEW-P	82-04-059
16-316-0081	REP-P	82-04-082	132H-116-620	AMD	82-04-005	137-56-070	NEW-P	82-04-059
16-316-0086	REP-P	82-04-082	132H-116-720	AMD	82-04-005	137-56-080	NEW-P	82-04-059
16-316-0096	REP-P	82-04-082	132H-116-740	AMD	82-04-005	137-56-090	NEW-P	82-04-059
16-316-160	AMD-P	82-04-082	132H-116-780	AMD	82-04-005	137-56-100	NEW-P	82-04-059
16-316-165	AMD-P	82-04-082	132H-116-810	AMD	82-04-005	137-56-120	NEW-P	82-04-059
16-316-214	NEW-P	82-04-082	132T-05-020	AMD-P	82-02-046	137-56-140	NEW-P	82-04-059
16-316-270	AMD-P	82-04-082	132T-05-030	AMD-P	82-02-046	137-56-150	NEW-P	82-04-059
16-316-370	AMD-P	82-04-082	132T-05-040	AMD-P	82-02-046	137-56-160	NEW-P	82-04-059
16-316-620	AMD-P	82-04-082	132T-05-050	AMD-P	82-02-046	137-56-170	NEW-P	82-04-059
16-316-790	AMD-P	82-04-082	132T-05-060	AMD-P	82-02-046	137-56-180	NEW-P	82-04-059
16-316-800	AMD-P	82-04-082	132T-05-070	NEW-P	82-02-046	137-56-190	NEW-P	82-04-059
16-316-810	AMD-P	82-04-082	132Y-136-001	NEW	82-04-018	137-56-200	NEW-P	82-04-059
16-316-815	NEW-P	82-04-082	132Y-136-101	NEW	82-04-018	137-56-210	NEW-P	82-04-059
16-316-820	AMD-P	82-04-082	132Y-136-201	NEW	82-04-018	137-56-220	NEW-P	82-04-059
16-316-830	AMD-P	82-04-082	132Y-136-204	NEW	82-04-018	137-56-230	NEW-P	82-04-059
16-620-210	AMD	82-04-001	132Y-136-208	NEW	82-04-018	137-56-240	NEW-P	82-04-059
16-620-255	REP	82-04-001	132Y-136-212	NEW	82-04-018	137-56-250	NEW-P	82-04-059
16-620-280	AMD	82-04-001	132Y-136-216	NEW	82-04-018	137-56-260	NEW-P	82-04-059
16-620-290	AMD	82-04-001	132Y-136-220	NEW	82-04-018	137-56-270	NEW-P	82-04-059
16-620-300	AMD	82-04-001	132Y-136-224	NEW	82-04-018	137-57-005	NEW-P	82-04-059
16-620-310	REP	82-04-001	132Y-136-228	NEW	82-04-018	137-57-010	NEW-P	82-04-059
16-620-340	AMD	82-04-001	132Y-136-236	NEW	82-04-018	137-57-020	NEW-P	82-04-059
16-620-360	REP	82-04-001	132Y-136-304	NEW	82-04-018	137-57-030	NEW-P	82-04-059
16-750-010	AMD-P	82-03-037	132Y-136-401	NEW	82-04-018	137-57-040	NEW-P	82-04-059
51-10	AMD-P	82-02-082	132Y-136-404	NEW	82-04-018	137-57-050	NEW-P	82-04-059
51-10	AMD-C	82-04-063	132Y-136-501	NEW	82-04-018	137-57-060	NEW-P	82-04-059

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137-58-030	NEW-E	82-03-014	154-12-090	NEW-E	82-04-017
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137-60	NEW-E	82-03-016	154-16-020	NEW-E	82-04-017
137-60-010	NEW-P	82-03-015	154-20-010	NEW-E	82-04-017
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137-60-040	NEW-P	82-03-015	154-36-010	NEW-E	82-04-017
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137-60-120	NEW-E	82-03-016	173-19-2902	AMD	82-02-078
137-60-130	NEW-P	82-03-015	173-19-420	AMD-P	82-03-043
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139-36-030	NEW-P	82-04-066	173-303	AMD-C	82-04-046
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139-36-051	NEW-P	82-04-066	204-24-040	AMD-P	82-04-049
139-36-060	NEW-P	82-04-066	204-24-050	AMD-E	82-04-048
139-36-061	NEW-P	82-04-066	204-24-050	AMD-P	82-04-049
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154-04-050	NEW-E	82-04-017	220-16-315	AMD	82-03-045
154-04-060	NEW-E	82-04-017	220-16-340	AMD-P	82-02-097
154-04-070	NEW-E	82-04-017	220-20-010	AMD-P	82-02-097
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154-04-110	NEW-E	82-04-017	220-32-0400M	REP-E	82-03-027
154-08-010	NEW-E	82-04-017	220-32-04000N	NEW-E	82-03-027
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154-08-030	NEW-E	82-04-017	220-32-05700K	REP-E	82-03-027
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220-49-02000E	NEW-E	82-04-027	220-52-050	AMD	82-03-045
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220-56-110	AMD-P	82-02-097	220-56-117	NEW-P	82-02-097
220-56-112	NEW-P	82-02-097	220-56-128	AMD-P	82-02-097
220-56-115	AMD-P	82-02-097	220-56-131	AMD-P	82-02-097
220-56-117	NEW-P	82-02-097	220-56-135	REP-P	82-02-097
220-56-128	AMD-P	82-02-097	220-56-180	AMD-P	82-02-097
220-56-131	AMD-P	82-02-097	220-56-190	AMD-P	82-02-097
220-56-135	REP-P	82-02-097	220-56-192	NEW-P	82-02-097
220-56-180	AMD-P	82-02-097	220-56-205	AMD-P	82-02-097
220-56-190	AMD-P	82-02-097	220-56-250	AMD-P	82-02-097
220-56-192	NEW-P	82-02-097	220-56-290	AMD-P	82-02-097
220-56-205	AMD-P	82-02-097	220-56-310	AMD-P	82-02-097
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220-56-290	AMD-P	82-02-097	220-56-340	AMD-P	82-02-097
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220-56-380	AMD-P	82-02-097	220-57-020	AMD-P	82-02-097
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220-57-001	AMD-P	82-02-097	220-57-135	AMD-P	82-02-097
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220-57-130	AMD-P	82-02-097	220-57-155	AMD-P	82-02-097
220-57-135	AMD-P	82-02-097	220-57-160	AMD-P	82-02-097
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220-57-175	AMD-P	82-02-097	220-57-260	AMD-P	82-02-097
220-57-220	AMD-P	82-02-097	220-57-270	AMD-P	82-02-097
220-57-255	AMD-P	82-02-097	220-57-280	AMD-P	82-02-097
220-57-260	AMD-P	82-02-097	220-57-285	AMD-P	82-02-097
220-57-270	AMD-P	82-02-097	220-57-300	AMD-P	82-02-097
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220-57-310	AMD-P	82-02-097	220-57-385	AMD-P	82-02-097
220-57-315	AMD-P	82-02-097	220-57-390	AMD-P	82-02-097
220-57-380	AMD-P	82-02-097	220-57-405	AMD-P	82-02-097
220-57-385	AMD-P	82-02-097	220-57-415	AMD-P	82-02-097
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220-57A-112	NEW-P	82-02-097	220-57A-190	AMD-P	82-02-097
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230-08-100	AMD-P	82-04-085	248-64-220	AMD-P	82-02-092	275-40-060	REP	82-04-023
230-08-130	AMD	82-04-010	248-64-260	AMD-P	82-02-092	275-40-070	REP	82-04-023
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232-12-117	AMD	82-04-034	260-88-020	NEW-P	82-03-052	275-92-510	REP-P	82-04-059
232-12-121	AMD	82-04-034	263-12-015	AMD	82-03-031	275-92-515	REP-P	82-04-059
232-12-124	AMD	82-04-034	263-12-016	AMD	82-03-031	275-92-520	REP-P	82-04-059
232-12-127	AMD	82-04-034	263-12-020	AMD	82-03-031	275-92-525	REP-P	82-04-059
232-12-131	AMD	82-04-034	263-12-045	AMD	82-03-031	275-92-530	REP-P	82-04-059
232-12-151	AMD	82-04-034	263-12-050	AMD	82-03-031	275-92-535	REP-P	82-04-059
232-12-167	AMD	82-04-034	263-12-053	AMD	82-03-031	275-92-540	REP-P	82-04-059
232-12-177	AMD	82-04-034	263-12-056	AMD	82-03-031	275-92-545	REP-P	82-04-059
232-12-181	AMD	82-04-034	263-12-060	AMD	82-03-031	275-92-550	REP-P	82-04-059
232-12-187	AMD	82-04-034	263-12-065	AMD	82-03-031	275-92-555	REP-P	82-04-059
232-12-244	AMD	82-04-034	263-12-090	AMD	82-03-031	275-92-560	REP-P	82-04-059
232-12-247	AMD	82-04-034	263-12-093	AMD	82-03-031	275-92-565	REP-P	82-04-059
232-12-271	AMD	82-04-034	263-12-095	AMD	82-03-031	275-93-005	REP-P	82-03-015
232-12-274	AMD	82-04-034	263-12-100	AMD	82-03-031	275-93-005	REP-E	82-03-016
232-12-281	REP	82-04-034	263-12-115	AMD	82-03-031	275-93-010	REP-P	82-03-015
232-12-813	NEW	82-04-034	263-12-120	AMD	82-03-031	275-93-010	REP-E	82-03-016
232-28-60304	REP-E	82-02-051	263-12-125	AMD	82-03-031	275-93-020	REP-P	82-03-015
232-28-60315	REP-E	82-02-049	263-12-145	AMD	82-03-031	275-93-020	REP-E	82-03-016
232-28-60317	REP-E	82-03-017	263-12-165	AMD	82-03-031	275-93-040	REP-P	82-03-015
232-28-60401	NEW-E	82-02-049	263-12-175	AMD	82-03-031	275-93-040	REP-E	82-03-016
232-28-60402	NEW-E	82-02-050	275-25-520	AMD-P	82-02-054	275-93-050	REP-P	82-03-015
232-28-60403	NEW-E	82-03-017	275-25-520	AMD-E	82-02-056	275-93-050	REP-E	82-03-016
232-32-134	REP-E	82-03-017	275-25-527	NEW-P	82-02-054	275-93-060	REP-P	82-03-015
232-32-135	NEW-E	82-02-066	275-25-527	NEW-E	82-02-056	275-93-060	REP-E	82-03-016
232-32-135	REP-E	82-03-017	275-27-230	AMD-P	82-02-054	275-93-070	REP-P	82-03-015
232-32-136	NEW-E	82-03-001	275-27-230	AMD-E	82-02-056	275-93-070	REP-E	82-03-016
232-32-136	REP-E	82-03-017	275-27-600	REP-P	82-02-054	275-93-080	REP-P	82-03-015
232-32-137	NEW-E	82-03-007	275-27-600	REP-E	82-02-056	275-93-080	REP-E	82-03-016
232-32-137	REP-E	82-03-017	275-27-605	REP-P	82-02-054	275-93-090	REP-P	82-03-015
232-32-138	NEW-E	82-03-017	275-27-605	REP-E	82-02-056	275-93-090	REP-E	82-03-016
232-32-139	NEW-E	82-03-018	275-27-610	REP-P	82-02-054	275-93-100	REP-P	82-03-015
232-32-140	NEW-E	82-03-035	275-27-610	REP-E	82-02-056	275-93-100	REP-E	82-03-016
232-32-141	NEW-E	82-04-026	275-27-615	REP-P	82-02-054	275-93-110	REP-P	82-03-015
232-32-142	NEW-E	82-04-043	275-27-615	REP-E	82-02-056	275-93-110	REP-E	82-03-016
248-14-260	AMD-P	82-03-038	275-27-620	REP-P	82-02-054	275-93-120	REP-P	82-03-015
248-14-260	AMD-E	82-03-039	275-27-620	REP-E	82-02-056	275-93-120	REP-E	82-03-016
248-14-065	AMD-P	82-02-053	275-27-630	REP-P	82-02-054	275-93-130	REP-P	82-03-015
248-14-065	AMD-E	82-02-057	275-27-630	REP-E	82-02-056	275-93-130	REP-E	82-03-016
248-17-010	AMD	82-04-041	275-27-635	REP-P	82-02-054	275-93-140	REP-P	82-03-015
248-17-020	AMD	82-04-041	275-27-635	REP-E	82-02-056	275-93-140	REP-E	82-03-016
248-17-030	AMD	82-04-041	275-27-640	REP-P	82-02-054	284-24-010	REP-P	82-02-059
248-17-040	AMD	82-04-041	275-27-640	REP-E	82-02-056	284-24-015	NEW-P	82-02-059
248-17-050	AMD	82-04-041	275-27-660	REP-P	82-02-054	284-24-020	REP-P	82-02-059
248-17-135	NEW	82-04-041	275-27-660	REP-E	82-02-056	284-24-030	REP-P	82-02-059
248-17-210	REP	82-04-041	275-27-665	REP-P	82-02-054	284-24-035	REP-P	82-02-059
248-17-211	NEW	82-04-041	275-27-665	REP-E	82-02-056	284-24-040	REP-P	82-02-059
248-17-212	NEW	82-04-041	275-27-680	REP-P	82-02-054	284-24-050	REP-P	82-02-059
248-17-213	NEW	82-04-041	275-27-680	REP-E	82-02-056	284-24-060	NEW-P	82-02-059
248-17-214	NEW	82-04-041	275-27-685	REP-P	82-02-054	284-24-070	NEW-P	82-02-059
248-17-215	NEW	82-04-041	275-27-685	REP-E	82-02-056	284-24-080	NEW-P	82-02-059
248-17-216	NEW	82-04-041	275-40-010	REP	82-04-023	289-20-205	AMD	82-04-088
248-18-025	REP-P	82-02-062	275-40-020	REP	82-04-023	289-20-210	AMD	82-04-088

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-15-025	NEW-P	82-04-040	296-48B-19004	REP	82-04-060	296-48B-720	REP	82-04-060
296-24-12009	AMD-P	82-02-065	296-48B-19005	REP	82-04-060	296-48B-725	REP	82-04-060
296-24-130	REP-P	82-02-065	296-48B-193	REP	82-04-060	296-48B-730	REP	82-04-060
296-24-13001	REP-P	82-02-065	296-48B-196	REP	82-04-060	296-48B-735	REP	82-04-060
296-24-13003	REP-P	82-02-065	296-48B-200	REP	82-04-060	296-48B-740	REP	82-04-060
296-24-13005	REP-P	82-02-065	296-48B-210	REP	82-04-060	296-48B-800	REP	82-04-060
296-24-13007	REP-P	82-02-065	296-48B-215	REP	82-04-060	296-48B-805	REP	82-04-060
296-24-13009	REP-P	82-02-065	296-48B-220	REP	82-04-060	296-48B-810	REP	82-04-060
296-24-13011	REP-P	82-02-065	296-48B-225	REP	82-04-060	296-48B-815	REP	82-04-060
296-24-13013	REP-P	82-02-065	296-48B-230	REP	82-04-060	296-48B-820	REP	82-04-060
296-24-33001	AMD-P	82-02-065	296-48B-235	REP	82-04-060	296-48B-825	REP	82-04-060
296-24-955	REP-P	82-02-065	296-48B-245	REP	82-04-060	296-48B-830	REP	82-04-060
296-24-956	NEW-P	82-02-065	296-48B-250	REP	82-04-060	296-48B-835	REP	82-04-060
296-24-95601	NEW-P	82-02-065	296-48B-255	REP	82-04-060	296-52-043	AMD-P	82-02-065
296-24-95603	NEW-P	82-02-065	296-48B-260	REP	82-04-060	296-52-090	AMD-P	82-02-065
296-24-95605	NEW-P	82-02-065	296-48B-265	REP	82-04-060	296-62-07101	AMD-P	82-02-065
296-24-95607	NEW-P	82-02-065	296-48B-270	REP	82-04-060	296-62-07107	AMD	82-03-023
296-24-95609	NEW-P	82-02-065	296-48B-275	REP	82-04-060	296-62-07109	AMD	82-03-023
296-24-95611	NEW-P	82-02-065	296-48B-280	REP	82-04-060	296-62-07115	AMD-P	82-02-065
296-24-95613	NEW-P	82-02-065	296-48B-285	REP	82-04-060	296-62-07501	AMD	82-03-023
296-24-95615	NEW-P	82-02-065	296-48B-290	REP	82-04-060	296-62-09011	AMD	82-03-023
296-24-95617	NEW-P	82-02-065	296-48B-295	REP	82-04-060	296-62-09015	NEW	82-03-023
296-24-95699	NEW-P	82-02-065	296-48B-400	REP	82-04-060	296-62-09017	NEW	82-03-023
296-45-65043	AMD-P	82-02-065	296-48B-405	REP	82-04-060	296-62-09019	NEW	82-03-023
296-48	REP-C	82-02-052	296-48B-410	REP	82-04-060	296-62-09021	NEW	82-03-023
296-48-800	AMD-E	82-04-014	296-48B-415	REP	82-04-060	296-62-09023	NEW	82-03-023
296-48A	REP-C	82-02-052	296-48B-420	REP	82-04-060	296-62-09025	NEW	82-03-023
296-48B	REP-C	82-02-052	296-48B-425	REP	82-04-060	296-62-09027	NEW	82-03-023
296-48B-001	REP	82-04-060	296-48B-430	REP	82-04-060	296-62-09029	NEW	82-03-023
296-48B-002	REP	82-04-060	296-48B-435	REP	82-04-060	296-62-09031	NEW	82-03-023
296-48B-005	REP	82-04-060	296-48B-440	REP	82-04-060	296-62-09033	NEW	82-03-023
296-48B-006	REP	82-04-060	296-48B-445	REP	82-04-060	296-62-09035	NEW	82-03-023
296-48B-009	REP	82-04-060	296-48B-450	REP	82-04-060	296-62-09037	NEW	82-03-023
296-48B-010	REP	82-04-060	296-48B-455	REP	82-04-060	296-62-09039	NEW	82-03-023
296-48B-015	REP	82-04-060	296-48B-460	REP	82-04-060	296-62-09041	NEW	82-03-023
296-48B-020	REP	82-04-060	296-48B-465	REP	82-04-060	296-62-09043	NEW	82-03-023
296-48B-025	REP	82-04-060	296-48B-467	REP	82-04-060	296-62-09045	NEW	82-03-023
296-48B-030	REP	82-04-060	296-48B-468	REP	82-04-060	296-62-09047	NEW	82-03-023
296-48B-032	REP	82-04-060	296-48B-469	REP	82-04-060	296-62-09049	NEW	82-03-023
296-48B-035	REP	82-04-060	296-48B-46901	REP	82-04-060	296-62-09051	NEW	82-03-023
296-48B-040	REP	82-04-060	296-48B-470	REP	82-04-060	296-62-09053	NEW	82-03-023
296-48B-050	REP	82-04-060	296-48B-475	REP	82-04-060	296-62-14525	AMD	82-03-023
296-48B-055	REP	82-04-060	296-48B-480	REP	82-04-060	296-62-14533	AMD	82-03-023
296-48B-060	REP	82-04-060	296-48B-485	REP	82-04-060	296-116-185	AMD-P	82-02-068
296-48B-065	REP	82-04-060	296-48B-490	REP	82-04-060	296-150	NEW-C	82-02-052
296-48B-068	REP	82-04-060	296-48B-500	REP	82-04-060	296-150-005	NEW-W	82-04-015
296-48B-070	REP	82-04-060	296-48B-505	REP	82-04-060	296-150-010	NEW-W	82-04-015
296-48B-075	REP	82-04-060	296-48B-510	REP	82-04-060	296-150-015	NEW-W	82-04-015
296-48B-080	REP	82-04-060	296-48B-515	REP	82-04-060	296-150-020	NEW-W	82-04-015
296-48B-085	REP	82-04-060	296-48B-520	REP	82-04-060	296-150-025	NEW-W	82-04-015
296-48B-090	REP	82-04-060	296-48B-525	REP	82-04-060	296-150-030	NEW-W	82-04-015
296-48B-095	REP	82-04-060	296-48B-530	REP	82-04-060	296-150-035	NEW-W	82-04-015
296-48B-100	REP	82-04-060	296-48B-535	REP	82-04-060	296-150-040	NEW-W	82-04-015
296-48B-105	REP	82-04-060	296-48B-540	REP	82-04-060	296-150-045	NEW-W	82-04-015
296-48B-115	REP	82-04-060	296-48B-550	REP	82-04-060	296-150-050	NEW-W	82-04-015
296-48B-120	REP	82-04-060	296-48B-555	REP	82-04-060	296-150-055	NEW-W	82-04-015
296-48B-125	REP	82-04-060	296-48B-560	REP	82-04-060	296-150-060	NEW-W	82-04-015
296-48B-140	REP	82-04-060	296-48B-565	REP	82-04-060	296-150-065	NEW-W	82-04-015
296-48B-142	REP	82-04-060	296-48B-570	REP	82-04-060	296-150-070	NEW-W	82-04-015
296-48B-143	REP	82-04-060	296-48B-575	REP	82-04-060	296-150-075	NEW-W	82-04-015
296-48B-145	REP	82-04-060	296-48B-580	REP	82-04-060	296-150-080	NEW-W	82-04-015
296-48B-150	REP	82-04-060	296-48B-585	REP	82-04-060	296-150-085	NEW-W	82-04-015
296-48B-160	REP	82-04-060	296-48B-590	REP	82-04-060	296-150-090	NEW-W	82-04-015
296-48B-165	REP	82-04-060	296-48B-595	REP	82-04-060	296-150-095	NEW-W	82-04-015
296-48B-175	REP	82-04-060	296-48B-598	REP	82-04-060	296-150-100	NEW-W	82-04-015
296-48B-177	REP	82-04-060	296-48B-600	REP	82-04-060	296-150-105	NEW-W	82-04-015
296-48B-178	REP	82-04-060	296-48B-610	REP	82-04-060	296-150-110	NEW-W	82-04-015
296-48B-179	REP	82-04-060	296-48B-615	REP	82-04-060	296-150-115	NEW-W	82-04-015
296-48B-180	REP	82-04-060	296-48B-620	REP	82-04-060	296-150-120	NEW-W	82-04-015
296-48B-185	REP	82-04-060	296-48B-675	REP	82-04-060	296-150-125	NEW-W	82-04-015
296-48B-190	REP	82-04-060	296-48B-680	REP	82-04-060	296-150-130	NEW-W	82-04-015
296-48B-19001	REP	82-04-060	296-48B-685	REP	82-04-060	296-150-135	NEW-W	82-04-015
296-48B-19002	REP	82-04-060	296-48B-690	REP	82-04-060	296-150-140	NEW-W	82-04-015
296-48B-19003	REP	82-04-060	296-48B-695	REP	82-04-060	296-150-145	NEW-W	82-04-015

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-150-150	NEW-W	82-04-015	296-150B-600	NEW	82-04-060	308-25-030	NEW-P	82-02-093
296-150-155	NEW-W	82-04-015	296-150B-603	NEW	82-04-060	308-25-040	NEW-P	82-02-093
296-150-160	NEW-W	82-04-015	296-150B-607	NEW	82-04-060	308-25-050	NEW-P	82-02-093
296-150-165	NEW-W	82-04-015	296-150B-610	NEW	82-04-060	308-25-060	NEW-P	82-02-093
296-150-170	NEW-W	82-04-015	296-150B-613	NEW	82-04-060	308-25-070	NEW-P	82-02-093
296-150-175	NEW-W	82-04-015	296-150B-617	NEW	82-04-060	308-36-020	REP-P	82-04-008
296-150-180	NEW-W	82-04-015	296-150B-620	NEW	82-04-060	308-36-030	REP-P	82-04-008
296-150-990	NEW-W	82-04-015	296-150B-623	NEW	82-04-060	308-36-040	REP-P	82-04-008
296-150A	NEW-C	82-02-052	296-150B-627	NEW	82-04-060	308-36-050	REP-P	82-04-008
296-150A-700	AMD-E	82-04-014	296-150B-630	NEW	82-04-060	308-36-060	REP-P	82-04-008
296-150B	NEW-C	82-02-052	296-150B-633	NEW	82-04-060	308-36-065	REP-P	82-04-008
296-150B-300	NEW	82-04-060	296-150B-637	NEW	82-04-060	308-36-070	REP-P	82-04-008
296-150B-305	NEW	82-04-060	296-150B-640	NEW	82-04-060	308-36-080	REP-P	82-04-008
296-150B-310	NEW	82-04-060	296-150B-643	NEW	82-04-060	308-37-110	AMD-P	82-04-087
296-150B-315	NEW	82-04-060	296-150B-647	NEW	82-04-060	308-40-020	AMD	82-04-024
296-150B-400	NEW	82-04-060	296-150B-650	NEW	82-04-060	308-40-101	AMD	82-04-024
296-150B-403	NEW	82-04-060	296-150B-653	NEW	82-04-060	308-40-102	AMD	82-04-024
296-150B-407	NEW	82-04-060	296-150B-657	NEW	82-04-060	308-40-103	NEW	82-04-024
296-150B-410	NEW	82-04-060	296-150B-660	NEW	82-04-060	308-40-104	NEW	82-04-024
296-150B-413	NEW	82-04-060	296-150B-663	NEW	82-04-060	308-40-105	AMD	82-04-024
296-150B-417	NEW	82-04-060	296-150B-667	NEW	82-04-060	308-40-110	AMD	82-04-024
296-150B-420	NEW	82-04-060	296-150B-670	NEW	82-04-060	308-52-135	AMD	82-03-022
296-150B-423	NEW	82-04-060	296-150B-673	NEW	82-04-060	308-52-140	AMD	82-03-022
296-150B-427	NEW	82-04-060	296-150B-677	NEW	82-04-060	308-52-201	AMD	82-03-022
296-150B-430	NEW	82-04-060	296-150B-680	NEW	82-04-060	308-100-010	AMD	82-03-046
296-150B-433	NEW	82-04-060	296-150B-683	NEW	82-04-060	308-100-020	AMD	82-03-046
296-150B-437	NEW	82-04-060	296-150B-687	NEW	82-04-060	308-100-050	AMD	82-03-046
296-150B-440	NEW	82-04-060	296-150B-690	NEW	82-04-060	308-100-060	AMD	82-03-046
296-150B-443	NEW	82-04-060	296-150B-693	NEW	82-04-060	308-100-070	REP	82-03-046
296-150B-447	NEW	82-04-060	296-150B-697	NEW	82-04-060	308-102-012	AMD	82-03-046
296-150B-450	NEW	82-04-060	296-150B-700	NEW	82-04-060	308-102-013	REP	82-03-046
296-150B-453	NEW	82-04-060	296-150B-703	NEW	82-04-060	308-102-210	AMD	82-03-046
296-150B-457	NEW	82-04-060	296-150B-707	NEW	82-04-060	308-102-260	AMD	82-03-046
296-150B-460	NEW	82-04-060	296-150B-710	NEW	82-04-060	308-102-290	AMD	82-03-046
296-150B-463	NEW	82-04-060	296-150B-713	NEW	82-04-060	308-104-015	NEW	82-03-046
296-150B-467	NEW	82-04-060	296-150B-717	NEW	82-04-060	308-104-020	REP	82-03-046
296-150B-470	NEW	82-04-060	296-150B-720	NEW	82-04-060	308-104-025	NEW	82-03-046
296-150B-473	NEW	82-04-060	296-150B-723	NEW	82-04-060	308-104-030	REP	82-03-046
296-150B-477	NEW	82-04-060	296-150B-727	NEW	82-04-060	308-104-040	AMD	82-03-046
296-150B-480	NEW	82-04-060	296-150B-730	NEW	82-04-060	308-104-050	AMD	82-03-046
296-150B-483	NEW	82-04-060	296-150B-733	NEW	82-04-060	308-104-058	NEW	82-03-046
296-150B-487	NEW	82-04-060	296-150B-737	NEW	82-04-060	308-104-100	AMD	82-03-046
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