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filed not later than June 2, 1982

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DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

# 1981 - 1982

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

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
81-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
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
81-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1982
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82-03	Dec 23, 1981	Jan 6	Jan 20	Feb 3	Feb 23
82-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
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82-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
82-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
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82-09	Mar 24	Apr 7	Apr 21	May 5	May 25
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82-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

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

<sup>2</sup>A 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.

<sup>3</sup>"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 82-12-001**  
**EMERGENCY RULES**  
**INSURANCE COMMISSIONER**  
**STATE FIRE MARSHAL**  
 [Order FM 82-3—Filed May 20, 1982]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at Insurance Building, Olympia, Washington 98504, the annexed rules relating to fireworks, chapter 212-17 WAC.

I, Thomas R. Brace, 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 extensive changes were made in the State Fireworks Law, chapter 70.77 RCW, by the 47th legislature and became effective April 3, 1982. Revised rules, compatible with the new law, are necessary prior to the 1982 fireworks season. The revised rules have been reviewed by the fireworks industry and representatives of local government, who agree that an emergency adoption is necessary to implement the law.

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

This rule is promulgated pursuant to RCW 70.77.250 which directs that the Insurance Commissioner/State Fire Marshal prescribe rules relating to fireworks as may be necessary for protection of life and property.

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

APPROVED AND ADOPTED May 20, 1982.

By Thomas R. Brace  
 Director, Division of State Fire Marshal

*Chapter 212-17 WAC*  
**FIREWORKS**

WAC

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#### PART I—GENERAL

##### NEW SECTION

WAC 212-17-001 TITLE. These rules shall be known as the "rules of the state fire marshal relating to fireworks," and may be cited as such.

##### NEW SECTION

WAC 212-17-010 PURPOSE. The purpose of these rules is to implement the state fireworks law, chapter 70.77 RCW, administered and enforced by the state fire marshal.

##### NEW SECTION

WAC 212-17-015 SCOPE. These rules apply to fireworks manufacture, storage, transportation, sale, importation, possession, classification, and discharge of fireworks of every class or kind in this state.

EXCEPTIONS: (1) Explosives, as defined and regulated under the state explosives law, chapter 70.74 RCW;

(2) Firearms and ammunition, including blank cartridges and pistols of the type used at sporting events or theatrical productions;

(3) Research or experiments with rockets or missiles, including model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(4) Toy paper and/or plastic caps, manufactured in accordance with DOT regulations, 49 CFR 173.100(p), or toy pistols, toy canes, toy guns, or other devices in which toy paper and/or plastic caps are used;

(5) Emergency signaling devices.

##### NEW SECTION

WAC 212-17-020 AUTHORITY. These rules are adopted pursuant to the Washington Administrative Procedure Act, chapter 34.04 RCW.

##### NEW SECTION

WAC 212-17-025 DEFINITION—"FIREWORKS". The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "common" or "special" fireworks as set forth in the United States Department of Transportation's (DOT) Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.

##### NEW SECTION

WAC 212-17-030 DEFINITION AND CLASSIFICATION—"TRICK AND NOVELTY DEVICES". The term "trick and novelty devices" shall mean any small firework device not classified as common or special fireworks by the United States Department of Transportation or elsewhere in these rules, including:

(1) Snakes, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 mg of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic

composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding 50 mg, may also be used to produce a small report. A squib is used to ignite the device.

### NEW SECTION

**WAC 212-17-035 DEFINITION AND CLASSIFICATION—"COMMON FIREWORKS"**. The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, Part 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less explosive composition, and aerial devices containing 130 mg or less of explosive composition. Common fireworks are classified as Class C explosives by the United States Department of Transportation and include the following:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units. Tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Sky rocket. Tubes not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(e) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars", firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light is produced.

(b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(4) Combination items. Fireworks devices containing combinations of two or more of the effects described in subsections (1), (2) or (3) of this section.

(5) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

### NEW SECTION

**WAC 212-17-040 DEFINITION AND CLASSIFICATION—"SPECIAL FIREWORKS"**. The term "special fireworks" shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. The term includes, but is not limited to, firecrackers containing more than 2 grains (130 mg) of explosive composition, aerial shells

containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks". Special fireworks are classified as Class B explosives by the United States Department of Transportation.

#### NEW SECTION

**WAC 212-17-045 DEFINITION AND CLASSIFICATION—"AGRICULTURAL AND WILDLIFE FIREWORKS"**. The term "agricultural and wildlife fireworks" shall mean fireworks devices, including but not limited to, firecrackers containing more than 50 mg (.772 grains) of pyrotechnic composition designed to produce audible effects, which are distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of Interior (or by equivalent state or local governmental agencies); and, such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

#### NEW SECTION

**WAC 212-17-050 FIREWORK DEVICE CHEMICAL CONTENT, CONSTRUCTION**. All fireworks devices shall meet the following chemical content, design, and construction requirements.

(1) Prohibited chemicals. Fireworks devices shall not contain any of the following chemicals:

- (a) Arsenic sulfide, arsenates, or arsenites.
- (b) Boron.
- (c) Chlorates, except:
  - (i) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included;
  - (ii) In caps and party poppers;
  - (iii) In those small items wherein the total powder content does not exceed four grams of which not greater than fifteen percent is potassium, sodium, or barium chlorate.
- (d) Gallates or gallic acid.
- (e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).
- (f) Mercury salts.
- (g) Phosphorus (red or white). EXCEPT that red phosphorus is permissible in caps and party poppers.
- (h) Picrates or picric acid.
- (i) Thiocyanates.
- (j) Titanium, except in particle size greater than 100-mesh.
- (k) Zirconium.

(2) Fuses.

(a) Fireworks devices that require a fuse shall:

- (i) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.

(ii) Utilize only a fuse which will burn at least three seconds but not more than six seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus eight ounces dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

(3) Bases. The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.

(4) Pyrotechnic leakage. The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling and normal operation.

(5) Burnout and blowout. The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

(6) Handles and spikes. Fireworks devices that are intended to be hand-held and are so labeled shall incorporate a handle at least four inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber. Spikes provided with fireworks devices shall protrude at least two inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.

(7) Wheel devices. Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(8) Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

(9) Rockets with sticks. Rockets with sticks (including sky rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, or normal operation.

(10) Party poppers. Party poppers (also known by other names such as "Champagne party poppers" and "party surprise poppers" shall not contain more than 0.25 grains of pyrotechnic composition. Such devices

may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

#### NEW SECTION

**WAC 212-17-055 FIREWORK DEVICE, LABELING.** (1) Any fireworks device not required to have a specific label by 16 CFR 1500.14(b)(7) shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed.

(2) Every fireworks device, or fireworks device container where the device is packaged in an immediate container intended or suitable for delivery to the ultimate consumer, shall be conspicuously labeled with the name and place of business of the manufacturer, packer, distributor, or seller and the United States Department of Transportation designation as "Class C common fireworks" or "Class B special fireworks".

(3) All label wording shall be prominently located, in the English language, and in conspicuous and legible type in contrast by typography, layout, or color with the printed matter on the fireworks device or container.

#### NEW SECTION

**WAC 212-17-060 PUBLIC PURCHASE OF FIREWORKS.** (1) The public may purchase common fireworks only from licensed retail fireworks stands between noon, June 28th and noon, July 6th of each year. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2).

(2) Religious organizations or private organizations or adult persons may be authorized to purchase specific common fireworks from licensed wholesalers for use on prescribed dates and locations for religious or private purposes, when approved by the fire chief or other designated local official. Application shall be on forms provided by the state fire marshal and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not". Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

### PART II—MANUFACTURER

#### NEW SECTION

**WAC 212-17-065 FIREWORKS MANUFACTURER—GENERAL.** Persons intending to manufacture fireworks in this state shall procure a license from the state fire marshal and a permit from the local governmental agency having jurisdiction prior to engaging in business. Applications for license shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application.

#### NEW SECTION

**WAC 212-17-070 FIREWORKS MANUFACTURER—LICENSING.** Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary.

#### NEW SECTION

**WAC 212-17-075 FIREWORKS MANUFACTURER—LOCAL ORDINANCES.** Applicants, before applying for a license, should determine that their facilities conform to local zoning, health and building safety standards, fire safety requirements, and any other local ordinances pertaining to manufacture and storage of fireworks. (See Appendix)

#### NEW SECTION

**WAC 212-17-080 FIREWORKS MANUFACTURER—LICENSE LIMITATIONS.** A fireworks manufacturer license, together with a permit from local authorities having jurisdiction, authorizes the holder to engage only in the business of manufacturing fireworks of all types and their sale and transportation to licensed wholesalers in Washington. If they desire to engage in other types of fireworks business, they shall first procure the necessary license.

#### NEW SECTION

**WAC 212-17-085 FIREWORKS MANUFACTURER—RECORDS AND REPORTS.** Manufacturers shall, when requested to do so, submit written reports on production, sale and distribution of fireworks and name of the person to whom such fireworks were sold to the state fire marshal.

#### NEW SECTION

**WAC 212-17-090 FIREWORKS MANUFACTURER—RESTRICTIONS.** The storage, transportation, sale and transfer of ownership of all classes and types of fireworks by manufacturers shall be subject to the restrictions and provisions of the state fireworks law and these rules.

NEW SECTION

WAC 212-17-095 FIREWORKS MANUFACTURER—BUILDING AND STRUCTURES. All buildings and structures used for manufacturing fireworks are subject to the provisions of these rules as well as all local ordinances relating to building, design, construction, location and zoning.

NEW SECTION

WAC 212-17-100 FIREWORKS MANUFACTURER—PERSONNEL. All employees who handle fireworks in any stage of storage, manufacture, or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes.

NEW SECTION

WAC 212-17-105 FIREWORKS MANUFACTURER—VISITORS. No persons other than employees shall be permitted in portions of the premises where live fireworks or components are manufactured, processed, assembled, stored, or exposed. Visitors having business on the premises shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises.

NEW SECTION

WAC 212-17-110 FIREWORKS MANUFACTURER—FIRE NUISANCE. The premises of a fireworks manufacturing establishment shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165)

**PART III—WHOLESALE**

NEW SECTION

WAC 212-17-115 FIREWORKS WHOLESALE—GENERAL. Fireworks wholesaler licenses cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license.

NEW SECTION

WAC 212-17-120 FIREWORKS WHOLESALE—LICENSING. Persons intending to engage in the sale of fireworks at wholesale in this state shall procure a license from the state fire marshal and a permit from the local governmental agency having jurisdiction. The application shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application.

NEW SECTION

WAC 212-17-125 FIREWORKS WHOLESALE—INVESTIGATION. Upon receipt of an application and the license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary.

NEW SECTION

WAC 212-17-130 FIREWORKS WHOLESALE—LOCAL ORDINANCES. Applicants, before applying for a license should determine that their facilities conform to local zoning, health and building safety standards, fire safety requirements, and any other local ordinances pertaining to storage of fireworks. (See Appendix)

NEW SECTION

WAC 212-17-135 FIREWORKS WHOLESALE—LICENSE LIMITATIONS. A fireworks wholesaler's license, together with a permit from the local authorities having jurisdiction, authorizes the holder to engage only in the sale of fireworks at wholesale. A fireworks wholesaler's license entitles him to sell fireworks to licensed retailers, licensed public display operators, other licensed wholesalers and for direct shipment to persons outside of this state. Fireworks wholesale licensees desiring to engage in other types of fireworks business shall first secure the necessary license as required by the state fireworks law.

NEW SECTION

WAC 212-17-140 FIREWORKS WHOLESALE—RECORDS AND REPORTS. The licensee shall maintain and make available to the state fire marshal full and complete records including imports, purchases, sales, and consumption of fireworks items by kind and class.

NEW SECTION

WAC 212-17-145 FIREWORKS WHOLESALE—IMPORTING. Wholesalers who engage in the business of importing fireworks shall first procure a state license as is required for import licensees.

NEW SECTION

WAC 212-17-150 FIREWORKS WHOLESALE—PERSONNEL. All employees who handle fireworks in any stage of storage or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes.

NEW SECTION

WAC 212-17-155 FIREWORKS WHOLESALER—VISITORS. No persons other than employees shall be permitted in portions of the premises where live fireworks or components are assembled, stored, or exposed. Visitors having business on the premises shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises.

NEW SECTION

WAC 212-17-160 FIREWORKS WHOLESALER—FIRE NUISANCE. The premises of a fireworks wholesaling establishment shall be maintained in a clean, neat or orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165)

## PART IV—IMPORTER

NEW SECTION

WAC 212-17-165 IMPORTERS OF FIREWORKS—GENERAL. Importer fireworks licenses are for the importation of fireworks to this state. Such a license does not authorize the licensee to engage in wholesale or retail trade or in any other activity requiring a special fireworks license.

NEW SECTION

WAC 212-17-170 IMPORTERS OF FIREWORKS—LICENSING. Every person who desires to import fireworks to this state shall file application and procure a license. Application shall be made on forms provided by the state fire marshal and shall be accompanied by the required license fee.

NEW SECTION

WAC 212-17-175 IMPORTERS OF FIREWORKS—LICENSE SCOPE. An importer fireworks license shall authorize the licensee to engage only in importing fireworks. Importer licensees desiring to engage in any type of fireworks distribution shall first procure the necessary license.

NEW SECTION

WAC 212-17-180 IMPORTERS OF FIREWORKS—RESTRICTIONS. The storage of all classes and types of fireworks in possession of an import licensee shall be subject to the restrictions and provisions of the local fire official. (See Appendix)

## PART V—RETAILER

NEW SECTION

WAC 212-17-185 RETAILERS OF FIREWORKS—GENERAL. Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the state fire marshal. In addition to the state license, a permit must be obtained from the local

governmental officials having jurisdiction. The application shall be made on forms provided by the state fire marshal and shall be accompanied by the license fee of ten dollars. Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained. A retailer's license to sell fireworks shall not authorize licensee to engage in any other fireworks activity.

NEW SECTION

WAC 212-17-190 RETAILERS OF FIREWORKS—SALES DATES. Retailers fireworks licenses are for the retail sales of fireworks from 12 noon on the twenty-eighth day of June to 12 noon on the sixth day of July.

NEW SECTION

WAC 212-17-195 RETAILERS OF FIREWORKS—SALES LOCATIONS. (1) Fireworks sold at retail shall be sold only:

- (a) In roadside stands, or
- (b) Buildings used for no other purpose, or
- (c) In buildings which have been approved by the local governmental authorities having jurisdiction and in which the fireworks are displayed in such a manner that members of the general public cannot handle them.

(2) Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or alternate equipment deemed equivalent by the local fire authority.

(3) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

NEW SECTION

WAC 212-17-200 RETAILERS OF FIREWORKS—SAFETY INSPECTION. Retail fireworks stands and sales areas are subject to inspection by local fire officials. Such stands and sales areas shall be free from any condition which increases, or may cause an increase of, the hazard or menace of fire or explosion, or which may become the cause of any obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire. Adequate and safe unobstructed means of exit shall be provided from all areas where fireworks are stored or displayed.

NEW SECTION

WAC 212-17-205 RETAILERS OF FIREWORKS—NO SMOKING SIGNS. Approved "No Smoking" signs shall be posted at conspicuous locations designated by the inspection authority. Each sign shall have the words "No Smoking" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition.

NEW SECTION

WAC 212-17-210 RETAILERS OF FIREWORKS—SMOKING AND DISCHARGE OF



**FIREWORKS.** Smoking and the discharge of fireworks shall be prohibited within twenty-five feet of any building in which fireworks are sold at retail.

#### NEW SECTION

**WAC 212-17-215 RETAILERS OF FIREWORKS—DISPOSITION OF UNSOLD STOCK.** All retail fireworks licensees shall return unsold fireworks stocks either to the wholesaler, from whom they were purchased, for safe storage, or store them in a place and in a manner approved by the fire authority having jurisdiction not later than the thirty-first of July of each year.

### PART VI—PYROTECHNIC OPERATOR

#### NEW SECTION

**WAC 212-17-220 PYROTECHNIC OPERATORS—GENERAL.** Pyrotechnic operators are licensed to conduct public displays of special fireworks. No public display license is issued unless at least one licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

#### NEW SECTION

**WAC 212-17-225 PYROTECHNIC OPERATORS—APPLICATION FOR LICENSE.** Application for license shall be made on forms prepared by the state fire marshal and shall be accompanied by the annual license fee. Every applicant for a pyrotechnic operators license shall take and pass a written examination administered by the state fire marshal and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which shall have been in the current or preceding year.

#### NEW SECTION

**WAC 212-17-230 PYROTECHNIC OPERATORS—EXAMINATION, INVESTIGATION AND LICENSING.** Upon receipt of application and license fee, the state fire marshal shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the state fire marshal shall schedule a written examination for the applicant. A passing score of at least seventy percent shall be attained on the written examination. An applicant failing the written examination may re-apply within thirty days to re-take the examination. No re-examination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to re-apply within thirty days, or fails the examination on the second attempt, is deemed

to have forfeited the license fee. The state fire marshal shall grant or deny the license on the basis of the investigation and examination.

#### NEW SECTION

**WAC 212-17-235 PYROTECHNIC OPERATORS—RESPONSIBILITY.** The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the state fire marshal. He shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him to be unsafe or where its discharge might jeopardize life or property.

#### NEW SECTION

**WAC 212-17-240 PYROTECHNIC OPERATORS—OBSERVANCE OF LAWS, RULES AND REGULATIONS.** Pyrotechnic operators shall strictly observe the provisions of the state fireworks law and these rules.

### PART VII—PUBLIC DISPLAY LICENSE

#### NEW SECTION

**WAC 212-17-245 PUBLIC DISPLAYS OF FIREWORKS—GENERAL.** Persons desiring to hold a public display of fireworks shall secure a license from the state fire marshal and a permit from the governmental agency having jurisdiction. Application for local permit must be made at least ten days in advance.

#### NEW SECTION

**WAC 212-17-250 APPLICATION, STATE LICENSE.** Application for fireworks public display license shall be made on forms provided by the state fire marshal and shall be accompanied by the prescribed license fee.

#### NEW SECTION

**WAC 212-17-255 TYPE OF LICENSE.** A public display license authorizes the applicant to conduct a public display of fireworks at a given location only. A "general" license for public display of fireworks authorizes public displays of fireworks at any locations or dates within the current year.

#### NEW SECTION

**WAC 212-17-260 GENERAL LICENSES.** Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such



bond and public liability insurance shall be non-cancelable except upon fifteen days' written notice by the insurer to the state fire marshal.

#### NEW SECTION

**WAC 212-17-265 REPORTS.** General public display licensees shall submit Part III of the fireworks display to the state fire marshal, prior to date of each display permit application contemplated under their general license.

#### NEW SECTION

**WAC 212-17-270 LOCAL PERMIT, APPLICATION FOR.** When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

- (1) The name of the organization sponsoring the display, if other than the applicant.
- (2) The date the display is to be held.
- (3) The exact location for the display.
- (4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.
- (5) The number of set pieces, shells (specify single or multiple break), and other items.
- (6) The manner and place of storage of such fireworks prior to the display.
- (7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- (8) Documentary proof of procurement of:
  - Surety bond;
  - Public liability insurance; or
  - A state fire marshal's "general license" for the public display of fireworks.
- (10) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

#### NEW SECTION

**WAC 212-17-275 INVESTIGATION.** The officer to whom the application for permit is made shall make, or cause to be made, investigation of site of the proposed display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person. He shall also determine whether the provisions of the state fireworks law and these rules and regulations are complied with in the case of a particular display. He shall, in the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may prescribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic.

#### NEW SECTION

**WAC 212-17-280 PERMITS MAY NOT BE GRANTED, WHEN.** No permit shall be granted for any public display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land.

#### NEW SECTION

**WAC 212-17-285 SPECTATORS.** Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

#### NEW SECTION

**WAC 212-17-290 PYROTECHNIC OPERATORS.** No public display permit shall be granted unless at least two experienced pyrotechnic operators are provided, one of whom shall be a licensed pyrotechnic operator. The licensed operator shall:

- (1) Be responsible for and have charge of the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming and firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;
- (2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the authority having jurisdiction and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and/or missiles shall not be permitted to cross or burst above areas occupied by persons;
- (3) Be held responsible for acts of his assistants in connection with the display, from delivery to final firing who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person, or any property.

### PART VIII—PUBLIC DISPLAYS

#### NEW SECTION

**WAC 212-17-295 PUBLIC DISPLAY—GENERAL.** This section shall apply to the construction, handling, and use of Class B special fireworks intended solely for public display. It shall also apply to the general conduct and operation of the display.

#### NEW SECTION

**WAC 212-17-300 PUBLIC DISPLAY—DEFINITIONS.** For the purpose of this section, the following terms shall have the meanings shown:

- (1) Black match. A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.

(2) **Boxed finale.** A number of mortars grouped closely together and contained by a suitable frame. The mortars are loaded prior to the display and fused for rapid sequence firing.

(3) **Break.** An individual effect from an aerial shell; generally either color (stars) or noise (salute). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).

(4) **Colored pot.** A paper tube containing pyrotechnic composition that produces a colored flame on ignition. Colored pots are used in the construction of ground display pieces.

(5) **Discharge site.** The area immediately surrounding the mortars used to fire the aerial shells.

(6) **Finale rack.** A row of closely spaced two-inch (51 mm) or three-inch (76 mm) inside diameter, mortars held in a wooden frame. It is similar to a boxed finale.

(7) **Ground display piece.** A pyrotechnic device that functions on the ground (as opposed to an aerial shell which functions in the air). Typical ground display pieces include fountains, roman candles, wheels, "set pieces".

(8) **Lance.** A thin cardboard tube packed with color-producing pyrotechnic composition used to construct ground display pieces. Lances are mounted on a wooden frame and fused so that ignition of all tubes is simultaneous.

(9) **Lift charge.** That part of an aerial shell which actually lifts the shell into the air. It usually consists of a black powder charge ignited by a quick match fuse. A delay fuse then ignites the main part of the shell, producing the desired effect.

(10) **Mortar.** A metal or heavy cardboard tube from which aerial shells are fired.

(11) **Movable ground piece.** A ground display piece having movable parts, such as a revolving wheel.

(12) **Operator.** The licensed pyrotechnician (pyrotechnic operator) responsible for setting up and firing a public fireworks display.

(13) **Potential landing area.** The area over which shells are fired. The shells will normally burst over this area, but debris and malfunctions will fall into this area; therefore, it must be kept clear of spectators.

(14) **Quick match.** Black match that is encased in a loose-fitting paper sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

(15) **Safety cap.** A paper tube, closed at one end, that is placed over the end of the fuse of an aerial shell to protect it from accidental ignition. The cap is not removed until just before firing of the shell.

(16) **Shell (Aerial).** A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse, and a black powder lift charge. The shells are most commonly three-inch (76 mm) to six inch (152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

#### NEW SECTION

**WAC 212-17-305 PUBLIC DISPLAY—CONSTRUCTION OF SHELLS.** (1) Shells shall be classified and described only in terms of the inside diameter of the mortar in which they can be safely used (e.g., 3-inch shells are only for use in 3-inch mortars).

(2) Shells shall be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no less than 1/8 inch (3.2 mm) and no more than 1/4 inch (6.4 mm) for two-inch (51 mm) and three-inch (76 mm) shells or 1/2 inch (12.7 mm) for shells larger than three-inch (76 mm).

(3) Shells shall be labeled with the type of shell, the diameter measurement, and the name of the manufacturer or distributor. Shells shall also carry a warning label complying with 16 CFR 1500.121.

(4) The length of the internal delay fuse and the amount of lift charge shall be sized to insure proper functioning of the shells in their mortars. Quick match fuse shall be long enough to allow not less than 6 inches (152 mm) of fuse to protrude from the mortar after the shell has been properly inserted.

(5) The length of exposed black match on a shell shall not be less than 3 inches (76 mm) and the fuse shall not be folded or doubled back under the safety cap. Also, the time delay between ignition of the tip of the exposed black match and ignition of the lift charge shall not be less than 4 seconds to allow the operator to retreat safely.

(6) A safety cap shall be installed over the exposed end of the fuse. The safety cap shall be of a different color than that used for the paper of the fuse.

#### NEW SECTION

**WAC 212-17-310 PUBLIC DISPLAY—STORAGE OF SHELLS.** (1) As soon as the fireworks have been delivered to the display site, they shall not be left unattended nor shall they be allowed to become wet.

(2) All shells shall be inspected upon delivery to the display site by the display operators. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall either be returned to the supplier or be destroyed according to the supplier's instructions.

(3) All shells shall be separated according to diameter and stored in tightly covered containers of metal, wood, or plastic or in fiber drums or corrugated cartons meeting United States Department of Transportation specifications for transportation of fireworks. A flame-resistant tarpaulin shall be permitted to be used as a covering over the containers, if additional protection is desired.

(4) The shell storage area shall be located at a minimum distance of not less than 25 feet (7.6 m) from the discharge site.

(5) During the display, shells shall be stored upwind from the discharge site. If the wind should shift during the display, the shell storage area should be relocated so as to again be upwind from the discharge site.

**NEW SECTION**

**WAC 212-17-315 PUBLIC DISPLAY—INSTALLATION OF MORTARS.** (1) Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

(2) Mortars shall be positioned so that the shells are carried away from spectators and into a clear area acceptable to the authority having jurisdiction.

(3) Mortars shall be either buried securely into the ground to a depth of 2/3 to 3/4 of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber (e.g. 4-inch thick) or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing. **EXCEPTION:** Boxed finales and finale racks.

(4) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

(5) Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

(6) Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

(7) Mortars shall be inspected before the first shells are loaded to be certain no water or debris has accumulated in the bottom of the mortar.

(8) Metal mortars shall be deemed acceptable for use with all shells. Paper mortars shall only be used for discharge of single-break and double-break shells. A thirty-second cooling period shall be allowed between firing and reloading of paper mortars.

(9) Paper mortars shall be constructed of convolute wound paper, except that spiral wound paper shall be permitted for 3-inch (76 mm) diameter mortars only. Wall thickness of paper mortars shall conform to the following:

WALL THICKNESS OF PAPER MORTARS

Mortar Type	Mortar Diameter		Wall Thickness	
	In.	(mm)	In.	(mm)
Convolute	2-inch	(51)	1/4 inch	(6.4)
Convolute or Spiral	3-inch	(76)	3/8 inch	(9.5)
Convolute	4-inch	(102)	1/2 inch	(12.7)
Convolute	5-inch	(127)	3/4 inch	(19.0)
Convolute	6-inch	(152)	3/4 inch	(19.0)

**EXCEPTION:** For 3-inch (76 mm) single-fire mortars, such as used in finales, a wall thickness of 1/4-inch (6.4 mm) shall be permitted.

(10) A cleaning tool shall be provided for cleaning debris out of the mortars between firings.

**NEW SECTION**

**WAC 212-17-320 PUBLIC DISPLAY—SITE SELECTION.** The intent of this section is to provide

minimum clearances between the discharge site and permanent buildings and spectator viewing areas, and recommended guidelines for overall site dimensions and other separation distances. Where unusual conditions exist, dimensions and separations may vary in accordance with the joint agreement of the operator and the local fire official.

**NEW SECTION**

**WAC 212-17-325 PUBLIC DISPLAY—DISCHARGE SITE.** (1) The area selected for the discharge of aerial shells shall be so located that the trajectory of the shells will not come within 25 feet (7.6 m) of any overhead object.

(2) Ground display pieces shall be located at a minimum distance of 75 feet (22.9 m) from spectator viewing areas and parking areas. **EXCEPTION:** For movable ground pieces, such as wheels, this minimum distance shall be increased to 150 feet (45.7 m).

(3) Mortars shall be separated from spectator viewing areas, parking areas and permanent structures as follows:

2-inch mortar.....50 feet (15.2 m) 5-inch mortar...100 feet (30.5 m)

3, 4-inch mortar..75 feet (22.9 m) 6-inch mortar...150 feet (45.7 m)

(4) Mortars shall be separated from public buildings or hazardous storage facilities by a minimum distance of 500 feet (152.4 m).

(5) A clear landing area of at least 150 feet (45.7 m) shall be provided in the trajectory direction of the mortar.

(6) The potential landing area shall be a large, clear, open area which has been approved by the local fire official.

(7) Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

**NEW SECTION**

**WAC 212-17-330 PUBLIC DISPLAY—OPERATION.** General requirements.

(1) The licensee of the display shall provide adequate fire protection for the display, as required by the local fire official.

(2) The licensee shall consult with the local fire official to determine the level of fire protection and crowd control necessary.

(3) Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area by the licensee. The local fire and/or police officials shall determine the number of monitors needed and their placement.

(4) Monitors shall be located around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display. Where practical, fences and rope barriers shall be used to aid in crowd control.

(5) If, in the opinion of local fire and/or police officials or the pyrotechnic operator, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

(6) If, at any time, high winds or unusually wet weather prevail, such that in the opinion of local officials or the pyrotechnic operator a definite danger exists, the public display shall be postponed until weather conditions improve to an acceptable level.

(7) Light snow or mist need not cause cancellation of the display, however, all materials used in the display shall be protected from the weather by suitable means until immediately prior to use.

(8) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

(9) No smoking or open flames shall be allowed in the shell storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

#### NEW SECTION

WAC 212-17-335 PUBLIC DISPLAY—FIRING OF SHELLS. (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of five minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

(11) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(12) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(13) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(14) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected early the following morning.

(15) The operator of the display shall keep a record, on a form provided by the state fire marshal, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the state fire marshal. Failures shall also be reported to the supplier.

#### NEW SECTION

WAC 212-17-340 PUBLIC DISPLAY—GROUND PIECES. (1) All ground pieces shall be positioned out of the firing range of aerial displays. Mortars shall be positioned so that they do not fire towards any ground pieces.

(2) No dry grass or combustible material shall be located beneath ground pieces. If dry, the area should be thoroughly wet down before the display.

(3) Poles for ground pieces shall be securely placed and firmly braced so that they will not fall over when they function.

(4) Specific instructions from the supplier shall accompany ground pieces. A list of required accessories shall also be supplied.

#### NEW SECTION

WAC 212-17-345 REPORTS. After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the state fire marshal, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

#### PART IX—TRANSPORTATION

NEW SECTION

**WAC 212-17-350 TRANSPORTATION—GENERAL.** Licensees are authorized to transport the class and quantity of fireworks for which they have a license to possess from the point of acceptance from a licensed source to an approved storage facility or use site. Transportation shall be in accordance with the regulations of the United States Department of Transportation and the laws of the state of Washington governing the transportation of Class B and C explosives.

**PART X—STORAGE**NEW SECTION

**WAC 212-17-355 STORAGE—GENERAL.** Storage of fireworks shall be free from any condition which increases or may cause an increase of the hazard or menace of fire or explosion or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or hindrance, to the prevention or extinguishment of fire.

NEW SECTION

**WAC 212-17-360 STORAGE—EXPLOSIVE SAFETY.** Any person storing fireworks shall have a license for the possession (manufacturer, wholesaler, importer, retailer, display) and, in addition, a permit from the local fire authority for the storage site. Storage shall be in accordance with requirements of the local fire official, who may use the safety practices in the appendix of these rules as guidelines in approving the storage permit.

NEW SECTION

**WAC 212-17-900 APPENDIX.** This appendix is not a part of this rule but is included to provide guidelines, based on nationally-recognized standards, for use by licensees in establishing safe practices involving the manufacture or storage of fireworks and for use by local fire officials in determining compliance with safety standards for the purpose of issuing permits for fireworks manufacture or storage.

In addition to the definitions in chapter 70.77 RCW and this rule, the following definitions apply to this appendix:

**Barricade.** A natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives. It shall be of such height that a straight line from the top of any sidewall of a building or magazine containing explosives to the cave line of any magazine, or building, or to a point twelve feet above the center of a railway or highway, will pass through such natural or artificial barrier.

**Natural Barricade.** Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

**Artificial Barricade.** An artificial mound or revetted wall of earth of a minimum thickness of three feet.

**Breakaway Construction.** A general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in this Code refers to a weak wall, weak wall and roof, or weak roof.

The term "weak wall" is used in a relative sense as compared to the construction of the entire building. The design strength of a "weak wall" will vary as to the building construction, as well as to the type and quantity of explosive or pyrotechnic materials in the building. The materials used for "weak wall" construction are usually light gauge metal, plywood, hardboard or equivalent lightweight material, and the material is purposely selected to minimize the danger from flying missiles. Method of attachment of the weak wall shall be such as to aid the relief of blast pressure and fireball.

**Fireworks Plant.** Means all lands, and buildings thereon, used for or in connection with the manufacture or processing of fireworks. It includes storage buildings used with or in connection with plant operation.

**Highway.** Means any public street, public alley or public road.

**Inhabited Building.** Means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, and storage of explosive materials or fireworks.

**Magazine.** Means any building or structure, other than a manufacturing building, meeting the requirements specified in Chapter 3 of this Code.

**Manufacture of Fireworks.** Means the preparation of fireworks mixes and the loading and assembling of all fireworks, except pyrotechnic display items made on site by qualified personnel for immediate use when such operation is otherwise lawful.

**Mixing Building.** Means any building used primarily for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

**Motor Vehicle.** Means any self-propelled passenger vehicle, truck, tractor, semitrailer, or truck-full trailer used for the transportation of freight over public highways.

**Nonprocess Building.** Means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

**Person.** Means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

**Process Building.** Means any mixing building, any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling, or any finishing and assembling building, including a building used for preparation of fireworks for shipment. If a pyrotechnic or explosive composition while in the state of processing is stored in a process

building, the building is classified as a process building. See also Storage Building.

**Public Conveyance.** Means any vehicle carrying passengers for hire.

**Pyrotechnic Composition.** Means a chemical mixture which on burning and without explosion produces visible or brilliant displays or bright lights, or whistles.

**Railway.** Means any steam, electric, diesel electric or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives or fireworks are stored or where fireworks manufacturing buildings are situated.

**Screen Type Barricade.** Means any of several barriers for containing embers and debris from fires and deflagrations in process buildings that could cause fires and explosions in other buildings. Screen type barricades are constructed of metal roofing, one-quarter-inch and one-half-inch mesh screen or equivalent material. A screen type barricade extends from the floor level of the donor building to such height that a straight line from the top of any side wall of the donor building to the cave line of the acceptor building will go through the screen at a point not less than five feet from the top of the screen. The top five feet of the screen are inclined at an angle of between 30 and 45 degrees, toward the donor building.

**Squib.** Means a device containing a small quantity of ignition compound in contact with a bridge wire.

**Storage Building.** Means any building, structure, or facility in which Class C fireworks in any state of processing, or finished Class C fireworks are stored, but in which no processing or manufacturing is performed.

**Warehouse.** Means any building or structure used exclusively for the storage of materials, except fireworks or combustible or explosive compositions used to manufacture fireworks.

## PART I MANUFACTURING OPERATIONS

### 1. General

11. All fireworks plants shall comply with the requirements of this section except that those plants that meet all of the conditions of the following paragraphs a, b and c need not comply with Articles 2 and 6:

a. Making only customized fireworks not for general sale.

b. Having not more than five pounds of explosive composition, including not more than one-half pound of initiating explosive, in a building at one time.

c. All explosive and pyrotechnic compositions are removed to an appropriate storage magazine at the end of each work day.

### 2. Building Site Security

21. All fireworks plants shall be completely surrounded by a substantial fence having a minimum height of six feet. All buildings, except office buildings in which no processing or storage is permitted, must be located within the fence. All openings in the fence shall be equipped with suitable gates which shall be kept securely locked at all times, except when in actual use, except that the main gate of the plant may be left open during the regular hours of plant operation while in plain view of and

under observation by authorized responsible employees or guards. Conspicuous signs indicating "WARNING — NO SMOKING — NO TRESPASSING" shall be posted along the plant fence at intervals not to exceed 500 feet.

22. No person other than authorized employees or representatives of departments of Federal, state, or political subdivisions of the state governments having jurisdiction over the establishment shall be allowed in any fireworks plants, except by special permission secured from the plant office.

### 3. Separation Distances

31. All process buildings shall be separated from inhabited buildings, public highways and passenger railways in accordance with Table 1.

32. The separation distance between process buildings shall be in accordance with Table 2.

33. Separation distances of nonprocess buildings from process buildings and magazines shall be in accordance with Table 2.

34. Separation of magazines containing black powder or salutes classified as Class B fireworks from inhabited buildings, highways, and other magazines containing black powder or salutes classified as Class B fireworks shall be in accordance with Table 3.

### 4. Building Construction

41. Process buildings, except buildings in which customers' orders are prepared for shipment, shall embody breakaway construction. The exterior of process buildings constructed after this Code is adopted shall be constructed of materials no more combustible than painted wood.

42. No building shall have a basement or be more than one story high. Interior wall surfaces and ceilings of buildings shall be smooth, free from cracks and crevices, noncombustible, and with a minimum of horizontal ledges upon which dust may accumulate. Wall joints and openings for wiring and plumbing shall be sealed to prevent entry of dust. Floors and work surfaces shall not have cracks or crevices in which explosives or pyrotechnic compositions may lodge.

43. Mixing and pressing buildings shall have conductive flooring, properly grounded.

44. The number and location of exits in buildings in which fireworks are being processed shall comply with a, b and c.

a. From every point in every undivided floor area of more than one hundred square feet there shall be at least two exits accessible in different directions. Where building floors are divided into rooms, there shall be at least two ways of escape from every room of more than one hundred square feet; toilet rooms need have only one exit and shall be so located that the points of access thereto are away from or suitably shielded from fireworks processing areas.

b. Exits shall be so located that it will not be necessary to travel more than twenty-five feet from any point to reach the nearest exit. The routes to the exits shall be unobstructed.

c. Exit doors shall open outward, and shall be capable of being pressure-actuated from the inside.

### 5. Heat, Light, Electrical Equipment

51. No stoves, exposed flames, or electric heaters may be used in any part of a building except in a boiler room, machine shop, office building, pumphouse, or lavatory in which the presence of fireworks, fireworks components, or flammable liquids are prohibited. Heating shall be by means of steam, indirect hot air radiation, hot water, or any other means approved by local authorities. Unit heaters, located inside buildings that at any time contain explosive or pyrotechnic composition, shall be equipped with motors and switches suitable for use in Class II, Division 1 locations.

52. Where artificial lighting is required in fireworks processing buildings it shall be by electricity. Temporary or loose electrical wiring shall not be used. Extension lights are prohibited except that during repair operations approved portable lighting equipment may be used after the area has been cleared of all pyrotechnic or explosive composition and after all dust has been removed by washing down.

53. All wiring in process buildings shall be in rigid metal conduit or be Type MI cable. The wiring, lighting fixtures, and switches shall comply with the requirements for Class II, Division 1 locations in Article 502 of the National Electrical Code.

54. Wiring, switches, and fixtures in storage buildings shall comply with the requirements for Class II, Division 2 locations in Article 502 of the National Electrical Code.

55. All presses and other mechanical devices shall be properly grounded.

56. A master switch shall be provided at the point where electric current enters the plant, which will, upon being opened, immediately cut off all electric current to the plant, except that to emergency circuits such as a supply to a fire pump or emergency lighting.

### 6. Maximum Building Occupancy and Quantities of Explosive or Pyrotechnic Compositions Permitted

61. The number of occupants in each process building and magazine shall be limited to that number necessary for the proper conduct of those operations.

NOTE: This requirement is for purposes of minimizing personnel exposure and is distinct from any requirement on maximum building occupancy that may be in the local building code.

62. The maximum number of occupants permitted in each process building and magazine shall be posted in a conspicuous location.

63. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted at one time in any mixing building or any building in which pyrotechnic and explosive compositions are pressed or otherwise prepared for finishing and assembling.

64. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted in a finishing and assembling building at one time.

### 7. Fire, Explosion Prevention

71. All buildings shall be kept clean, orderly, and free from accumulation of dust or rubbish. Powder or other explosive or pyrotechnic materials, when spilled, shall be immediately cleaned up and removed from the building.

72. Rags, combustible, pyrotechnic or explosive scrap, and paper shall be kept separate from each other and placed in approved marked containers. All waste and reject hazardous material shall be removed from all buildings daily and removed from the plant at regular intervals and destroyed by submersion in water or by burning in a manner acceptable to local authorities.

73. No smoking or carrying of lighted pipes, cigarettes, cigars, matches, lighters, or open flame, is permitted within the plant fence, except that smoking may be permitted in office buildings or buildings used exclusively as lunchrooms or rest rooms and in which the presence of fireworks or any explosive composition is prohibited. Authorized smoking locations shall be so marked, contain suitable receptacles for cigarette and cigar butts and pipe residue, and contain at least one serviceable fire extinguisher suitable for use on Class A fires. Persons whose clothing is contaminated with explosives, pyrotechnic, or other dangerous materials to the degree that may endanger the safety of personnel shall not be permitted in smoking locations.

74. Matches, cigarette lighters or other flame-producing devices shall not be brought into any process building or magazine.

75. No employee or other person shall enter or attempt to enter any fireworks plant with liquor or narcotics in his possession, or while under the influence of liquor or narcotics, or partake of intoxicants or narcotics or other dangerous drugs while in a fireworks plant.

76. All persons working at or supervising the operations in fireworks mixing and pressing buildings shall be provided with, and wear, cotton working uniforms. In addition, conductive shoes and cotton socks shall be required for all Class B fireworks operations and all mixing, pressing, loading, and matching related to Class C fireworks. Facilities for changing into these uniforms, and safekeeping for the employees' street clothes shall be provided. The uniforms shall be frequently washed, to prevent accumulation of explosive or other pyrotechnic compounds, and shall not be worn outside the fireworks plant. Washing and shower facilities for employees shall be provided. All persons working in or supervising the operations in a process building shall wear protective clothing and eye protection as needed. All persons working in or supervising mixing areas shall wear respirators when the situation dictates their need.

77. Each fireworks plant shall have an employee designated as safety officer. All employees of a fireworks plant, upon commencing employment and at least annually thereafter, shall be given formal instruction by this safety officer, regarding proper methods and procedures in fireworks plants and safety requirements and procedures for handling explosives, pyrotechnics and fireworks.

78. In areas where there is a danger of ignition of materials by sparks, properly maintained and nonferrous safety hand tools shall be used.

79. In no case shall oxidizers such as nitrates, chlorates, or perchlorates be stored in the same building with combustible powdered materials such as charcoal, gums, metals, sulfur, or antimony sulfide.



## 8. Testing Fireworks

81. Testing of fireworks and components of fireworks shall be performed in an area set aside for that purpose and located at a safe distance, considering the nature of the materials being tested, from any plant building or other structure.

## 9. Fire Extinguishers, Emergency Procedures

91. Fire extinguishers shall be provided in all buildings except those in which pyrotechnic mixtures are exposed. The number and location of extinguishers shall be in accordance with the requirements of the local fire official.

92. Emergency procedures shall be formulated for each plant which will include personnel instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

93. Emergency procedures shall include instruction in the use of portable fire extinguishers and instructions on the type of fires on which they may and may not be used.

a. The employees shall be told that if a fire is involving or is in danger of spreading to pyrotechnic mixtures, they are to leave the building at once and follow prescribed procedures for alerting other employees.

b. Extinguishers may be used on fires involving ordinary combustible materials, if the fire can be fought and extinguished without exposing pyrotechnic mixtures.

## PART II

### STORAGE OF CLASS B FIREWORKS

#### 1. General Provisions

11. Class B fireworks shall be stored in magazines that meet the requirements of this section.

12. Class B fireworks shall be stored in magazines unless they are in process of manufacture, being physically handled in the operating process, being packaged or being transported.

13. Magazines required by this section shall be constructed in accordance with Articles 2 and 3.

14. Class B fireworks that are bullet-sensitive, shall be stored in Type 1, 2, or 3 magazines.

a. Black powder, and Class B fireworks that are not bullet-sensitive shall be stored in a Type 1, 2, 3, or 4 magazine.

15. Magazines containing black powder shall be separated from inhabited buildings, passenger railways, and public highways, and other magazines in accordance with Table 3.

16. Magazines containing Class B fireworks shall be separated from inhabited buildings, passenger railways and public highways in accordance with Table 1.

17. Magazines containing Class B fireworks shall be separated from other magazines and from fireworks plant buildings by barricades or screen-type barricades and the distances from other magazines and process buildings shall be in accordance with Table 2.

#### 2. Construction of Magazines—General

21. Magazines shall be constructed in conformity with the provisions of this section or may be of substantially equivalent construction.

22. The ground around magazines shall be graded in such a manner that water will drain away from the magazines.

23. Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building, or air directed into the magazine building over either hot water or low pressure steam (15 psig maximum) coils located outside the magazine building.

24. The magazine heating systems shall meet the following requirements:

1. The radiant heating coils within the building shall be installed in such a manner that the fireworks containers cannot contact the coils and air is free to circulate between the coils and the fireworks.

2. The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the fireworks or fireworks containers.

3. The heating device used in connection with a magazine shall have controls that prevent the ambient building temperature from exceeding 130° F.

4. The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

5. The electric fan motor and the controls for an electrical heating device used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code. All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

6. The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electric and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

7. The storage of fireworks and fireworks containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the stored materials.

25. When lights are necessary inside the magazine, electric safety flashlights or electric safety lanterns shall be used.

a. The authority having jurisdiction may authorize interior lighting of special design for magazines provided that adequate safety is maintained.

26. When ventilation is required in a magazine, sufficient ventilation shall be provided to protect the stored materials in storage for the specific area in which the magazine is located. Stored materials shall be so placed in the magazine as not to interfere with ventilation and shall be stored so as to prevent contact with masonry walls or with any steel or other ferrous metal by means of a nonsparking lattice or equivalent lining.

#### 3. Construction of Magazines

31. Type 1 Magazine. A Type 1 magazine shall be a permanent structure such as a building or an igloo that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated.

a. Walls. Examples of wall construction considered suitable for Type 1 magazines are:



1. Hollow masonry block construction with 8-inch blocks having the hollow spaces filled with well-tamped dry sand or a well-tamped cement/sand mixture.

2. Brick or solid cement block construction 8 inches thick.

3. Wood construction covered with 26-gauge metal having 3/4-inch plywood or wood sheathing with a 6-inch space between the exterior and interior sheathing and the space between the sheathing filled with well-tamped dry sand or well-tamped cement/dry sand mixture, with not less than 1-to-8 ratio of cement to sand.

4. Fourteen-gauge metal construction lined with 4 inches of brick, solid cement block or hardwood; or filled with 6 inches of sand.

b. Doors. Examples of door construction considered suitable for Type 1 magazines are:

1. Steel plate 3/8-inches thick lined with four layers of 3/4-inch tongue and groove hardwood flooring.

2. Metal plate not less than 14 gauge lined with four inches of hardwood.

c. Roof. The roof of a Type 1 magazine may be constructed of metal not less than 14 gauge, or 3/4-inch wood sheathing covered by metal not less than 26 gauge or other noncombustible roofing material. All exposed wood on the exterior including the eaves shall be protected by metal not less than 26 gauge.

d. Ceiling. Where the natural terrain around a Type 1 magazine makes it possible to shoot a bullet through the roof at such an angle that a bullet could strike the explosives stored in the magazine, then either the roof or the ceiling shall be of bullet-resistant construction. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered bullet-resistant are:

1. A tray having a depth of not less than 4 inches of sand.

2. A hardwood ceiling not less than 4 inches thick.

e. Foundation. The foundation may be of masonry, wood, or metal and shall be completely enclosed except for openings to provide cross ventilation. A wooden foundation enclosure shall be covered on the exterior with not less than 26-gauge metal.

f. Floor. The floor may be constructed of wood or other suitable floor materials. Floors constructed of materials that may cause sparks shall be covered with a surface of nonsparking material or the packages of explosives shall be placed on pallets of nonsparking material. Magazines constructed with foundation ventilation shall have at least a 2-inch air space between the side walls and the edge of the floor.

g. Ventilation. Type 1 magazines shall be ventilated to prevent dampness and heating of stored explosives. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilators in side walls shall be offset or shielded. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floor and between the side walls and the ceiling shall have constructed a wooden lattice lining or equivalent to prevent the packages of explosives from being stacked against the side walls and blocking the air circulation.

h. Locks. Each door of a Type 1 magazine shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock; or with a mortise lock that requires two keys to open; or a three-point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. All padlocks shall be protected by steel hoods that are installed in a manner to discourage insertion of bolt cutters. Doors that are secured by a substantial internal bolt do not require additional locking devices. Hinges and hasps shall be securely fastened to the magazine and all locking hardware shall be secured rigidly and directly to the door frame.

32. Type 2 Magazine. A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semitrailer, that is fire-resistant, theft-resistant, weather-resistant, and ventilated. It shall also be bullet-resistant except when used for indoor storage.

a. Type 2 Outdoor Box Magazine

1. The sides, bottom, top and covers or doors of Type 2 outdoor box magazines shall be constructed of metal, lined with at least 4 inches of hardwood or equivalent bullet-resistant material. The floor shall be of wood or other suitable nonsparking floor materials. Floors constructed of ferrous metal shall be covered with a surface of nonsparking material. Magazines with top opening shall have a lid that overlaps the sides by at least 1 inch when in closed position.

2. Type 2 outdoor box magazines shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Small magazines shall be securely fastened to a fixed object to prevent theft of the entire magazine.

3. Hinges, hasps, locks, and locking hardware shall conform to the provisions for Type 1 magazines as specified in Paragraph 31(h).

b. Type 2 Vehicular Magazine

1. The sides and roof shall be not less than 20 gauge metal. The walls shall be lined with 4 inches of brick or solid cement block or hardwood, or 6 inches of sand, or other bullet-resistant material. The exposed interior walls may be lined with wood. The roof shall be protected by a bullet-resistant ceiling meeting the construction requirements for bullet-resistant ceilings in Paragraph 31(d).

2. The doors shall be of metal, lined with not less than 4 inches of hardwood, or a metal exterior with a hardwood inner door not less than 4 inches in thickness.

3. The floors shall be in accordance with the provisions for Type 1 magazines in Paragraph 31(f).

4. The doors shall be locked with at least two padlocks for each door opening, either two padlocks on the exterior door fastened on separate hasps and staples or one padlock on the exterior door and one padlock on the interior door. The padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. The padlocks need not be protected by steel hoods. Hinges and hasps shall be securely fastened

to the magazine and all locking hardware shall be secured rigidly and directly to the door frame. When unattended, vehicular magazines shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.

**c. Type 2 Indoor Magazine**

1. An indoor Type 2 magazine shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The cover for the magazine shall have substantial strap hinges and a means for locking. The magazine shall be kept locked except during the placement or removal of explosive materials with one five-tumbler padlock or equivalent.

2. Type 2 indoor magazines shall be painted red and shall bear lettering in white, on top, at least three inches high, "Explosives—Keep Fire Away."

3. Type 2 indoor magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

4. Type 2 indoor magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a non-sparking material. Edges of metal covers shall overlap sides at least 1 inch.

33. Type 3 Magazine. Type 3 magazines shall be portable structures that are bullet-resistant, fire-resistant, theft-resistant, and weather-resistant.

a. Type 3 magazines shall be equipped with a five-tumbler padlock.

b. Type 3 magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 4-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

c. Type 3 magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

34. Type 4 magazine. A Type 4 magazine shall be a permanent, portable, or mobile structure, such as a building igloo, box, semitrailer, or other mobile container that is fire-resistant, theft-resistant, and weather-resistant.

**a. Type 4 Outdoor Magazine**

1. A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. The doors shall be metal or wood covered with metal. Permanent magazines shall be constructed in accordance with those provisions for Type 1 magazines pertaining to: foundations (Paragraph 31(e)); ventilation (Paragraph 31(g)); and locks, hinges, hasps and locking hardware (Paragraph 31(h)). Vehicular Type 4 magazines shall be in accordance with the provisions for Type 2 vehicular magazines for locks, hinges, hasps and locking hardware (Paragraph 32(b)4) and shall be immobilized when unattended (Paragraph 32(b)2).

**b. Type 4 Indoor Magazine**

1. A Type 4 indoor magazine shall be in accordance with the provisions of a Type 2 indoor magazine (Paragraph 32(d)).

**4. Magazine Operations**

**41. Storage Within Magazines**

a. Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions. The competent person shall keep an up-to-date inventory of the contents of magazines.

b. All magazines containing Class B fireworks or black powder shall be opened and inspected at intervals of not greater than three days to determine whether there has been an unauthorized entry or attempted entry into the magazines; or to determine whether there has been unauthorized removal of the magazines or the contents of the magazines.

c. Magazine doors shall be kept locked, except during the time of placement and removal of stocks or during inspection.

d. Safety rules covering the operations of magazines shall be posted on the interior of the magazine door.

e. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked.

f. Containers shall be piled in a stable manner.

g. Containers of Class B fireworks shall be laid flat with top side up.

h. Black powder in shipping containers, when stored in magazines with other explosives, shall be segregated. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down.

i. Open containers shall be securely closed before being returned to a magazine. Only fiberboard containers may be opened in the magazine. No container without a closed lid may be stored in the magazine.

j. Wooden packages of Class B fireworks or black powder shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosive materials.

k. Tools used for opening containers of Class B fireworks or black powder shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber or wood mallet shall be used for opening or closing wood containers of explosives.

l. Magazines shall be used exclusively for the storage of Class B fireworks and black powder. Metal tools other than nonferrous transfer conveyors, shall not be stored in any magazine containing Class B fireworks or black powder. Ferrous metal conveyor stands may be stored in the magazine when the stands are protected by a coat of paint.

m. Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of, in accordance with the instructions of the manufacturer.

n. When magazines need interior repairs, all fireworks and black powder shall be removed therefrom and the floors cleaned.

o. In making exterior magazine repairs, when there is a possibility of causing sparks or fire, the fireworks and black powder shall be removed from the magazine.

p. Fireworks and black powder removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks and black powder shall be promptly returned to the magazine.

#### 42. Miscellaneous Safety Precautions

a. Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 50 feet of magazines.

b. The land surrounding magazines shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet.

c. Combustible materials shall not be stored within 50 feet of magazines.

d. Property upon which magazines are located shall be posted with signs reading "Explosives—Keep Off." Such signs shall be located so as to minimize the possibility of a bullet's traveling in the direction of the magazine if anyone shoots at the sign.

### PART III

#### STORAGE OF CLASS C FIREWORKS

##### 1. General Provisions

11. Class C fireworks shall be kept in storage buildings that meet the requirements of this section.

12. Class C fireworks shall be stored in storage buildings unless they are in process of manufacture, being physically handled in the operating process, being used, packaged, or being transported.

13. Storage buildings required by this section shall be constructed in accordance with Article 2.

14. Storage buildings containing Class C fireworks shall be separated from inhabited buildings, passenger railways and public highways, in accordance with Table 1.

15. Storage buildings containing Class C fireworks shall be separated from other storage buildings, magazines and fireworks plant buildings in accordance with Table 2.

##### 2. Construction of Storage Buildings

21. Storage buildings for Class C fireworks may be a building, igloo, box, trailer, semi-trailer or other mobile facility. They shall be constructed to resist fire from an outside source and to be weather-resistant and theft-resistant.

22. Storage buildings for Class C fireworks shall be vented, or in the alternative, shall be constructed in such a manner that venting will occur by yielding of weaker parts of the structure under pressure generated by burning fireworks.

23. All storage buildings shall be equipped with locking means for all openings.

24. All doors shall open outward and all exits must be clearly marked. Aisles and exit doors shall be kept free of any obstructions.

25. Only dust-ignition proof type electrical fixtures shall be used and wiring shall comply with Section 502-4(b) of the National Electrical Code. No wall receptacles are permitted. All light fixtures must have guards.

26. An outside master electrical switch shall be provided at each storage building where electricity is used.

##### 3. Storage Building Operations

###### 31. Storage.

a. Storage buildings shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

b. Doors shall be kept locked, except during hours of operation.

c. Safety rules covering the operations of storage buildings shall be posted.

d. Containers shall be piled in a stable manner.

e. Class C fireworks shall be stored in their original packaging and in unopened cases or cartons so as to take advantage of the insulation provided by such packaging; provided, however, unpackaged fireworks which have been returned by retailers may be temporarily retained in bins for repackaging.

f. Tools used for opening containers of Class C fireworks shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers.

g. Storage buildings shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings shall be properly disposed of.

h. When storage buildings need interior repairs, all fireworks shall be removed therefrom and the interior cleaned.

i. In making exterior storage building repairs, when there is a possibility of causing sparks of fire, the fireworks shall be removed from the storage building.

j. Fireworks removed from a storage building under repair shall either be placed in another storage building or placed a safe distance from the storage building, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks shall be promptly returned to the storage building.

###### 32. Miscellaneous Safety Precautions

a. Smoking, matches, open flames, spark-producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 25 feet of storage buildings.

b. The land surrounding storage buildings shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet, unless equivalent protection is provided.

c. Smoking shall not be permitted in storage buildings or within 25 feet of the storage building. There shall be

conspicuously posted signs with the words "FIRE-  
WORKS—NO SMOKING" in letters not less than  
four inches high.

**PART IV**  
**QUANTITY-DISTANCE SEPARATION TABLES**

**Table 1. Minimum Separation Distances of Fireworks Processing Buildings, Fireworks Magazines, and Fireworks Storage Buildings from Inhabited Buildings, Passenger Railways, and Public Highways.<sup>1</sup>**

Net Weight of Fireworks <sup>2</sup>  Pounds	Distance from Passenger Railways and Public Highways <sup>3,4,5</sup>		Distance from Inhabited Buildings <sup>3,4,5</sup>	
	Class C Fireworks Feet	Class B Fireworks <sup>5</sup> Feet	Class C Fireworks Feet	Class B Fireworks Feet
100	25	200	50	200
200	30	200	60	200
400	35	200	70	200
600	40	200	80	208
800	45	200	90	252
1,000	50	200	100	292
2,000	58	230	115	459
3,000	62	296	124	592
4,000	65	352	130	704
5,000	68	400	135	800
6,000	70	441	139	882
8,000	73	509	140	1,018
10,000	75	565	150	1,129
15,000	80	668	159	1,335
20,000	83	745	165	1,490
30,000	87	863	174	1,725
40,000	90	953	180	1,906
50,000	93	1,030	185	2,060
60,000	95	1,095	189	2,190
80,000	98	1,205	195	2,410
100,000	100	1,300	200	2,600
150,000	105	1,488	209	2,975
200,000	108	1,638	215	3,275
250,000	110	1,765	220	3,530

**NOTE 1:** This Table does not apply to separation distances at fireworks manufacturing buildings, and magazines for storage of Class B fireworks and storage buildings for Class C fireworks. Those separation distances are given in Table 2.

**NOTE 2:** Net weight is the weight of all pyrotechnic and explosive composition and fuse only.

**NOTE 3:** See definitions of "passenger railways," "public highways" and "inhabited buildings."

**NOTE 4:** Class B fireworks processing buildings and Class B fireworks magazines, including buildings located on the property of a fireworks plant shall be separated from passenger railways, public highways, and inhabited buildings by a minimum distance of 200 feet except that the separation from hospitals, schools and bulk storages of flammable liquids or flammable gases shall be by a minimum distance of 500 feet.

**NOTE 5:** The separation distances shall apply to all Class B fireworks except salutes. The separation distances in Table 3 shall apply for salutes. When salutes and Class B fireworks are stored in the same magazine, the net weight of salute is applied to Table 3 and the net weight of Class B fireworks, including the net weight of salutes, is applied to Table 1. Whichever distance is the greater shall determine the separation distances of the magazine.

**NOTE 6:** All distances in Table 1 are to be applied with or without barricades or screen-type barricades.

Table 2. Minimum Separation Distances at Fireworks Manufacturing Plants

Net Weight Fireworks <sup>1</sup>	Distance of Magazines and Storage Buildings from Process Buildings and Nonprocess Buildings <sup>2,5</sup>		Distance Between Process Buildings and Between Process and Nonprocess Buildings <sup>2</sup>	
	Class C Fireworks <sup>3</sup>	Class B Fireworks <sup>4</sup>	Class C Fireworks <sup>3</sup>	Class B Fireworks <sup>4</sup>
	Feet	Feet	Feet	Feet
Pounds				
100	30	30	37	57
200	30	35	37	69
400	30	44	37	85
600	30	51	37	97
800	30	56	37	105
1,000	30	60	37	112
2,000	30	76	37	172
3,000	35	87	48	222
4,000	38	95	60	264
5,000	42	103	67	300
6,000	45	109	72	331
8,000	50	120	78	382
10,000	54	129	82	423

NOTE 1: Net weight is the weight of all pyrotechnic and explosive compositions and fuse only.

NOTE 2: For the purposes of applying the separation distances in Table 2 a process building includes a mixing building, any building in which pyrotechnic or explosive compositions is pressed or otherwise prepared for finishing and assembling, and any finishing and assembling building. A nonprocess building means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

NOTE 3: Distances apply with or without barricades or screen-type barricades.

NOTE 4: Distances apply only with barricades or screen-type barricades.

NOTE 5: Distances include those between magazines, between storage buildings, between magazines and storage buildings, between magazines or storage buildings from process buildings and nonprocess buildings.

Table 3. Minimum Separation Distances of Magazines for Storage of Black Powder or Class B Salutes from Inhabited Buildings, Highways, and Other Magazines for Storage of Black Powder or Class B Salutes.

American Table of Distances for Storage of Explosives as Revised and Approved by The Institute of Makers of Explosives—November 5, 1971. Distances in feet.

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways— Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	205	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways— Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	155
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,050	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways— Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded	Barri- caded	Unbarri- caded
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

**WSR 82-12-002**

**EMERGENCY RULES**

**COUNCIL FOR**

**POSTSECONDARY EDUCATION**

[Order 1-82, Resolution No. 82-42—Filed May 20, 1982]

Be it resolved by the Council for Postsecondary Education, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the displaced homemaker program.

We, the Council for Postsecondary Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is legislation to authorize continuation of the displaced homemaker program was enacted (HB 286) on April 1, 1982. These rules are promulgated for emergency adoption so that the council may begin the contract award process immediately.

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

This rule is promulgated pursuant to chapter 28B.04 RCW, as amended, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 20, 1982.

By Chalmers Gail Norris  
Executive Coordinator

Chapter 250-44

**REGULATIONS FOR THE ADMINISTRATION  
OF THE  
DISPLACED HOMEMAKER ((PILOT PROJECT))  
PROGRAM**

- 250-44-010 Purpose.
- 250-44-020 ((Project)) Program Administration. Advisory Committee.
- 250-44-030 Definitions.
- 250-44-040 Utilization of available contract funds.
- 250-44-060 Eligibility to apply for contracts.
- 250-44-070 Standards to be met by applicants.
- 250-44-080 Eligible expenditures and matching requirements.
- 250-44-090 Required assurances.
- 250-44-100 Accounting, reporting, and records retention requirements.
- 250-44-110 Length of contract periods.
- 250-44-120 Payments under approved contracts.
- 250-44-130 Calendar and closing dates for letters of intent, applications, and awards.
- 250-44-140 Form and contents of applications.
- 250-44-150 Criteria for selection of contracts to be awarded.
- 250-44-160 Procedure for selection of contracts to be awarded.
- 250-44-170 Incorporation of applications in contracts.
- 250-44-180 Amendment of contracts.
- 250-44-190 Withholding of contract payments.
- 250-44-200 Program audits.
- 250-44-210 Evaluation reports.

**AMENDATORY SECTION** (Amending Order 7/79, filed 8/17/79)

**WAC 250-44-010 PURPOSE.** The Displaced Homemaker Act ((Chapter 73, Laws of 1979)) RCW

28.B.04 (~~established a two-year pilot project~~) establishes guidelines under which the Council for Postsecondary Education shall contract to establish both multipurpose service centers and programs of service to provide necessary training opportunities, counseling and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. This chapter is promulgated by the council to establish necessary regulations for the operation of the ((pilot project.)) Displaced Homemaker Program.

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 7/79, filed 8/17/79)

WAC 250-44-020 ((PROJECT)) PROGRAM ADMINISTRATION. Responsibility for all aspects of administration of the ((pilot project.)) Displaced Homemaker Program, subject to these regulations, shall be vested in the executive coordinator of the council. The executive coordinator shall provide progress reports to the council and to the Governor and the appropriate committees of the legislature.

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 7/79, filed 8/17/79)

WAC 250-44-030 ADVISORY COMMITTEE.  
(1) The executive coordinator shall establish an advisory committee, to be known as the Displaced Homemaker Program Advisory Committee(~~(, to serve for the duration of the pilot project.))~~

(2) The advisory committee shall be advisory to the executive coordinator and staff of the council, and is intended to provide an effective and efficient means for the consultation required by sections 4 and 8 of the act.

(3) Members of the advisory committee shall include one person from each of the agencies listed in section 8 of the act, plus such other persons as the executive coordinator deems necessary to provide adequate consultation and geographic and general public representation but total advisory committee membership shall not exceed 22 persons. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the ((pilot project)) Displaced Homemaker Program.

(b) To assist in coordination of activities under the act with related ((program)) activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding.

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 7/79, filed 8/17/79)

WAC 250-44-040 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Displaced Homemaker Act (~~Senate Bill No. 2406 (Chapter 73, Laws of 1979))~~ RCW 28B.04(-), as amended.

(2) "Advisory committee" means the advisory committee established pursuant to WAC 250-44-((040)) 030.

(3) "Appropriate job opportunities" means opportunities to be gainfully employed, as defined in subsection (9) of this section, in jobs which build upon all relevant skills and potential skills of the individual displaced homemaker, including opportunities in jobs which in the past may not generally have been considered traditional for women.

(4) "Center" means a multipurpose service center as defined in subsection (10) of this section.

(5) "Council" means the Council for Postsecondary Education.

(6) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Meets one of the following criteria;

(i) Has been dependent on the income of another family member but is no longer supported by that income; or

(ii) Has been dependent on federal assistance but is no longer eligible for that assistance; or

(iii) Is supported as the parent of minor children by public assistance or spousal support, but whose youngest child is within two years of reaching majority.

(7) "Executive coordinator" means the executive coordinator of the council.

(8) "Executive officer" of the sponsoring organization means the chief executive or senior officer of the organization.

(9) "Gainfully employed" means employed for salary or wages on a continuing basis and earning at least ~~(((\$7,000))~~ \$9,000 on an annual basis ~~(((\$650))~~ \$750 monthly or ~~(((\$150))~~ \$174 weekly.

(10) "Multipurpose service center" means a center contracted for under the act, which either provides directly, or provides information about and referral to, each type of program of service as defined in subsection (14) of this section.

(11) "Objective" means a purpose of a program of service which can be quantified and for which objective measurements of performance can be established.

(12) "~~((Pilot project))~~ Displaced Homemaker Program" means the program of contracts for multipurpose service centers and programs of service for displaced homemakers authorized by the act.

(13) "Program" means a program of service as defined in subsection (14) of this section.



(14) "Program of service" means one of the specific services listed in subdivisions (a) ~~((and))~~ through (g) of this subsection, and meeting the criteria set forth in the subdivision.

(a) Job counseling services, which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities (as defined in subsection (3) of this section); and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development.

(b) Job training and job placement services which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which prepare the displaced homemaker to be gainfully employed as defined in subsection (9) of this section;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors.

(c) Health counseling services, including referral to existing health programs, which shall:

(i) Include general principles of preventative health care;

(ii) Include health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Include family health care and nutrition;

(iv) Include alcohol and drug abuse; and

(v) Include other related health care matters as appropriate.

(d) Financial management services, which shall:

(i) Provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and

(ii) Include referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(e) Educational services, which shall:

(i) Include outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Include information about such other programs as the council may determine to be of interest and benefit to displaced homemakers, and for which appropriate informational materials have been provided by the council.

(f) Legal counseling and referral services, which shall:

(i) Be limited to matters directly related to problems of displaced homemakers;

(ii) Be supplemental to financial management services as defined in subdivision (d) of this subsection; and

(iii) Emphasize referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(g) General outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the council may determine to be of interest and benefit to displaced homemakers, and for which the council distributes appropriate informational materials.

(15) "Reaching majority" means reaching age 18.

(16) "Sponsoring organization" means a public institution, agency or governmental entity, or a chartered private nonprofit institution or organization which has legal authority to submit an application, enter into a contract, and provide the programs of service covered by the application, and which agrees to provide supervision and financial management to ensure compliance with the terms and conditions of the contract.

(17) "Training for service providers" means ~~((a program to))~~ activities which provide training for persons serving the needs of displaced homemakers.

(18) "Statewide outreach and information services" means activities designed to make general outreach and information service of displaced homemakers available throughout Washington in areas not directly served by multipurpose service centers or other programs of service under the Displaced Homemaker Program.

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

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 7/79, filed 8/17/79)

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. ((Specific utilization criteria shall be as set forth in this section.))

(1) Each biennium the executive coordinator shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

((1)) (a) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act ((shall be \$70,000)) for the contract period.

((2)) (b) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act ((shall be \$42,000)) for the contract period.

((3)) (c) ((The council may reserve no more than \$21,000 for one or more contracts to provide An initial reservation of fund for contracts to provide statewide outreach and information services and training for service providers ((from funds available under the act)).

((4)) (2) ((Two)) At least two multipurpose service centers in major population centers will be supported under the ((pilot project)) displaced homemaker program, provided adequate funds have been appropriated.

~~((5)) ((If qualifying applications are received, at least one contract for multiple programs of service designed specifically to reach and serve residents of rural areas will be awarded.))~~

~~((6)) (3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service(, in relation to centers of population)).~~

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 7/79, filed 8/17/79)

WAC 250-44-090 REQUIRED ASSURANCES. No contract will be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization will actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract will be provided without payment of any fees for the services(;) PROVIDED: that the executive coordinator may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of Displaced Homemaker Program objectives;

(4) First priority for all services provided under the contract will be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance will not in any way interfere with provision of services to displaced homemakers as defined in the act. The sponsoring organization will include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC 250-44-100 and such other accounting and reporting requirements as may reasonably be established by the executive coordinator.

(6) The sponsoring organization agrees to participate in ~~((the pilot project))~~ evaluation procedures to be established pursuant to WAC 250-44-210, including the use of a specified uniform intake classification form for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the council under the contract will be provided monthly ~~((in advance))~~ upon submission and approval of monthly payment requests in a form and containing information specified by the executive coordinator of the council, and that approval of monthly payments shall be conditioned upon the executive coordinator's determination that the sponsoring organization is in compliance with the terms of the contract and WAC chapter 250-44;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and authorized to submit the application and execute a contract in accordance with the application if it is approved by the council; and

(10) The executive coordinator and staff of the council will be provided access to financial and other records pursuant to the contract.

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 7/79, filed 8/17/79)

WAC 250-44-110 LENGTH OF CONTRACT PERIODS. Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to ~~((the following limits:))~~ contract application guidelines issued by the executive coordinator.

~~((1) Contracts for operation of multipurpose service centers may cover operations beginning as early as November 1, 1979 and ending June 30, 1981;))~~

~~((2) Contracts for operation of programs of services may cover operations beginning as early as January 1, 1980 and ending June 30, 1981; and))~~

~~((3) Contracts for training for service providers may be for operations beginning as early as January 1, 1980 and ending June 30, 1981;))~~

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-120 PAYMENTS UNDER APPROVED CONTRACTS. Payments to sponsoring organizations under approved contracts for multipurpose service centers, programs of service, and training for service providers shall be authorized and processed according to the following procedure:

(1) Payments will be made ~~((in advance))~~ one month at a time, unless less frequent payments are requested by the contractor.

(2) Sponsoring organizations will submit requests for payment in a form and containing information specified by the executive coordinator to include information on:

(a) Total payments received to date;

(b) Estimated expenditures to date;

(c) Estimated expenditures for the month ~~((in progress and the ensuing month))~~ just completed; and

(d) Balance required to cover estimated expenditures.

(3) Upon approval of the request for payment, and receipt of the quarterly report for the most recent completed quarter under the contract, the executive coordinator will authorize disbursement of the funds.

(4) Requests for payments must be received in the council office at least two weeks prior to the ~~((beginning of the month to ensure payment by the first of the month on requests found to be in order))~~ requested payment date.

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 7/79, filed 8/17/79)

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, APPLICATIONS, AND AWARDS. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers, programs of service, statewide outreach and information services or training for service providers, shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((no later than Friday, August 30, 1979))~~ the dates specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by ~~((no later than Wednesday, September 5, 1979))~~ seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts ~~((for multipurpose service centers or programs of service))~~ may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section. The closing dates for such applications ~~((is Friday, September 14, 1979))~~ will be specified in the contract application guidelines.

(4) The executive committee of the council will approve awards of ~~((two))~~ contracts ~~((for operation of multipurpose service centers or programs of service)),~~ provided qualifying applications were received ~~((on Thursday, October 4, 1979))~~ by the closing date specified in the guidelines.

~~((5))~~ Sponsoring organizations wishing to apply for contracts to operate programs of service shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of a nonpublic applicant, by no later than Friday, October 19, 1979.)

~~((6))~~ The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent to apply to operate programs of service and distribute the list to all organizations on the list, by no later than Wednesday, October 24, 1979.)

~~((7))~~ Applications for contracts for programs of service may be submitted by sponsoring organizations on the

~~list pursuant to subsection (6) of this section. The closing date for such applications is Friday, November 16, 1979.)~~

~~((8))~~ The council will approve award of contracts for operation of programs of service on Thursday, December 6, 1979.)

~~((9))~~ (5) In the event that available funds for contracts under the act are not fully utilized after approval of contracts ~~((on December 6, 1979, the council may at its option))~~ the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or ~~((offer))~~ award supplemental funds to existing centers and programs by amendment of contracts in effect.

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

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

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-140 FORM AND CONTENT OF APPLICATION. (1) General instructions. All forms and narrative material should be typed, narrative material double-spaced. Legibility, clarity, and completeness are essential. All sections of the application must be completed. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application should be avoided. Elaborate art work, expensive paper and bindings are not necessary and will not count in favor of the application.

(2) Number of copies. ~~((Five copies of each application are))~~ The contract application guidelines shall specify the number of copies of each application to be submitted to the executive coordinator. Copies may be reproduced, but ~~((each))~~ at least two copies ~~((copy))~~ submitted ~~((is to))~~ shall have the original signature of the executive officer of the sponsoring organization.

(3) Contents of each application. Each application is to be submitted ~~((on an application form to be provided by the executive coordinator, which will include the signature of the executive officer of the sponsoring organization and all required assurances, and will incorporate by reference the following documents:))~~ using the format and forms prescribed in the contract application guidelines.

(a) The proposal narrative, prepared in the format prescribed by the executive coordinator;

(b) The proposed contract budget, on forms to be supplied by the executive coordinator;

(c) A copy of the most recent external audit report of the sponsoring organization;

(d) Copies of letters of intent and/or agreements for the coordination of services with other organizations in relation to the multipurpose service center or programs of service covered by the application; and

(e) Any other relevant documents submitted in support of the application.)

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-150 CRITERIA FOR SELECTION OF CONTRACTS TO BE AWARDED. (1) For each closing date established as specified in WAC 250-44-130, applications will be ranked competitively according to their performance with respect to:

(a) Size of the potential population (~~(with respect to)~~) to be served;

(b) Demonstrated need for the proposed services;

(c) Experience and capabilities of the sponsoring organization;

(d) (~~(Explicitly)~~) Provisions for coordination of services with other organizations providing related services in the geographic area;

(e) Involvement of displaced homemakers in the planning and development of the proposal;

(f) The quality of the proposed center or program.

(2) The executive coordinator (~~(in consultation with the advisory committee,)~~) shall develop (~~(an explicit)~~) a system for evaluating applications with respect to the above-stated criteria, and make a description of the system available to sponsoring organizations which submit letters of intent to file applications.

(3) Final selection of applications to be approved will be based upon both relative ranking on factors listed in subsection (1) and (~~(on)~~) appropriate geographic distribution.

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 7/79, filed 8/17/79)

WAC 250-44-160 PROCEDURE FOR SELECTION OF CONTRACTS TO BE AWARDED. The following steps will be employed in screening and selection of applications to be approved:

(1) Applications will be screened for eligibility and completeness;

(2) A panel of application readers will be established, to consist of council staff members designated by the executive coordinator (~~(one or more council members designated by the council chairman,)~~) members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive coordinator;

(3) Within each category of application as described in WAC 250-44-150, the panel of readers will evaluate and rank qualifying applications according to the (~~(explicit)~~) system published in accordance with subsection (2) of WAC 250-44-150;

(4) The (~~(entire advisory committee)~~) executive coordinator will (~~(meet to)~~) consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(5) The list of recommended approved applications will be submitted to the executive committee of the

council for (~~(its consideration and will be public information, and the council will by formal resolution determine which applications are approved for award of contracts.))~~ approval. Upon approval by the executive committee the executive coordinator will award the contracts.

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 7/79, filed 8/17/79)

WAC 250-44-180 AMENDMENT OF CONTRACTS. A contract may be amended by mutual agreement between the executive coordinator and the executive officer of the sponsoring organization (~~(PROVIDED, that any contract amendment increasing the amount of financing from funds appropriated for the act shall require the council's approval))~~.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-200 PROGRAM AUDITS. The executive coordinator (~~(shall)~~) may arrange for a program audit, including review of accounts for expenditures under the contract, upon completion of the contract period. If any claimed expenditures are determined to be ineligible, the sponsoring organization shall be required to repay the amount of such ineligible expenditures.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-210 EVALUATION REPORTS. The executive coordinator will prepare an (~~(interim)~~) evaluation report regarding the (~~(pilot project by December 31, 1980, and a final evaluation report by June 30, 1981))~~) displaced homemaker program at the end of the first two years, and a biennial evaluation beginning in January 1984. Such reports shall be (~~(considered and adopted by))~~) reviewed with the council prior to official submission to the Governor and the legislature.

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 82-12-003**  
**PROPOSED RULES**  
**COMMISSION ON EQUIPMENT**  
 [Filed May 20, 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, July 21, 1982, in the 1st Floor Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, July 21, 1982, in the 1st Floor Large Conference Room, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.37.005 and 46.37.420.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 21, 1982, and/or orally at 10 a.m., Wednesday, July 21, 1982, 1st Floor Large Conference Room, General Administration Building, Olympia, Washington 98504.

Dated: May 19, 1982  
By: Lt. R. C. Dale  
Secretary

### STATEMENT OF PURPOSE

Title: WAC 204-24-020, Standards for tire chains.

Description of Purpose: To delete the standards from this chapter dealing with traction devices and to refer the reader to chapter 204-22 WAC which deals exclusively with tire chains.

Statutory Authority: RCW 46.37.005 and 46.37.420.

Summary of Rule: Deletes standards from chapter 204-24 WAC.

Reasons Supporting Such Action: Standards for tire chains are proposed in new chapter 204-22 WAC.

Agency Personnel Responsible for Drafting: Lieutenant R. C. Dale, Secretary, Commission on Equipment, 4242 Martin Way, Olympia, Washington 98504, Phone: 753-6569; Implementation: Commission on Equipment; and Enforcement: None.

Person or Organization Proposing Rule: Lieutenant R. C. Dale, Secretary, Commission on Equipment, a governmental agency.

Agency Comments: None.

The 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 204-24-020 STANDARDS FOR TIRE CHAINS. ((Each tire chain 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. The terms "tire chain" and "side chains," when used in this regulation for vehicles with single drive wheels, shall include chain or steel cable with hardened steel traction projections securely fastened to the cross links. The steel cable used for this purpose shall be of a strength equivalent to the chain used in conventional metal tire chains. The Commission on Equipment can approve for use on the public highways of this state other "tire chain" devices, not manufactured of hardened steel, if the devices are equivalent to metal chains in performance.)) Standards for tire chains shall be as set forth in chapter 204-22 WAC.~~

**WSR 82-12-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 82-19—Filed May 20, 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 chapter 296-150A WAC, standards for factory-built housing and commercial structures. These rules describe the administrative procedures for obtaining approval of design plans and insignia from the department, and the procedures by which the department will enforce the factory-built housing and commercial structures law. Although these rules are drafted differently from the current rules, there are few substantive changes from the requirements that factory-built housing and commercial structures currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures. WAC 296-150A-300 updates the construction standards for factory-built housing and commercial structures to comply with the latest national codes. The rule adds a new requirement that manufacturers comply with the Washington state energy code. WAC 296-150A-990 sets new, higher fees for inspections, examination of design plans, and other services the department offers. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations, and services. The factory-built housing and commercial structures advisory board has recommended that the department adopt these rules, including the new fee rule.

This action is taken pursuant to Notice Nos. WSR 82-05-007 and 82-11-083 filed with the code reviser on February 5, 1982 and May 18, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 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 May 20, 1982.

By Sam Kinville  
Director

### Chapter 296-150A WAC

#### Standards for factory built housing and commercial structures

#### WAC

296-150A-005	Application and scope.
296-150A-011	Enforcement.
296-150A-016	Definitions.
296-150A-021	Insignia of approval—In general.
296-150A-024	Filing a design plan.
296-150A-030	Requirements for design plans.
296-150A-035	Engineering analysis and test procedures.
296-150A-040	Department check of the design plan.
296-150A-045	Resubmittal of corrected design plan.
296-150A-051	Application for approval of a compliance control manual.

- 296-150A-055 Changes to a design plan or an approved compliance control manual.
- 296-150A-060 Renewal of a design plan.
- 296-150A-065 Trade secrets.
- 296-150A-070 Applications for inspection and insignia for factory-built structures and components.
- 296-150A-075 Applications for insignia for factory-built structures and components.
- 296-150A-080 Inspections at a manufacturer's plant by a local enforcement agency, an independent inspection agency, or the manufacturer.
- 296-150A-085 Other inspections by the department.
- 296-150A-090 Action after inspection.
- 296-150A-095 Inspection of factory-built structures after installation at the building site.
- 296-150A-100 Complaint investigations.
- 296-150A-105 Fee required if a structure or component is not ready for inspection.
- 296-150A-110 Alterations.
- 296-150A-115 Application for insignia and approval of alteration.
- 296-150A-120 Lost or damaged insignia.
- 296-150A-125 Notice of violations.
- 296-150A-130 Prohibited sale or lease notice.
- 296-150A-135 Approval of equipment.
- 296-150A-140 Department approval of listing and testing agencies, licensed professional engineers, and licensed architects.
- 296-150A-145 Approval of alternates.
- 296-150A-150 Manufacturing in more than one location.
- 296-150A-155 Change of name, address, or ownership.
- 296-150A-160 Discontinuance of a product line.
- 296-150A-170 Reciprocal agreements.
- 296-150A-300 Construction standards for factory-built structures.
- 296-150A-950 Hearing on grievances.
- 296-150A-990 Fees.

#### NEW SECTION

WAC 296-150A-005 APPLICATION AND SCOPE. (1) This chapter implements the provisions of RCW 43.22.450 through RCW 43.22.490, which cover the construction and approval of factory-built structures.

(2) This chapter applies to:

- (a) factory-built structures;
- (b) components; and
- (c) equipment and installations intended to be used in factory-built structures and components.

#### NEW SECTION

WAC 296-150A-011 ENFORCEMENT. The department administers and enforces the provisions of this chapter. An officer, agent, or employee of the department may enter any premises, during working hours or at other reasonable times, where structures or components are manufactured, sold, leased, or offered for sale

or lease. He or she may examine a manufacturer's compliance control and production records, and may inspect any construction, equipment, or installations to ensure that the manufacturer is complying with this chapter. If necessary to make a proper inspection, he or she may require a manufacturer, dealer, distributor, or consumer to remove part of the structure or component.

#### NEW SECTION

WAC 296-150A-016 DEFINITIONS. For the purposes of this chapter:

(1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction, structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or wrecks in transit or during installation:

- (a) repairs with approved parts;
  - (b) modification of a listed fuel-burning appliance in accordance with the terms of its listing;
  - (c) replacement of equipment with similar equipment; and
  - (d) adjustment and maintenance of equipment.
- (2) "Approved" means approved by the department.
- (3) "Audit" means an inspection to examine for compliance a manufacturer's production and compliance control procedures.
- (4) "Building Site" means a tract, parcel, or subdivision of land on which a structure is or will be installed.
- (5) "Compliance Control" means the plan and method for ensuring that the manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.
- (6) "Component" means a discrete element that is:
- (a) designed to be installed in a structure;
  - (b) manufactured as a unit; and
  - (c) designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, heating assembly, or similar assemblies. "Component" includes service cores, but does not include roof trusses.

(7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.

(8) "Custom Structure" means a one-of-a-kind structure.

(9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.

(10) "Department" means the Washington state department of labor and industries.

(11) "Design Option" means a design that a manufacturer may use as an option to its design plan.

(12) "Design Plan" means a plan for construction of a structure or component.

(13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.

(14) "Factory-Built Structure" means a structure that is designed for occupation or use, or is occupied or used by persons; and that complies with the uniform building code. "Factory-built structure" includes factory-built housing and commercial structures.

(15) "Independent Inspection Agency" means an organization that is in the business of inspecting structures, components, or equipment.

(16) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter.

(17) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.

(18) "Labeled" means bearing the department's insignia or a label of approval from a testing or listing agency.

(19) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.

(20) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.

(21) "Listing Agency" means an organization that is in the business of approving equipment or installations.

(22) "Local Enforcement Agency" means a city or county agency that enforces laws or ordinances governing the construction and installation of structures and components.

(23) "Manufacturing" means making, fabricating, forming, or assembling a structure, component, equipment, or installation.

(24) "Structure" means a factory-built structure that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

(25) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

(26) "Testing Agency" means an organization that is in the business of testing equipment, installations, or systems.

#### NEW SECTION

WAC 296-150A-021 INSIGNIA OF APPROVAL—IN GENERAL. (1) A manufacturer of a structure or component that is intended to be sold, leased, or used in Washington must obtain an insignia for each structure or component before it sells, leases, or allows the use of the structure or component.

(2) A manufacturer need not obtain an insignia for a component or structure if:

(a) the structure or component is manufactured in Washington but the manufacturer has designated it for delivery, and delivered it to, a purchaser in another state;

(b) the structure or component is delivered in Washington, but is purchased by a common carrier, shipped by the seller via the purchaser, carried under a bill of lading, and the structure or component is transported to a destination in another state;

(c) the structure or component is delivered in Washington, but is purchased from a dealer or manufacturer in another state for use outside this state, and the purchaser transports the structure or component from Washington to a point outside Washington within 30 days of the date of delivery.

#### NEW SECTION

##### WAC 296-150A-024 FILING A DESIGN PLAN.

(1)(a) A manufacturer of a component or structure must file with the department a design plan for the structure or component. The department will not grant an insignia unless the design plan is filed.

(2)(a) The application must include:

(i) A completed application form. The manufacturer may obtain a form from the department.

(ii) An application for approval of a compliance control manual, if necessary. (See WAC 296-150A-051).

(iii) One complete set of design plans, specifications, engineering data, and test results, plus one additional complete set for each location at which the manufacturer will manufacture the structure or component.

(iv) The filing fee for the design plan (see WAC 296-150A-990).

(b) If a manufacturer is from out of state, the application must also include a statement from the manufacturer that it agrees to submit to the department annually the names and addresses of all Washington dealers and distributors for the manufacturer's product.

#### NEW SECTION

WAC 296-150A-030 REQUIREMENTS FOR DESIGN PLANS. (1) General requirements. A design plan must include plan and elevation views of the structure or component, and the specifications, engineering data, and test results necessary for a complete evaluation of the design. A manufacturer may submit the specifications, engineering data, and test results separately from the drawings.

If the specifications, engineering data, and test reports are not included on the plan drawings, they must be fastened together. The cover sheet of the plan must note that the documents are part of the plan.

The plan and elevation views for the design plan must be drawn to scale on uniformly sized standard drawing sheets. The applicant must submit prints of the drawings; the department will not accept originals.

The applicant must provide, on the cover or face sheet of the design plan, information that describes the plan, including the plan designation, description of design options, sheet numbers, and titles. The cover sheet should also have space for the department to insert the plan number and the approval date.

The plan must indicate where the manufacturer will affix the insignia to the structure or component. A plan



that covers three or more modules must have a "key" drawing to show the arrangement of the modules.

(2) A design plan for factory-built structures, other than one- and two-family dwellings, must be accompanied by a plot plan or side measurements that show the location of the building on the property, the dimensions of the property lines, the dimensions to other buildings on the property, and the fire zone classification.

(3) Specific requirements. The department has numerous specific requirements for design plans. When an applicant intends to file a design plan, it should specify the kind of structure or component it intends to manufacture, and the kind of design plan it intends to submit. The department will send the applicant a copy of the specific requirements.

#### NEW SECTION

WAC 296-150A-035 ENGINEERING ANALYSIS AND TEST PROCEDURES. (1) When a manufacturer must show that a structural design, method of construction, installation, or piece of equipment is adequate to fulfill its intended function, the manufacturer must submit to the department information on and the results of an engineering analysis or a physical test.

(2) If the manufacturer does an engineering analysis of the design, method, installation, or equipment, the analysis must be made in accordance with generally established principles of engineering and must be signed by an architect or professional engineer licensed in Washington.

(3) If the manufacturer tests the design, method, installation, or equipment, the tests must be performed by a testing agency or an architect or professional engineer licensed in Washington.

Test reports must contain the following items:

- (a) a description of the method or standards that applied to the test;
  - (b) a description and drawings of the item tested;
  - (c) a description of the test set-up;
  - (d) a description of the procedure used to load the item for, and to measure, each condition;
  - (e) test data (and graphs, where applicable), including pertinent observations of the characteristics and behavior of the item tested;
  - (f) engineering data; and
  - (g) analysis, comments, and conclusion.
- (4) The results of the tests or analyses must be in writing and must identify the design plan to which the results relate.

#### NEW SECTION

WAC 296-150A-040 DEPARTMENT CHECK OF THE DESIGN PLAN. The department shall check a design plan for compliance with this chapter. If the design plan does not comply with this chapter, the department shall notify the applicant in writing of the deficiencies in the plan. The applicant may resubmit a corrected design plan pursuant to WAC 296-150A-045.

If the department does not find any areas in which the design plan does not comply with this chapter, the department will send the applicant a letter stating the applicant's manufacturer number and the plan number for the design plan. The applicant may begin construction of the structure or component upon receipt of the letter from the department.

The applicant must keep a copy of the design plan at each location at which it is building the structure or component described by the design plan.

#### NEW SECTION

WAC 296-150A-045 RESUBMITTAL OF CORRECTED DESIGN PLAN. An applicant who has been notified of deficiencies in its design plan may correct the plan and resubmit it within 90 days after it receives the notice. If the applicant does not meet this deadline, the department may treat the resubmittal as a new application for the design plan.

Each resubmittal must include the minimum resubmittal fee set out in WAC 296-150A-990.

#### NEW SECTION

WAC 296-150A-051 APPLICATION FOR APPROVAL OF A COMPLIANCE CONTROL MANUAL. (1) A manufacturer of a component must apply, and a manufacturer of a factory-built structure may apply, to the department for approval of a compliance control manual. The application must include:

- (a) A completed application form. The manufacturer may obtain a form from the department.
- (b) One copy of the compliance control manual plus one additional copy for each location at which the manufacturer will build the structure or component. The copies must be printed on substantial 8 1/2 by 11 inch paper and must be fastened together.
- (c) An outline of the compliance control procedure.
- (d) The name of the corporate officer, partner, or manager who is responsible for the compliance control program and for maintaining the inspection records for each unit.
- (e) An application fee.

(2) If the department has previously approved a compliance control manual for the manufacturer, the manufacturer need not submit copies of the manual with the application.

(3) When the manufacturer asks the department for an application form, it should inform the department of what kind of product it intends to manufacture. The department will send the manufacturer the specific requirements for the compliance control manual.

#### NEW SECTION

WAC 296-150A-055 CHANGES TO A DESIGN PLAN OR AN APPROVED COMPLIANCE CONTROL MANUAL. If a manufacturer wants to change its design plan or compliance control manual, or a change is required because the department has amended the rules in this chapter, the manufacturer must file the new design plan pursuant to WAC 296-150A-024, or



apply for approval of the new compliance control manual pursuant to WAC 296-150A-051.

If the manufacturer must change the design plan or compliance control manual to comply with changes in this chapter, the manufacturer may continue to manufacture its product under the old design plan or compliance control manual for 90 days after the changes in this chapter become effective. The manufacturer should submit its new design plan or compliance control manual within 30 days after the change takes effect to ensure that the department will have time to examine and approve the plan or manual.

#### NEW SECTION

**WAC 296-150A-060 RENEWAL OF A DESIGN PLAN.** (1) The filing of a design plan expires 12 months after the date the department notifies the manufacturer that it may begin building structures or components pursuant to the plan.

(2) A manufacturer must apply to the department for renewal of the design plan each year at least one month before the filing expires to ensure that the department will have time to examine the design plan. The manufacturer may obtain an application for renewal of plan filing from the department. The manufacturer must submit:

(a) a completed application form; and

(b) the renewal fee required by WAC 296-150A-990. The renewed plan must be identical to the original design plan, except that the manufacturer may change the model name or designation.

#### NEW SECTION

**WAC 296-150A-065 TRADE SECRETS.** The department will keep confidential all material, design plans, specifications, engineering data, test results, compliance control manuals, and other design information that a manufacturer submits to the department. The department will release this information to public scrutiny only if ordered to do so by a court, or if otherwise required by law.

#### NEW SECTION

**WAC 296-150A-070 APPLICATIONS FOR INSPECTION AND INSIGNIA FOR FACTORY-BUILT STRUCTURES AND COMPONENTS.** (1) Inspections in general. A manufacturer of factory-built structures or components must apply to the department for inspections of its products. The department will not issue an insignia for a unit until it has completed inspecting the unit.

The manufacturer may obtain an inspection application form from the department. It must submit the form and an application fee. The department must receive the application at least five days before the proposed date of the inspection.

A manufacturer need not apply to the department for inspection if the department has approved an independent inspection agency, a local enforcement agency, or the manufacturer itself to inspect its products. See WAC 296-150A-080.

Each unit of the manufacturer's product must have a specific serial number to ensure that the department has inspected each unit. The manufacturer must have the design plan and, if applicable, the approved compliance control manual at the location at which it is manufacturing the product. A manufacturer with a compliance control manual must provide a control card or other compliance control document for each unit.

(2) The department shall generally inspect each factory-built structure and component twice. The department shall make an "ok to cover" inspection of a unit before the electrical, plumbing, mechanical, heating, and structural systems are covered or sealed during the construction. After the unit is completed, the department shall make a "final" inspection.

#### NEW SECTION

**WAC 296-150A-075 APPLICATIONS FOR INSIGNIA FOR FACTORY-BUILT STRUCTURES AND COMPONENTS.** The manufacturer of a factory-built structure or component must apply to the department for an insignia for each unit. The manufacturer may obtain an application form from the department. The manufacturer must submit with the application a fee for each insignia. The department will give an insignia to a manufacturer for installation on a unit if it has received the application and fees, and if the final inspection reveals that the unit complies with this chapter.

#### NEW SECTION

**WAC 296-150A-080 INSPECTIONS AT A MANUFACTURER'S PLANT BY A LOCAL ENFORCEMENT AGENCY, AN INDEPENDENT INSPECTION AGENCY, OR THE MANUFACTURER.** (1) A manufacturer who wants to be inspected by a local enforcement agency or an independent inspection agency may ask the agency to inspect it. The local enforcement agency or independent inspection agency may do so if it obtains approval from the department.

If the department approves of the agency, it shall by contract allow the agency to perform the inspections. The contract shall require the agency to comply with and enforce the requirements of this chapter, and shall list all manufacturers that the agency may inspect. The parties may amend the contract at any time to add or delete a manufacturer. The manufacturer may obtain the departmental insignia from the agency instead of the department.

(2) A manufacturer may contract with the department to inspect its own products. The contract shall require the manufacturer to comply with and enforce the requirements of this chapter and the manufacturer's compliance control manuals. The contract shall specify the management procedures by which the manufacturer will assure that the inspections are carried out, and shall designate the officer, partner, or owner who is responsible for the inspections.

(3) The department shall audit the agency's or manufacturer's inspections to ensure they are complying with

the contract and this chapter. If the agency or manufacturer is not complying with the contract or this chapter, the department may require the agency or manufacturer to allow the department to perform the inspections.

#### NEW SECTION

WAC 296-150A-085 OTHER INSPECTIONS BY THE DEPARTMENT. (1) A person must ask the department to inspect a structure or component if:

(a) the person is selling, leasing, or offering for sale or lease a structure or component that does not bear an insignia and is required to bear an insignia;

(b) the person is altering or has altered the component, or the structure before or during installation of the structure on the building site; or

(c) the department has issued a correction notice and a reinspection is necessary.

(2) An applicant for an inspection must submit an application on forms supplied by the department at least five working days before the desired date of inspection. The applicant must submit with the application an application fee pursuant to WAC 296-150A-990.

(3) For any inspection, the applicant must provide to the department the design plans, specifications, engineering data, and test results on request.

#### NEW SECTION

WAC 296-150A-090 ACTION AFTER INSPECTION. After an inspection, if the structure or component meets the requirements of this chapter, and the applicant submits completed insignia application forms, insignia fees, and inspection fees, the department shall issue an insignia for the structure or component.

#### NEW SECTION

WAC 296-150A-095 INSPECTION OF FACTORY-BUILT STRUCTURES AFTER INSTALLATION AT THE BUILDING SITE. (1) A manufacturer, dealer, or owner must obtain the approval of the local enforcement agency for each installation of a factory-built structure at a building site. After the department performs a final inspection of a unit, it may send a notice to the local enforcement agency that specifies what connections, standards, and items the agency should check when the unit is installed.

(2) The local enforcement agency may require the manufacturer to provide a set of design plans and specifications for the unit, and to obtain all necessary permits, before it allows the manufacturer to transport the unit to the building site.

(3) The local enforcement agency may not open for inspection any factory-built structure or component that bears the department's insignia.

(4) The local enforcement agency shall notify the department if a unit has been damaged en route to the building site, or during installation, so that the department can inspect the damage to the unit.

#### NEW SECTION

WAC 296-150A-100 COMPLAINT INVESTIGATIONS. A person may complain in writing to the department about a structure or component. The complaint should describe the items that the person feels do not comply with this chapter. The department will send a copy of the complaint to the manufacturer and the dealer. The manufacturer and dealer have 30 days to respond. The department shall base its actions on the response.

If the department decides an investigation is necessary and discovers that the unit inspected violates this chapter, the manufacturer or dealer shall pay the cost of the inspection. If the department does not discover any violations, the complainant must pay the fees.

#### NEW SECTION

WAC 296-150A-105 FEE REQUIRED IF A STRUCTURE OR COMPONENT IS NOT READY FOR INSPECTION. If a manufacturer or person applies to the department for an inspection of a structure or component, and the structure or component is not ready to be inspected at the time or place specified in the application, the manufacturer or person must pay the department the application fee and any travel and per diem expenses.

#### NEW SECTION

WAC 296-150A-110 ALTERATIONS. (1) No person may alter a factory-built structure before or during the installation of the factory-built structure unless the person has first applied for and obtained the department's approval of the alteration. "Alteration" is defined in WAC 296-150A-016(1).

(2) If a person alters a structure in violation of subsection (1), the insignia affixed to the structure is void and may be confiscated by the department.

#### NEW SECTION

WAC 296-150A-115 APPLICATION FOR ALTERATION INSIGNIA AND APPROVAL OF ALTERATION. (1) If a person proposes to alter a factory-built structure before or during the installation of the factory-built structure, the person must file an application for an alteration insignia and an alteration fee with the department. The person may obtain an application form from the department.

(2) As a condition to approval of an alteration, the department may require inspections of the structure during the alteration to ensure that the alteration complies with this chapter. If the department indicates that inspections are required, the person altering the structure must apply for inspections pursuant to WAC 296-150A-085.

After the final inspection of the alteration, if the alteration complies with this chapter and the applicant has paid the inspection and insignia fees, the department shall issue an insignia for the altered structure.

NEW SECTION

**WAC 296-150A-120 LOST OR DAMAGED INSIGNIA.** If an insignia is lost or damaged after it is affixed to a structure or component, the manufacturer, owner, or user must notify the department in writing immediately. The manufacturer or owner must specify the manufacturer, the vehicle identification number or serial number of the structure, and the insignia number if possible. The manufacturer, owner, or user must also return a damaged insignia if possible.

The department shall replace a damaged or lost insignia on payment of the insignia replacement fee pursuant to WAC 296-150A-990.

NEW SECTION

**WAC 296-150A-125 NOTICE OF VIOLATIONS.** If an inspection or investigation reveals that a structure or component violates this chapter, the department shall give or mail a notice of violations to the owner, dealer, manufacturer, or other person responsible for the violation. The notice of violation shall describe how the structure or component violates this chapter.

A person who receives a notice of violations must, within ten days after receipt, notify the department in writing of the action he or she has taken or will take to correct the violation. If the person has not corrected the violation within ten days after receipt of the notice, or within any other period of time allowed by the department, the department may confiscate the insignia assigned to the structure or component.

No person who has received a notice of violations may move, cause to be moved, or allow another person to move the structure or component to which the notice refers until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

NEW SECTION

**WAC 296-150A-130 PROHIBITED SALE OR LEASE NOTICE.** If an inspection or investigation reveals that a structure violates this chapter, the department may post the structure with a prohibited sale or lease notice. No person may sell or lease a structure that is posted with a prohibited sale or lease notice. No person may remove, cause to be removed, or allow to be removed a prohibited sale or lease notice until the violations have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

The department may also prohibit the occupancy or use of a structure if it is not occupied or used at the time the violation is discovered.

NEW SECTION

**WAC 296-150A-135 APPROVAL OF EQUIPMENT.** Equipment used in the body and frame, or the fire safety, plumbing, heating, mechanical, and electrical systems of structures and components must comply with this chapter and must be approved by the department.

The department may approve equipment that is listed or labeled by an approved testing or listing agency. The department may approve equipment that is not listed or labeled if it determines that the equipment is adequate to protect health and safety.

The department may refuse to approve equipment that is listed or labeled if it determines that the equipment is not adequate to protect health and safety.

NEW SECTION

**WAC 296-150A-140 DEPARTMENT APPROVAL OF LISTING AND TESTING AGENCIES, LICENSED PROFESSIONAL ENGINEERS, AND LICENSED ARCHITECTS.** (1) The department will consider the following information in determining whether to approve a listing or testing agency, professional engineer, or licensed architect:

- (a) the names of agents or officers;
- (b) the location of offices;
- (c) a description of services the agency, engineer, or architect furnishes or proposes to furnish;
- (d) a description of the employees' qualifications and responsibilities;
- (e) a summary of the agency's, engineer's, or architect's experience;
- (f) a description of the procedures and facilities the agency, engineer, or architect will use to evaluate a product, inspect the product manufacturer's operations and compliance control, and label the units of a product;
- (g) a description of the specific information the agency, engineer, or architect will furnish with its listings;
- (h) a description of how the agency, engineer, or architect will deal with errors in its procedures that result in defective or unacceptable products;
- (i) proof of independence and absence of conflict of interest; and
- (j) a published directory that includes a list of product manufacturers and product information.

(2) To obtain departmental approval, a listing or testing agency, professional engineer, or licensed architect may not be under the control of a manufacturer, dealer, or supplier for the structures, components, equipment, or installations that it approves or lists.

A listing or testing agency must publish at least annually a list of the equipment, components, or installations it has approved. The listing must certify that the equipment, components, and installations have been tested and meet nationally approved standards and must specify the permissible uses for the equipment, components, and installations.

A listing agency must periodically inspect the manufacture of equipment, components, and installations that it has approved. A testing agency must test at least annually the equipment, components, and installations it has approved.

NEW SECTION

**WAC 296-150A-145 APPROVAL OF ALTERNATES.** The department may approve the use of an alternative design, material, appliance, system, device, arrangement, or method of construction if this chapter

does not specifically proscribe the use of the alternative, and the alternative equals or betters the quality, strength, effectiveness, fire resistance, durability, and safety of the design, material, appliance, system, device, arrangement, or method of construction required by this chapter.

#### NEW SECTION

**WAC 296-150A-150 MANUFACTURING IN MORE THAN ONE LOCATION.** A manufacturer that is manufacturing its product at more than one location must notify the department in writing of each location. Manufacturers of factory-built structures must keep a design plan and may be required to keep an approved compliance control manual at each location.

#### NEW SECTION

**WAC 296-150A-155 CHANGE OF NAME, ADDRESS, OR OWNERSHIP.** If a manufacturer changes its name or address, it must notify the department in writing of the change within ten days. The notice must be accompanied with the appropriate fee.

If a manufacturer changes ownership, the new owner must notify the department in writing within ten days. The notice must be accompanied with the appropriate fee. The new owner need not file its design plan if it continues to manufacture the product in accordance with a previously filed design plan.

#### NEW SECTION

**WAC 296-150A-160 DISCONTINUANCE OF A PRODUCT LINE.** When a manufacturer discontinues producing a product that it is manufacturing pursuant to a design plan, the manufacturer must notify the department in writing within ten days and must return all insignia issued to the manufacturer for that product.

#### NEW SECTION

**WAC 296-150A-170 RECIPROCAL AGREEMENTS.** In accordance with RCW 43.22.485, the director has examined the statutes and rules of several states and finds that the statutes and rules provide construction standards that are equal to those of Washington, and that the states enforce their statutes and rules. The department has entered into reciprocal agreements with those states. The department has all reciprocal agreements on file at the factory-assembled structures section. The public may inspect and copy the agreements during regular business hours.

#### NEW SECTION

**WAC 296-150A-300 CONSTRUCTION STANDARDS FOR FACTORY-BUILT STRUCTURES.** Factory-built structures must comply with the following codes, except where a state law supersedes a code provision.

(1)(a) The design and fabrication of factory-built structures must comply with the uniform building code, appendix (except for chapter 35), and standards (1979

editions). The "building official" mentioned in the uniform building code means the assistant director of the department's building and construction safety inspection services division or his or her authorized representative.

(b) Live loading designs must comply with the uniform building code. Live loading for roofs must comply with Section 2305(d), Snow Loads, and may not be less than 25 pounds per square foot.

(2) Electrical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the National Electrical Code (1981 edition) published by the National Fire Protection Association, as amended by chapter 19.28 RCW and the rules adopted under that chapter.

(3) Mechanical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the uniform mechanical code (1979 edition) published by the international association of plumbing and mechanical officials, including Appendix B of chapter 22 and the standards.

(4)(a) Plumbing equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the uniform plumbing code (1979 edition) published by the international association of plumbing and mechanical officials. The code, however, shall not apply to gas piping, water heaters, or vents for water heaters.

(b) A manufacturer may not use plastic drain, waste, or vent pipe for laundries, laundromats, cleaners, service stations, repair garages, restaurants, snack bars, hospitals, nursing homes, medical clinics, manufacturing plants, factories, assembly buildings, theatres, or schools, or other buildings used for education, unless the pipes will carry only domestic sewage.

(5) All factory-built structures that are not residential dwellings must comply with the rules adopted pursuant to RCW 19.27.030(5), which requires manufacturers to make buildings and facilities accessible to and usable by the physically handicapped and elderly persons.

(6) All factory-built structures must comply with the Washington State Energy Code set by chapter 51-12 WAC as of March 1, 1982.

#### NEW SECTION

**WAC 296-150A-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.

NEW SECTION

WAC 296-150A-990 FEES.

(1) Initial manufacturer filing fee:	\$25.00	(c) For each service core:	\$50.00
(2) (a) Fee for filing a design plan:	\$100.00	(d) For each component other than a service core:	\$10.00
(b) Fee for resubmittal of a design plan:	\$50.00	(e) For each reissuance of a factory-built structure insignia:	\$25.00
(3) Design plan renewal fees.		(f) For each alteration insignia:	\$10.00
(a) Renewal of an unexpired and unrevoked design plan:	\$35.00	(8) Fee for a notification to a local enforcement agency:	\$15.00
(b) Renewal of an expired or revoked design plan:	\$100.00	(9) Travel fees and expenses. If a manufacturer or other person outside the state of Washington requests an inspection or other technical service outside the state, the manufacturer must pay the travel expenses of the department's employees. The expenses shall be calculated pursuant to the following list:	
(4) Fee for transfer of design plan approval to a different manufacturer:	\$100.00	(a) Surface travel, per mile:	\$ .185
(5) Fees related to compliance control programs.		(b) Air travel:	Cost of air fare based on published rates.
(a) Fee for filing a component compliance control manual:	\$10.00	(c) Hourly charge for travel time:	\$25.00 per half-hour or fraction of a half-hour.
(b) Fee for filing and checking a factory-built structure compliance control manual:	\$250.00	(d) Expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances set by the Washington State Office of Financial Management.	
(c) Fee for resubmittal of a factory-built structure compliance control manual:	\$100.00	(10) Fee for change in manufacturer's name, address, or ownership:	\$15.00
(d) Fee for revisions to a factory-built structure compliance control manual:	\$10.00 per page up to \$50.00 maximum.		
(e) Transfer of approval of a factory-built structure compliance control manual:	\$125.00		
(6) Fee for inspections and other services performed by the department:	\$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.		
(7) Insignia fees.			
(a) For each single section factory-built structure, or for the first section of a multiple section factory-built structure:	\$100.00		
(b) For each additional section of a multiple section factory-built structure:	\$10.00		

REPEALER

The following sections of the Washington Administrative Code are each repealed:  
 (1) WAC 296-150A-010 ADMINISTRATION—AUTHORITY FOR FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES CODE.  
 (2) WAC 296-150A-015 APPLICATION AND SCOPE.

- (3) WAC 296-150A-020 DEPARTMENT SERVICES.
- (4) WAC 296-150A-025 CONDITIONS OF RECIPROCITY.
- (5) WAC 296-150A-026 ACCEPTANCE FROM OUT-OF-STATE JURISDICTIONS.
- (6) WAC 296-150A-027 EDUCATIONAL.
- (7) WAC 296-150A-050 DEFINITIONS—GENERAL.
- (8) WAC 296-150A-315 CONSTRUCTION REQUIREMENTS.
- (9) WAC 296-150A-320 ELECTRICAL REQUIREMENTS.
- (10) WAC 296-150A-325 MECHANICAL REQUIREMENTS.
- (11) WAC 296-150A-330 PLUMBING REQUIREMENTS.
- (12) WAC 296-150A-333 HANDICAP STANDARDS.
- (13) WAC 296-150A-335 CODE RESEARCH AND MATERIALS EVALUATION SERVICE.
- (14) WAC 296-150A-400 ENFORCEMENT AND ADMINISTRATION—ENFORCEMENT.
- (15) WAC 296-150A-405 EQUIPMENT AND SYSTEMS.
- (16) WAC 296-150A-410 DEPARTMENT DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND SYSTEMS.
- (17) WAC 296-150A-415 ALTERNATES AND EQUIVALENTS.
- (18) WAC 296-150A-417 PROHIBITED NOTICE.
- (19) WAC 296-150A-420 INSPECTIONS.
- (20) WAC 296-150A-423 COMPLIANCE CONTROL PROGRAMS (CC).
- (21) WAC 296-150A-424 FACTORY-BUILT—COMPLIANCE CONTROL (FB-CC).
- (22) WAC 296-150A-425 LOCAL ENFORCEMENT AGENCY—COMPLIANCE CONTROL (LEA-CC).
- (23) WAC 296-150A-430 LOCAL ENFORCEMENT AGENCY APPLICATION.
- (24) WAC 296-150A-435 THE LOCAL ENFORCEMENT AGENCY.
- (25) WAC 296-150A-440 THE LOCAL ENFORCEMENT AGENCY RESPONSIBILITY.
- (26) WAC 296-150A-445 MANUFACTURER COMPLIANCE CONTROL (M-CC).
- (27) WAC 296-150A-450 INDEPENDENT INSPECTION AGENCY COMPLIANCE CONTROL (IIA-CC).
- (28) WAC 296-150A-500 DESIGN PLAN APPROVAL—GENERAL.
- (29) WAC 296-150A-505 DESIGN PLAN APPROVAL APPLICATION.
- (30) WAC 296-150A-506 DESIGN PLAN TYPES AND DESCRIPTIONS.
- (31) WAC 296-150A-510 ENGINEERING AND TEST PROCEDURES.
- (32) WAC 296-150A-515 DESIGN PLAN REQUIREMENTS.
- (33) WAC 296-150A-516 TECHNICAL REPORT.
- (34) WAC 296-150A-520 LIVE LOADS.
- (35) WAC 296-150A-521 PLASTIC DWV PIPING.
- (36) WAC 296-150A-525 MANUFACTURING IN MORE THAN ONE LOCATION.
- (37) WAC 296-150A-530 OUT-OF-STATE APPLICANT.
- (38) WAC 296-150A-535 NONCONFORMING APPLICATION AND PLANS.
- (39) WAC 296-150A-540 MANUFACTURERS EVIDENCE OF DEPARTMENT APPROVAL.
- (40) WAC 296-150A-545 DESIGN PLAN APPROVAL EXPIRATION.
- (41) WAC 296-150A-550 REVOCATION OF APPROVAL.
- (42) WAC 296-150A-555 CHANGES TO APPROVED PLANS.
- (43) WAC 296-150A-560 TRANSFER OF APPROVALS.
- (44) WAC 296-150A-565 CHANGE OF NAME OR ADDRESS.
- (45) WAC 296-150A-570 DISCONTINUANCE OF MANUFACTURER.
- (46) WAC 296-150A-575 EXISTING APPROVALS.
- (47) WAC 296-150A-580 COMPLIANCE.
- (48) WAC 296-150A-585 CONTINGENCY.
- (49) WAC 296-150A-590 FIELD ERECTION.
- (50) WAC 296-150A-595 PROPRIETARY MATERIAL.
- (51) WAC 296-150A-600 INSIGNIA—INSIGNIA REQUIRED.
- (52) WAC 296-150A-605 APPLICATION FOR INSIGNIA.
- (53) WAC 296-150A-606 NOTIFICATION TO LOCAL ENFORCEMENT AGENCY.
- (54) WAC 296-150A-610 ALTERATION OR CONVERSION.
- (55) WAC 296-150A-615 DENIAL OF INSIGNIA.
- (56) WAC 296-150A-620 INSIGNIA REMOVAL.
- (57) WAC 296-150A-625 LOST OR DAMAGED INSIGNIA.
- (58) WAC 296-150A-630 CUSTOM BUILDING.
- (59) WAC 296-150A-640 UNAUTHORIZED USE.
- (60) WAC 296-150A-650 UNIT IDENTIFICATION.
- (61) WAC 296-150A-675 COMPONENTS.
- (62) WAC 296-150A-680 COMPONENTS APPLICATION.
- (63) WAC 296-150A-685 COMPONENTS APPROVAL.
- (64) WAC 296-150A-690 COMPONENTS TESTING.
- (65) WAC 296-150A-695 COMPONENTS FEES AND PRODUCTION REPORTS.
- (66) WAC 296-150A-700 FEE SCHEDULE.
- (67) WAC 296-150A-710 DEPARTMENT APPLICATION FORMS.

**WSR 82-12-005**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 82-18—Filed May 20, 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 adoption of the 1981 American National Standards Institute (ANSI) A17.1, the safety code for elevators, dumbwaiters, escalators, and moving walks for conveyances installed on or after July 1, 1982; increasing fees for installation and operating permits and for inspections of conveyances; clarification of the requirements for photoelectric and electric eye devices in WAC 296-81-260; and new rules governing an advisory board on conveyances.

This action is taken pursuant to Notice No. WSR 82-07-079 filed with the code reviser on March 23, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.87.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 14, 1982.

By Sam Kinville  
 Director

AMENDATORY SECTION (Amending Order 70-5, filed 6/2/70)

WAC 296-86-010 PERMITS FOR CONSTRUCTION, ALTERATION, RELOCATION OF INSTALLATIONS. Before a permit is issued for the construction, alteration, relocation, or installation of a conveyance subject to the provisions of this act, application for such a permit shall be made to the ~~((supervisor))~~ department accompanied by ~~((a))~~ the fee ~~((as))~~ set forth in the appropriate fee schedule in this ~~((section))~~ chapter. No work shall be done until the permit has been issued. Construction and alteration permits shall be valid for one year from date of issue. Renewals may be obtained for one dollar for each permit. No permit or fee shall be required for ordering repairs and replacement of damaged, broken, or worn parts necessary for normal maintenance and no permit or fee shall be required for any conveyance exempted by RCW 70.87.200.

AMENDATORY SECTION (Amending Order 70-5, filed 6/2/70)

WAC 296-86-020 CONSTRUCTION AND ALTERATION FEE. The construction and alteration fee schedule shall be:

TOTAL COST	FEE
\$250.00 to and including \$1,000 . . . . .	<del>\$(20.00)</del> 25.00
\$1,001 to and including \$15,000	
For first \$1,001 . . . . .	<del>((30.00))</del> 35.00
For each additional \$1,000 or fraction . . . . .	<del>((5.00))</del> 7.00
\$15,001 to and including \$ <del>((50,000))</del> 100,000	
For first \$15,001 . . . . .	<del>((125.00))</del> 133.00
For each additional \$1,000 or fraction . . . . .	<del>((4.00))</del> 5.00
<del>(((50,001 to and including \$100,000</del>	
<del>For first \$50,001 . . . . .</del>	<del>265.00</del>
<del>For each additional \$1,000 or fraction . . . . .</del>	<del>4.00))</del>
Over \$100,001	
For first \$100,001 . . . . .	<del>((500.00))</del> 558.00
For each additional \$1,000 or fraction . . . . .	<del>((3.00))</del> 4.00

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-030 INSTALLATION FEE FOR PERSONNEL ELEVATORS, MATERIAL HOISTS, AND CANTILEVER HOISTS. The fee for the installation of each personnel elevator, material hoist, and cantilever hoist shall be ~~\$(45.00))~~60.00.

AMENDATORY SECTION (Amending Order 74-36, filed 10/1/74)

WAC 296-86-040 SUBMISSION OF PLANS FOR NEW INSTALLATIONS. Plans shall be submitted in duplicate to the elevator section prior to construction for approval in accordance with the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A 17.1-~~((1971))~~1981.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-060 ANNUAL OPERATING PERMIT FEES. Fees for annual operation shall be paid in accordance with the following schedule and no operating permit shall be issued for the operation of a conveyance until such fees have been received.

CONVEYANCE	ANNUAL FEE
Each passenger elevator . . . . .	<del>\$(45.00)</del> 60.00
Each freight elevator . . . . .	<del>((45.00))</del> 60.00
Each sidewalk freight elevator . . . . .	<del>((45.00))</del> 60.00
Each hand power freight elevator . . . . .	<del>((15.00))</del>

CONVEYANCE	ANNUAL FEE
	20.00
Each hand power manlift . . . . .	<del>((20.00))</del>
	26.00
Each incline lift . . . . .	<del>((45.00))</del>
	60.00
Each belt manlift . . . . .	<del>((45.00))</del>
	60.00
Each boat launching elevator . . . . .	<del>((45.00))</del>
	60.00
Each auto parking elevator . . . . .	<del>((45.00))</del>
	60.00
Each escalator . . . . .	<del>((40.00))</del>
	52.00
Each moving walk . . . . .	<del>((40.00))</del>
	52.00
Each dumbwaiter . . . . .	<del>((15.00))</del>
	20.00
Each people mover . . . . .	<del>((35.00))</del>
	45.00
Each stair lift . . . . .	<del>((10.00))</del>
	13.00
Each wheel chair lift . . . . .	<del>((10.00))</del>
	13.00
Each personnel elevator . . . . .	<del>((45.00))</del>
	60.00
Each material hoist . . . . .	<del>((45.00))</del>
	60.00
Each cantilever hoist . . . . .	<del>((45.00))</del>
	60.00

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-070 SUPPLEMENTAL INSPECTIONS. Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the ~~((division))~~ department a fee of ~~\$((100))~~235.00 per day plus the standard per diem and mileage allowed by the ~~((division))~~ department to its inspectors.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-075 REINSPECTION FEES. No fee shall be charged for the yearly inspection or for the initial inspection after installation or alteration. If, however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of \$35 per conveyance to be inspected shall be charged for ~~((such))~~ the reinspection, and if there is still failure to comply with the rules of the department, a fee of \$40 shall be charged for every ~~((unit))~~ conveyance requiring a further reinspection. These fees are in addition to the fees charged under WAC 296-86-020 and must be paid before issuance of an operating permit~~((PROVIDED, ))~~. The department may waive the ~~((assessment of a))~~ reinspection fee where ~~((reinspection is not possible due to)),~~ through no fault of the requesting person or agency, or of the person

or agency responsible for payment of the reinspection fee, reinspection is not possible; or for other reasons ~~((which))~~ that in justice or equity ~~((should))~~ obviate the necessity of payment of the reinspection fee.

AMENDATORY SECTION (Amending Order 76-37, filed 12/3/76)

WAC 296-86-080 FEE FOR INSPECTION OF REGULAR ELEVATORS BEING USED AS TEMPORARY PERSONNEL ELEVATORS. The fee for the inspection and testing of regular elevators for use as temporary personnel elevators shall be ~~\$((45.00))~~60.00.

**WSR 82-12-006  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)  
[Filed May 21, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning adult residential treatment facilities and private adult treatment homes, new chapter 248-25 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about May 24, 1982.

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

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB-33 C  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 14, 1982. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Wednesday, July 28, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 4, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 28, 1982, and/or orally at 2:00 p.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 20, 1982

By: David A. Hogan  
Director, Division of Administration



## STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

Regarding: New chapter 248-25 WAC, Adult residential treatment facilities and private adult treatment homes.

The purpose of the new rule is to establish minimum safety and care standards, rules, and regulations for operation and maintenance of facilities seeking licensure for the purpose of providing or accommodating acute psychiatric care and treatment programs outside of hospitals.

The Reasons These Rules are Necessary: ESHB 811 which stipulated the implementation of new acute care residential programs for selected involuntary clients this biennium; licensure regulations for places receiving or caring for mentally ill are required pursuant to chapter 71.12 RCW; increasing numbers of individuals are diagnosed and in need of acute psychiatric care and treatment programs; and population pressures in state and local hospitals require consideration of placement outside of hospitals.

Statutory Authority: Chapter 71.12 RCW.

Summary of the Rule: Chapter 248-25 WAC defines and describes minimal physical and operational elements of safety and adequate care required for operation and maintenance of two different types of facilities, other than hospitals, where care of psychiatrically impaired adults may occur. "Adult residential treatment facilities" are designed and organized primarily to provide 24 hour residential, crisis, and short term care, and/or long term individualized active treatment and rehabilitation for individuals diagnosed as psychiatrically impaired or chronically mentally ill. "Private adult treatment homes" are private residences certified as evaluation and treatment facilities under chapter 71.05 RCW where two selected adults have agreed to provide board and domiciliary care for two or fewer psychiatrically impaired and involuntarily detained clients.

Person or Persons Responsible for Drafting the Rule: Jean A. Ullom, Institutional Nursing Consultant, Office of State Health Planning and Development, Licensing and Development Section, Mailstop: LM-13, Phone: 753-5824, Scan 234-5824.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

### Chapter 248-25 WAC ADULT RESIDENTIAL TREATMENT FACILITIES AND PRIVATE ADULT TREATMENT HOMES

#### NEW SECTION

WAC 248-25-001 PURPOSE. The purpose of these regulations is to provide standards for the establishment of residential facilities designed and operated primarily to assist psychiatrically impaired adults to live as independently as possible and to provide essential care, treatment, and training in the skills of individual and community living. This shall be a level of care other than hospital inpatient care. Rules and regulations for private adult treatment homes certified as evaluation and treatment facilities under chapter 71.05 RCW are contained herein.

#### NEW SECTION

WAC 248-25-002 DEFINITIONS. (1) "Abuse" means injury, sexual use or abuse, negligent or maltreatment of a client by a person legally responsible for the client's welfare under circumstances indicating the client's health, welfare, and safety is harmed thereby.

Person "legally responsible" shall include a guardian or a person to whom legal responsibility has been delegated (e.g., providers of residential care, day care, etc.).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents resulting in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions resulting in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in the facility's behalf in the overall management of the residential treatment facility.

(3) "Adult residential treatment facility" means a residence, place, or facility designed and organized primarily to provide twenty-four hour residential care, crisis and short-term care, and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in Senate Bill No. 4786.

(4) "Ambulatory" means a client physically and mentally capable of walking unaided or is capable of independent mobility with the use of a cane, crutches, walker, wheelchair or artificial limb. Ambulatory shall be interpreted to mean an individual able to walk or traverse a normal path to safety unaided by another individual. Ambulatory shall not be interpreted to mean an individual needing the assistance of another individual in order to get into and out of bed, to transfer to a chair or toilet or to move from place to place.

(5) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including minimally, first initial, last name, and title.

(6) "Board and domiciliary care" means provision of daily meal service, lodging, and care offered within the living accommodation and includes the general responsibility for safety and well-being of the client with provision of assistance in activities of daily living as needed.

(7) "Client" means an individual living in an adult residential facility or private adult treatment home for the purpose of participating in treatment and rehabilitation for psychiatric impairment or an individual living in the facility for board and domiciliary care.

(8) "Clinical staff" means mental health professionals, paraprofessionals, and medical personnel appointed by the governing body of a residential treatment facility to provide direct client treatment, training, and rehabilitation services within the residential treatment facility, and includes full- and part-time staff and consultants.

(9) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

(10) "Department" means the Washington state department of social and health services.

(11) "Dietitian" means an individual meeting the eligibility requirements described in "Directory of Dietetic Programs Accredited and Approved," American Dietetic Association, Edition 100, 1980.

(12) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define establishment of habits of self-control and unacceptable client behavior.

(13) "Drug administration" means an act where a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from the previously dispensed, properly labeled container (including the unit dose container), verifying the individual dose with the physician's orders, giving the individual dose to the proper client, and properly recording the time and the dose given.

(14) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a client or for a service unit of the facility.

(15) "Dwelling" means any building or any portion thereof which is not an apartment house, lodging house or hotel, containing one or two guest rooms which are used, rented, leased, let, or hired out to be occupied for living purposes.

(16) "Governing body" means the individual or group legally responsible for operation and maintenance of the residential treatment facility.

(17) "Independent living skill training" consists of:

(a) Social skill training: A service designed to aid clients in learning appropriate social behavior in situations of daily living (e.g., the use of appropriate behavior in families, work settings, the residential facility and other community settings).

(b) Self-care skills training: A service designed to aid clients in developing appropriate skills of grooming, self-care and other daily living skills such as eating, food preparation, shopping, handling money, the use of leisure time, and the use of other community and human services.

(18) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his or her strengths, assets, interests, and problems. The statement shall include short- and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals, and a discharge plan. When possible, the statement shall be developed with participation of the client.

(19) "Mental health professional" means the individuals described in RCW 71.05.020 and WAC 275-55-020.

(20) "Multidisciplinary treatment team" means the availability of a group comprised, when indicated, of individuals from various clinical disciplines, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, speech, and hearing services. Members of the group shall assess, plan, implement, and evaluate treatment and rehabilitation for clients under care.

(21) "Neglect" means negligent treatment or maltreatment or an act of omission, evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a client's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of functioning, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission, resulting in emotional or behavioral problems, or physical manifestations.

(22) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the residential treatment facility;

(b) Addition(s) to or conversions of the existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility;

(d) "Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility, without changing the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-25 WAC.

(23) "Occupational therapist" means an individual having graduated with a bachelors degree from a university or college occupational therapy program and having completed field work requirements.

(24) "Owner" means an individual, partnership or corporation, or the legal successor thereof, operating residential treatment facilities for psychiatrically impaired adults, whether owning or leasing the premises.

(25) "Paraprofessional" means a person qualified, through experience or training, or a combination thereof, deemed competent while under supervision of a mental health professional, to provide counseling, rehabilitation, training, and treatment services to psychiatrically impaired adults. Such a person shall have, at a minimum:

(a) One year of training in the field of social, behavioral, or health sciences, and one year of experience in an approved treatment program for the mentally ill; or

(b) Two years of training in the field of social, behavioral, or health sciences; or

(c) Three years of experience in an approved treatment program for the mentally ill.

(26) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(27) "Physician" means an individual licensed under provisions of chapter 18.57 or 18.71 RCW.

(28) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his or her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011)

(29) "Private adult treatment home" means a dwelling which is the residence or home of two adults providing food, shelter, beds, and care for two or fewer psychiatrically impaired clients, provided these clients are detained under chapter 71.05 RCW and the dwelling is certified as an evaluation and treatment facility under chapter 71.05 RCW.

(30) "Psychiatric impairment" means serious mental disorders, excluding mental retardation, substance abuse disorders, simple intoxication with alcohol or drugs, personality disorders, and specific developmental disorders as defined in the third edition of "American Psychiatric Association Diagnostic and Statistical Manual," 1980, where one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, or other signs or symptoms resulting from gross, on-going distortions in thought processes;

(b) Suicide attempts or other signs or symptoms associated with marked, severe, or chronic affective disorders;

(c) Chronic sexual maladjustment, or other grossly maladaptive behaviors, in accordance with subsection (30)(a) or (b) of this section.

(31) "Psychiatrist" means a physician having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American board of psychiatry and neurology (ABPN) as described in "Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education," American Medical Association, 1981-1982.

(32) "Psychologist" means a person licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(33) "Recreational therapist" means a person with a bachelors degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelors degree in a related field with equivalent professional experience.

(34) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(35) "Rehabilitation services" means a combination of social, physical, psychological, vocational, and recreational services provided to strengthen and enhance the capability of psychiatrically impaired persons and to enable these persons to function with greater independence. The services include, but are not limited to, training in independent living skills.

(36) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting free body movement.

(37) "Scheduled drugs" means drugs, substances, or immediate precursors listed in schedules I through V, article II, RCW 69.50.201, state uniform controlled substance act, as now or hereafter amended.

(38) "Security window" means a window designed to inhibit exit, entry, and injury to a client, incorporating approved, safe, transparent material.

(39) "Self-administration of medication" means the client administers or takes his or her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility to assure medications are used correctly and the client is responding appropriately.

(40) "Shall" means compliance with regulation is mandatory.

(41) "Should" means compliance with a regulation or standard is suggested or recommended, but not required.

(42) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work.

#### NEW SECTION

WAC 248-25-010 LICENSURE—ADULT RESIDENTIAL TREATMENT FACILITIES. Adult residential treatment facilities shall be licensed under chapter 71.12 RCW. Chapter 248-25 WAC establishes minimum licensing standards for the safety, adequate care, and treatment of clients living in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes effecting the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed disqualified or unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW, or with rules and regulations promulgated pursuant thereto, and in addition, for any of the following:

- (i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
- (ii) Permitting, aiding, or abetting the commission of an illegal act on the premises of the residential treatment facility;
- (iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;
- (iv) Misappropriation of the property of the client;
- (v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals previously denied a license to operate a health care facility in the state of Washington or elsewhere, or convicted civilly or criminally of operating such a facility without a license, or having had the license to operate such a facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, the individual affirmatively establishes clear, cogent, and convincing evidence of ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with chapter 248-25 WAC and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months.

(4) Denial, suspension, or revocation of license. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW and these rules and regulations, the department may, if the interests of the clients so demand, issue a written notification letter to the applicant or licensee giving notice of intent to deny a license application or to suspend or revoke a license thirty days after the date of mailing. The letter shall be followed by a denial, suspension, or revocation letter provided the applicant or licensee does not within thirty days from the date of mailing of the department's notice of intent to reject, revoke or suspend the license, make written application to the department for a hearing. Upon receipt of such an application to the department, the department shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC. All hearings conducted under these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building housing clients.

(b) Floor plans of each building housing clients shall provide the following information:

- (i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;
- (ii) The usable square feet of floor space in each room;
- (iii) The clear window glass area in each client's sleeping room;
- (iv) The height of the lowest portion of the ceiling in any client's sleeping room;

(v) The floor elevations referenced to the grade level.

(6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used effecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans drawn to scale and including: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, designating the functions of each room and showing all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by, the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. The plans and specifications shall include:

- (i) Plot plans;
- (ii) Plans for each floor of the building(s) designating the function of each room and showing all fixed equipment and the planned location of beds and other furniture in clients' sleeping rooms;
- (iii) Interior and exterior elevations, building sections, and construction details;
- (iv) A schedule of floor, wall and ceiling finishes, and the types and sizes of doors and windows;
- (v) Plumbing, heating, ventilation, and electrical systems; and
- (vi) Specifications fully describing workmanship and finishes.

(c) Adequate provisions shall be made for safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only changes approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though the modified plans or addenda were not required to be submitted prior to approval.

(8) The department may, in the department's discretion, exempt an adult residential treatment facility pursuant to the rules herein.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485 which are found in Title 212 WAC apply.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1979 Edition, shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building, and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department the application for a license has been approved. Change in administrator shall be reported to the department.

#### NEW SECTION

**WAC 248-25-015 LICENSURE—PRIVATE ADULT TREATMENT HOME.** Private adult treatment homes shall be licensed under chapter 71.12 RCW, private establishments. Chapter 248-25 WAC establishes minimum licensing rules and regulations for safety and adequate care of psychiatrically-impaired clients living in a private adult treatment home. WAC 248-25-010(1), (2), (3), (4), (6), (8), (9), and (10) shall apply. All other rules and regulations for private adult treatment homes are contained in WAC 248-25-002, 248-25-100, and 248-25-120.

NEW SECTIONWAC 248-25-020 ADMINISTRATION. (1) Governing body.

(a) The residential treatment facility shall have a governing body to establish and adopt personnel policies; written policies for the admission, care, safety, and treatment of clients; rules and regulations for the responsible administrative and clinical staffs.

(b) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies, and other services necessary to meet the needs of clients.

(c) The governing body shall appoint an administrator responsible for implementing the policies adopted by the governing body.

(d) The governing body shall establish and maintain a current, written organizational plan, including all positions and delineating responsibilities, authority, and relation of positions within the facility.

## (2) Personnel.

(a) There shall be sufficient qualified personnel to provide the services needed by the clients, and to maintain the residential treatment facility.

(b) Job descriptions for each position classification shall be written and current.

(c) There shall be a personnel record system and a current personnel record for each employee including application for employment, verification of education or training when required, a record or verification of a valid, current license for any employee requiring licensure, and an annually documented performance evaluation.

(d) A planned, supervised, and documented orientation shall be provided for each new employee.

(e) There shall be on-going in-service education affording each employee the opportunity to maintain and update competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training and review shall be provided.

(f) Volunteer services and activities, when provided, shall be coordinated by a qualified member of the facility staff.

(i) There shall be appropriate screening, documented orientation, and training provided for each volunteer in accordance with the job to be performed.

(ii) There shall be supervision by qualified staff.

(3) When research is proposed or conducted directly involving clients, a multidisciplinary committee shall review, monitor, and approve or disapprove any research project in order to protect the rights and safety of clients. The committee shall have the right and responsibility to modify or discontinue research.

NEW SECTION

WAC 248-25-030 CLIENT CARE SERVICES IN ADULT RESIDENTIAL TREATMENT FACILITIES. (1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a psychiatrically impaired client shall be based upon an assessment by a mental health professional under chapter 71.05 RCW or by a community mental health program under chapter 71.24 RCW. Assessment shall be documented and shall establish the following:

(a) A client requires treatment appropriate to the intensity and restrictions of care provided by the program;

(b) The treatment required can be appropriately provided by the program(s) or program component(s);

(c) The client does not represent an imminent danger to others and does not have a physical condition requiring medical or nursing care available only in a hospital.

(3) Clients requiring only board and domiciliary care may be admitted and reside in the adult residential treatment facility.

(4) Unless the facility is excepted in writing by the Washington state fire marshal and the department, admission criteria shall be used to screen out individuals in need of physical restraints, not ambulatory, or lacking adequate cognitive functioning to enable response to a fire alarm or unable to evacuate the premises in an emergency without assistance.

(5) Treatment and discharge planning.

(a) An initial assessment of each psychiatrically impaired client shall occur within seventy-two hours of admission with development of a provisional treatment plan.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) The individualized treatment plan shall be written and interpreted to client care personnel. When possible, the client will participate in development of the plan.

(ii) There shall be implementation of the individualized treatment-rehabilitation plan by the multidisciplinary team with written review and evaluation at least once each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iii) The plan shall include a written discharge plan developed and implemented by the multidisciplinary team.

(iv) The plan shall be included in the clinical record.

(6) A written plan shall be developed describing the organization of clinical services. The plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within seventy-two hours after admission unless a comprehensive health assessment performed within the previous thirty days is available upon admission.

(ii) A complete neurological evaluation shall be completed only when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician or by another authorized practitioner acting within the scope of Washington state statutes defining practice.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or seventy-two hours following admission.

(b) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired adults, on staff as a full-time or part-time employee, or under contract or written agreement. The nurse shall be responsible for all nursing functions.

(c) Psychologists, social workers, psychiatric nurses, occupational therapists, recreational therapists, and paraprofessionals with experience in working with psychiatrically impaired adults shall be available as necessary to develop, integrate, and implement the individualized treatment plan.

(d) Rehabilitation services under long-term care.

(i) There shall be an educational and vocational assessment of each client with appropriate educational and vocational programs developed and implemented or arranged on the basis of the assessment.

(ii) Services in the skills of daily living shall be provided by qualified persons as necessary to meet the needs of the clients.

(e) Food and dietary services.

(i) Food and dietary services shall be managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietitian in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietitian, and retained for six months.

(iv) There shall be a client-specific physician order for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed.

(v) Meals and nourishment shall provide a well-balanced diet sufficient in quality, quantity, and variety to meet the nutritional needs of clients. Unless contraindicated, the "Recommended Dietary Allowances," Ninth Edition, 1980, of the food and nutrition board of the national research council adjusted for age, sex, and activity, shall be used.

(vi) Food service sanitation shall be governed by chapter 248-84 WAC.

(7) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the clients. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraint shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse, and neglect. Clients shall be protected from assault, abuse, and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty, or neglect shall be reported to the department.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he or she may be permitted to take the balance of his or her money, or be fully informed about the transfer of his or her money to another facility or other transfer as permitted by state or federal law. The client shall be informed of any responsibility for the cost of care and treatment under the law or regulations.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as the tasks are appropriate and are part of the individualized treatment plan. Work assignments shall be adequately supervised and documented as part of the treatment program. Work assignment shall be appropriate to the age, physical, and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-211 and 275-55-241.

(f) Current written policy and orders shall be signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and the physician is not present.

(i) Medical policies shall be reviewed as needed and at least one time each two years and approved in writing by representatives of the medical, nursing, and administrative staff.

(ii) There shall be a current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next-of-kin in the event of a serious change in the client's condition, transfer of client to another facility, elopement, death, or when unusual circumstances warrant.

(h) Written policies and procedures addressing safety precautions shall include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC 275-55-263(2)(e).

(iv) Availability of access to emergency supplies and equipment to include airways, and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons (e.g., poison center, fire department, police).

(vi) Systems for routine preventive maintenance with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans including a documentation process and evidence of rehearsal on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates the client is assaultive, out-of-control or self-destructive. There shall be documentation staff rehearsals occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident considered harmful or injurious to the client which shall include documentation in the clinical record.

(j) Policies concerning transportation of clients shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by the administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions allowing clients to be transported in nonfacility-owned vehicles.

(k) At least one staff member with current first aid and cardiopulmonary resuscitation training shall be on duty at all times.

#### NEW SECTION

**WAC 248-25-040 PHARMACEUTICAL SERVICES IN ADULT RESIDENTIAL TREATMENT FACILITIES.** (1) The facility shall have an agreement with a pharmacist to advise the facility on matters relating to the practice of pharmacy, drug utilization, control, and accountability.

(2) Written policies and procedures shall be approved by a physician and pharmacist addressing the procuring, prescribing, administering, dispensing, storage, transcription of orders, use of standing orders, disposal of drugs, self-administration of medication, control or disposal of drugs brought into the facility by clients, and recording of drug administration in the clinical record.

(a) Written orders shall be signed by a physician or other legally authorized practitioner acting within the scope of his or her license for all medications administered to clients. An organized system shall be instituted to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications.

(b) Drugs shall be dispensed by persons licensed to dispense drugs. Drugs shall be administered by persons licensed to administer drugs.

(c) Drugs brought into the facility for client use while in the facility shall be specifically ordered by a physician. The facility is responsible for the control and appropriate use of all drugs administered or self-administered within the facility.

(d) Provision shall be made for procurement, drug profiles, labeling and storage of medications, drugs, and chemicals.

(i) Drugs ordered or prescribed for a specific client shall be procured by individual prescription.

(ii) The services of the pharmacist and the pharmacy shall be such that medications, supplies, and individual prescriptions are provided without undue delay.

(iii) Medication containers within the facility shall be clearly and legibly labeled with the medication name (generic and/or trade), strength, and expiration date (if available).

(iv) Medications, poisons, and chemicals kept anywhere in the facility shall be plainly labeled and stored in a specifically designated, secure, well-illuminated cabinet, closet or store room, and made accessible only to authorized persons. External medications shall be separated from internal medications.

(v) Poisonous external chemicals, caustic materials, and drugs shall show appropriate warning or poison labels and shall be stored separately from all other drugs.

(3) The facility shall have a current drug reference readily available for use by clinical staff and treatment team members.

#### NEW SECTION

**WAC 248-25-050 INFECTION CONTROL IN ADULT RESIDENTIAL TREATMENT FACILITIES.** (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) Communicable disease shall be reported in accordance with WAC 248-100-075 and 248-100-080 as now or hereafter amended.

(3) There shall be a current system for reporting, investigating, and reviewing infections among clients and personnel, and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters in duration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:

(a) Persons with positive skin tests (as defined in subsection (4) of this section) shall have an annual screening in the form of a chest x-ray.

(b) Persons with positive skin tests whose chest x-ray has shown no sign of active disease at least three years after the first documented positive skin test shall be exempt from further annual testing.

(c) Persons with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing and chest x-rays.

(d) A record of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

#### NEW SECTION

**WAC 248-25-060 CLINICAL RECORDS.** (1) The residential treatment facility shall have a well-defined clinical record system, adequate and experienced staff, adequate facilities, equipment and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use, and preservation of client care data. A person demonstrating competency and experience or training in clinical record administration shall be responsible for the clinical record system.

(2) The client records and record system shall be documented and maintained in accordance with recognized principles of clinical record management.

(3) The residential treatment facility shall have current policies and procedures related to the clinical record system including the following:

(a) The establishment of the format and documentation expectations of the clinical record for each client.

(b) Access to and release of data in clinical records. Policies shall address confidentiality of information contained in records and release of information in accordance with RCW 71.05.390.

(4) An adequate clinical record shall be maintained for each client and be readily accessible to members of the treatment team. Each entry in the clinical record shall be legible, dated, and authenticated.

(5) A systematic method for identifying the clinical record of each client shall be maintained.

(6) Entries in the clinical record shall be made on all diagnostic and treatment procedures and other clinical events. Entries shall be in ink, typewritten, or on a computer terminal, or equivalent.

(7) Psychiatric diagnosis, abbreviations, and terminology shall be consistent with the most recent edition of the "American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders," 1980. Physical diagnosis, abbreviations, and terminology shall be consistent with "International Classification of Disease," Ninth Revision, Volumes I and II, September 1980.

(8) Clinical records shall include identifying information, assessments by the multidisciplinary team, regular progress notes by members of the multidisciplinary team, individualized treatment plans, and a discharge summary.

(9) There shall be a master client index.

(10) Procedures related to retention, preservation, and final disposal of clinical records and other client care data shall include the following:

(a) Each client's clinical record shall be retained and preserved for a period of no less than five years, or for five years following the client's most recent discharge, whichever is the longer period of time.

(b) A complete discharge summary, by a member of the clinical staff, and reports of tests related to the psychiatric condition of each client shall be retained and preserved for a period of no less than ten years or for a period of no less than ten years following the client's most recent discharge, whichever is the longer period of time.

(c) Final disposal of any client clinical record(s), indices or other reports permitting identification of the individual shall be accomplished so retrieval and subsequent use of data contained therein are impossible.

(d) In the event of transfer of ownership of the residential treatment facility, client clinical records, indices and reports shall remain in the facility and shall be retained and preserved by the new operator of the facility in accordance with subsections (10)(a), (b), (c), (d), and (e) of this section.

(e) If the residential treatment facility ceases operation, the facility shall make arrangements for preservation of the clinical records, reports, indices, and client data in accordance with subsections (10)(a), (b), and (c) of this section. The plans for such arrangements shall have been approved by the department prior to cessation of operation.

#### NEW SECTION

**WAC 248-25-070 PHYSICAL ENVIRONMENT IN ADULT RESIDENTIAL TREATMENT FACILITIES.** (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) At least the ground floor shall be accessible to the physically handicapped. Program activity areas and sleeping quarters for any physically handicapped clients shall be on floors meeting applicable standards.

(3) Clients' sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or common-use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-tenth of the usable floor area. Windows above the ground floor level shall be appropriately screened or of a security type.

(c) No room more than three feet, six inches below grade shall be used for the housing of clients. There shall be a minimum of eighty square feet of usable floor space in a single bedroom and multient rooms shall provide no less than seventy square feet of floor area per bed. The maximum capacity of a sleeping room shall be four clients. There shall not be less than seven and one-half feet of ceiling height over the required floor area.

(d) Visual privacy from other clients shall be provided as needed. Visual privacy may be achieved through a program assuring privacy in toileting, bathing, showering, and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his or her room. Provision for secure storage of client valuables in the room or elsewhere shall be provided.

(f) Each client shall have access to his or her room except when contraindicated by determination of staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client, with a cleanable, firm mattress, and a cleanable or disposable pillow.

(h) Room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so the beds do not interfere with the entrance, exit, or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client occupied floor of the facility shall provide one toilet and sink for each eight clients or any fraction thereof. There shall be one bathing facility for each twelve clients or fraction thereof. If there are more than five clients, separate toilet and bathing facilities for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment such as flashlights or battery-operated lamps shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms where excessive moisture, odors, or contaminants originate, shall be appropriately vented.

(7) There shall be an adequate supply of hot and cold running water under pressure conforming with standards of the state board of health, chapter 248-54 WAC.

(a) The hot water temperature at bathing fixtures used by the clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent back-flow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths, and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separated from the kitchen and dining area shall be available.

(c) Soiled laundry or linen storage and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen, and the eating areas.

(9) Within the facility, at least one private area shall be provided for visitation of clients and guests.



(10) An adequate number of rooms shall be available for group and individual therapy.

(a) The rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) If seclusion or maximum security rooms are required by a program, at least one seclusion room intended for short-term occupancy, with direct supervision by staff, shall be available or immediately accessible in a hospital or other facility.

(i) Seclusion rooms and furnishings shall be designed to provide maximum security and safety for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a routine basis within the facility, an examination room should be available, providing privacy and adequate light. A handwashing facility with towel dispenser and soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, utility and storage areas shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse, and liquid wastes shall be collected and disposed of in a manner to prevent creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment facility.

(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area utilized for dining, social, educational, recreational activities, and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone readily available for use of clients (located so privacy is possible).

(18) A safely maintained outdoor recreational area shall be available for use of clients.

#### NEW SECTION

**WAC 248-25-100 CLIENT CARE SERVICES IN PRIVATE ADULT TREATMENT HOMES.** (1) The home shall have written policies regarding admission criteria and treatment methods. Admission of clients shall be in keeping with stated policies and shall be limited to psychiatrically impaired clients for whom the home can provide adequate safety and care.

(2) Rules and regulations contained in WAC 248-25-030(2), (4), (5), (6), and (7) shall apply with the following exclusions: WAC 248-25-030(7)(h)(vi) and (7)(j)(i).

(3) Medications shall be specifically ordered by a physician or other legally authorized practitioner and controlled by the licensee.

(a) All medications shall be kept in locked storage or otherwise made inaccessible to unauthorized persons and shall be refrigerated when required.

(b) External medications shall be stored separately (separate compartments) from internal medications.

(c) Medications shall be stored in the medication's original container. Each container shall be labeled and the label shall include the name of the client and the date of purchase.

(d) Only the licensee shall disperse or have access to medications except for self-administered medications.

(e) Medications shall be dispersed only on the written approval of an individual or agency having authority by court order to approve medical care. Medications shall be dispersed only as specified on the prescription label or as otherwise authorized by a physician.

(f) Self-administration of medications by a client shall be in accordance with the following:

(i) The client shall be physically and mentally capable of properly taking his or her own medicine;

(ii) Prescription drugs, over-the-counter drugs and other medical materials used by individuals shall be kept so the prescription drugs are not available to other individuals.

(4) Tuberculosis, communicable disease.

(a) Each licensee, employee, adult volunteer, and other adult individuals providing services or care and having regular contact with the clients shall have a tuberculosis skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(i) Individuals whose tuberculosis skin test is positive (10 mm or more induration) shall have a chest x-ray within ninety days following the skin test.

(ii) Routine periodic testing or x-ray after entry is not required.

(iii) An entry test shall not be required of individuals whose tuberculosis skin test has been documented as negative (less than 10 mm within the last two years, nor shall routine periodic retesting or x-ray be required of such individuals.

(b) A record of tuberculosis skin test results, x-rays, or exemptions to such shall be kept in the home.

(c) Individuals with a communicable disease in an infectious stage shall not be on duty.

(5) Clinical records and record systems shall comply with WAC 248-25-060.

#### NEW SECTION

**WAC 248-25-120 PHYSICAL ENVIRONMENT REQUIREMENTS FOR PRIVATE ADULT TREATMENT HOMES.** (1) The home shall be located on a well-drained site, free from hazardous conditions, and accessible to other facilities necessary to carry out the home's program. There shall be at least one telephone on the premises which shall be accessible for emergency use at all times.

(2) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair.

(3) Suitable space shall be provided and used for storage of clothing.

(4) Client bedrooms shall be outside rooms permitting entrance of natural light.

(a) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets.

(b) Each client shall have a bed of his or her own which is at least thirty-six inches wide with a clean mattress, pillow, sheets, blankets, and pillowcases.

(5) Adequate facilities shall be provided for separate storage of soiled linen and clean linen.

(6) There shall be at least one indoor flush-type toilet, one lavatory, and one bathtub or shower with hot and cold or tempered running water.

(a) Toilet and bathing facilities shall provide for privacy.

(b) Soap and individual towels or disposable towels shall be provided.

(7) Adequate lighting shall be provided.

(8) Sewage and liquid wastes shall be discharged into a public sewer system or into an independent sewage system approved by the local health authority or the department.

(9) A private water supply shall be approved by the local health authority or department.

(10) The heating system shall be operated and maintained to provide not less than sixty-eight degrees Fahrenheit temperature in rooms used by clients during waking hours.

(11) The premises shall be kept free from rodents, flies, cockroaches, and other insects.

**WSR 82-12-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**  
 [Order 1815—Filed May 21, 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 adult residential treatment facilities and private adult treatment homes, new chapter 248-25 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature has stipulated that involuntary treatment beds be established immediately (Substitute House Bill 811). Licensure is required under chapter 71.12 RCW for every private home, hospital, or other place receiving or caring for any mentally ill or mentally incompetent person. Licensure regulations herein must be adopted before the involuntary treatment beds can be made available.

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

This rule is promulgated pursuant to chapter 71.12 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 19, 1982.

By David A. Hogan  
 Director, Division of Administration

*Chapter 248-25 WAC*  
**ADULT RESIDENTIAL TREATMENT FACILITIES AND PRIVATE ADULT TREATMENT HOMES**

**NEW SECTION**

**WAC 248-25-001 PURPOSE.** *The purpose of these regulations is to provide standards for the establishment of residential facilities designed and operated primarily to assist psychiatrically impaired adults to live as independently as possible and to provide essential care, treatment, and training in the skills of individual and community living. This shall be a level of care other than hospital inpatient care. Rules and regulations for private adult treatment homes certified as evaluation and treatment facilities under chapter 71.05 RCW are contained herein.*

**NEW SECTION**

**WAC 248-25-002 DEFINITIONS.** (1) "Abuse" means injury, sexual use or abuse, negligent or maltreatment of a client by a person legally responsible for the client's welfare under circumstances indicating the client's health, welfare, and safety is harmed thereby.

Person "legally responsible" shall include a guardian or a person to whom legal responsibility has been delegated (e.g., providers of residential care, day care, etc.).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents resulting in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions resulting in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in the facility's behalf in the overall management of the residential treatment facility.

(3) "Adult residential treatment facility" means a residence, place, or facility designed and organized primarily to provide twenty-four hour residential care, crisis and short-term care, and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in Senate Bill No. 4786.

(4) "Ambulatory" means a client physically and mentally capable of walking unaided or is capable of independent mobility with the use of a cane, crutches, walkerette, walker, wheelchair or artificial limb. Ambulatory shall be interpreted to mean an individual able to walk or traverse a normal path to safety unaided by another individual. Ambulatory shall not be interpreted to mean an individual needing the assistance of another individual in order to get into and out of bed, to transfer to a chair or toilet or to move from place to place.

(5) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including minimally, first initial, last name, and title.

(6) "Board and domiciliary care" means provision of daily meal service, lodging, and care offered within the living accommodation and includes the general responsibility for safety and well-being of the client with provision of assistance in activities of daily living as needed.

(7) "Client" means an individual living in an adult residential facility or private adult treatment home for the purpose of participating in treatment and rehabilitation for psychiatric impairment or an individual living in the facility for board and domiciliary care.

(8) "Clinical staff" means mental health professionals, paraprofessionals, and medical personnel appointed by the governing body of a residential treatment facility to provide direct client treatment, training, and rehabilitation services within the residential treatment facility, and includes full- and part-time staff and consultants.

(9) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.



(10) "Department" means the Washington state department of social and health services.

(11) "Dietitian" means an individual meeting the eligibility requirements described in "Directory of Dietetic Programs Accredited and Approved," American Dietetic Association, Edition 100, 1980.

(12) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define establishment of habits of self-control and unacceptable client behavior.

(13) "Drug administration" means an act where a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from the previously dispensed, properly labeled container (including the unit dose container), verifying the individual dose with the physician's orders, giving the individual dose to the proper client, and properly recording the time and the dose given.

(14) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a client or for a service unit of the facility.

(15) "Dwelling" means any building or any portion thereof which is not an apartment house, lodging house or hotel, containing one or two guest rooms which are used, rented, leased, let, or hired out to be occupied for living purposes.

(16) "Governing body" means the individual or group legally responsible for operation and maintenance of the residential treatment facility.

(17) "Independent living skill training" consists of:

(a) Social skill training: A service designed to aid clients in learning appropriate social behavior in situations of daily living (e.g., the use of appropriate behavior in families, work settings, the residential facility and other community settings).

(b) Self-care skills training: A service designed to aid clients in developing appropriate skills of grooming, self-care and other daily living skills such as eating, food preparation, shopping, handling money, the use of leisure time, and the use of other community and human services.

(18) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his or her strengths, assets, interests, and problems. The statement shall include short- and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals, and a discharge plan. When possible, the statement shall be developed with participation of the client.

(19) "Mental health professional" means the individuals described in RCW 71.05.020 and WAC 275-55-020.

(20) "Multidisciplinary treatment team" means the availability of a group comprised, when indicated, of individuals from various clinical disciplines, to include medicine, psychiatry, psychology, social work, nursing,

occupational and recreational therapies, dietary, pharmacy, speech, and hearing services. Members of the group shall assess, plan, implement, and evaluate treatment and rehabilitation for clients under care.

(21) "Neglect" means negligent treatment or maltreatment or an act of omission, evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a client's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of functioning, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission, resulting in emotional or behavioral problems, or physical manifestations.

(22) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the residential treatment facility;

(b) Addition(s) to or conversions of the existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility;

(d) "Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility, without changing the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-25 WAC.

(23) "Occupational therapist" means an individual having graduated with a bachelors degree from a university or college occupational therapy program and having completed field work requirements.

(24) "Owner" means an individual, partnership or corporation, or the legal successor thereof, operating residential treatment facilities for psychiatrically impaired adults, whether owning or leasing the premises.

(25) "Paraprofessional" means a person qualified, through experience or training, or a combination thereof, deemed competent while under supervision of a mental health professional, to provide counseling, rehabilitation, training, and treatment services to psychiatrically impaired adults. Such a person shall have, at a minimum:

(a) One year of training in the field of social, behavioral, or health sciences, and one year of experience in an approved treatment program for the mentally ill; or

(b) Two years of training in the field of social, behavioral, or health sciences; or

(c) Three years of experience in an approved treatment program for the mentally ill.

(26) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(27) "Physician" means an individual licensed under provisions of chapter 18.57 or 18.71 RCW.

(28) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his or her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011)

(29) "Private adult treatment home" means a dwelling which is the residence or home of two adults providing food, shelter, beds, and care for two or fewer psychiatrically impaired clients, provided these clients are detained under chapter 71.05 RCW and the dwelling is certified as an evaluation and treatment facility under chapter 71.05 RCW.

(30) "Psychiatric impairment" means serious mental disorders, excluding mental retardation, substance abuse disorders, simple intoxication with alcohol or drugs, personality disorders, and specific developmental disorders as defined in the third edition of "American Psychiatric Association Diagnostic and Statistical Manual," 1980, where one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, or other signs or symptoms resulting from gross, on-going distortions in thought processes;

(b) Suicide attempts or other signs or symptoms associated with marked, severe, or chronic affective disorders;

(c) Chronic sexual maladjustment, or other grossly maladaptive behaviors, in accordance with subsection (30)(a) or (b) of this section.

(31) "Psychiatrist" means a physician having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American board of psychiatry and neurology (ABPN) as described in "Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education," American Medical Association, 1981-1982.

(32) "Psychologist" means a person licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(33) "Recreational therapist" means a person with a bachelors degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelors degree in a related field with equivalent professional experience.

(34) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(35) "Rehabilitation services" means a combination of social, physical, psychological, vocational, and recreational services provided to strengthen and enhance the capability of psychiatrically impaired persons and to enable these persons to function with greater independence. The services include, but are not limited to, training in independent living skills.

(36) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting free body movement.

(37) "Scheduled drugs" means drugs, substances, or immediate precursors listed in schedules I through V, article II, RCW 69.50.201, state uniform controlled substance act, as now or hereafter amended.

(38) "Security window" means a window designed to inhibit exit, entry, and injury to a client, incorporating approved, safe, transparent material.

(39) "Self-administration of medication" means the client administers or takes his or her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility to assure medications are used correctly and the client is responding appropriately.

(40) "Shall" means compliance with regulation is mandatory.

(41) "Should" means compliance with a regulation or standard is suggested or recommended, but not required.

(42) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work.

### NEW SECTION

WAC 248-25-010 LICENSURE—ADULT RESIDENTIAL TREATMENT FACILITIES. Adult residential treatment facilities shall be licensed under chapter 71.12 RCW. Chapter 248-25 WAC establishes minimum licensing standards for the safety, adequate care, and treatment of clients living in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes effecting the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed disqualified or unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW, or with rules and regulations promulgated pursuant thereto, and in addition, for any of the following:

(i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(ii) Permitting, aiding, or abetting the commission of an illegal act on the premises of the residential treatment facility;

(iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;

(iv) Misappropriation of the property of the client;

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the

ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals previously denied a license to operate a health care facility in the state of Washington or elsewhere, or convicted civilly or criminally of operating such a facility without a license, or having had the license to operate such a facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, the individual affirmatively establishes clear, cogent, and convincing evidence of ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with chapter 248-25 WAC and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months.

(4) Denial, suspension, or revocation of license. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW and these rules and regulations, the department may, if the interests of the clients so demand, issue a written notification letter to the applicant or licensee giving notice of intent to deny a license application or to suspend or revoke a license thirty days after the date of mailing. The letter shall be followed by a denial, suspension, or revocation letter provided the applicant or licensee does not within thirty days from the date of mailing of the department's notice of intent to reject, revoke or suspend the license, make written application to the department for a hearing. Upon receipt of such an application to the department, the department shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC. All hearings conducted under these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building housing clients.

(b) Floor plans of each building housing clients shall provide the following information:

(i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;

(ii) The usable square feet of floor space in each room;

(iii) The clear window glass area in each client's sleeping room;

(iv) The height of the lowest portion of the ceiling in any client's sleeping room;

(v) The floor elevations referenced to the grade level.

(6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used effecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans drawn to scale and including: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, designating the functions of each room and showing all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by, the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. The plans and specifications shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) designating the function of each room and showing all fixed equipment and the planned location of beds and other furniture in clients' sleeping rooms;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floor, wall and ceiling finishes, and the types and sizes of doors and windows;

(v) Plumbing, heating, ventilation, and electrical systems; and

(vi) Specifications fully describing workmanship and finishes.

(c) Adequate provisions shall be made for safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent for proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only changes approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though the modified plans or addenda were not required to be submitted prior to approval.

(8) The department may, in the department's discretion, exempt an adult residential treatment facility pursuant to the rules herein.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485 which are found in Title 212 WAC apply.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1979 Edition, shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building, and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department the application for a license has been approved. Change in administrator shall be reported to the department.

#### NEW SECTION

**WAC 248-25-015 LICENSURE—PRIVATE ADULT TREATMENT HOME.** Private adult treatment homes shall be licensed under chapter 71.12 RCW, private establishments. Chapter 248-25 WAC establishes minimum licensing rules and regulations for safety and adequate care of psychiatrically-impaired clients living in a private adult treatment home. WAC 248-25-010(1), (2), (3), (4), (6), (8), (9), and (10) shall apply. All other rules and regulations for private adult treatment homes are contained in WAC 248-25-002, 248-25-100, and 248-25-120.

#### NEW SECTION

**WAC 248-25-020 ADMINISTRATION.** (1) Governing body.

(a) The residential treatment facility shall have a governing body to establish and adopt personnel policies, written policies for the admission, care, safety, and treatment of clients, rules and regulations for the responsible administrative and clinical staffs.

(b) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies, and other services necessary to meet the needs of clients.

(c) The governing body shall appoint an administrator responsible for implementing the policies adopted by the governing body.

(d) The governing body shall establish and maintain a current, written organizational plan, including all positions and delineating responsibilities, authority, and relation of positions within the facility.

(2) Personnel.

(a) There shall be sufficient qualified personnel to provide the services needed by the clients, and to maintain the residential treatment facility.

(b) Job descriptions for each position classification shall be written and current.

(c) There shall be a personnel record system and a current personnel record for each employee including application for employment, verification of education or

training when required, a record or verification of a valid, current license for any employee requiring licensure, and an annually documented performance evaluation.

(d) A planned, supervised, and documented orientation shall be provided for each new employee.

(e) There shall be on-going in-service education affording each employee the opportunity to maintain and update competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training and review shall be provided.

(f) Volunteer services and activities, when provided, shall be coordinated by a qualified member of the facility staff.

(i) There shall be appropriate screening, documented orientation, and training provided for each volunteer in accordance with the job to be performed.

(ii) There shall be supervision by qualified staff.

(3) When research is proposed or conducted directly involving clients, a multidisciplinary committee shall review, monitor, and approve or disapprove any research project in order to protect the rights and safety of clients. The committee shall have the right and responsibility to modify or discontinue research.

#### NEW SECTION

**WAC 248-25-030 CLIENT CARE SERVICES IN ADULT RESIDENTIAL TREATMENT FACILITIES.** (1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a psychiatrically impaired client shall be based upon an assessment by a mental health professional under chapter 71.05 RCW or by a community mental health program under chapter 71.24 RCW. Assessment shall be documented and shall establish the following:

(a) A client requires treatment appropriate to the intensity and restrictions of care provided by the program;

(b) The treatment required can be appropriately provided by the program(s) or program component(s);

(c) The client does not represent an imminent danger to others and does not have a physical condition requiring medical or nursing care available only in a hospital.

(3) Clients requiring only board and domiciliary care may be admitted and reside in the adult residential treatment facility.

(4) Unless the facility is excepted in writing by the Washington state fire marshal and the department, admission criteria shall be used to screen out individuals in need of physical restraints, not ambulatory, or lacking adequate cognitive functioning to enable response to a fire alarm or unable to evacuate the premises in an emergency without assistance.

(5) Treatment and discharge planning.

(a) An initial assessment of each psychiatrically impaired client shall occur within seventy-two hours of admission with development of a provisional treatment plan.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) The individualized treatment plan shall be written and interpreted to client care personnel. When possible, the client will participate in development of the plan.

(ii) There shall be implementation of the individualized treatment-rehabilitation plan by the multidisciplinary team with written review and evaluation at least once each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iii) The plan shall include a written discharge plan developed and implemented by the multidisciplinary team.

(iv) The plan shall be included in the clinical record.

(6) A written plan shall be developed describing the organization of clinical services. The plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within seventy-two hours after admission unless a comprehensive health assessment performed within the previous thirty days is available upon admission.

(ii) A complete neurological evaluation shall be completed only when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician or by another authorized practitioner acting within the scope of Washington state statutes defining practice.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or seventy-two hours following admission.

(b) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired adults, on staff as a full-time or part-time employee, or under contract or written agreement. The nurse shall be responsible for all nursing functions.

(c) Psychologists, social workers, psychiatric nurses, occupational therapists, recreational therapists, and paraprofessionals with experience in working with psychiatrically impaired adults shall be available as necessary to develop, integrate, and implement the individualized treatment plan.

(d) Rehabilitation services under long-term care.

(i) There shall be an educational and vocational assessment of each client with appropriate educational and vocational programs developed and implemented or arranged on the basis of the assessment.

(ii) Services in the skills of daily living shall be provided by qualified persons as necessary to meet the needs of the clients.

(e) Food and dietary services.

(i) Food and dietary services shall be managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietitian in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietitian, and retained for six months.

(iv) There shall be a client-specific physician order for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed.

(v) Meals and nourishment shall provide a well-balanced diet sufficient in quality, quantity, and variety to meet the nutritional needs of clients. Unless contraindicated, the "Recommended Dietary Allowances," Ninth Edition, 1980, of the food and nutrition board of the national research council adjusted for age, sex, and activity, shall be used.

(vi) Food service sanitation shall be governed by chapter 248-84 WAC.

(7) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the clients. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraint shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse, and neglect. Clients shall be protected from assault, abuse, and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty, or neglect shall be reported to the department.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he or she may be permitted to take the balance of his or her money, or be fully informed about the transfer of his or her money to another facility or other transfer as permitted by state or federal law. The client shall be informed of any responsibility for the cost of care and treatment under the law or regulations.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as the tasks are appropriate and are part of the individualized treatment plan. Work assignments shall be adequately supervised and documented as part of the treatment program. Work assignment shall be appropriate to the age, physical, and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-211 and 275-55-241.

(f) Current written policy and orders shall be signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and the physician is not present.

(i) Medical policies shall be reviewed as needed and at least one time each two years and approved in writing by representatives of the medical, nursing, and administrative staff.

(ii) There shall be a current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next-of-kin in the event of a serious change in the client's condition, transfer of client to another facility, elopement, death, or when unusual circumstances warrant.

(h) Written policies and procedures addressing safety precautions shall include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC 275-55-263(2)(e).

(iv) Availability of access to emergency supplies and equipment to include airways, and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons (e.g., poison center, fire department, police).

(vi) Systems for routine preventive maintenance with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans including a documentation process and evidence of rehearsal on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates the client is assaultive, out-of-control or self-destructive. There shall be documentation staff rehearsals occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident considered harmful or injurious to the client which shall include documentation in the clinical record.

(j) Policies concerning transportation of clients shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by the administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions allowing clients to be transported in nonfacility-owned vehicles.

(k) At least one staff member with current first aid and cardiopulmonary resuscitation training shall be on duty at all times.

#### NEW SECTION

WAC 248-25-040 PHARMACEUTICAL SERVICES IN ADULT RESIDENTIAL TREATMENT FACILITIES. (1) The facility shall have an agreement

with a pharmacist to advise the facility on matters relating to the practice of pharmacy, drug utilization, control, and accountability.

(2) Written policies and procedures shall be approved by a physician and pharmacist addressing the procuring, prescribing, administering, dispensing, storage, transcription of orders, use of standing orders, disposal of drugs, self-administration of medication, control or disposal of drugs brought into the facility by clients, and recording of drug administration in the clinical record.

(a) Written orders shall be signed by a physician or other legally authorized practitioner acting within the scope of his or her license for all medications administered to clients. An organized system shall be instituted to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications.

(b) Drugs shall be dispensed by persons licensed to dispense drugs. Drugs shall be administered by persons licensed to administer drugs.

(c) Drugs brought into the facility for client use while in the facility shall be specifically ordered by a physician. The facility is responsible for the control and appropriate use of all drugs administered or self-administered within the facility.

(d) Provision shall be made for procurement, drug profiles, labeling and storage of medications, drugs, and chemicals.

(i) Drugs ordered or prescribed for a specific client shall be procured by individual prescription.

(ii) The services of the pharmacist and the pharmacy shall be such that medications, supplies, and individual prescriptions are provided without undue delay.

(iii) Medication containers within the facility shall be clearly and legibly labeled with the medication name (generic and/or trade), strength, and expiration date (if available).

(iv) Medications, poisons, and chemicals kept anywhere in the facility shall be plainly labeled and stored in a specifically designated, secure, well-illuminated cabinet, closet or store room, and made accessible only to authorized persons. External medications shall be separated from internal medications.

(v) Poisonous external chemicals, caustic materials, and drugs shall show appropriate warning or poison labels and shall be stored separately from all other drugs.

(3) The facility shall have a current drug reference readily available for use by clinical staff and treatment team members.

#### NEW SECTION

WAC 248-25-050 INFECTION CONTROL IN ADULT RESIDENTIAL TREATMENT FACILITIES. (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) Communicable disease shall be reported in accordance with WAC 248-100-075 and 248-100-080 as now or hereafter amended.

(3) There shall be a current system for reporting, investigating, and reviewing infections among clients and



personnel, and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters in duration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:

(a) Persons with positive skin tests (as defined in subsection (4) of this section) shall have an annual screening in the form of a chest x-ray.

(b) Persons with positive skin tests whose chest x-ray has shown no sign of active disease at least three years after the first documented positive skin test shall be exempt from further annual testing.

(c) Persons with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing and chest x-rays.

(d) A record of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

#### NEW SECTION

**WAC 248-25-060 CLINICAL RECORDS.** (1) The residential treatment facility shall have a well-defined clinical record system, adequate and experienced staff, adequate facilities, equipment and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use, and preservation of client care data. A person demonstrating competency and experience or training in clinical record administration shall be responsible for the clinical record system.

(2) The client records and record system shall be documented and maintained in accordance with recognized principles of clinical record management.

(3) The residential treatment facility shall have current policies and procedures related to the clinical record system including the following:

(a) The establishment of the format and documentation expectations of the clinical record for each client.

(b) Access to and release of data in clinical records. Policies shall address confidentiality of information contained in records and release of information in accordance with RCW 71.05.390.

(4) An adequate clinical record shall be maintained for each client and be readily accessible to members of the treatment team. Each entry in the clinical record shall be legible, dated, and authenticated.

(5) A systematic method for identifying the clinical record of each client shall be maintained.

(6) Entries in the clinical record shall be made on all diagnostic and treatment procedures and other clinical events. Entries shall be in ink, typewritten, or on a computer terminal, or equivalent.

(7) Psychiatric diagnosis, abbreviations, and terminology shall be consistent with the most recent edition of the "American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders," 1980. Physical diagnosis, abbreviations, and terminology shall be consistent with "International Classification of Disease," Ninth Revision, Volumes I and II, September 1980.

(8) Clinical records shall include identifying information, assessments by the multidisciplinary team, regular progress notes by members of the multidisciplinary team, individualized treatment plans, and a discharge summary.

(9) There shall be a master client index.

(10) Procedures related to retention, preservation, and final disposal of clinical records and other client care data shall include the following:

(a) Each client's clinical record shall be retained and preserved for a period of no less than five years, or for five years following the client's most recent discharge, whichever is the longer period of time.

(b) A complete discharge summary, by a member of the clinical staff, and reports of tests related to the psychiatric condition of each client shall be retained and preserved for a period of no less than ten years or for a period of no less than ten years following the client's most recent discharge, whichever is the longer period of time.

(c) Final disposal of any client clinical record(s), indices or other reports permitting identification of the individual shall be accomplished so retrieval and subsequent use of data contained therein are impossible.

(d) In the event of transfer of ownership of the residential treatment facility, client clinical records, indices and reports shall remain in the facility and shall be retained and preserved by the new operator of the facility in accordance with subsections (10)(a), (b), (c), (d), and (e) of this section.

(e) If the residential treatment facility ceases operation, the facility shall make arrangements for preservation of the clinical records, reports, indices, and client data in accordance with subsections (10)(a), (b), and (c) of this section. The plans for such arrangements shall have been approved by the department prior to cessation of operation.

#### NEW SECTION

**WAC 248-25-070 PHYSICAL ENVIRONMENT IN ADULT RESIDENTIAL TREATMENT FACILITIES.** (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) At least the ground floor shall be accessible to the physically handicapped. Program activity areas and sleeping quarters for any physically handicapped clients shall be on floors meeting applicable standards.

(3) Clients' sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or common-use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-tenth of the usable floor area. Windows above the ground floor level shall be appropriately screened or of a security type.

(c) No room more than three feet, six inches below grade shall be used for the housing of clients. There shall be a minimum of eighty square feet of usable floor space in a single bedroom and multient rooms shall provide no less than seventy square feet of floor area per bed. The maximum capacity of a sleeping room shall be four clients. There shall not be less than seven and one-half feet of ceiling height over the required floor area.

(d) Visual privacy from other clients shall be provided as needed. Visual privacy may be achieved through a program assuring privacy in toileting, bathing, showering, and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his or her room. Provision for secure storage of client valuables in the room or elsewhere shall be provided.

(f) Each client shall have access to his or her room except when contraindicated by determination of staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client, with a cleanable, firm mattress, and a cleanable or disposable pillow.

(h) Room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so the beds do not interfere with the entrance, exit, or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client occupied floor of the facility shall provide one toilet and sink for each eight clients or any fraction thereof. There shall be one bathing facility for each twelve clients or fraction thereof. If there are more than five clients, separate toilet and bathing facilities for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment such as flashlights or battery-operated lamps shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms where excessive moisture, odors, or contaminants originate, shall be appropriately vented.

(7) There shall be an adequate supply of hot and cold running water under pressure conforming with standards of the state board of health, chapter 248-54 WAC.

(a) The hot water temperature at bathing fixtures used by the clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent back-flow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths, and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separated from the kitchen and dining area shall be available.

(c) Soiled laundry or linen storage and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen, and the eating areas.

(9) Within the facility, at least one private area shall be provided for visitation of clients and guests.

(10) An adequate number of rooms shall be available for group and individual therapy.

(a) The rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) If seclusion or maximum security rooms are required by a program, at least one seclusion room intended for short-term occupancy, with direct supervision by staff, shall be available or immediately accessible in a hospital or other facility.

(i) Seclusion rooms and furnishings shall be designed to provide maximum security and safety for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a routine basis within the facility, an examination room should be available, providing privacy and adequate light. A handwashing facility with towel dispenser and soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, utility and storage areas shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse, and liquid wastes shall be collected and disposed of in a manner to prevent creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment facility.



(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area utilized for dining, social, educational, recreational activities, and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone readily available for use of clients (located so privacy is possible).

(18) A safely maintained outdoor recreational area shall be available for use of clients.

#### NEW SECTION

WAC 248-25-100 CLIENT CARE SERVICES IN PRIVATE ADULT TREATMENT HOMES. (1) The home shall have written policies regarding admission criteria and treatment methods. Admission of clients shall be in keeping with stated policies and shall be limited to psychiatrically impaired clients for whom the home can provide adequate safety and care.

(2) Rules and regulations contained in WAC 248-25-030(2), (4), (5), (6), and (7) shall apply with the following exclusions: WAC 248-25-030(7)(h)(vi) and (7)(j)(i).

(3) Medications shall be specifically ordered by a physician or other legally authorized practitioner and controlled by the licensee.

(a) All medications shall be kept in locked storage or otherwise made inaccessible to unauthorized persons and shall be refrigerated when required.

(b) External medications shall be stored separately (separate compartments) from internal medications.

(c) Medications shall be stored in the medication's original container. Each container shall be labeled and the label shall include the name of the client and the date of purchase.

(d) Only the licensee shall dispense or have access to medications except for self-administered medications.

(e) Medications shall be dispersed only on the written approval of an individual or agency having authority by court order to approve medical care. Medications shall be dispersed only as specified on the prescription label or as otherwise authorized by a physician.

(f) Self-administration of medications by a client shall be in accordance with the following:

(i) The client shall be physically and mentally capable of properly taking his or her own medicine;

(ii) Prescription drugs, over-the-counter drugs and other medical materials used by individuals shall be kept so the prescription drugs are not available to other individuals.

(4) Tuberculosis, communicable disease.

(a) Each licensee, employee, adult volunteer, and other adult individuals providing services or care and having

regular contact with the clients shall have a tuberculosis skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(i) Individuals whose tuberculosis skin test is positive (10 mm or more induration) shall have a chest x-ray within ninety days following the skin test.

(ii) Routine periodic testing or x-ray after entry is not required.

(iii) An entry test shall not be required of individuals whose tuberculosis skin test has been documented as negative (less than 10 mm within the last two years, nor shall routine periodic retesting or x-ray be required of such individuals.

(b) A record of tuberculosis skin test results, x-rays, or exemptions to such shall be kept in the home.

(c) Individuals with a communicable disease in an infectious stage shall not be on duty.

(5) Clinical records and record systems shall comply with WAC 248-25-060.

#### NEW SECTION

WAC 248-25-120 PHYSICAL ENVIRONMENT REQUIREMENTS FOR PRIVATE ADULT TREATMENT HOMES. (1) The home shall be located on a well-drained site, free from hazardous conditions, and accessible to other facilities necessary to carry out the home's program. There shall be at least one telephone on the premises which shall be accessible for emergency use at all times.

(2) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair.

(3) Suitable space shall be provided and used for storage of clothing.

(4) Client bedrooms shall be outside rooms permitting entrance of natural light.

(a) Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets.

(b) Each client shall have a bed of his or her own which is at least thirty-six inches wide with a clean mattress, pillow, sheets, blankets, and pillowcases.

(5) Adequate facilities shall be provided for separate storage of soiled linen and clean linen.

(6) There shall be at least one indoor flush-type toilet, one lavatory, and one bathtub or shower with hot and cold or tempered running water.

(a) Toilet and bathing facilities shall provide for privacy.

(b) Soap and individual towels or disposable towels shall be provided.

(7) Adequate lighting shall be provided.

(8) Sewage and liquid wastes shall be discharged into a public sewer system or into an independent sewage system approved by the local health authority or the department.

(9) A private water supply shall be approved by the local health authority or department.

(10) The heating system shall be operated and maintained to provide not less than sixty-eight degrees Fahrenheit temperature in rooms used by clients during waking hours.

(11) The premises shall be kept free from rodents, flies, cockroaches, and other insects.

WSR 82-12-008  
ADOPTED RULES  
PARKS AND RECREATION  
COMMISSION  
[Order 61—Filed May 21, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to pets, WAC 352-32-060.

This action is taken pursuant to Notice No. WSR 82-08-057 filed with the code reviser on April 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 17, 1982.

By Robert T. McCoy  
Rules Coordinator

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-32-060 PETS. (1) All dogs or other pets or domestic animals must be kept on leash no greater than eight feet in length, and under control at all times while in a state parks area.

(2) Dogs, pets, or domestic animals are not permitted on any designated swimming beach in any state parks area, nor in any public building unless so posted: PROVIDED, That this subsection shall not apply to ((seeing eye)) guide dogs.

(3) No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(4) Any person bringing a dog into a state park area shall dispose of any feces deposited by the dog, by placing the feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

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

Added in original

WSR 82-12-009  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 82-51—Filed May 21, 1982]

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

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is necessary to provide opportunity for a subsistence family-use fishing on the Yakima River.

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

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

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

APPROVED AND ADOPTED May 21, 1982.

By Gary C. Alexander  
for Rolland A. Schmitt  
Director

NEW SECTION

WAC 220-28-086N0B YAKIMA RIVER It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon for personal use or commercial purposes from the waters of the Yakima River, except for the following provisions:

(1) It shall be lawful for individuals possessing treaty fishing rights under the Yakima Treaty to fish for food fish for subsistence family-use purposes in the vicinity of the Prosser Dam and Horn Rapids Dam from noon May 21, 1982, to noon May 22, 1982.

(2) It shall be lawful for individuals possessing treaty fishing rights under the Yakima Treaty to fish for food fish for subsistence family-use purposes in the vicinity of Sunnyside Dam and Wapato Dam immediately through noon May 23, 1982, and from noon May 27, 1982 to noon May 30, 1982.

(3) It is unlawful to fish within 30 feet of the fishways on the Yakima River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-086N0A CLOSED AREA-YAKIMA RIVER (82-47)

**WSR 82-12-010**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
**(Library Commission)**  
 [Memorandum—May 19, 1982]

The next meeting of the Washington State Library Commission will be June 10, 1982 in the Spokane Public Library Auditorium, beginning at 10:00 a.m.

**WSR 82-12-011**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD**  
**OF EDUCATION**  
 [Memorandum—May 21, 1982]

Following is the schedule of State Board of Education meeting dates and locations for the 1983 calendar year as adopted by the board at its May 12-13, 1982 meeting. All meetings convene at 9:00 a.m. on the dates designated below:

January 27-28, 1983; March 24-25, 1983; May 26-27, 1983; July 28-29, 1983; and October 6-7, 1983; all located at State Modular Office Building, 7510 Armstrong Street S.W., Tumwater, and on December 8-9, 1983, Convention Center, West 334 Spokane Falls Boulevard, Spokane.

All meetings are held on Thursdays and Fridays. The December meeting coincides with the annual meeting of the Washington State School Directors' Association.

This schedule is subject to change on the basis of extent and urgency of state board business.

**WSR 82-12-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 169—Filed May 21, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Bellingham, Washington, as emergency rule of this governing body, the annexed rule relating to expand open fishing area on the Cowlitz River to angling for game fish including steelhead trout, WAC 232-28-60410.

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 runs of steelhead trout and spring chinook salmon are sufficient to allow additional harvest of surplus fish. Expansion of the existing open area will allow some of these surplus fish to be harvested in a recreational fishery. Such an expansion of the open fishing area will not result in an

underescapement of steelhead trout runs in the Cowlitz River.

Such rule is therefore adopted as an emergency rule.

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 May 17, 1982.

By Archie U. Mills  
 Chairman, Game Commission

**NEW SECTION**

**WAC 232-28-60410 EXPAND OPEN FISHING AREA ON THE COWLITZ RIVER TO ANGLING FOR GAME FISH INCLUDING STEELHEAD TROUT.** *Notwithstanding the provisions of WAC 232-28-604, it shall be lawful for any sport angler to take, fish for, or possess game fish including steelhead trout in the Cowlitz River until July 31, 1982 in the following described area.*

*Open area: Downstream from the cross-river cable located approximately 200 feet below the Barrier Dam at the State Department of Fisheries Salmon Hatchery.*

**WSR 82-12-013**  
**EMERGENCY RULES**  
**INSURANCE COMMISSIONER**  
**STATE FIRE MARSHAL**  
 [Order FM 82-4—Filed May 21, 1982]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at Insurance Building, Olympia, Washington 98504, the annexed rules relating to fireworks, chapter 212-16 WAC.

I, Thomas R. Brace, 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 new fireworks rule, chapter 212-17 WAC, adopted by Order No. FM 82-3, WSR 82-12-001, filed May 20, 1982. This will repeal prior and conflicting rules.

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

This rule is promulgated pursuant to RCW 70.77.250 which directs that the Insurance Commissioner/State Fire Marshal may prescribe rules relating to fireworks as may be necessary for protection of life and property.

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

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

APPROVED AND ADOPTED May 21, 1982.

By Thomas R. Brace  
Director, Division of State Fire Marshal

### REPEALER

The following chapter of the Washington Administrative Code is repealed in its entirety:

- (1) WAC 212-16-001 PROMULGATION.
- (2) WAC 212-16-010 TITLE, AUTHORITY, PURPOSE AND SCOPE—SHORT TITLE.
- (3) WAC 212-16-015 TITLE, AUTHORITY, PURPOSE AND SCOPE—AUTHORITY.
- (4) WAC 212-16-020 TITLE, AUTHORITY, PURPOSE AND SCOPE—PURPOSE.
- (5) WAC 212-16-025 TITLE, AUTHORITY, PURPOSE AND SCOPE—SCOPE.
- (6) WAC 212-16-030 TITLE, AUTHORITY, PURPOSE AND SCOPE—LICENSES FRAUDULENTLY SECURED.
- (7) WAC 212-16-035 LICENSE—TO WHOM ISSUED.
- (8) WAC 212-16-040 REGISTERED EMPLOYEES.
- (9) WAC 212-16-045 REGISTERED EMPLOYEES—MISUSE OF LICENSE.
- (10) WAC 212-16-050 REGISTERED EMPLOYEES—DEFINITIONS.
- (11) WAC 212-16-055 REGISTERED EMPLOYEES—TOY PISTOLS.
- (12) WAC 212-16-075 FIREWORKS MANUFACTURER—GENERAL.
- (13) WAC 212-16-080 FIREWORKS MANUFACTURER—LICENSING.
- (14) WAC 212-16-085 FIREWORKS MANUFACTURER—LOCAL ORDINANCES.
- (15) WAC 212-16-090 FIREWORKS MANUFACTURER—LICENSE LIMITATIONS.
- (16) WAC 212-16-095 FIREWORKS MANUFACTURER—CLASSIFICATION.
- (17) WAC 212-16-100 FIREWORKS MANUFACTURER—SAFE FIRING DIRECTIONS.
- (18) WAC 212-16-105 FIREWORKS MANUFACTURER—RECORDS AND REPORTS.
- (19) WAC 212-16-110 FIREWORKS MANUFACTURER—RESTRICTIONS.
- (20) WAC 212-16-115 FIREWORKS MANUFACTURER—BILLS OF LADING.
- (21) WAC 212-16-120 FIREWORKS MANUFACTURER—SALESMEN AND EMPLOYEES.
- (22) WAC 212-16-125 FIREWORKS MANUFACTURER—BUILDING AND STRUCTURES.
- (23) WAC 212-16-130 FIREWORKS MANUFACTURER—EXITS.
- (24) WAC 212-16-135 FIREWORKS MANUFACTURER—PERSONNEL.
- (25) WAC 212-16-140 FIREWORKS MANUFACTURER—FIRE DRILLS.
- (26) WAC 212-16-145 FIREWORKS MANUFACTURER—SMOKING AND FIRE.
- (27) WAC 212-16-150 FIREWORKS MANUFACTURER—NO SMOKING SIGNS.
- (28) WAC 212-16-155 FIREWORKS MANUFACTURER—VISITORS.
- (29) WAC 212-16-160 FIREWORKS MANUFACTURER—FIRE NUISANCE.
- (30) WAC 212-16-175 FIREWORKS WHOLESALE—GENERAL.
- (31) WAC 212-16-180 FIREWORKS WHOLESALE—LICENSING.
- (32) WAC 212-16-185 FIREWORKS WHOLESALE—INVESTIGATION.
- (33) WAC 212-16-190 FIREWORKS WHOLESALE—LOCAL ORDINANCES.
- (34) WAC 212-16-195 FIREWORKS WHOLESALE—LICENSE LIMITATIONS.
- (35) WAC 212-16-200 FIREWORKS WHOLESALE—CLASSIFICATION.
- (36) WAC 212-16-205 FIREWORKS WHOLESALE—RECORDS AND REPORTS.
- (37) WAC 212-16-210 FIREWORKS WHOLESALE—IMPORTING.
- (38) WAC 212-16-215 FIREWORKS WHOLESALE—RESTRICTIONS.
- (39) WAC 212-16-220 FIREWORKS WHOLESALE—BILLS OF LADING.
- (40) WAC 212-16-225 FIREWORKS WHOLESALE—SALESMEN AND EMPLOYEES.
- (41) WAC 212-16-230 FIREWORKS WHOLESALE—EXITS.
- (42) WAC 212-16-235 FIREWORKS WHOLESALE—PERSONNEL.
- (43) WAC 212-16-240 FIREWORKS WHOLESALE—FIRE DRILLS.
- (44) WAC 212-16-245 FIREWORKS WHOLESALE—SMOKING AND FIRE.
- (45) WAC 212-16-250 FIREWORKS WHOLESALE—NO SMOKING SIGNS.
- (46) WAC 212-16-255 FIREWORKS WHOLESALE—VISITORS.
- (47) WAC 212-16-260 FIREWORKS WHOLESALE—FIRE NUISANCE.
- (48) WAC 212-16-275 IMPORTERS AND EXPORTERS OF FIREWORKS—GENERAL.
- (49) WAC 212-16-280 IMPORTERS AND EXPORTERS OF FIREWORKS—LICENSING.
- (50) WAC 212-16-285 IMPORTERS AND EXPORTERS OF FIREWORKS—LICENSE SCOPE.
- (51) WAC 212-16-290 IMPORTERS AND EXPORTERS OF FIREWORKS—REPORTS.
- (52) WAC 212-16-295 IMPORTERS AND EXPORTERS OF FIREWORKS—CLASSIFICATION.
- (53) WAC 212-16-300 IMPORTERS AND EXPORTERS OF FIREWORKS—UNCLASSIFIED FIREWORKS.
- (54) WAC 212-16-305 IMPORTERS AND EXPORTERS OF FIREWORKS—EXPORTING.

- (55) WAC 212-16-310 IMPORTERS AND EXPORTERS OF FIREWORKS—SHIPPING.
- (56) WAC 212-16-315 IMPORTERS AND EXPORTERS OF FIREWORKS—BILLS OF LADING.
- (57) WAC 212-16-320 IMPORTERS AND EXPORTERS OF FIREWORKS—RESTRICTIONS.
- (58) WAC 212-16-335 RETAILERS OF SAFE AND SANE FIREWORKS—GENERAL.
- (59) WAC 212-16-340 RETAILERS OF SAFE AND SANE FIREWORKS—SALES DATES.
- (60) WAC 212-16-345 RETAILERS OF SAFE AND SANE FIREWORKS—SALES LOCATIONS.
- (61) WAC 212-16-350 RETAILERS OF SAFE AND SANE FIREWORKS—SAFETY INSPECTION.
- (62) WAC 212-16-355 RETAILERS OF SAFE AND SANE FIREWORKS—NO SMOKING SIGNS.
- (63) WAC 212-16-360 RETAILERS OF SAFE AND SANE FIREWORKS—SMOKING AND DISCHARGE OF FIREWORKS.
- (64) WAC 212-16-365 RETAILERS OF SAFE AND SANE FIREWORKS—FIREWORKS CLASSIFIED.
- (65) WAC 212-16-370 RETAILERS OF SAFE AND SANE FIREWORKS—DISPOSITION OF UNSOLD STOCK.
- (66) WAC 212-16-385 PYROTECHNIC OPERATORS—GENERAL.
- (67) WAC 212-16-390 PYROTECHNIC OPERATORS—APPLICATION FOR LICENSE.
- (68) WAC 212-16-395 PYROTECHNIC OPERATORS—EXAMINATION, INVESTIGATION AND LICENSING.
- (69) WAC 212-16-400 PYROTECHNIC OPERATORS—RESPONSIBILITY.
- (70) WAC 212-16-405 PYROTECHNIC OPERATORS—OBSERVANCE OF LAWS, RULES AND REGULATIONS.
- (71) WAC 212-16-420 REGISTRATION OF EMPLOYEES—DEFINITION OF REGISTERED EMPLOYEE.
- (72) WAC 212-16-425 REGISTRATION OF EMPLOYEES—APPLICATION.
- (73) WAC 212-16-430 REGISTRATION OF EMPLOYEES—RESPONSIBILITY.
- (74) WAC 212-16-435 REGISTRATION OF EMPLOYEES—EXPIRATION.
- (75) WAC 212-16-440 REGISTRATION OF EMPLOYEES—SURRENDERING.
- (76) WAC 212-16-455 CLASSIFICATION, REGISTRATION AND LABELING—GENERAL.
- (77) WAC 212-16-460 CLASSIFICATION, REGISTRATION AND LABELING—TEST SAMPLES.
- (78) WAC 212-16-465 CLASSIFICATION, REGISTRATION AND LABELING—CHEMICAL ANALYSIS.
- (79) WAC 212-16-470 CLASSIFICATION, REGISTRATION AND LABELING—TESTS.
- (80) WAC 212-16-475 CLASSIFICATION, REGISTRATION AND LABELING—RE-TESTS.
- (81) WAC 212-16-480 CLASSIFICATION, REGISTRATION AND LABELING—REVOCATION.
- (82) WAC 212-16-485 CLASSIFICATION, REGISTRATION AND LABELING—LABELING.
- (83) WAC 212-16-490 CLASSIFICATION, REGISTRATION AND LABELING—IMPORTS.
- (84) WAC 212-16-495 CLASSIFICATION, REGISTRATION AND LABELING—SPECIFICATIONS.
- (85) WAC 212-16-510 SEAL OF REGISTRATION—DESCRIPTION.
- (86) WAC 212-16-515 SEAL OF REGISTRATION—UNLAWFUL USE.
- (87) WAC 212-16-520 SEAL OF REGISTRATION—PERMISSIVE USE.
- (88) WAC 212-16-525 SEAL OF REGISTRATION—APPROVED USE.
- (89) WAC 212-16-530 SEAL OF REGISTRATION—REPRODUCTION.
- (90) WAC 212-16-535 SEAL OF REGISTRATION—REGISTRATION NUMBER.
- (91) WAC 212-16-540 SEAL OF REGISTRATION—NO SUBSEQUENT ISSUANCE TO OTHERS.
- (92) WAC 212-16-545 SEAL OF REGISTRATION—CEASE USE ORDER.
- (93) WAC 212-16-560 PUBLIC DISPLAYS OF FIREWORKS—GENERAL.
- (94) WAC 212-16-565 APPLICATION, STATE LICENSE.
- (95) WAC 212-16-570 APPLICATION, STATE LICENSE—SPECIAL AND GENERAL LICENSES.
- (96) WAC 212-16-575 APPLICATION, STATE LICENSE—GENERAL LICENSES.
- (97) WAC 212-16-580 APPLICATION, STATE LICENSE—REPORTS.
- (98) WAC 212-16-585 APPLICATION, STATE LICENSE—LOCAL PERMIT, APPLICATION FOR.
- (99) WAC 212-16-590 APPLICATION, STATE LICENSE—INVESTIGATION.
- (100) WAC 212-16-595 APPLICATION, STATE LICENSE—TEST AREAS.
- (101) WAC 212-16-600 APPLICATION, STATE LICENSE—PERMITS MAY NOT BE GRANTED, WHEN.
- (102) WAC 212-16-605 APPLICATION, STATE LICENSE—SPECTATORS.
- (103) WAC 212-16-610 APPLICATION, STATE LICENSE—PYROTECHNIC OPERATORS.
- (104) WAC 212-16-615 APPLICATION, STATE LICENSE—TRANSPORTATION.
- (105) WAC 212-16-620 APPLICATION, STATE LICENSE—PUBLIC DISPLAY STORAGE MAGAZINES.
- (106) WAC 212-16-625 APPLICATION, STATE LICENSE—MORTARS.
- (107) WAC 212-16-630 APPLICATION, STATE LICENSE—ROCKET LAUNCHERS.
- (108) WAC 212-16-635 APPLICATION, STATE LICENSE—METALLIC MORTARS.

- (109) WAC 212-16-640 APPLICATION, STATE LICENSE—SETTING MORTARS.
- (110) WAC 212-16-645 APPLICATION, STATE LICENSE—SETTING ROCKET LAUNCHERS.
- (111) WAC 212-16-650 SPECIAL SETTING OF MORTARS.
- (112) WAC 212-16-655 SPECIAL SETTING OF MORTARS—FINALE BATTERIES.
- (113) WAC 212-16-660 SPECIAL SETTING OF MORTARS—FIRING MAGAZINES.
- (114) WAC 212-16-665 SPECIAL SETTING OF MORTARS—LOADING MORTARS.
- (115) WAC 212-16-670 SPECIAL SETTING OF MORTARS—FIRING.
- (116) WAC 212-16-675 SPECIAL SETTING OF MORTARS—FIRING ROCKETS.
- (117) WAC 212-16-680 SPECIAL SETTING OF MORTARS—FIRING PROCEDURE.
- (118) WAC 212-16-685 SPECIAL SETTING OF MORTARS—OPERATOR IN CHARGE.
- (119) WAC 212-16-690 SPECIAL SETTING OF MORTARS—DUDS.
- (120) WAC 212-16-695 SPECIAL SETTING OF MORTARS—MAGAZINE TENDERS.
- (121) WAC 212-16-700 SPECIAL SETTING OF MORTARS—SHELL SIZE.
- (122) WAC 212-16-705 SPECIAL SETTING OF MORTARS—SET PIECES.
- (123) WAC 212-16-710 SPECIAL SETTING OF MORTARS—MATCH.
- (124) WAC 212-16-715 SPECIAL SETTING OF MORTARS—FLYING PIGEONS.
- (125) WAC 212-16-720 SPECIAL SETTING OF MORTARS—UNFIRED FIREWORKS.
- (126) WAC 212-16-725 SPECIAL SETTING OF MORTARS—SMOKING.
- (127) WAC 212-16-730 SPECIAL SETTING OF MORTARS—FIRE EQUIPMENT.
- (128) WAC 212-16-735 SPECIAL SETTING OF MORTARS—REPORTS.
- (129) WAC 212-16-750 TRANSPORTATION—GENERAL.
- (130) WAC 212-16-755 TRANSPORTATION—LABELS.
- (131) WAC 212-16-760 TRANSPORTATION—BILLS OF LADING.
- (132) WAC 212-16-765 TRANSPORTATION—TEST SAMPLES.
- (133) WAC 212-16-770 TRANSPORTATION—CUSTOM BOND.
- (134) WAC 212-16-775 TRANSPORTATION—PERSONNEL.
- (135) WAC 212-16-780 TRANSPORTATION—SMOKING AND FIRE.
- (136) WAC 212-16-785 TRANSPORTATION—FIRE NUISANCE.
- (137) WAC 212-16-800 STORAGE—GENERAL.
- (138) WAC 212-16-805 STORAGE—EXPLOSIVE SAFETY PRACTICES.
- (139) WAC 212-16-810 STORAGE—SUPERVISION.
- (140) WAC 212-16-815 STORAGE—PERSONNEL.
- (141) WAC 212-16-820 STORAGE—SMOKING AND FIRE.
- (142) WAC 212-16-825 STORAGE—"NO SMOKING" SIGNS.
- (143) WAC 212-16-830 STORAGE—FIRE NUISANCE.
- (144) WAC 212-16-845 SPECIAL EFFECTS—SCOPE.
- (145) WAC 212-16-850 SPECIAL EFFECTS—BASIC REQUIREMENTS.
- (146) WAC 212-16-855 SPECIAL EFFECTS—MAGAZINES.
- (147) WAC 212-16-860 SPECIAL EFFECTS—QUANTITIES.
- (148) WAC 212-16-865 SPECIAL EFFECTS—PREPARATION.
- (149) WAC 212-16-870 SPECIAL EFFECTS—MORTARS.
- (150) WAC 212-16-875 SPECIAL EFFECTS—FLASH CHARGES.
- (151) WAC 212-16-880 SPECIAL EFFECTS—ELECTRIC FIRING CIRCUITS.
- (152) WAC 212-16-885 SPECIAL EFFECTS—POWER SOURCES.
- (153) WAC 212-16-890 SPECIAL EFFECTS—SHUNTS.
- (154) WAC 212-16-895 SPECIAL EFFECTS—FIRING SAFEGUARDS.
- (155) WAC 212-16-900 SPECIAL EFFECTS—CIRCUIT TESTS.
- (156) WAC 212-16-905 SPECIAL EFFECTS—WATER LOCATIONS.
- (157) WAC 212-16-910 SPECIAL EFFECTS—SIGHT FIRING.
- (158) WAC 212-16-950 REPEAL OF OTHER REGULATIONS.

## WSR 82-12-014

NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION

[Memorandum—May 21, 1982]

The State Hospital Commission will meet in Seattle at the Seattle Hyatt, SeaTac, on Thursday, June 10, 1982. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for June 24 and July 22, 1982 at the Hyatt House, SeaTac. The meeting of July 8, 1982 has been cancelled.

**WSR 82-12-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 82-52—Filed May 24, 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 this regulation is needed to protect Hoh River spring chinook stock.

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

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

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

APPROVED AND ADOPTED May 24, 1982.

By William R. Wilkerson  
 for Rolland A. Schmitten  
 Director

NEW SECTION

**WAC 220-28-073E0A CLOSED AREA-HOH RIVER.** *Effective immediately through 11:59 P.M. May 29, 1982, it is unlawful for any person, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Hoh River.*

**WSR 82-12-016**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed May 24, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use fishing rules.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Tuesday, July 6, 1982, in the Department of Fisheries, 115 General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 6, 1982.

Dated: May 24, 1982  
 By: Rolland A. Schmitten  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-56-380, 220-57-160, 220-57-285, 220-57-315 and 220-57-525.

Description of Purpose: Correct scrivener errors.

Summary of Rules: WAC 220-56-380 Sport fishing—Oysters—Areas and seasons; 220-57-160 Sport fishing—Columbia River—Bag limit; 220-57-285 Sport fishing—Humtulpis River—Bag limit; 220-57-315 Sport fishing—Klickitat River—Bag limit; and 220-57-325 Sport fishing—Wynoochee River—Bag limit.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 754-2429; Implementation: Duane Phinney, Ron Westly, 115 General Administration Building, Olympia, WA 753-6600; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: These changes are to correct scrivener's errors that occurred in the filing. There is no change from the rules as adopted in Order 82-19, filed March 18, 1982.

These rules are not the result of federal law or any court order except as noted in Order 82-19, filed March 18, 1982.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

**WAC 220-56-380 OYSTERS—AREAS AND SEASONS.** (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) (a) It is unlawful to take or possess oysters for personal use from all Hood Canal beaches south of a line projected from Misery Point to Quatsop (Black) Point through December 31, 1983.

(b) It is lawful to take and possess oysters for personal use from all other Washington state public beaches, except all federally-owned tidelands at Seal Rock Forest Service campground are closed to personal-use harvest of oysters from July ((+5) (+6)) 16 through May 14.

(3) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

(4) It shall be lawful for private beach owners to harvest oysters for their own personal use from their own tidelands.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

**WAC 220-57-160 COLUMBIA RIVER.** (1) Bag limit C - June 1 through October 15: Downstream from Chief Joseph Dam to the Richland-Pasco Highway 12 Bridge. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam to a point 400 feet below the spawning channel discharge stream.

(c) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream line of these dams to a point 1,000 feet downstream.

(d) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 1,500 feet downstream.

(e) Jackson (Moran) Creek - waters within 500 feet of the mouth.

(2) Bag limit A - April 1 through June 30: East bank only in that portion of the Columbia River from WDF boundary marker located



approximately 1/2 mile upstream from Spring Creek (Ringold hatchery rearing pond outlet) downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet.

(3) Waters downstream from the Richland-Pasco Highway 12 Bridge to Hood River Bridge: Closed entire year.

(4) Bag limit A - September 1 through March 15: That portion downstream from Hood River Bridge to the Interstate 5 Bridge at Vancouver, with the exception of the following closed waters:

Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(5) Bag limit A - August ~~((1-16))~~ 16 through March 15: Waters downstream from the Interstate 5 bridge to a line projected true north and south through Buoy 10, except that on or after August 16 and through September 30, regulations downstream from the Megler-Astoria Bridge shall conform with the most recent ocean fishing regulations when the ocean was last open. During the month of September, it is unlawful to take, fish for, or possess salmon for personal use in that portion of the Columbia River north of a line projected from ~~((Abernathy Point light to a))~~ Abernathy Point light to a boundary marker east of the mouth of Abernathy Creek.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-285 HUMPTULIPS RIVER. (1) Bag limit C - July 1 through January 31: Downstream from confluence of East and West forks to confluence with Stevens Creek.

(2) Bag limit A - July 1 through November 30: Downstream from confluence of Stevens Creek to Highway 109 Bridge. Chinook salmon over 24 inches in length and all chum salmon must be released.

(3) Bag limit C - December 1 through January 31: Downstream from confluence of Stevens Creek to Highway 109 Bridge.

~~((4))~~ (4) Bag limit F - ~~((Open to salmon angling))~~ Open to salmon angling downstream from Highway 109 Bridge coincidentally with the season in adjacent waters of Grays Harbor, but not to extend beyond August 15, unless otherwise provided.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-315 KLUCKITAT RIVER. (1) Bag limit A - April 1 through January 31: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth EXCEPT open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) Bag limit C - Saturday preceding Memorial Day through November 30 ~~((1))~~ - Downstream from the Lydel Bridge to a point 400 feet above the No. 5 fishway.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-525 WYNOOCHEE RIVER. (1) Bag limit A - July ~~((1))~~ 1 through September 30: Downstream from the mouth of Schafer Creek. Chinook salmon over 24 inches in length and all chum salmon must be released.

(2) Bag limit C - October 1 through January 31: Downstream from the mouth of Shafer Creek.

**WSR 82-12-017**  
**WITHDRAWAL OF PROPOSED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
 [Filed May 25, 1982]

The Commission for Vocational Education withdraws the Notice of Intent to hold a public hearing to consider changes to WAC 490-03-010, 490-28A-011 and 490-36A-040.

The notice was filed under WSR 82-09-066 on April 20, 1982.

By Homer J. Halverson  
 Executive Director

**WSR 82-12-018**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 82-15—Filed May 25, 1982]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Electrical—Application, repealing WAC 296-24-950, as the state has adopted a new electrical standard.

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 WAC 296-24-950 was inadvertently omitted from the repealers when the new sections were filed. It is necessary this section be repealed, to avoid having conflicting standards in effect as the new electrical regulations will go into effect May 28, 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 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 25, 1982.

By Sam Kinville  
 Director

REPEALER

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

*WAC 296-24-950 Electrical - Application*

**WSR 82-12-019**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 82-21—Filed May 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 98504, the annexed rules relating to this order amends the medical surveillance section of WAC 296-62-07314 to be identical to the recordkeeping requirements of the federal regulations listed in the Federal Register Vol. 45, No. 102, May 23, 1980.

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 these amendments were inadvertently omitted in the original filing on Administrative Order 81-21. These omissions are not substantive in nature, but are required to be in compliance with our 18b State Plan.

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

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 25, 1982.

By Sam Kinville  
Director

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-07314 MEDICAL SURVEILLANCE. (1) At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(2) Examinations.

(a) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupation background, including genetic and environmental factors.

(b) Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.

(c) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(3) Records.

(a) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(b) Records required by this section shall be provided upon request to employees, designated representatives, and the director (~~and upon request of an employee or~~

~~former employee, to a physician designated by the employee or to a new employer)) in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director.~~

(c) Any employer who requests a physical examination of one of his employees or prospective employees as required by this section shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

WSR 82-12-020

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed May 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs and pilotage rules, Puget Sound Pilotage District, WAC 296-116-300;

that such agency will at 9:00 a.m., Thursday, May 27, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, 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 88.16.035(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 26, 1982, and/or orally at 9:00 a.m., Thursday, May 27, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-08-062 filed with the code reviser's office on April 7, 1982.

Dated: May 25, 1982

By: Judith L. Weigand  
Assistant Attorney General

WSR 82-12-021

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order ET 82-2—Filed May 25, 1982]

I, Donald R. Burrows, acting director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to time and place of sale, WAC 458-20-103.

This action is taken pursuant to Notice No. WSR 82-09-073 filed with the code reviser on April 21, 1982. 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 Revenue as authorized in RCW 82.32.300.

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

APPROVED AND ADOPTED May 25, 1982.

By Don R. McCuiston, Director  
Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 70-3, filed 5/29/70)

WAC 458-20-103 ((~~RULE 103~~)) TIME AND PLACE OF SALE. Under the Revenue Act of 1935, as amended, the word "sale" means any transfer of the ownership of, title to, or possession of, property for a valuable consideration, and includes the sale or charge made for performing certain services.

For the purpose of determining tax liability of persons selling tangible personal property, a sale takes place in this state when the goods sold are delivered to the buyer in this state, irrespective of whether title to the goods passes to the buyer at a point within or without this state.

With respect to the charge made for performing services which constitute sales as defined in RCW 82.04.040 and 82.04.050, a sale takes place in this state when the services are performed herein. With respect to the charge made for renting or leasing tangible personal property, a sale takes place in this state when the property is used in this state by the lessee.

Where gift certificates are sold which will be redeemed in merchandise, or in services which are defined by the Revenue Act as retail sales, the sale is deemed to occur and the retail sales tax shall be collected at the time the certificate is actually redeemed for the merchandise or services ((~~sold, based on the sales price of the certificate~~)). The measure of the tax is the total selling price of the merchandise or services at the time of the redemption, including the redemption value of the certificate, or any part thereof, which is applied toward the selling price. (See WAC 458-20-235 for effect of rate changes on prior contracts and sales agreements. See also WAC 458-20-131 which deals with merchandising games, and which covers the situation where certificates or trade checks are issued which may be redeemed for services which are not retail sales, such as barber services, admissions, etc.)

Revised ((~~June 1, 1970~~)) March 2, 1982.

**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 82-12-022  
ADOPTED RULES  
SECRETARY OF STATE  
[Order 82-1—Filed May 25, 1982]

I, Ralph Munro, Secretary of State of the State of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to special elections for major energy project bond measures.

This action is taken pursuant to Notice No. WSR 82-09-061 filed with the code reviser on April 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Office of the Secretary of State as authorized in RCW 29.04.080 and 29.81.070.

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

APPROVED AND ADOPTED May 25, 1982.

By Ralph Munro  
Secretary of State

CHAPTER 434-91

Special Elections for Major Public Energy Project Bond Measures

NEW SECTION

WAC 434-91-010 PURPOSE. The regulations in this chapter are adopted to implement the special election provisions of Chapter 6, Laws of 1981, Second Extraordinary Session (Initiative Measure 394) and Chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

NEW SECTION

WAC 434-91-020 SUBMISSION OF A PRELIMINARY AND A FINAL COST-EFFECTIVENESS STUDY OF A MAJOR PUBLIC ENERGY PROJECT. (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the Secretary of State a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the Secretary of State no later than thirty days after the preliminary cost-effectiveness study was filed with the Secretary of State. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the Secretary of State no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

#### NEW SECTION

WAC 434-91-030 REQUEST FOR AN ELECTION PURSUANT TO RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the Secretary of State a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

#### NEW SECTION

WAC 434-91-040 DESIGNATION OF THE BOND ISSUE ON THE BALLOT. When a public agency submits a request for a special election pursuant to RCW 80.52.040, the Secretary of State shall sequentially number each bond measure to appear on the ballot, beginning with the number "101", and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure \_\_\_\_" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

#### NEW SECTION

WAC 434-91-050 BALLOT TITLE. Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Attorney General shall prepare and file with the Secretary of State a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

#### NEW SECTION

WAC 434-91-060 NOTICE OF THE CONTENT OF THE PRELIMINARY COST-EFFECTIVENESS STUDY, THE FINAL COST-EFFECTIVENESS STUDY, THE SUMMARY OF THE FINAL COST-EFFECTIVENESS STUDY, OR THE BALLOT TITLE. The Secretary of State shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

#### NEW SECTION

WAC 434-91-070 ACTIONS TO CONTEST CONTENTS OF THE BALLOT TITLE OR SUMMARY OF THE FINAL COST-EFFECTIVENESS STUDY. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29.79.060.

#### NEW SECTION

WAC 434-91-080 CERTIFICATION OF THE REQUEST FOR A SPECIAL ELECTION TO THE COUNTY AUDITORS. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Secretary of State shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

#### NEW SECTION

WAC 434-91-090 RECOMMENDATIONS FOR COMMITTEES TO DRAFT STATEMENTS FOR THE VOTERS PAMPHLET. Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the Secretary of State up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

NEW SECTION

WAC 434-91-100 APPOINTMENT OF COMMITTEES. Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the Secretary of State shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The Secretary of State shall designate one of the members of each committee to serve as the chairperson of that committee.

NEW SECTION

WAC 434-91-110 ADVISORY COMMITTEES. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the Secretary of State by the chairperson of that committee within three days of their selection.

NEW SECTION

WAC 434-91-120 SUBMISSION OF ARGUMENTS AND REBUTTALS. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the Secretary of State in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the Secretary of State shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

NEW SECTION

WAC 434-91-130 PERMISSIBLE COSTS IN ALLOCATION OF ELECTION EXPENSES. County auditors may include in the election costs to be allocated pursuant to RCW 29.04.047 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(10) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(11) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(12) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

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

NEW SECTION

WAC 434-91-140 ALLOCATION OF COSTS. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

NEW SECTION

WAC 434-91-150 DOCUMENTATION OF CHARGES FOR PROPORTIONAL SHARE OF ELECTION COSTS. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the Secretary of State a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The Secretary of State shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

**NEW SECTION**

**WAC 434-91-160 PROPORTIONAL COSTS OF VOTERS PAMPHLET AND OTHER COSTS TO THE SECRETARY OF STATE.** The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

**NEW SECTION**

**WAC 434-91-170 REIMBURSEMENT TO COUNTIES FOR PROPORTIONAL SHARE OF ELECTION COSTS.** Upon receipt of payment by the applicant, the Secretary of State shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29.13.047.

**WSR 82-12-023  
PROPOSED RULES  
HUMAN RIGHTS COMMISSION**  
[Filed May 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or

repeal rules concerning standards for determining who is employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment, WAC 162-16-160 and standards for distinguishing an employee from an independent contractor, WAC 162-16-170.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 17, 1982, in the Washington State Human Rights Commission, 1601 Second Avenue Building, Fourth Floor, Seattle, WA.

The authority under which these rules are proposed is RCW 49.60.120(3).

This notice is connected to and continues the matter in Notice No. WSR 82-08-070 filed with the code reviser's office on April 7, 1982.

Dated: May 25, 1982  
By: Morton M. Tytler  
Senior Assistant Attorney General

**WSR 82-12-024  
ADOPTED RULES  
BOARD OF PHARMACY**  
[Order 167—Filed May 25, 1982]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the repealing of WAC 360-16-110.

This action is taken pursuant to Notice No. WSR 82-04-086 filed with the code reviser on February 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

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

APPROVED AND ADOPTED April 15, 1982.

By Lars Hennem  
Chairman

**REPEALER**

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

WAC 360-16-110 HOSPITAL PHARMACY STANDARDS.

**WSR 82-12-025**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Securities Division)**  
 [Filed May 25, 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 regulation and exemption of securities:

New	WAC 460-44A-500	Preliminary notes.
New	WAC 460-44A-501	Definitions and terms.
New	WAC 460-44A-502	General conditions to be met.
New	WAC 460-44A-503	Filing of notice and payment of fee prior to offering.
New	WAC 460-44A-506	Exemption for non-public offers and sales without regard to dollar amount of offering.
Rep	WAC 460-44A-010	through 460-44A-045.

Changes may be made at the public hearing; that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, August 23, 1982, in the Securities Division, Department of Licensing, Olympia, Washington 98504, (unless the hearing is continued).

WAC 460-44A-500, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-501, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-502, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-503, this rule is promulgated pursuant to RCW 21.20.320(1) and 21.20.340(11) and is intended to administratively implement those statutes and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-506, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; and repealing WAC 460-44A-010 through 460-44A-045 on June 30, 1982, these rules are repealed pursuant to RCW 21.20.320(1) and 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: May 25, 1982  
 By: John Gonzalez  
 Director

#### STATEMENT OF PURPOSE

Agency: Department of Licensing, Securities Division.  
 Act: Securities Act of Washington, chapter 21.20 RCW.

Purpose: The rules are proposed to implement an exemption from registration under the Securities Act of Washington. The proposed rules substantially conform to Rules 501, 502, 503 and 506 of Regulation D, adopted on April 15, 1982 by the Securities and Exchange Commission.

Statutory Authority: WAC 460-44A-500, 460-44A-501, 460-44A-502 and 460-44A-506 are promulgated pursuant to RCW 21.20.320(1) and are intended to administratively implement that statute and pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of the act. WAC 460-44A-503 is promulgated pursuant to RCW 21.20.320(1) and 21.20.340(11) and is intended to administratively implement these statutes and pursuant to RCW 21.20.450 which directs that the director has authority to implement the provisions of the act.

Summary of the Rules: WAC 460-44A-500 Preliminary Notes, explains the effective date and the relationship of the exemption to other provisions of the Securities Act; 460-44A-501 Definitions and Terms, explains definitions of the specific operative terms of the conditions of the exemption; 460-44A-502 General Conditions to be Met, contains conditions to the exemption dealing with integration of offerings, financial and other information, advertising and limitations on resale; 460-44A-503 Filing of Notice and Payment of Fee Prior to Offering, contains the requirement to file notice and pay a fee, and file report of sales; and 460-44A-506 Exemption for Non-Public Offers and Sales Without Regard to Dollar Amount, sets forth the exemption from registration for offerings not to exceed thirty-five non-accredited purchasers if restriction on financial suitability and selling expenses are met.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Joan Baird, Assistant Director, Professional Licensing, 3rd Floor, Highways-Licenses Building, 234-1369 Scan, 753-1369; and Ralph R. Smith, Administrator, Securities Division, 6th Floor, Highways-Licenses Building, 234-6928 Scan, 753-6928.

Proponents and Opponents: These rules are proposed by the Department of Licensing, Securities Division.

Agency Comments: The agency believes the amendments to the rules to be self-explanatory.

Federal Law: These rules are adopted so as to substantially conform to Regulation D adopted by the Securities and Exchange Commission under the Securities Act of 1933.

Chapter 460-44A WAC  
EXEMPT TRANSACTIONS

NEW SECTION

**WAC 460-44A-500 PRELIMINARY NOTES.** (1) The rules of WAC 460-44A-501 through 460-44A-506 relate to transactions exempted from the registration requirements of the federal Securities Act of 1933 and RCW 21.20.140. Such transactions are not exempt from the anti-fraud, civil liability, or other provisions of the securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.

(2) Attempted compliance with the rules in WAC 460-44A-501 through 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.

(3) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(4) The effective date of rules WAC 460-44A-501 through 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 are repealed on June 30, 1982; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after June 30, 1982. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to June 30, 1982 and which continue past June 30, 1982, no registration is required if the offering terminates before June 30, 1983.

NEW SECTION

**WAC 460-44A-501 DEFINITIONS AND TERMS.** As used in rules WAC 460-44A-501 through WAC 460-44A-506, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3(a)(2) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; insurance company as defined in section 2(13) of the Securities Act of 1933; investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; Small Business Investment Company licensed by the U.S. Small Business Administration under section 301(c) or (d) of the Small Business Investment Act of 1958; employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act which is either a bank, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000;

(b) Any private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in Section 501(c)(3) of the Internal Revenue Code with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any person who purchases at least \$150,000 of the securities being offered, where the purchaser's total purchase price does not exceed 20 percent of the purchaser's net worth at the time of sale, or joint net worth with that person's spouse, for one or any combination of the following: (i) cash, (ii) securities for which market quotations are readily available, (iii) an unconditional obligation to pay cash or securities for which market quotations are readily available which obligation is to be discharged within five years of the sale of the securities to the purchaser, or (iv) the cancellation of any indebtedness owed by the issuer to the purchaser;

(f) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(g) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years and who reasonably expects an income in excess of \$200,000 in the current year; and

(h) Any entity in which all of the equity owners are accredited investors under paragraph (1)(a), (b), (c), (d), (f), or (g) of this WAC 460-44A-501;

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration received by an issuer for issuance of its securities. Where securities are being offered for both cash and non-cash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers". For purposes of calculating the number of purchasers under WAC 460-44A-506(2) the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in paragraph (5)(a)(i) or (5)(a)(iii) of this WAC 460-44A-501 collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in paragraph (5)(a)(i) or (5)(a)(ii) of this WAC 460-44A-501 collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under paragraph (1)(h) of this WAC 460-44A-501, then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions in these rules.

Note: The issuer must satisfy all the other provisions of these rules for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under these rules regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity



securities or 10 percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative any any person related to him as specified in paragraph (8)(a)(i) or (8)(a)(iii) of this WAC 460-44A-501 collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in paragraph (8)(a)(i) or (8)(a)(ii) of this WAC 460-44A-501 collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing prior to the acknowledgment specified in paragraph (8)(c) of this WAC 460-44A-501 any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and antifraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer of its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

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

#### NEW SECTION

WAC 460-44A-502 GENERAL CONDITIONS TO BE MET. The following conditions shall be applicable to offers and sales made under WAC 460-44A-506:

(1) "Intergration". All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in paragraph (1) of this WAC 460-44A-502 is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

- (a) Whether the sales are part of a single plan of financing;
- (b) Whether the sales involve issuance of the same class of securities;
- (c) Whether the sales have been made at or about the same time;
- (d) Whether the same type of consideration is received; and

(e) Whether the sales are made for the same general purpose. See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

(i) If the issuer sells securities only to accredited investors, paragraph (2) of this WAC 460-44A-502 does not require that specific information be furnished to purchasers.

(ii) If the issuer sells securities under WAC 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in paragraph (2)(b) of this WAC 460-44A-502 to all purchasers during the course of the offering and prior to sale.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the federal Securities Exchange Act of 1934, the issuer shall furnish the following information to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Offerings up to \$5,000,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(B) Offerings over \$5,000,000. The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, the issuer shall furnish the information required by Securities and Exchange Commission Regulation D, Rule 502(b)(2)(ii).

(iii) Exhibits required to be filed with the Administrator of Securities or the Securities and Exchange Commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K report, need not be furnished to each purchaser if the contents of the exhibits are identified and the exhibits are made available to the purchaser, upon his written request, prior to his purchase.

(iv) At a reasonable time prior to the purchase of securities by any purchaser that is not an accredited investor in a transaction under WAC 460-44A-506, the issuer shall furnish the purchaser a brief description in writing of any written information concerning the offering that has been provided by the issuer to any accredited investor. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request, prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the

accuracy of information furnished under paragraph (2)(b)(i) or (ii) of this WAC 460-44A-502.

(vi) For business combinations, in addition to information required by paragraph (2)(b) of this WAC 460-44A-502, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transaction that are materially different from those for all other security holders.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under these rules shall have the status of restricted securities acquired in a non-public offering transaction under RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of section 2(11) of the Securities Act of 1933, which reasonable care shall include, but not be limited to, the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the Administrator of securities has not reviewed the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

#### NEW SECTION

**WAC 460-44A-503 FILING OF NOTICE AND PAYMENT OF FEE PRIOR TO OFFERING.** (1)(a) The issuer shall file with the Administrator of Securities of the Department of Licensing a notice prescribed by the Administrator and pay a filing fee of \$300 ten business days (or such lesser period as the Administrator may allow) prior to making any offer or sale of securities in the state of Washington.

(b) The issuer shall file a report of sales in the state of Washington no later than 30 days after the last sale of securities in the offering.

(2) The notice shall contain an undertaking by the issuer to furnish to the Administrator upon the written request of its staff, the information furnished by the issuer under WAC 460-44A-502(2)(b) to any purchaser that is not an accredited investor.

(3) The form of notice and report of sales may be obtained from the Securities Division, P.O. Box 648, Olympia, Washington 98504.

(4) Issuers filing with the Securities and Exchange Commission may file the notice required by WAC 460-44A-503(1) on Form D if accompanied by a representation of the issuer that all other conditions of rules WAC 460-44A-501 through 460-44A-506 shall be met, including but not limited to the financial suitability of purchasers and limitation on selling expenses of WAC 460-44A-506(2)(c) and (d).

#### NEW SECTION

**WAC 460-44A-506 EXEMPTION FOR NON-PUBLIC OFFERS AND SALES WITHOUT REGARD TO DOLLAR AMOUNT OF OFFERING.** (1) Exemption. Offers and sales of securities by an issuer that satisfy the conditions in subsection (2) of this WAC 460-44A-506 shall be deemed to be exempt transactions within the meaning of RCW 21.20.320(1).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this WAC 460-44A-506, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through WAC 460-44A-503.

(b) Specific conditions.

(i) Limitation on number of purchasers. The issuer shall reasonably believe that there are no more than 35 purchasers (including those located outside the state of Washington) of securities from the issuer in any offering under this WAC 460-44A-506.

Note: See WAC 460-44A-501(5) for the calculation of the number of purchasers and WAC 460-44A-502(1) for what may or may not constitute an offering under this section WAC 460-44A-506.

(ii) Nature of purchasers. The issuer shall reasonably believe immediately prior to making any sale that each purchaser who is not an accredited investor either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment.

(c) Financial suitability of purchasers. The issuer shall reasonably believe immediately prior to making any sale that each purchaser in this state who is not an accredited investor meets the following financial suitability requirements:

(i) A purchaser must invest \$5,000 or more; and have

(A) A net worth (exclusive of home, furnishings and automobiles) of at least five times the amount of purchase and an annual income of at least \$35,000; or

(B) A net worth (exclusive of home, furnishing and automobiles) of at least three times the amount of purchase and an annual income of at least \$65,000.

(ii) These are minimum financial suitability standards; higher standards may be required depending upon the risk of the investment, the tax features, and the sales price of the security.

(d) Limitation on selling expenses. (i) The issuer shall limit selling expenses in any offering under this WAC 460-44A-506 to an amount not to exceed fifteen percent of the aggregate offering price. For the purposes of this WAC 460-44A-506, "selling expenses" means the total underwriting and brokerage discounts and commissions (including fees of the underwriters' attorneys paid by the issuer) paid in connection with the offering plus all other expenses actually incurred by the issuer relating to printing, engraving, mailing, salaries of employees while engaged in sales activity, charges of transfer agents, registrars, trustees, escrow holders, depositories, and engineers and other experts, expenses of qualification of the sale of the securities under Federal and State laws, including taxes and fees, and any other expenses actually incurred by the issuer and directly related to the offering and sale of the securities, but excluding accountants' and the issuer's attorneys' fees and options to underwriters.

(ii) The issuer shall limit the number of shares or units called for by options issuable to underwriters or other persons as compensation, in whole or in part, for the offer or sale of securities to an amount not to exceed ten percent of the number of shares or units actually sold in the offering.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed on June 30, 1982:

(1) WAC 460-44A-010 NONPUBLIC OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(1).

(2) WAC 460-44A-020 TEXT OF RULE.

(3) WAC 460-44A-030 SELLING EXPENSE LIMITATIONS AND SUITABILITY STANDARDS FOR NONPUBLIC OFFERINGS.

(4) WAC 460-44A-041 FORM OF NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-010 THROUGH 460-44A-041.

(5) WAC 460-44A-045 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-020.

#### **WSR 82-12-026**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF LICENSING**

#### **(Securities Division)**

[Order SDO-60-82—Filed May 25, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at the Department of

Licensing, Olympia, Washington, the annexed rules relating to the regulation and exemption of securities:

New	WAC 460-44A-500	Preliminary notes.
New	WAC 460-44A-501	Definitions and terms.
New	WAC 460-44A-502	General conditions to be met.
New	WAC 460-44A-503	Filing of notice of payment of fee prior to offering.
New	WAC 460-44A-506	Exemption for non-public offers and sales without regard to dollar amount of offering.
Rep	WAC 460-44A-010	through 460-44A-045.

I, John Gonzalez, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to implement rules coordinating with Securities and Exchange Commission Rules 501, 502, 503 and 506 of Regulation D adopted April 15, 1982. A safe harbor exemption coordinating with these federal rules is unavailable to issuers involved in the private offering of securities in the state of Washington without the adoption of the annexed rules.

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

WAC 460-44A-500, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-501, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-502, this rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; WAC 460-44A-503, this rule is promulgated pursuant to RCW 21.20.320(1) and 21.20.340(11) and is intended to administratively implement those statutes and RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW; and repealing WAC 460-44A-010 through 460-44A-045 on June 30, 1982, these rules are repealed pursuant to RCW 21.20.320(1) and 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 25, 1982.

By John Gonzalez  
Director

### Chapter 460-44A WAC EXEMPT TRANSACTIONS

#### NEW SECTION

#### WAC 460-44A-500 PRELIMINARY NOTES.

(1) *The rules of WAC 460-44A-501 through 460-44A-506 relate to transactions exempted from the registration requirements of the federal Securities Act of 1933 and RCW 21.20.140. Such transactions are not exempt from the anti-fraud, civil liability, or other provisions of the securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.*

(2) *Attempted compliance with the rules in WAC 460-44A-501 through 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.*

(3) *These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.*

(4) *The effective date of rules WAC 460-44A-501 through 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 are repealed on June 30, 1982; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after June 30, 1982. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to June 30, 1982 and which continue past June 30, 1982, no registration is required if the offering terminates before June 30, 1983.*

#### NEW SECTION

WAC 460-44A-501 DEFINITIONS AND TERMS. *As used in rules WAC 460-44A-501 through WAC 460-44A-506, the following terms shall have the meaning indicated:*

(1) *"Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:*

(a) *Any bank as defined in section 3(a)(2) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; insurance company as defined in section 2(13) of the Securities Act of 1933; investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; Small Business Investment*

Company licensed by the U.S. Small Business Administration under section 301(c) or (d) of the Small Business Investment Act of 1958; employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act which is either a bank, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000;

(b) Any private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in Section 501(c)(3) of the Internal Revenue Code with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any person who purchases at least \$150,000 of the securities being offered, where the purchaser's total purchase price does not exceed 20 percent of the purchaser's net worth at the time of sale, or joint net worth with that person's spouse, for one or any combination of the following: (i) cash, (ii) securities for which market quotations are readily available, (iii) an unconditional obligation to pay cash or securities for which market quotations are readily available which obligation is to be discharged within five years of the sale of the securities to the purchaser, or (iv) the cancellation of any indebtedness owed by the issuer to the purchaser;

(f) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(g) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years and who reasonably expects an income in excess of \$200,000 in the current year; and

(h) Any entity in which all of the equity owners are accredited investors under paragraph (1)(a), (b), (c), (d), (f), or (g) of this WAC 460-44A-501;

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration received by an issuer for issuance of its securities. Where securities are being offered for both cash and non-cash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for

all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers". For purposes of calculating the number of purchasers under WAC 460-44A-506(2) the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in paragraph (5)(a)(i) or (5)(a)(iii) of this WAC 460-44A-501 collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in paragraph (5)(a)(i) or (5)(a)(ii) of this WAC 460-44A-501 collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under paragraph (1)(h) of this WAC 460-44A-501, then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions in these rules.

Note: The issuer must satisfy all the other provisions of these rules for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under these rules regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity securities or 10 percent

or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative any any person related to him as specified in paragraph (8)(a)(i) or (8)(a)(iii) of this WAC 460-44A-501 collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in paragraph (8)(a)(i) or (8)(a)(ii) of this WAC 460-44A-501 collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing prior to the acknowledgment specified in paragraph (8)(c) of this WAC 460-44A-501 any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and antifraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer of its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

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

## NEW SECTION

**WAC 460-44A-502 GENERAL CONDITIONS TO BE MET.** The following conditions shall be applicable to offers and sales made under WAC 460-44A-506:

(1) "Intergration". All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in paragraph (1) of this WAC 460-44A-502 is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

(a) Whether the sales are part of a single plan of financing;

(b) Whether the sales involve issuance of the same class of securities;

(c) Whether the sales have been made at or about the same time;

(d) Whether the same type of consideration is received; and

(e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

(i) If the issuer sells securities only to accredited investors, paragraph (2) of this WAC 460-44A-502 does not require that specific information be furnished to purchasers.

(ii) If the issuer sells securities under WAC 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in paragraph (2)(b) of this WAC 460-44A-502 to all purchasers during the course of the offering and prior to sale.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the federal Securities Exchange Act of 1934, the issuer shall furnish the following information to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Offerings up to \$5,000,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except

that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(B) Offerings over \$5,000,000. The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, the issuer shall furnish the information required by Securities and Exchange Commission Regulation D, Rule 502(b)(2)(ii).

(iii) Exhibits required to be filed with the Administrator of Securities or the Securities and Exchange Commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K report, need not be furnished to each purchaser if the contents of the exhibits are identified and the exhibits are made available to the purchaser, upon his written request, prior to his purchase.

(iv) At a reasonable time prior to the purchase of securities by any purchaser that is not an accredited investor in a transaction under WAC 460-44A-506, the issuer shall furnish the purchaser a brief description in writing of any written information concerning the offering that has been provided by the issuer to any accredited investor. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request, prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to

obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy of information furnished under paragraph (2)(b)(i) or (ii) of this WAC 460-44A-502.

(vi) For business combinations, in addition to information required by paragraph (2)(b) of this WAC 460-44A-502, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transaction that are materially different from those for all other security holders.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under these rules shall have the status of restricted securities acquired in a non-public offering transaction under RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of section 2(11) of the Securities Act of 1933, which reasonable care shall include, but not be limited to, the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the Administrator of securities has not reviewed the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

#### NEW SECTION

WAC 460-44A-503 FILING OF NOTICE AND PAYMENT OF FEE PRIOR TO OFFERING. (1)(a) The issuer shall file with the Administrator of Securities of the Department of Licensing a notice prescribed by the Administrator and pay a filing fee of \$300 ten business days (or such lesser period as the Administrator may allow) prior to making any offer or sale of securities in the state of Washington.



(b) The issuer shall file a report of sales in the state of Washington no later than 30 days after the last sale of securities in the offering.

(2) The notice shall contain an undertaking by the issuer to furnish to the Administrator upon the written request of its staff, the information furnished by the issuer under WAC 460-44A-502(2)(b) to any purchaser that is not an accredited investor.

(3) The form of notice and report of sales may be obtained from the Securities Division, P.O. Box 648, Olympia, Washington 98504.

(4) Issuers filing with the Securities and Exchange Commission may file the notice required by WAC 460-44A-503(1) on Form D if accompanied by a representation of the issuer that all other conditions of rules WAC 460-44A-501 through 460-44A-506 shall be met, including but not limited to the financial suitability of purchasers and limitation on selling expenses of WAC 460-44A-506(2)(c) and (d).

#### NEW SECTION

**WAC 460-44A-506 EXEMPTION FOR NON-PUBLIC OFFERS AND SALES WITHOUT REGARD TO DOLLAR AMOUNT OF OFFERING.** (1) Exemption. Offers and sales of securities by an issuer that satisfy the conditions in subsection (2) of this WAC 460-44A-506 shall be deemed to be exempt transactions within the meaning of RCW 21.20.320(1).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this WAC 460-44A-506, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through WAC 460-44A-503.

(b) Specific conditions.

(i) Limitation on number of purchasers. The issuer shall reasonably believe that there are no more than 35 purchasers (including those located outside the state of Washington) of securities from the issuer in any offering under this WAC 460-44A-506.

Note: See WAC 460-44A-501(5) for the calculation of the number of purchasers and WAC 460-44A-502(1) for what may or may not constitute an offering under this section WAC 460-44A-506.

(ii) Nature of purchasers. The issuer shall reasonably believe immediately prior to making any sale that each purchaser who is not an accredited investor either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment.

(c) Financial suitability of purchasers. The issuer shall reasonably believe immediately prior to making any sale that each purchaser in this state who is not an accredited investor meets the following financial suitability requirements:

(i) A purchaser must invest \$5,000 or more, and have

(A) A net worth (exclusive of home, furnishings and automobiles) of at least five times the amount of purchase and an annual income of at least \$35,000; or

(B) A net worth (exclusive of home, furnishing and automobiles) of at least three times the amount of purchase and an annual income of at least \$65,000.

(ii) These are minimum financial suitability standards; higher standards may be required depending upon the risk of the investment, the tax features, and the sales price of the security.

(d) Limitation on selling expenses. (i) The issuer shall limit selling expenses in any offering under this WAC 460-44A-506 to an amount not to exceed fifteen percent of the aggregate offering price. For the purposes of this WAC 460-44A-506, "selling expenses" means the total underwriting and brokerage discounts and commissions (including fees of the underwriters' attorneys paid by the issuer) paid in connection with the offering plus all other expenses actually incurred by the issuer relating to printing, engraving, mailing, salaries of employees while engaged in sales activity, charges of transfer agents, registrars, trustees, escrow holders, depositaries, and engineers and other experts, expenses of qualification of the sale of the securities under Federal and State laws, including taxes and fees, and any other expenses actually incurred by the issuer and directly related to the offering and sale of the securities, but excluding accountants' and the issuer's attorneys' fees and options to underwriters.

(ii) The issuer shall limit the number of shares or units called for by options issuable to underwriters or other persons as compensation, in whole or in part, for the offer or sale of securities to an amount not to exceed ten percent of the number of shares or units actually sold in the offering.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed on June 30, 1982:

(1) WAC 460-44A-010 NONPUBLIC OFFERING EXEMPTION PURSUANT TO RCW 21.20.320(1).

(2) WAC 460-44A-020 TEXT OF RULE.

(3) WAC 460-44A-030 SELLING EXPENSE LIMITATIONS AND SUITABILITY STANDARDS FOR NONPUBLIC OFFERINGS.

(4) WAC 460-44A-041 FORM OF NOTIFICATION OF CLAIM OF EXEMPTION PURSUANT TO WAC 460-44A-010 THROUGH 460-44A-041.

(5) WAC 460-44A-045 REPORT OF SALES FOR OFFERING UNDER WAC 460-44A-020.

**WSR 82-12-027  
PROPOSED RULES  
COMMITTEE FOR  
DEFERRED COMPENSATION**  
[Filed May 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Committee for Deferred Compensation intends to adopt, amend, or repeal rules concerning state employee's deferred compensation plan, Title 154 WAC;

that such agency will at 8:30 a.m., Wednesday, June 9, 1982, in the Department of Transportation Material Lab Building, Tumwater, Washington, conduct a hearing relative thereto.



The formal adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, June 9, 1982, in the Department of Transportation Material Lab Building, Tumwater, Washington.

The authority under which these rules are proposed is RCW 41.04.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 8, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-08-054 filed with the code reviser's office on April 5, 1982.

Dated: May 26, 1982  
By: C. H. Shay  
Analyst

**WSR 82-12-028**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
[Filed May 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Fees—General, new chapter 440-44 WAC.

A public hearing re these proposed rules was held on May 12. The purpose of this notice is to postpone adoption until June 4 to give the secretary additional time to consider public testimony.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 4, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201, Laws of 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-08-080 filed with the code reviser's office on April 7, 1982.

Dated: May 26, 1982  
By: David A. Hogan  
Director, Division of Administration

**WSR 82-12-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
[Filed May 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning nursing home licensing fees, new WAC 440-44-085.

A public hearing re these proposed rules was held on May 12. The purpose of this notice is to postpone adoption until June 4 to give the secretary additional time to consider public testimony.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 4, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201, Laws of 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-08-081 filed with the code reviser's office on April 7, 1982.

Dated: May 26, 1982  
By: David A. Hogan  
Director, Division of Administration

**WSR 82-12-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**  
[Filed May 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning waterworks operator's certification, amending chapter 248-55 WAC.

A public hearing re these proposed rules was held on May 12. The purpose of this notice is to postpone adoption until June 4 to give the secretary additional time to consider public testimony.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 4, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201, Laws of 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-08-082 filed with the code reviser's office on April 7, 1982.

Dated: May 26, 1982  
By: David A. Hogan  
Director, Division of Administration

**WSR 82-12-031**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
[Memorandum—May 21, 1982]

The notice announcing the special session and regular meeting of the Washington State Commission for Vocational Education did not contain the dates of the meetings.

Special Meeting: Washington State Commission for Vocational Education, June 9, 1982, 7 p.m., Pacific

Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA 98188.

Regular Meeting: Washington State Commission for Vocational Education, June 10, 1982, 9:30 a.m., Auditorium on the Mezzanine, Sea-Tac Airport Terminal, Seattle, WA 98158.

**WSR 82-12-032**  
**ADOPTED RULES**  
**INSURANCE COMMISSIONER**  
[Order R 82-3—Filed May 26, 1982]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Medicare supplemental health insurance, disclosure requirements to be met in the sale of such insurance and of other health insurance to persons eligible for Medicare by reason of age, minimum standards for benefits and specific standards to be met with respect to Medicare supplemental insurance, and establishment of loss ratios for health care service contractors and health maintenance organizations with respect to Medicare supplement insurance.

This action is taken pursuant to Notice No. WSR 82-09-030 filed with the code reviser on April 14, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.66.100 and 48.20.470 and section 1, chapter 200, Laws of 1982 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 26, 1982.

Dick Marquardt  
Insurance Commissioner  
By Robert E. Johnson  
Deputy Commissioner

**AMENDATORY SECTION** (Amending Order R 81-6, filed 12/9/81)

**WAC 284-55-010 PURPOSE.** The purpose of this regulation is to effectuate the provisions of RCW 48.20.450, 48.20.460 and 48.20.470, and to supplement the requirements of chapter 48.66 RCW, ~~The Medicare Supplemental Health Insurance Act ((chapter 153, Laws of 1981))~~, by establishing minimum standards for benefits and specific standards for medicare supplement insurance, by prescribing the "Outline of Coverage" to be used in the sale of medicare supplemental insurance, by establishing other disclosure requirements, by prohibiting the use of certain provisions in medicare supplement insurance policies, by defining and prohibiting certain practices as unfair acts and practices, and establishing loss ratio requirements.

**NEW SECTION**

**WAC 284-55-035 POLICY DEFINITIONS AND TERMS.** No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy unless such policy or contract contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law, or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

(i) Be operated pursuant to law;

(ii) Be approved for payment of medicare benefits or be qualified to receive such approval, if so requested;

(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintains a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

(i) Any home, facility or part thereof used primarily for rest;

(ii) A home or facility for the aged or for the care of drug addicts or alcoholics; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(i) Be an institution operated pursuant to law; and

(ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians,

medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and

(iii) Provide twenty-four hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

(i) Convalescent homes, convalescent, rest, or nursing facilities; or

(ii) Facilities primarily affording custodial, educational, or rehabilitative care; or

(iii) Facilities for the aged, drug addicts, or alcoholics; or

(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

#### AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-040 PROHIBITED POLICY PROVISIONS. (1) No insurance policy or subscriber contract may be advertised, solicited or issued for delivery in this state as a medicare supplement policy unless such policy or contract meets the requirements of chapter 48.66 RCW, The Medicare Supplemental Health Insurance Act (~~(chapter 153, Laws of 1981)~~, and benefit

~~provisions therein shall not be conditioned upon or restricted by terms that are more restrictive than those applicable to medicare claims).~~

(2) ~~((If a medicare supplement policy excludes or restricts coverage for cosmetic surgery, "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows covered surgery resulting from trauma, infection or other diseases of the involved part.))~~ No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy if such policy or subscriber contract limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

(a) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders, alcoholism and drug addiction;

(c) Illness, treatment, or medical condition arising out of:

(i) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units auxiliary thereto;

(ii) Suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury;

(iii) Aviation;

(d) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(e) Care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment, or subluxation of, or in the vertebral column;

(f) Treatment provided in a governmental hospital; benefits provided under medicare or other governmental program (except medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(g) Dental care or treatment;

(h) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(i) Rest cures, custodial care, transportation, and routine physical examinations;

(j) Territorial limitations;

PROVIDED, That medicare supplement insurance policies may not contain, when issued, limitations or exclusions of the type enumerated in (a), (e), (i) or (j) of this subsection that are more restrictive than those of medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under medicare.

(3) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" medicare supplement insurance policy shall not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(4) Termination of a medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Any provision to the contrary is prohibited.

(5) (~~"Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall be defined in relation to its status, facilities and available services:~~

~~(a) A definition of such home or facility shall not be more restrictive than one requiring that it:~~

~~(i) Be operated pursuant to law;~~

~~(ii) Be approved for payment of medicare benefits or be qualified to receive such approval, if so requested;~~

~~(iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;~~

~~(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and~~

~~(v) Maintains a daily medical record of each patient.~~

~~(b) The definition of such home or facility may provide that such term shall not be inclusive of:~~

~~(i) Any home, facility or part thereof used primarily for rest;~~

~~(ii) A home or facility for the aged or for the care of drug addicts or alcoholics; or~~

~~(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.)~~ No medicare supplement insurance policy shall restrict, exclude or limit benefits for a sickness through use of a probationary, or similar, provision.

#### NEW SECTION

WAC 284-55-045 MINIMUM BENEFIT STANDARDS. Except as permitted by WAC 284-55-040(2), no insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a medicare supplement policy which does not meet the following minimum benefit standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) Coverage of Part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the sixty-first day through the ninetieth day in any medicare benefit period;

(2) Coverage of Part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital reserve days;

(3) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent of all medicare Part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five days; and

(4) Coverage of twenty percent of the amount of medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of two hundred dollars of such expenses and to a maximum benefit of at least five thousand dollars per calendar year.

#### NEW SECTION

WAC 284-55-065 REQUIRED DISCLOSURE PROVISIONS AND BUYER'S GUIDE. (1) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured or exercises a specifically reserved right under a medicare supplement policy, all riders or endorsements added to a medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law.

(2) Where riders or endorsements are used at the time a policy is issued and separate additional premium is charged therefor, such premium charge shall be set forth in the policy.

(3) Insurers issuing accident and sickness policies, certificates, or subscriber contracts that provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidentally, to persons eligible for medicare by reason of age must provide to all applicants a medicare supplement "buyer's guide."

(4) The "buyer's guide" required to be provided is the pamphlet "Guide to Health Insurance for People with Medicare," developed jointly by the National Association of Insurance Commissioners and Health Care Financing Administration of the United States Department of Health and Human Services, or any reproduction or official revision of that pamphlet. Specimen copies may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. The guide is identified as Department of Health and Human Services/Health Care Financing Administration Form Number HCFA-02110.

(5) Delivery of the "buyer's guide" must be made whether or not such policies, certificates, or subscriber contracts are advertised, solicited, or issued as medicare supplement policies. Except in the case of direct response insurers, delivery of the "buyer's guide" must be made to the applicant at the time of application and acknowledgement of receipt of the "buyer's guide" must be obtained by the insurer. Direct response insurers must deliver the "buyer's guide" to the applicant upon request but not later than at the time the policy is delivered.

NEW SECTION

WAC 284-55-067 NOTICE REGARDING POLICIES OR SUBSCRIBER CONTRACTS WHICH ARE NOT MEDICARE SUPPLEMENT POLICIES. Any accident and sickness insurance policy or subscriber contract, other than a medicare supplement policy; disability income policy; basic, catastrophic, or major medical expense policy; single premium nonrenewable policy or other policy identified in WAC 284-55-020(2)(c) and (d), issued for delivery in this state to persons eligible for medicare by reason of age, shall notify insureds under the policy or subscriber contract that the policy or subscriber contract is not a medicare supplement policy. Such notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate or subscriber contract delivered to insureds. Such notice shall be in no less than twelve point type and shall contain the following language: "THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

AMENDATORY SECTION (Amending Order R 81-6, filed 12/9/81)

WAC 284-55-110 LOSS RATIO REQUIREMENTS. The provisions of this section shall be used in determining whether the loss ratios required by (~~section 10, chapter 153, Laws of 1981~~) RCW 48.66.100 are met.

(1) With respect to a health care service contractor, compliance with the provisions of WAC 284-44-100 through 284-44-220 shall be required and those provisions shall be controlling. Commencing with reports for the accounting periods beginning on or after January 1, 1983, the minimum anticipated loss ratio requirements set forth in WAC 284-44-170 shall be applicable to medicare supplement contracts. Such loss ratio requirements are more stringent than those imposed by RCW 48.66.100, are more appropriate and are necessary for the protection of the public interest.

(2) With respect to a health maintenance organization, the loss ratio shall be deemed to have been met if its "expense costs" are 40% or less of the "premium" charged individual subscribers or 25% or less of the "premium" charged subscribers covered under a group contract, with contracts issued as a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, being treated for this purpose as individual contracts: PROVIDED, That commencing with reports for the accounting periods beginning on or after January 1, 1983, the loss ratio shall be deemed to have been met only if its "expense costs" are thirty-five percent or less of the "premium" charged individual subscribers or twenty percent or less of the "premium" charged subscribers covered under a group contract, with contracts issued as

a result of solicitation of individuals through the mail or mass media advertising, including both print and broadcast advertising, being treated for this purpose as individual contracts. Such loss ratio requirements are more stringent than those imposed by RCW 48.66.100, are more appropriate and are necessary for the protection of the public interest.

(3) With respect to any other insurer, a loss ratio shall be the "incurred claims" stated as a percentage of the "earned premiums."

(4) For purposes of this section, the following definitions shall apply:

(a) "Incurred claims" shall mean:

(i) "Claims" paid during the accounting period, plus

(ii) The changes in reserves for "claims" which have been reported but not paid, plus

(iii) The change in reserves for "claims" which have not been reported but which may reasonably be expected.

(iv) The change in policy reserves as defined for the insurer's statutory annual statement.

(b) "Earned premium" shall mean the "premium" applicable to an accounting period whether received before, during or after such period.

(c) "Claims" shall mean the costs of benefits paid to or provided on behalf of the persons on whose behalf a contract or certificate is issued, not including "expense costs."

(d) "Expense costs" shall mean:

(i) Claims processing costs,

(ii) Home office and field overhead,

(iii) Acquisition and selling costs,

(iv) Taxes,

(v) Contributions to surplus or profit, and

(vi) All other costs, except benefit payments to or on behalf of the covered persons.

(e) "Premium" shall mean all sums charged, received, or deposited as consideration for a medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service or other similar fee or charge made by the insurer in consideration for such contract is deemed part of the "premium."

AMENDATORY SECTION (Amending Order R 81-7, filed 12/9/81)

WAC 284-50-380 OUTLINE OF COVERAGE REQUIREMENTS FOR INDIVIDUAL COVERAGES. (1) No individual disability insurance policy subject to this regulation shall be delivered or issued for delivery in this state unless an appropriate outline of coverage, as prescribed in WAC 284-50-385 through 284-50-425 is completed as to such policy and:

(a) Is either delivered with the policy; or

(b) Delivered to the applicant at the time application is made and acknowledgment of receipt or certification of delivery of such outline of coverage is provided to the insurer.

(2) If an outline of coverage was delivered at the time of application and the policy is issued on a basis which would require revision of the outline, a substitute outline

of coverage properly describing the policy must accompany the policy when it is delivered and contain the following statement, in no less than twelve point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued." In addition, the insurer shall comply with the provisions set forth in RCW 48.20.015.

(3) The appropriate outline of coverage for policies providing hospital coverage which only meets the standards of WAC 284-50-335 shall be that statement contained in WAC 284-50-385. The appropriate outline of coverage for policies providing coverage which meets the standards of both WAC 284-50-335 and 284-50-340 shall be the statement contained in WAC 284-50-395. The appropriate outline of coverage for policies providing coverage which meets the standards of both WAC 284-50-335 and 284-50-350 or WAC 284-50-340 and 284-50-350 or WAC 284-50-335, 284-50-340, and 284-50-350 shall be the statement contained in WAC 284-50-405.

(4) In any case where the prescribed outline of coverage is inappropriate for the coverage provided by the policy, an alternate outline of coverage shall be submitted to the commissioner for prior approval.

(5) Outlines of coverage delivered in connection with policies defined in this regulation as Hospital confinement indemnity (WAC 284-50-345), Specified disease (WAC 284-50-365), or Limited benefit health insurance coverages (WAC 284-50-370) to persons eligible for Medicare by reason of age shall contain, in addition to the requirements of WAC 284-50-400, 284-50-420 and 284-50-425, the following language which shall be printed or stamped on or attached to the first page of the outline of coverage: "THIS POLICY IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company." Such notice shall be in no less than twelve point type.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 284-44-180 CONTRACT FORMS EXCLUDED FROM MINIMUM LOSS RATIO REQUIREMENTS.**

**WSR 82-12-033  
PROPOSED RULES  
BOARD OF  
PILOTAGE COMMISSIONERS  
[Filed May 27, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs and pilotage rules, Puget Sound Pilotage District, WAC 296-116-300;

that such agency will at 8:00 a.m., Thursday, June 10, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, 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 88.16.035(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1982, and/or orally at 8:00 a.m., Thursday, June 10, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-12-020 filed with the code reviser's office on May 25, 1982.

Dated: May 27, 1982  
By: Judith Weigand  
Assistant Attorney General

**WSR 82-12-034  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Filed May 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 356-34-113 (~~Copies of exhibits at all board hearings~~) Prehearing procedures—Exhibits and possible stipulations—Witnesses.
- New WAC 356-34-115 Statement of position—Hearings.
- New WAC 356-34-117 Scheduling of hearings—Time allotted.
- New WAC 356-34-118 Hearings—Continuances.
- New WAC 356-34-119 Argument—Time limitation—Hearings.
- New WAC 356-42-055 Arbitration—Grievance—Procedure.
- Amd WAC 356-42-080 Unfair labor practice(~~—Hearings~~).
- New WAC 356-42-082 Filing unfair labor practice charge.
- New WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.
- New WAC 356-42-084 Answer to complaint—Unfair labor practice.
- New WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice.
- New WAC 356-42-086 Hearing—Unfair labor practice.
- New WAC 356-42-088 Hearings and investigations—Unfair labor practice.
- New WAC 356-42-089 Enforcement—Unfair labor practice.
- Amd WAC 356-42-090 Impasse mediation.
- Amd WAC 356-42-100 Impasse arbitration;

that such agency will at 10:00 a.m., Wednesday, July 14, 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 July 12, 1982, and/or orally at 10:00 a.m., Wednesday, July 14, 1982, Board Hearing Room,

Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: May 25, 1982  
By: Leonard Nord  
Secretary

### STATEMENT OF PURPOSE

Amend WAC 356-34-113.

Title: Copies of Exhibits at all Board Hearings.

Purpose: Requires multiple copies of exhibits at Personnel Board hearings; also, requires parties to take care of preliminary matters prior to the hearing.

Statutory Authority: RCW 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Summary: Proposed change would require parties to have at least six copies of exhibits and to appear one-half hour before the hearing to exchange exhibits and have them premarked; also, would request parties to discuss possibility of stipulations and admissions prior to the hearing; allows prehearing conference in certain cases; and, encourages parties to exchange lists of witnesses.

Reasons: Requiring parties to get together prior to the hearing to take care of preliminary matters and to discuss possibilities of agreement should streamline the hearing and make the presentations of the parties more effective.

New WAC 356-34-115.

Title: Statement of Position—Hearings.

Statutory Authority: RCW 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Summary: Proposed new rule would encourage parties to file, with the Personnel Board, statements of position prior to hearing before the Personnel Board, and that those upon whom service is to be made receive the statement at least three business days prior to the hearing.

Reasons: To require parties to think through their presentations and to give the Personnel Board an idea of what the position of the parties will be at the hearing.

New WAC 356-34-117.

Title: Scheduling of Hearings—Time Allotted.

Statutory Authority: RCW 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Summary: Requires the Personnel Board's hearings coordinator to schedule a hearing after conferring with the parties about available dates and length of hearing. Requires parties, once a hearing is scheduled, to timely notify the Personnel Board's hearings coordinator of any need for change.

Reasons: Too frequently, hearings are set and then have to be rescheduled, or they take longer than the time allotted. This proposal should reduce the instances of that happening.

New WAC 356-34-118.

Title: Hearings—Continuances.

Statutory Authority: RCW 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Summary: Requires a party who needs to continue the date of a hearing to notify the Personnel Board of the

reasons the continuance is necessary as soon as the reasons are known.

Reasons: Too frequently, parties request continuances at the last minute when they were aware of the need for a continuance much earlier. This proposal should prevent that from happening.

New WAC 356-34-119.

Title: Argument—Time Limitation—Hearings.

Statutory Authority: RCW 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Summary: Limits argument during Personnel Board hearings, to 30 minutes per side unless the Personnel Board allows more time.

Reasons: By limiting the time for argument, parties will be encouraged to better summarize their case.

New WAC 356-42-055.

Title: Arbitration—Grievance—Procedure.

Statutory Authority: RCW 41.06.150.

Summary: Outlines the procedure for filing and hearing grievance arbitration requests before the Personnel Board.

Reasons: Establishes an orderly method of proceeding to hear the grievance arbitration.

Amend WAC 356-42-080.

Title: Unfair labor practice—Hearings.

Purpose: Describes unfair labor practice procedures before the Personnel Board.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This proposal leaves subsection (1) as the only portion of this section.

Reasons: This proposal, along with the accompanying proposals, breaks up a lengthy rule into several different rules to clarify the hearing process.

New WAC 356-42-082.

Title: Filing Unfair Labor Practice Charge.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: The rule expands the existing WAC 356-42-080(2); defines who may file unfair labor practice charges; directs where charges are to be filed; sets forth, in detail, the information to be provided in a charge.

Reasons: The new rule will make it easier for persons filing charges to understand who can file a charge, where it can be filed, and what is to be included in the charge.

New WAC 356-42-083.

Title: Investigation of and Disposition of Unfair Labor Practice Charges.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This proposal would expand the existing WAC 356-42-080(3); requires the Department of Personnel to investigate the charge and either dismiss it or file a complaint; provides for amendment of the charge before a complaint is filed if charge is not complete; provides that the Department of Personnel will serve the complaint.

Reasons: To assure that if a complaint is filed, that it contains sufficient information to put the answering party on notice of the basis for the complaint.



New WAC 356-42-084.

Title: Answer to Complaint—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: Proposal requires the charged party to answer the complaint within 20 days; requires the answer to admit, deny or explain the facts alleged; provides that failure to answer constitutes an admission for purposes of the hearing.

Reasons: To put both parties and the Personnel Board on notice of the matters which are in dispute. This procedure should shorten hearings and focus the parties on the matters for which they will have to present evidence.

New WAC 356-42-085.

Title: Amendment of Complaint or Answer—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This is a proposal for a new rule although the subject is briefly covered in existing WAC 356-42-080(4). This proposal allows amendment of a complaint or answer for good cause.

Reasons: To give the Personnel Board some flexibility to allow the parties to amend their position if the circumstances so warrant.

New WAC 356-42-086.

Title: Hearing—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This is a proposal for a new rule although it is briefly addressed in existing WAC 356-42-080(4). Provides 20 days notice of a hearing; provides that the charging party is to prosecute the complaint and has the burden of proof; limits hearings to facts and issues in dispute; limits application of the technical rules of evidence.

Reasons: Clarifies hearing procedure and content.

New WAC 356-42-088.

Title: Hearings and Investigations—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This rule proposal is the same as existing WAC 356-42-080(5).

Reasons: This proposal is meant to break up a long WAC provision into more readable form.

New WAC 356-42-089.

Title: Enforcement—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This rule proposal is essentially the same as existing WAC 356-42-080(6). The existing rule has been shortened considerably by referring to the identical language in RCW 41.56.190.

Reasons: This is part of the breaking up of existing WAC 356-42-080 into separate sections. It also makes the existing rule simpler to understand.

Amend WAC 356-42-090.

Title: Mediation.

Purpose: To provide for mediation by the Department of Personnel of impasses in collective negotiations between employing agencies and certified exclusive bargaining representatives.

Statutory Authority: RCW 41.06.150.

Summary: Proposal adds the word "impasse" to the title and changes appointing authority to employing agency.

Reasons: Housekeeping changes; clarifies purpose of rule.

Amend WAC 356-42-100.

Title: Arbitration.

Purpose: To provide for arbitration by the Personnel Board of impasses in collective negotiations between employing agencies and exclusive bargaining representatives and to require each party to file a statement of position.

Statutory Authority: RCW 41.06.150.

Summary: Proposal adds the word "impasse" to the title; changes appointing authority to employing agency; requires parties to arbitration to file statement of position with the Personnel Board before a hearing is held.

Reasons: To allow the Personnel Board to have an understanding of what the arbitration will be about prior to the hearing.

The following apply to all of the foregoing proposals:

Responsibility for Drafting: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA 98504, Phone: 753-2578; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, Governmental Unit.

Comments: The substantive changes to existing rules and the proposals of some new sections are being filed simultaneously. The whole rule proposal package is designed to streamline procedures and make presentations to the Personnel Board more effective.

#### AMENDATORY SECTION (Amending Order 89, filed 6/30/76)

WAC 356-34-113 ((COPIES OF EXHIBITS AT ALL BOARD HEARINGS)) PREHEARING PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES. (1) At any ((appeal)) hearing before the Personnel Board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six (6) copies ((shall be furnished to)); one each for the opposing party(ies), ((to each)) for the Personnel Board members or hearings officer ((and to)), for the court reporter((-Whenever practicable, the parties should interchange copies of exhibits before, or at the commencement of the hearing)), if any, and for the Personnel Board's hearings coordinator.

(2) The parties shall arrive at the hearing location at least one-half hour before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. In addition, whenever practicable, the parties shall have the exhibits which they intend to offer into evidence pre-marked for identification by the Personnel Board's hearings coordinator before the scheduled time for commencement of the hearing.

(3) Whenever practicable the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the Personnel Board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The Personnel

Board, on its own motion, will not make such a request unless both parties are appearing through representatives.

(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing.

#### NEW SECTION

WAC 356-34-115 STATEMENT OF POSITION—HEARINGS. (1) Parties are encouraged to file pre-hearing statements of position with the Personnel Board. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes or contract provisions upon which the party intends to rely; a statement of the relief requested; and an argument as to why the party is entitled to the requested relief.

(2) If a party wishes to provide a pre-hearing statement of position, he or she must serve a copy of the statement on each opposing party, on each Personnel Board member, and on the Personnel Board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.

#### NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. (1) In all hearings before the Personnel Board, the Personnel Board's hearings coordinator will set the date of the hearing and the amount of time allotted for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates.

(2) The notice of hearing provided by the hearings coordinator shall designate the amount of time allotted for the hearing. The amount of time allotted shall be determined by the hearings coordinator from a review of the hearing file and consultation with the parties. Any party who believes more time will be required for the hearing must notify the hearings coordinator within one week of the party's receipt of the notice of hearing and request additional time. In the absence of such a timely request, the hearing, except for good cause shown, shall be limited to the amount of time stated in the notice.

#### NEW SECTION

WAC 356-34-118 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the Personnel Board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the Personnel Board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the Personnel Board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion.

#### NEW SECTION

WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS. As a general rule, the Personnel Board will restrict the argument portion of a proceeding to thirty minutes per side. The Personnel Board may grant additional time as it deems necessary under the circumstances.

#### NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the Personnel Board pursuant to an agreement as authorized by WAC 356-42-050 (2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the Personnel Board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(g) Copies of all correspondence between the parties with respect to the grievance dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(2) The Personnel Board's designee shall review the request for arbitration to determine compliance with subsection (1) of this rule. If the Personnel Board's designee determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1). When the Personnel Board's designee is satisfied that the request substantially complies with subsection (1) he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the Personnel Board's designee to serve the request for arbitration on the opposing party is reviewable by the Personnel Board upon motion of the requesting party.

(3) Within twenty (20) days of service of the request for arbitration, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown the Personnel Board provides otherwise. At the discretion of the Personnel Board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(4) After receipt of the answer, or if no answer is timely filed, the Personnel Board's designee shall set the matter for arbitration. At least twenty (20) days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(5) The grievant shall have the burden of going forward with the evidence.

#### AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-42-080 UNFAIR LABOR PRACTICE~~((HEARINGS))~~. ~~((H))~~ The Personnel Board, or its designee whose final decision is appealable to the Personnel Board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

~~((2))~~ Unfair labor practice charges shall be filed on such form or forms provided by the Board or its designee and shall contain the following:

(a) The name and address of the employing agency;

(b) The name and address of the party or organization filing the charge;

(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates and places;

(3) Upon receipt of an unfair labor practice charge, the Board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not without substantial merit, a complaint shall be issued and a hearing scheduled, as provided by these Rules.

(4) Whenever a charge has been made concerning any unfair labor practice, the Board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect and containing a notice of hearing before the Board or its designee at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the Board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the Board or its designee, any other person may be

allowed to intervene in the said proceedings and to present testimony. In any such proceeding the Board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

(5) For the purpose of all hearings and investigations, which, in the opinion of the Board or its designee, are necessary and proper for the exercise of the powers vested in it by this act, the Board or its designee shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Board or its designee. The Board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

(6) The Board or its designee whose final decision is appealable to the Board or any party to the proceedings 30 days after the Board or its designee has entered its findings of fact shall have power to petition the Superior Court of the State within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the Superior Court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the Board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Board or its designee.))

#### NEW SECTION

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the Personnel Board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the Director of Personnel, as Secretary to the Personnel Board, at the principal office of the Department of Personnel.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the Personnel Board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

#### NEW SECTION

WAC 356-42-083 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of an unfair labor practice charge, the Director of Personnel's designee shall conduct an investigation to determine whether or not the

charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the Personnel Board.

(2) If a complaint is issued it shall be in the same form as the charge filed pursuant to WAC 356-42-082 (3): PROVIDED, That if the charge did not contain all of the information required, the Director of Personnel shall not issue the complaint until the charge is amended by the charging party to include the required information. If a charge is incomplete the Director of Personnel or designee shall so notify the charging party and request amendment.

(3) The Director of Personnel's designee shall mail, or otherwise cause to be served, the complaint to the charged party.

#### NEW SECTION

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall file with the Personnel Board its answer to the complaint issued pursuant to WAC 356-42-083, within twenty (20) days of its receipt by the charged party, or within such longer time as the Personnel Board may allow for good cause shown.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

#### NEW SECTION

WAC 356-42-085 AMENDMENT OF COMPLAINT OR ANSWER—UNFAIR LABOR PRACTICE. The Personnel Board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the Personnel Board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

#### NEW SECTION

WAC 356-42-086 HEARING—UNFAIR LABOR PRACTICE. (1) After receipt of the answer of the charged party, the Personnel Board, or its designee, shall set the matter for hearing. The parties shall be given at least twenty (20) days notice of the hearing, unless they each agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the Personnel Board except for the rules of privilege.

#### NEW SECTION

WAC 356-42-088 HEARINGS AND INVESTIGATION—UNFAIR LABOR PRACTICE. For the purpose of all hearings and investigations, which, in the opinion of the Personnel Board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the Personnel Board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Personnel Board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the Personnel Board or its designee. The Personnel Board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

**NEW SECTION**

**WAC 356-42-089 ENFORCEMENT—UNFAIR LABOR PRACTICE.** The Personnel Board or any party to the proceedings, at least thirty (30) days after the Personnel Board has entered its findings of fact, conclusions of law and order, shall have power to petition The Superior Court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190.

**AMENDATORY SECTION** (Amending Order 36, filed 7/1/71)

**WAC 356-42-090 IMPASSE MEDIATION.** If agreement cannot be reached within a reasonable time in collective negotiation between the ~~((appointing authority))~~ employing agency and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the Director of Personnel or ~~((his))~~ designee, who shall confer with both parties in an effort to resolve the dispute.

**AMENDATORY SECTION** (Amending Order 36, filed 7/1/71)

**WAC 356-42-100 IMPASSE ARBITRATION.** If the Director of Personnel is unable to ~~((resolve the dispute))~~ bring the parties to agreement through mediation, the ~~((appointing authority))~~ employing agency or the certified exclusive representative may submit ~~((such))~~ the dispute to the Personnel Board. As soon as practicable after submission of the dispute to arbitration each party shall file with the Personnel Board a summary of:

- (1) The previous negotiations between the parties prior to mediation;
  - (2) The matters in dispute;
  - (3) The position of the party on the matters in dispute; and
  - (4) Desired contract language.
- The Personnel Board shall then schedule and hold a hearing ((and));  
 ((t))The decision of the Personnel Board shall be final and binding.

**WSR 82-12-035**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Order 82-23—Filed May 27, 1982—Eff. July 1, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to accident reports and claims procedures, WAC 296-15-070.

This action is taken pursuant to Notice No. WSR 82-09-067 filed with the code reviser on April 21, 1982. Such rules shall take effect at a later date, such date being July 1, 1982.

This rule is promulgated pursuant to RCW 51.04.020 which directs that the Director of the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in Title 51 RCW, Industrial Insurance.

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

APPROVED AND ADOPTED May 27, 1982.

By Sam Kinville  
Director

**AMENDATORY SECTION** (Amending Order 81-29, filed 11/30/81)

**WAC 296-15-070 ACCIDENT REPORTS AND CLAIMS PROCEDURES.** (1) Reporting of accidents and applications for compensation based thereon shall be on a form prescribed by the department, entitled the Self-Insurer's ~~((Report of Accident))~~ Accident Report (SIF #2), which will be supplied to all self-insurers, and by self-insurers to their employees. Forwarding a completed copy of this form to the department for compensable claims immediately and medical only claims monthly after closing by the self-insured employer shall satisfy the ~~((self-insurer's))~~ initial accident reporting responsibility and statistical reporting responsibility under the law.

(2) A self-insurer, on denying any claim, shall provide to the claimant, the department, and the attending physician, within ~~((seven))~~ 30 days after such self-insurer has notice of the claim, a Notice of Denial of Claim, substantially identical to the example SIF #4, incorporated herein by reference. With every such claim denial a self-insurer shall send to the department all information on which the denial was based.

(3) A self-insurer shall file a Supplemental or Final Report on Injury or Occupational Disease claims resulting in time loss payments, on a form substantially identical to the example SIF #5, incorporated herein by reference, at the following times:

(a) ~~((On))~~ Within five working days following the date the first time loss compensation is paid.

(b) ~~((On))~~ Within five working days following the date the time loss compensation is terminated or the rate thereof changed.

(c) On the date a determination is requested.

All medical reports and other pertinent information in the self-insurer's possession must be submitted with the request for all determinations.

(4) A self-insurer, upon ~~((receiving))~~ notice of a claim ((which involves only medical treatment and which does not involve payment of temporary disability or permanent partial disability compensation;)) shall issue a claim number from ~~((S=))~~ numbers to be assigned to all self-insurers by the department.

(a) When a worker ~~((files a claim))~~ requests an accident report the self-insurer shall ~~((advised the worker of his claim number;))~~ provide the accident report (SIF #2) to the worker, which shall state their right and responsibilities, in nontechnical language in a timely manner ((on a form approved by the department)).

(b) A self-insurer, upon closure of a medical only claim, shall issue an order on a form prescribed by the department entitled self-insurer's claim closure order and notice (LI-207-20), which will be supplied to all self-insurers, and by the self-insurers to their employees, in compliance with reporting responsibilities under the law, a copy of which shall be sent to the attending physician.

(c) The self-insurer shall submit monthly statistical information ~~((to the department on closed claims, on a form prescribed by the department entitled medical only statistical report (LI-207-19) which will be supplied to~~

~~all self-insurers by the department)) on medical only claims closed during the month by copy of the accident report (SIF #2), with a memo attached indicating that the claims are closed.~~

(d) When a written protest is received by the department, the department ((may)) shall require a self-insurer to submit within ten working days from the date of receipt of certified mailing ((by)) from the department, all information in the self-insurer's possession ((which is pertinent to the protest)) dealing with the claim in question.

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 82-12-036  
EMERGENCY RULES  
COUNCIL FOR  
POSTSECONDARY EDUCATION**

[Order 3-82, Resolution No. 82-41—Filed May 27, 1982]

Be it resolved by the Council for Postsecondary Education, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to residency status for higher education.

We, 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 2nd ESHB 784 was signed into law on April 20, 1982 as chapter 37, Laws of 1982 1st ex. sess. The law directs the Council for Postsecondary Education to adopt rules to be used by the state institutions of higher education for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency. Emergency action is required so that the rules can take effect by June 1, 1982, the effective date of the law.

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

This rule is promulgated pursuant to chapter 28B.15 RCW as amended by section 4, chapter 37, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 27, 1982.

By Chalmers Gail Norris  
Executive Coordinator

*Chapter 250-18 WAC  
RESIDENCY STATUS FOR HIGHER EDUCATION*

NEW SECTION

WAC 250-18-010 APPLICABILITY OF RULES. Institutions shall apply the provisions of the rules and regulations specified in chapter 250-18 WAC for the determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency.

NEW SECTION

WAC 250-18-015 DEFINITIONS. (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "domicile" shall denote a person's true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.

(3) The term "reside" shall mean the maintenance and occupancy of a personal residence in the state of Washington.

(4) The term "financially independent" shall be determined according to WAC 250-18-035.

(5) The term "dependent" shall mean a person who is not financially independent.

(6) The term "application" shall mean either an application for initial classification of resident or nonresident status or an application for reclassification of resident or nonresident status.

(7) The term "resident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(8) The term "nonresident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(9) The term "recovery of fees" shall apply to the amounts due to the institution or the student as a result of improper classification.

NEW SECTION

WAC 250-18-020 STUDENT CLASSIFICATION. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she shall:

(a)(i) Have established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Be financially independent from parents or legally appointed guardians for the calendar year prior to the year in which application is made; or

(b) Be a dependent student, one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she:

(a) Was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian

who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is granted by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of residency of that state is included within the term "financial assistance";

(c) Is not a citizen of the United States of America, unless such person holds permanent resident immigration status, "Refugee - Parolee", or "Conditional Entrant" status and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore, been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

(5) Active duty United States military personnel who have been stationed in the state of Washington for one year shall be considered to have resided in the state for purposes primarily other than educational, and shall be considered financially independent.

#### NEW SECTION

**WAC 250-18-025 CLASSIFICATION PROCEDURE.** (1) After a student has registered at an institution, such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. The provision of such evidence to the contrary may be initiated by the student or the institution.

(2) Application for a change in classification shall be accepted up to the thirtieth day following the first day of the instruction of the quarter or semester for which application is made. Applications made after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

(3) Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution.

(4) Approval of an application for resident status shall be made only after satisfaction that the requirements of domicile and independency or dependency have been made in compliance with RCW 28B.15.012 and WAC 250-18-030 and 250-18-035. Reclassification from nonresident to resident status preliminarily approved sixty days or more prior to the satisfaction of a one-year durational domicile shall be supplemented with additional documented proof of domicile if deemed necessary by the institution prior to final approval.

(5) The burden of proof that a student, parent, or legally appointed guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) Any student enrolled and classified as a nonresident as of spring quarter or semester 1982, shall comply with the provisions of RCW 28B.15.011 through 28B.15.014 as amended by chapter 37, Laws of 1982 1st ex. sess. in making application for reclassification to resident status.

(7) Any student who was classified as a resident by an institution on or before May 31, 1982, and who is enrolled during calendar year 1982 under the provisions of RCW 28B.15.013, section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess., shall not be required to submit evidence under provisions of RCW 28B.15.012 and 28B.15.013 as amended effective June 1, 1982, until June 30, 1983, so long as such student remains continuously enrolled during the academic year.

(8) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW.

#### NEW SECTION

**WAC 250-18-030 ESTABLISHMENT OF A DOMICILE.** The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex. The establishment of a domicile is not determined on the basis of a single factor, nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that would reasonably negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person

having legal custody of a student has established a domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered:

(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required, for the one year immediately prior to commencement of the semester or quarter for which application is made;

(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;

(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location of voter registration for the one-year period immediately prior to commencement of the semester or quarter for which application is made;

(6) Address of student listed on selective service registration;

(7) Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;

(8) Residence status of the student in schools attended outside the state of Washington;

(9) Location of membership in professional, business, civic or other organizations;

(10) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made.

#### NEW SECTION

**WAC 250-18-035 EVIDENCE OF FINANCIAL INDEPENDENCE.** In all cases, the burden of proof that a student is financially independent lies with the student.

(1) To aid the institutions in determining whether a student is financially independent from parents, legally appointed guardian, or the person having legal custody of the student for the calendar year prior to the year in which application is made, the student shall provide a true and correct copy of the first page of the state and federal tax returns of the parents, legally appointed guardians, or person having legal custody of the student for the calendar year immediately prior to the year in which application is made.

(a) The extent of disclosure required concerning the parent's or legal guardian's state and federal income tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(b) The identification of the student as a dependent on the federal income tax return of the parents, legally appointed guardians or person having legal custody shall be considered conclusive proof of the student's financial dependency.

(2) To aid institutions in determining the financial dependence or independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation from the student, the following factors are to be considered:

(a) Documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, i.e., family physician, lawyer, or social worker, and

(b) The student's sworn and notarized statement that:

(i) He or she has not been and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the current calendar year and for the calendar year immediately prior to the year in which application is made;

(ii) He or she has not received and will not receive financial assistance in cash or in kind of an amount greater than the allowable exemption in WAC 250-20-021(6) from his or her parents or legal guardians during the current calendar year and for the calendar year immediately prior to the year in which application is made; and

(iii) He or she has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the current calendar year and for the calendar year immediately prior to the year in which application is made.

(3) Having established that a student is not identifiable as a financial dependent of a parent, legally appointed guardian, or a person having legal custody of the student, the student's financial independency shall be further substantiated by consideration of the following factors:

(a) A true and correct copy of the state and federal tax return of the student for the calendar year immediately prior to the year in which application is made;

(b) Other documented student financial resources that would substantiate financial independence at a level reasonably consistent with nonresident fee-paying student budgets established by the institution for financial aid purposes for the calendar year immediately prior to the year in which application is made. Such other resources may include, but not be limited to, the sale of personal or real property, inheritance, trust fund, state or federal financial assistance, gifts, or loans; and

(c) Statement of earnings of the spouse of a married student may be counted as additional financial resources.

(4) A student whose parents are both deceased or who has been made an official ward of the court shall provide documentation attesting to the fact of such circumstances.

(5) Information submitted by the student to the institution on the Washington Financial Aid Form may be used to affirm the authenticity of information submitted on an application.



**NEW SECTION**

**WAC 250-18-040 EVIDENCE OF FINANCIAL DEPENDENCY.** (1) To aid the institutions in determining whether a student is financially dependent and whether his or her parent, legally appointed guardian, or the person having legal custody of the student has maintained a bona fide domicile in the state of Washington for one year, the following factors are to be considered:

(a) Legal proof of guardianship or custody which shall be the responsibility of the student;

(b) Evidence of established domicile of parent, guardian, or custodian which shall be the responsibility of the student;

(c) Proof of a student's financial dependency for the calendar year immediately prior to the year in which application is made which shall be the responsibility of the student.

(2) A student who provides evidence that he or she is a dependent student and who has a parent or legal guardian who has maintained a one-year domicile in the state of Washington shall not be required to establish a one-year domicile prior to classification of resident status, provided such a student may not be classified as a resident while receiving financial assistance from another state governmental unit or agency thereof for educational purposes.

**NEW SECTION**

**WAC 250-18-045 ADMINISTRATION OF RESIDENCY STATUS.** Administration of residency status shall be the responsibility of the institution's board of trustees or regents in compliance with RCW 28B.15.011 through 28B.15.014 and chapter 250-18 WAC.

Boards of trustees or regents shall designate an institutional official responsible for making decisions on resident and nonresident status of students, and for maintaining records and documentation in support of such decisions.

Institutions shall use a state-wide uniform application form consistent with the provisions of chapter 250-18 WAC for the determination of resident and nonresident status.

**NEW SECTION**

**WAC 250-18-050 APPEALS PROCESS.** Any final institutional determination of classification shall be considered a ruling on a contested case and shall be subject to court review only under procedures prescribed by chapter 28B.19 RCW.

**NEW SECTION**

**WAC 250-18-055 RECOVERY OF FEES FOR IMPROPER CLASSIFICATION OF RESIDENCY.** To aid the institutions in the determination of accuracy of statements made by a student on an application, institutions shall require that a student affirm the authenticity of all information and supporting documentation provided in support of application by his or her signature thereon.

If erroneous, untrue, or incorrect information submitted on an application results in an improper classification of resident or nonresident status, or if a final determination is reversed through the appeals process, institutions shall recover from the student or refund to the student as the case may be an amount equal to the total difference in tuition and fees had the proper classification been made.

**NEW SECTION**

**WAC 250-18-060 EXEMPTIONS FROM NON-RESIDENT STATUS.** In accordance with RCW 28B.15.014, certain nonresidents shall be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week; or

(3) Is a faculty member, classified staff member, or administratively exempt employee holding not less than a half-time appointment, or the spouse or dependent child of such a person.

**WSR 82-12-037**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order DOL 683—Filed May 27, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vehicle salvage; registered disposers, amending WAC 308-61-010, 308-61-030, 308-61-100, 308-61-110, 308-61-120 and 308-61-130.

This action is taken pursuant to Notice No. WSR 82-09-079 filed with the code reviser on April 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.52.115 and 46.80.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 25, 1982.

By John Gonzalez  
Director

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)WAC 308-61-010 DEFINITIONS—GENERAL.

(1) Department. The department of licensing of the state of Washington.

(2) Director. The director of the department of licensing.

(3) Destroy. To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

(5) Secure area. A secure area is a place of safety for vehicle height and construction to prevent access by the general public, with a gate which can be locked. ~~((The fence shall be at least eight feet high with at least two strands of barbed wire at the top.))~~ The fence shall be at least six feet high with at least two strands of barbed wire placed along the top, bringing the total combined height to eight feet or more.

(6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC ~~((308-61-020))~~ 308-61-030.

(7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

(8) Impounded and Abandoned Vehicles - For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or ~~((section 3, chapter 178, Laws of 1979 1st ex. sess.))~~ 46.52.180. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

(9) Acquire - Shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

(10) Custody - Shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

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 MV 451, filed 9/26/77)

WAC 308-61-030 ESTABLISHED PLACE OF BUSINESS. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

(1) Registered disposer. A registered disposer's established place of business is ~~((the))~~ a building or ((enclosure)) separate part thereof for keeping records and a secure area used only by the licensee for storing vehicles where the registered disposer is available for the purpose of allowing owners to claim vehicles at least five days a week during posted periods of at least four hours duration between 8 a.m. and 8 p.m. Each place of business shall be capable of operation separately from any other business.

(2) Wrecker. A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.

(3) Hulk hauler. A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.

(4) Scrap processor. A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)

WAC 308-61-100 REGISTERED DISPOSERS—APPLICATION. (1) The application for registration of tow truck operators to dispose of abandoned vehicles and vehicle hulks shall contain:

(a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

(b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

(c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

(d) A statement as to the applicant's solvency.

(e) A statement and description of facilities exclusive-ly available to the applicant for the storage of abandoned vehicles or automobile hulks.

(f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

(g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

(h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

(i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department.

AMENDATORY SECTION (Amending Order 573-DOL, filed 1/16/80)

WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location: PROVIDED HOWEVER, That each business location of a registered disposer shall be operated exclusively under one specific name and shall include a secure area for vehicles in his custody only.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) Insurance coverage. Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for:

(a) Insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for vehicles in custody.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence: PROVIDED HOWEVER, That vehicles in the custody of a registered disposer shall be kept entirely within the secure area exclusively owned or operated by such registered disposer.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle (~~in letters or numerals at least three inches high~~). Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

(10) Required records. The registered disposer shall keep a transaction file on each vehicle. The transaction file shall contain the following as a minimum:

(a) Authorization to take custody and remove the vehicle or hulk to disposer's established place of business.

(b) Copy of abandoned vehicle report to the department.

(c) Copy of the department-supplied last known names and addresses of registered and legal owners of the vehicle, as required by RCW 46.52.111(2).

(d) Copy of notice sent by the registered disposer to the last known address of the registered and legal owners, as required by RCW 46.52.111(3).

(e) Copy of the advertisement of public auction including the name and dates of the newspaper.

(f) Copy of the Affidavit of Sale showing the sale date, purchaser, amount of lien and sale price.

(g) Copy of second and third bidder offers.

Transaction file shall be kept for a minimum of three years.

**AMENDATORY SECTION (Amending Order 554-DOL, filed 9/7/79)**

**WAC 308-61-120 REGISTERED DISPOSERS—PROCEDURES FOR TAKING CUSTODY.** (1) Vehicles deemed abandoned. Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) Fixed contract of storage. A vehicle stored under a fixed contract of storage may be deemed abandoned on the third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol by the fourth day after expiration of the fixed contract of storage.

(b) Open-ended contract of storage. A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures. If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(c) Newspapers of general circulation. Pursuant to RCW 46.52.112, a newspaper of general circulation in a county shall mean a newspaper which is one of the three with the largest circulation in the county where the sale will be conducted. The required ad shall include make, model, year, vehicle identification number and license plate information including the origin of the place if other than Washington.

(2) Must possess written authority to tow or other evidence of lawful possession. Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) Claiming vehicles. (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) Surrendering titles. The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

(5) Pursuant to RCW 46.52.210 a registered disposer shall upon removal of an abandoned vehicle or hulk from private property, immediately notify the appropriate law enforcement agency of such private impound by reporting make, model, license plate information, vehicle identification number and place of impound.

**AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)**

**WAC 308-61-130 REGISTERED DISPOSERS—PROCEDURES FOR SALE.** (1) Notice of custody and sale. Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if ~~((the))~~ the vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) Vehicles registered out of state. Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of (~~the registered and legal owner and~~) the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) Examination by potential bidders. (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) May bid himself. The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer (~~license~~) license as required in chapter 46.70 RCW.

(5) Actual costs of sale. In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale (~~for the purpose of subsection (5))~~ or for completing abandoned vehicle reports or other indirect expense in complying with required procedures.

(6) Permissible charges. (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is two hundred dollars or more, then the difference between two hundred dollars and the amount of the successful bid which is less than two hundred dollars;

(ii) If the amount of the lien is two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number of law enforcement or other circumstance beyond the control of a registered disposer.

(7) Subordinate charges. No registered disposer shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the registered disposer or any third party entity shall not be reflected on the Affidavit of Sale or assessed against the

registered owner as a result of the disposition of the abandoned vehicle.

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 82-12-038**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order DOL 684—Filed May 27, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to motor vehicle wreckers; hulk haulers; scrap processors, amending WAC 308-61-200, 308-61-210, 308-61-220, 308-61-240, 308-61-260, 308-61-270, 308-61-320, 308-61-400 and 308-61-420.

This action is taken pursuant to Notice No. WSR 82-09-080 filed with the code reviser on April 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.80.140 and 46.79.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 26, 1982.

By John Gonzalez  
 Director

AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-200 WRECKERS—APPLICATION FOR LICENSE. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6).

No license will be renewed unless the ~~((wrecker's premises have been inspected by an appropriate law enforcement officer or authorized representative of))~~ wrecker certifies his premises conform to all requirements and that all monthly reports have been submitted to the department. Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transportation of vehicles or hulks in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

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 553-DOL, filed 9/7/79)

WAC 308-61-210 WRECKERS—SPECIAL PLATES. All vehicles ~~((operated))~~ used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

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 553-DOL, filed 9/7/79)

WAC 308-61-220 WRECKERS—GENERAL PROCEDURES AND REQUIREMENTS. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) Enclosure. The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) ~~((A permanent physical barrier shall be made of posts permanently placed in the ground and connected by at least two strands of chain, cable, or barbed wire, or of other equally strong and permanent construction.~~

(b)) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

((c)) (b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

((d)) (c) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

((e)) (d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

((f)) (e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Tow car fee. The ~~((licensee))~~ licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle ~~((in letters or numerals at least three inches high.))~~ Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(7) Surrendering license plates. ~~((The wrecker shall remove license plates from all vehicles as soon as they are acquired, store such plates in a safe place, and shall surrender such plates to an authorized representative of the department prior to submitting his monthly report.))~~ The wrecker shall remove license plates from vehicles on which he has received ownership documents in the segregated area and surrender such plates to an authorized representative of the department prior to submitting his monthly reports for the month the vehicle is acquired. In all other cases license plates shall be removed within twenty-four hours. All such plates shall be stored in a safe place.

(8) Major component parts. Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat.

(9) A physical barrier shall be provided for the segregated storage of vehicles in custody and awaiting approved ownership documents as provided under WAC 308-61-230. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer. There shall be no dismantling or parts removal in this area.

AMENDATORY SECTION (Amending Order MV 451, filed 9/26/77)

WAC 308-61-240 WRECKERS—RECORDS AND PROCEDURES FOR MONTHLY REPORTS.

(1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or



description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicles by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date (~~and time of day~~).

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none". The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or order adequate evidence of ownership, registration certificates, and receipts for license plates surrendered to an authorized representative of the department: PROVIDED, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

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

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

#### AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-260 WRECKERS—SELLING USED VEHICLES. (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) (~~Any vehicle which has been inoperable for more than six months shall be removed from the dealer's area and entered into the wrecking yard.~~

(4)) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

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

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

#### AMENDATORY SECTION (Amending Order 553-DOL, filed 9/7/79)

WAC 308-61-270 WRECKERS—ADDITIONAL GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR CIVIL FINE ASSESSMENT—UNLAWFUL PRACTICES. In addition to RCW 46.80.110 and WAC (~~{308-61-050}{308-61-250}~~) 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

(2) Failure to maintain an established place of business which conforms with zoning laws pursuant to RCW 46.80.010(~~;and~~).

(3) Failure to make records available during regular business hours to authorized enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC (~~{308-61-035}~~) 308-61-220(1)(a) when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW (~~{46.80.110(i)}~~) 46.80.110(1).

#### AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-320 HULK HAULER—GENERAL PROCEDURES AND REQUIREMENTS. Hulk

haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle, premises. (a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle (~~in letters or numerals at least three inches high~~). Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-400 SCRAP PROCESSOR—APPLICATION FOR LICENSE. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the

Washington state patrol in all other areas, that the ~~((application [applicant]))~~ applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

AMENDATORY SECTION (Amending Order 552-DOL, filed 9/7/79)

WAC 308-61-420 SCRAP PROCESSOR—GENERAL PROCEDURES AND REQUIREMENTS. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) Surrender of license plates. All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



**WSR 82-12-039**  
**PROPOSED RULES**  
**GRAYS HARBOR COLLEGE**  
 [Filed May 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Grays Harbor College intends to adopt, amend, or repeal rules concerning tenure and dismissal policy pertaining to tenured faculty.

The formal adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Monday, July 19, 1982, in the Conference Room of the Administration Building on campus.

The authority under which these rules are proposed is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to July 19, 1982, and/or orally at 7:30 p.m., Monday, July 19, 1982, in the Conference Room of the Administration Building on campus.

Dated: May 20, 1982

By: Joseph A. Malik  
 President

#### STATEMENT OF PURPOSE

Statutory Authority for the Rule: RCW 28B.50.140(13).

Purpose of the Amendment: To reflect an organizational change resulting from the consolidation of divisions from eight to six in order to achieve a better balance of divisions and better alignment of disciplines within each division.

For Further Information: Office of the President, Grays Harbor College, Aberdeen, WA, (206) 532-9020, ext. 216.

#### AMENDATORY SECTION (Amending an order filed 3/28/73)

WAC 132B-128-100 **ACADEMIC EMPLOYEE REDUCTION PROCEDURE.** If an academic employee with a full-time faculty appointment is to be laid off for program termination or reduction, decreases in enrollment, changes in educational policy or substantial evidence of a serious shortage of funds, the Grays Harbor College Policies and Procedures for Tenure and Dismissal will be utilized and the following criteria and procedures will be used:

(1) The president, with consultation from his administrative staff, will review the nature of the problem facing the college. If the president determines that reductions in staff are or will be necessary in the near future, he will give notice of the potential reductions to the recognized academic employee organization. The notice which the president gives to the recognized academic employee organization shall include:

- (a) The reasons for the proposed reductions in force;
- (b) The number of academic employees to be considered for layoff.

(2) The recognized academic employee organization will then have the right to meet with the president who shall fully document the need for such reductions in staff. The president shall present and explain the major criteria to be used to identify those to be laid off. If any courses currently in the curriculum are expected to be eliminated, he shall identify those courses and explain why they have been judged not to be the most necessary course offerings to maintain the best possible quality educational opportunities at Grays Harbor College.

(3) The need for a reduction in force will be determined on the basis of the need for reduction in each division of Grays Harbor College.

(4) The divisions at Grays Harbor College, for purposes of this document, shall be Business (~~Administration, English-Speech, Health~~

~~and Physical Education, Humanities, Life Sciences, Physical Science and Mathematics, Social Science)), Life Sciences and Nursing, Humanities and Communication, Physical Sciences and Mathematics, Social Science and Physical Education, Vocational-Technical, Administration, Library, and Student Services.~~

(5) Within a reasonable time after the start of the fall quarter of each year, the dean of instruction, with advice from the appropriate division chairman, shall assign each academic employee to a division. An academic employee may not be a member of more than one division. (If this code is passed during the school year, the dean of instruction shall assign the academic employees to their respective divisions within a reasonable period of time after passage of this code.)

(6) If the number of academic employees is to be reduced, the president, with advice from the dean of instruction and division chairmen, shall decide in the case of each affected division what course offerings and/or other services are most necessary to maintain quality education at Grays Harbor College. The president shall consider but not be limited to the following factors:

(a) The enrollment and the trends in enrollment for not less than four consecutive quarters, if applicable, and their effect upon each division;

(b) The goals and objectives of Grays Harbor College and the State Board for Community College Education;

(c) Information concerning faculty and administrative vacancies occurring through retirement, resignation, sabbaticals and leaves of absence.

(7) Those duties associated with the course offerings and/or other services determined to be most necessary at Grays Harbor College will be considered needed duties of an academic employee.

(8) The president's determination of the most necessary course offerings and/or other services is not subject to review by the dismissal review committee.

(9) If a reduction is necessary within a division, the following order of layoff will be utilized provided there are qualified academic employees to replace and perform all the needed duties of the academic employees to be laid off: First, part-time academic employees; second, probationary appointees with the least seniority; third, full-time tenured academic employees with the least seniority.

(10) Seniority shall be determined by establishing the date of the signing of the first full-time contract for the most recent period of continuous full-time professional service for Grays Harbor College which shall include leaves of absence, sabbatical leaves, and periods of layoffs. (This shall include professional services for the Aberdeen School District No. 5 prior to July 1, 1967, if assigned to Grays Harbor College.) The longest terms of employment as thus established shall be considered the highest level of seniority. In instances where academic employees have the same beginning date of full-time professional services, seniority shall be determined in the following order:

(a) First date of the signature of a letter of intent to accept employment;

(b) First date of application for employment.

(11) An academic employee shall be qualified to instruct courses which the president, with advice from the dean of instruction and the appropriate division chairman, determines the academic employee is qualified to instruct. The president's determination of what duties an academic employee is qualified to perform is not subject to review by the dismissal review committee.

(12) A full-time tenured academic employee whose contract was not renewed as a result of this academic employee staff reduction procedure has a right to recall to any teaching position, either a newly created one or a vacancy, providing he is qualified as determined by the college president. The recall shall be in reversed seniority, the most senior first. The right of recall shall extend three years from the date of layoff. Full-time tenured academic employees who have been laid off will retain all accrued benefits, such as sick leave and seniority. Upon recall they shall be placed at least at the next higher increment on the salary schedule than at the time of layoff and will retain their tenured status.

**WSR 82-12-040**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 82-20—Filed May 28, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, 98504, the annexed rules relating to new fees for inspecting installation of mobile homes and increased fees for inspecting factory-built structures.

This action is taken pursuant to Notice No. WSR 82-08-002 filed with the code reviser on March 25, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.440, 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 May 28, 1982.

By Sam Kinville  
 Director

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-990 FEES.

- (1) Initial manufacturer filing fee: ~~\$(25.00)~~  
35.00
- (2) (a) Fee for filing a design plan: \$100.00
- (b) Fee for resubmittal of a design plan: \$50.00
- (3) Design plan renewal fees.
- (a) Renewal of an unexpired and unrevoked design plan: \$35.00
- (b) Renewal of an expired or revoked design plan: \$100.00
- (4) Fee for transfer of design plan approval to a different manufacturer: ~~\$(100.00)~~  
140.00
- (5) Fees related to compliance control programs.
- (a) Fee for filing a component compliance control manual: ~~\$(10.00)~~  
14.00
- (b) Fee for filing ((and checking)) a factory-

- built structure compliance control manual: ~~\$(250.00)~~  
350.00
- (c) Fee for resubmittal of a factory-built structure compliance control manual: ~~\$(100.00)~~  
140.00
- (d) Fee for revisions to a factory-built structure compliance control manual: ~~\$(10.00)~~ 14.00  
per page up to  
~~\$(50.00)~~ 70.00  
maximum.
- (e) Transfer of approval of a factory-built structure compliance control manual: \$125.00
- (6) Fee for inspections and other services performed by the department: \$50.00 minimum  
plus \$25.00 for  
every half-hour  
or fraction of  
a half-hour  
over one hour.
- (7) Insignia fees.
- (a) For each single section factory-built structure, or for the first section of a multiple section factory-built structure: ~~\$(100.00)~~  
140.00
- (b) For each additional section of a multiple section factory-built structure: ~~\$(10.00)~~  
14.00
- (c) For each service core: ~~\$(50.00)~~  
70.00
- (d) For each component other than a service core: ~~\$(10.00)~~  
14.00
- (e) For each reissuance of a factory-built structure insignia: ~~\$(25.00)~~  
35.00
- (f) For each alteration insignia: ~~\$(10.00)~~  
14.00
- (8) Fee for a notification to a local enforcement agency: ~~\$(15.00)~~  
21.00
- (9) Travel fees and expenses. If a manufacturer or other person outside the state of

Washington requests an inspection or other technical service outside the state, the manufacturer must pay the travel expenses of the department's employees. The expenses shall be calculated pursuant to the following list:

- (a) Surface travel, per mile: \$.185
- (b) Air travel: Cost of air fare based on published rates.
- (c) Hourly charge for travel time: ~~\$(25.00)~~ 35.00 per half-hour or fraction of a half-hour.
- (d) Expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances set by the Washington State Office of Financial Management.
- (10) Fee for change in manufacturer's name, address, or ownership: ~~\$(15.00)~~ 21.00

**AMENDATORY SECTION** (Amending Order 82-13, filed 4/16/82)

**WAC 296-150B-990 FEES.**

- (1) Initial manufacturer filing fee: \$25.00.
- (2) Fees for application for design plan approval. The fees listed in this subsection cover the application filing fee and one hour of examination time. The applicant will be required to pay for examination time beyond the base hours pursuant to the fees set in subsection (6).
  - (a) Fee for application for commercial coach, recreational

- vehicle, or component design plan approval: \$70.00
- (b) Fees for resubmittals of a design plan for a commercial coach, recreational vehicle, or component: \$50.00
- (3) Design plan renewal fees.
  - (a) Renewal of an unexpired and unrevoked commercial coach or recreational vehicle design plan or related group of plans: \$30.00
  - (b) Renewal of an expired or revoked design plan: 100% of fee for new design plan.
  - (4) Fee for transfer of design plan approval to a different manufacturer: \$100.00
  - (5) Fee for filing a commercial coach, recreational vehicle, or component quality control manual: \$10.00
  - (6)(a) Fee for inspections, examinations of design plans, and other technical services performed by the department; other than inspections, examinations, and services for a HUD-labeled mobile home before it is sold or leased to a consumer: \$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.
  - (b) Fee for inspections, examinations, and other technical services performed by the department for a HUD-labeled mobile home before it is sold or leased to a consumer: \$32.00 minimum

	plus \$16.00 for every half-hour or fraction of a half-hour over one hour.	be calculated pursuant to the following list:	
(7) Insignia fees.		(a) Surface travel, per mile:	\$ .185
(a) For each recreational vehicle:	\$10.00	(b) Air travel:	Cost of air fare based on published rates.
(b) For each single width commercial coach, or for the first section of a multiple section commercial coach:	\$15.00	(c) Hourly charge for travel time:	\$25.00 per half-hour or fraction of a half-hour.
(c) For each additional section of a multiple section commercial coach:	\$10.00	(d) Expenses: expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.	
(d) For each service core:	\$50.00	(10) Fee for change in manufacturer's or dealer's name, address, or ownership:	\$15.00
(e) For each component other than a service core:	\$10.00	(11) ( <del>Alteration fee (includes insignia):</del> )	<del>\$25.00</del> )
(f) For each reissuance of a mobile home, commercial coach, or recreational vehicle insignia:	\$10.00	<u>Mobile home installation inspection (fee includes insignia):</u>	
(g) For each alteration insignia:	<u>\$25.00</u>	(a)(i) For the inspection of a single unit mobile home:	<u>\$175.00</u>
(8) Fee for each notification to a local enforcement agency:	\$15.00	(ii) For the inspection of a multiple unit mobile home:	<u>\$250.00</u>
(9) Travel fees and expenses. If a manufacturer or other person requests an inspection or other technical service outside the state, the manufacturer must prepay the travel expenses of the department's employees on an estimated basis to be corrected after the inspections are completed. The department will not charge for travel expenses incurred for inspections or other services performed in Washington. The expenses shall		(b) For a reinspection of a single or multiple unit mobile home:	<u>\$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.</u>

**WSR 82-12-041**  
**ADOPTED RULES**  
**BOARD OF PHARMACY**  
 [Order 168—Filed May 28, 1982]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 360-17-010, 360-17-020 and 360-18-020.

This action is taken pursuant to Notice No. WSR 82-09-077 filed with the code reviser on April 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(12).

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

APPROVED AND ADOPTED May 25, 1982.

By Donald H. Williams  
 Executive Secretary

AMENDATORY SECTION (Amending Order 162, filed 7/29/81)

WAC 360-17-010 DEFINITIONS. For the purpose of these rules and regulations, the following definitions apply:

(1) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(2) "Controlled substance" means those drugs, substances or immediate precursors listed in Schedule I through V, 69.50 RCW, State Uniform Controlled Substance Act, as now or hereafter amended.

(3) "Drug" means any product referenced in RCW 18.64.011(3) as now or hereafter amended.

(4) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) reviewing it with a verified transcription, a direct copy, or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(5) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(6) "Hospital" means any institution licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW or designated pursuant to RCW 72.23.020.

(7) "Hospital pharmacy" means that portion of a hospital which is engaged in the manufacture, production, preparation, dispensing, sale, and/or distribution of drugs, components, biologicals, chemicals, devices and other materials used in the diagnosis and treatment of injury, illness and diseases; and which is licensed by the state board of pharmacy pursuant to the Washington state pharmacy practice act, chapter 18.64 RCW.

(8) "Immediate supervision" means visual and/or physical proximity that insure adequate safety and controls.

(9) "Investigational drug" means any article which has not been approved for use in the United States, but for which an Investigational Drug Application (IND) has been approved by the F.D.A.

(10) "Nurse" means a registered nurse or a licensed practical nurse licensed pursuant to chapter 18.88 RCW or chapter 18.78 RCW.

(11) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs in RCW 18.64.011(9).

(12) "Pharmacist" means a person duly licensed by the state board of pharmacy to engage in the practice of pharmacy.

(13) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(14) "Pharmacy Assistant Level A and Level B" means persons certified under chapter 18.64A RCW.

(15) "Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice in the state of Washington.

(16) "Practice of pharmacy" means the definition given in RCW 18.64.011(11) now or hereafter amended.

(17) "Protocol" means a written set of guidelines.

(18) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(19) "Self-administration of drugs" means that a patient administers or takes his/her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing that the drugs are used correctly and that the patient is responding appropriately.

(20) "Shall" means that compliance with regulation is mandatory.

(21) "Should" means that compliance with a regulation or standard is recommended.

AMENDATORY SECTION (Amending Order 162, filed 7/29/81)

WAC 360-17-020 APPLICABILITY. The following rules and regulations are applicable to all facilities licensed pursuant to chapter 70.41 RCW and chapter 71.12 RCW or designated pursuant to RCW 72.23.020.



**AMENDATORY SECTION** (Amending Order 155, filed 6/26/80)

**WAC 360-18-020 LICENSE FEES.** (1) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board:

**(a) PHARMACY LOCATION, CSA & PROPHYLACTIC**

Original pharmacy fee	\$100.00
Original CSA fee	30.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	25.00
Renewal pharmacy fee	50.00
Renewal CSA fee	25.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	25.00
Penalty pharmacy fee	100.00

**(b) VENDOR**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

**(c) PHARMACIST**

Exam fee	<del>(75.00)</del> 85.00
Original license fee	50.00
Renewal fee	25.00
Penalty fee	25.00
Reciprocity fee	150.00

**(d) SHOPKEEPER**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

**(i) SHOPKEEPER - 6 or fewer drugs**

Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00

**(ii) SHOPKEEPER - with differential hours**

Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00

**(e) DRUG MANUFACTURER**

Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00

**(f) DRUG WHOLESALER - full line**

Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00

**(g) DRUG WHOLESALER - OTC only**

Original fee	100.00
Renewal fee	100.00
Penalty fee	100.00

**(h) PHARMACY ASSISTANT - Level "A"**

Original fee	10.00
Renewal fee	10.00

(2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws

of 1979, which prior provisions are incorporated herein by this reference.

**WSR 82-12-042****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed May 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture, Olympia, Washington, intends to adopt, amend, or repeal rules concerning interpretation for enforcement of chapter 15.36 RCW, relating to processing, packaging and sale of aseptically packaged milk, chapter 16-101 WAC.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 25, 1982, in the Director's Office, Department of Agriculture, 406 General Administration Building.

The authority under which these rules are proposed is chapter 15.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 21, 1982, and/or orally at 1:30 p.m., Monday, June 21, 1982, Large Conference Room, General Administration Building, Olympia, Washington.

This notice is connected to and continues the matter in Notice No. WSR 82-08-072 filed with the code reviser's office on April 7, 1982.

Dated: May 26, 1982

By: James E. Wommack  
Assistant Director**WSR 82-12-043****NOTICE OF PUBLIC MEETINGS****COMMUNITY COLLEGE****DISTRICT TWELVE**

[Memorandum—May 27, 1982]

The following change has been made in the regular meeting schedule for the Board of Trustees of Community College District 12: Additional meeting: Wednesday, June 23, 1982, 7:30 p.m., Board Room, Centralia College.

**WSR 82-12-044****ATTORNEY GENERAL OPINION****Cite as: AGO 1982 No. 6**

[May 27, 1982]

**PENSIONS—RETIREMENT—PUBLIC EMPLOYEES' RETIREMENT SYSTEM—TEACHERS' RETIREMENT SYSTEM—LIABILITY FOR ADDED PENSION COSTS**

Payment of a lump sum amount to a retiree for accrued annual leave at the time of his or her termination of employment does not constitute a salary increase for the purposes of § 34, chapter 52, Laws of 1982, 1st Ex. Sess.

or § 2, chapter 10, Laws of 1982, 1st Ex. Sess. relating to employer liability for increased retirement benefit costs under the laws governing the Public Employees' Retirement System and the State Teachers' Retirement System, respectively.

Requested by:

Honorable Joe Taller  
Director  
Office of Financial Management  
House Office Building  
Olympia, Washington 98504

**WSR 82-12-045**  
**PROPOSED RULES**  
**BELLEVUE COMMUNITY COLLEGE**  
[Filed May 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII;

that such institution will at 1:30 p.m., Tuesday, July 6, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, July 6, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution orally at 1:30 p.m., Tuesday, July 6, 1982, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: May 11, 1982

By: Paul N. Thompson  
Secretary, Board of Trustees

**STATEMENT OF PURPOSE**

Community College District VIII, chapter 132H-160 WAC.

Description of Purpose: Amendments to Admissions, Residency Classification and Registration Regulations—Schedule of Fees and Financial Aid for Community College District VIII is necessary for the purpose of clarification of rules pertaining to withdrawal from a course (policy and procedures).

Statutory Authority: RCW 28B.50.140.

Summary of Rule: The amendment to Admissions, Residency Classification and Registration Regulations—Schedule of Fees and Financial Aid for Community College District VIII speaks to appropriate criteria for determining procedures for official withdrawal from a course at Bellevue Community College.

Reasons Supporting Proposed Action: The reasons for amending this section of Admissions, Residency Classification and Registration Regulations—Schedule of Fees and Financial Aid for Community College District VIII is to provide a more efficient process and clarify the policy and procedure for withdrawal from a course at Bellevue Community College.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301, Scan 334-2301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College, Public.

Institution Comments or Recommendations, if any: None.

Rule Necessary as Result of Federal Law of Federal or State Court Action: No.

**NEW SECTION**

**WAC 132H-160-492 WITHDRAWAL FROM A COURSE (POLICY AND PROCEDURES).** Withdrawal from a course is the termination of the student's registration in that course. Withdrawals are classified as official only when the student returns a completed Add/Drop form, available at the Registration Center, to the Registration Center or to their designee. The criteria used for determining grading and recording procedures for official withdrawals are as follows: (1) Through the tenth day of the quarter the dropped course does not become a part of the transcript record. Instructor's signature is not required.

(2) After the tenth school day of the quarter and through the end of the sixth week of the quarter, the previously described procedures will be followed. The grade of "W" will become a part of the student's transcript record regardless of grade status at this time. Instructor's signature is not required.

(3) From the beginning of the seventh week of the quarter through the end of the tenth week, students must return a completed Add/Drop form signed by the instructor to the Registration Center. The instructor must sign the withdrawal form. Upon signing the withdrawal form the instructor will assign to the Add/Drop form one of the following grades: students withdrawing with a passing grade will be graded "W" (withdrawal); those not passing at the point of withdrawal will be graded "K" (failing). For those students who are failing after the sixth week who have had extensive illness or other bona fide reasons, may be assigned, at the instructor's discretion, a "W" (withdrawal).

(4) No official withdrawal will be permitted after the tenth calendar week of the quarter.

(5) A student who finds it necessary to withdraw completely from the college due to illness or other bona fide reasons, must comply with the procedures listed above except that under unusual circumstances, the student's program adviser, counselor, or the administrator responsible for registration may give permission and the student would receive a "W". Failure to do this will not constitute an official withdrawal and will cause forfeiture of any refund.

**WSR 82-12-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Income, amending WAC 388-54-730.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

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

David A. Hogan, Director  
 Division of Administration  
 Department of Social and Health Services  
 Mailstop OB-33 C  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by June 23, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, July 7, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 14, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 7, 1982, and/or orally at 10:00 a.m., Wednesday, July 7, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 28, 1982

By: David A. Hogan  
 Director, Division of Administration

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Regarding: Amending WAC 388-54-730.

The purpose of the rule or rule change is to update the food stamp income tables as required by 7 CFR Part 273.

Statutory Authority: RCW 74.04.510.

Summary of the Rule or Rule Change: The Food Stamp Act of 1977 is amended annually to adjust the income eligibility limits taking into account changes in the cost of living.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Roy Uppendahl, Program Manager II, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-4382.

These rules are necessary as a result of federal law, 7 CFR Part 273.

**AMENDATORY SECTION** (Amending Order 1720, filed 11/18/81)

**WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS.**  
 ((The combined monthly net food stamp income of all members of a household shall not exceed:)) Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) Except as provided in subsection (2) of this section, eligibility shall be determined on the basis of gross income. The gross income eligibility standards ((based on)) shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines((:)).

Effective July 1, 1982, Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((467))507
2	((617))674
3	((766))841
4	((916))1,008
5	((1,065))1,175
6	((1,215))1,342
7	((1,364))1,508
8	((1,514))1,675
Each additional person	+((150))167

(2) ((For)) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title ((XIV)) XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, ((eligibility)) shall be determined eligible based on ((the)) net income standards ((as follows:)).

Effective July 1, 1982, Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((360))390
2	((475))519
3	((590))647
4	((705))775
5	((820))904
6	((935))1,032
7	((1,050))1,160
8	((1,165))1,289
9	((1,280))1,418
10	((1,395))1,547
Each additional member	+((115))129

**WSR 82-12-047**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 82-53—Filed May 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 personal use, commercial and subsistence fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is necessary to provide opportunity for a subsistence family-use fishing on the Yakima River.

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

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

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

APPROVED AND ADOPTED May 28, 1982.

By Gary C. Alexander  
for Rolland A. Schmitt  
Director

**NEW SECTION**

**WAC 220-28-086NOC YAKIMA RIVER** *It is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess salmon for personal use or commercial from the waters of the Yakima River, except for the following provisions:*

(1) *It shall be lawful for individuals possessing treaty fishing rights under the Yakima Treaty to fish for food fish for subsistence family-use purposes in the vicinity of the Prosser Dam and Horn Rapids Dam from noon May 28, 1982, to noon May 29, 1982.*

(2) *It shall be lawful for individuals possessing treaty fishing rights under the Yakima Treaty to fish for food fish for subsistence family-use purposes in the vicinity of Sunnyside Dam and Wapato Dam immediately through, noon May 23, 1982, and from noon May 27, 1982 to noon May 30, 1982.*

(3) *It is unlawful to fish within 30 feet of the fishways on the Yakima River.*

**REPEALER**

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

**WAC 220-28-086NOB CLOSED AREA-YAKIMA RIVER (82-51)**

**WSR 82-12-048  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed June 1, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- AMD WAC 388-70-013 Authorization of foster care placement.
- AMD WAC 388-70-024 Payment of foster care—Effective date.

It is the intention of the secretary to adopt these rules on an emergency basis on June 10, 1982.

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

David A. Hogan, Director  
Division of Administration  
Department of Social and Health Services  
Mailstop OB-33 C  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by June 23, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, July 7, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, July 19, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.12.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 7, 1982, and/or orally at 10:00 a.m., Wednesday, July 7, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: May 28, 1982

By: David A. Hogan  
Director, Division of Administration

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Regarding: Amending WAC 388-70-013 and 388-70-024.

The purpose of the rule or rule change is to restrict group care payment to only those children who are in a licensed group care facility and in the supervision of DSHS.

The reason these rules are necessary is to comply with chapter 118, Laws of 1982.

Statutory Authority: RCW 74.12.340.

Summary of the Rule or Rule Change: Restrict group care payment to only those children who are in a licensed group care facility and in the supervision of DSHS.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Ed Hidano, Program Manager, Bureau of Children's Services, Mailstop: OB 41, Phone: 3-0432.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**AMENDATORY SECTION (Amending Order 1764, filed 2/18/82)**

**WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT.** A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, runaway youth act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial

contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent(s), or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A.140, or approved pursuant to RCW 13.32A.170 or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody, and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW, and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent(s) agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement.

(7) ((When otherwise authorized by court order)) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined that group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child, and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's parent(s) or legal guardian(s) has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs that such placement is currently necessary, provided that the maximum time period for the voluntary placement shall be three months. Such requests shall comply with foster care placement criteria as developed by the department.

#### AMENDATORY SECTION (Amending Order 1753, filed 2/3/82)

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 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 and has a need for continued family foster care services, payments ((shall be terminated on)) may be continued until 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 and has a need for continued group care services, ((payment shall be terminated on)) payments may be continued until 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 82-12-049**

#### **NOTICE OF PUBLIC MEETINGS STATE EMPLOYEES INSURANCE BOARD**

[Memorandum—May 28, 1982]

The next SEIB meeting will be held on Monday, June 14, 1982, beginning at 9:00 a.m., at the Department of Transportation Materials Lab Building, Tumwater, Washington.

#### **WSR 82-12-050**

#### **NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGE DISTRICT**

[Memorandum—May 28, 1982]

The board of trustees meeting, scheduled for Monday, June 7, 1982, has been cancelled. A special meeting is scheduled for Tuesday, June 15, 1982, to be held at South Seattle Community College, 6000 16th Avenue, Seattle, WA 98106. The meeting will be held in the Board Room at 6:30 p.m.

#### **WSR 82-12-051**

#### **EMERGENCY RULES DEPARTMENT OF FISHERIES**

[Order 82-54—Filed June 1, 1982]

I, Rolland A. Schmitt, director of the Washington 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 regulations in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide the least restrictions that allow protection of adult Puget Sound and Canadian chinook salmon. Restrictions in Areas 7B, 7C, 8, 11A, 13A, Minter Creek, Puyallup River, Skagit River and White River protect local spring chinook stocks.

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

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

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

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

APPROVED AND ADOPTED June 1, 1982.

By Rolland A. Schmitt  
Director

NEW SECTION

**WAC 220-28-202 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** Effective June 1, 1982, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B - Closed to all net gear through June 15, 1982.

\*Areas 5, 6, 6A, 6C, 7D - Closed to all net gear through June 19, 1982 and all troll-caught chinook over 30 inches in length must be released through June 19, 1982.

\*Areas 7 and 7A - Closed to net gear except gill nets. Gill nets restricted to 5-1/4 inch maximum mesh and all troll-caught chinook over 30 inches in length must be released through June 19, 1982.

Areas 7B, 7C - Closed to all net gear through June 30, 1982.

Area 8 - Closed to all net gear through June 15, 1982.

Area 11A - Closed to all net gear through June 30, 1982.

Area 13A - north to a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove - Closed to all net gear through July 31, 1982.

Minter Creek - Closed to all net gear through July 31, 1982.

Nooksack River - Closed to all net gear through June 30, 1982.

Puyallup River - Closed to all net gear through June 30, 1982.

\*Skagit River - Upstream to Gilligan Creek closed to all net gear through June 15, 1982; Gilligan Creek upstream to Hamilton Boat Ramp closed to all net gear through June 18, 1982; Hamilton Boat Ramp upstream to Old Faber Ferry Landing above Concrete closed to all net gear through July 7, 1982; above Old Faber Ferry Landing above Concrete and all Skagit River tributaries closed to all net gear until further notice.

White River - Closed to all net gear through July 31, 1982.

REPEALER

The following section of the Washington Administrative is repealed:

WAC 220-28-201 Puget Sound Commercial Fishery Restrictions (82-31).

**WSR 82-12-052**

**ADOPTED RULES  
OIL AND GAS**

**CONSERVATION COMMITTEE**

[Order 3, Resolution No. 7—Filed June 1, 1982]

Be it resolved by the Oil and Gas Conservation Committee, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to implementation, administration and enforcement of the oil and gas conservation laws; amending and adding new sections to chapter 344-12 WAC.

This action is taken pursuant to Notice Nos. WSR 82-03-051 and 82-09-003 filed with the code reviser on January 20, 1982 and April 9, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 78.52.050 which directs that the Oil and Gas Conservation Committee has authority to implement the provisions of chapter 78.52 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 April 20, 1982.

By Jerry C. Gilliland  
Executive Secretary

Chapter 344-12 WAC  
GENERAL RULES

WAC

- 344-12-001 Promulgation.
- 344-12-010 General.
- 344-12-015 Rule making.
- 344-12-020 Hearings.
- 344-12-025 Notice of hearings.
- 344-12-030 Hearings—Place of—Continuances—Action on.
- 344-12-035 Administrative head.
- 344-12-040 Definitions.
- 344-12-045 Well spacing.

**DRILLING(=PRODUCTION)**

- 344-12-050 Application to drill, redrill, or deepen (Form-1).
- 344-12-055 Transfer of drilling permit.
- 344-12-060 Bond to be furnished.
- 344-12-063 Bond termination—Release.
- 344-12-065 Identification of well.
- 344-12-070 Well history or record and well log (Form-2).
- 344-12-075 Deviation tests.
- 344-12-078 Directional drilling.
- 344-12-080 Sealing off strata.
- 344-12-087 Well casing—Cementing.
- 344-12-092 Blowout prevention.
- 344-12-095 Fire hazards.
- 344-12-098 Drilling fluid.
- 344-12-102 Well logging.

- 344-12-107 Removal of casing.  
 344-12-112 Agents to have access to all wells, well records, witness tests or well production.  
 344-12-116 Sump pits.  
 344-12-125 Notice of intention to abandon and plug (Form-3).  
 344-12-131 Procedure for plugging.  
 344-12-133 Unlawful abandonment.  
 344-12-140 Wells used for fresh water.  
 344-12-145 Reclamation.  
 344-12-150 Permit cancellation—Failure to drill.  
 344-12-155 Permit suspension.

#### PRODUCTION

- 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 RCW ((79.52-050)) 78.52.050.

(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 (~~(or 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 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))~~) Petitions 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.

#### 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 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, or governmental agencies who make request in writing to be included on such list. Each person, firm, (~~(and)~~) corporation, and governmental agency 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 the failure to mail a copy of



these to any such person, firm ~~((or))~~, corporation, or governmental agency 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 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.

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 provided by law, 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 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 this 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 this act or of the rules, regulations, or orders of the committee.

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 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, ascertained 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"))~~ shall mean the liquid hydrocarbons recovered at the surface that result from condensation due to reduced pressure or temperature of petroleum hydrocarbons existing in a gaseous phase in the reservoir.

(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))~~ oil and gas 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 ~~((underlain))~~ underlain 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.

(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.

(27) "Offset operator" shall mean the operator, owner, or lessee of land contiguous to or cornering on land involved in oil and gas activities.

~~((25))~~ (28) "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))~~ (29) "Oil allowable" shall mean the amount of oil authorized to be produced by order of the committee.

~~((27))~~ (30) "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))~~ (31) "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))~~ (32) "Person" shall mean any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind.

~~((30))~~ (33) "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))~~ (34) "Pressure maintenance" shall mean ~~((a))~~ the ~~((reintroduction))~~ 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))~~ (35) "Producer" shall mean the owner of a well or wells capable of producing oil or gas, or both.

~~((33))~~ (36) "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, naphtha, distillate, propane, butane, gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or by-products 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))~~ (37) "Purchaser" shall mean any person who acquires title to oil or gas by purchase from a producer or other person.

~~((35))~~ (38) "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))~~ (39) "Separator" shall mean an accepted field apparatus used in the industry for separating oil, gas, water, etc., with efficiency as it is produced.

~~((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.

(44) "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.

~~((40))~~ (45) "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))~~ (46) "Transporter" shall mean and include any person engaged in the transportation of oil or gas.

~~((42))~~ (47) "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))~~ (48) "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, casing strata, casing record, etc., as is usually recorded in the normal procedure of drilling.

~~((44))~~ (49) "Well log" shall mean ~~((the))~~ a systematic, detailed, and correct record ~~((and descriptions of lithology and of strata and))~~ of formations encountered in drilling a well, and shall include all electric, radioactivity, and other logs, if run.

(50) "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 floodplains associated with or influenced by any stream, river, lake, or tidal water, or combination thereof.

## 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 United States 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 or owners of contiguous or cornering properties and shall be accompanied by a plat or sketch map drawn to the scale of not smaller than one 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 contiguous or cornering 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 or owners of lands towards whom the well is being moved, if closer to the proposed well than offset distances set forth in subsections (1) and (2) of this section.

(4) In filing a Form-1 (Notice of Intention to Drill, Redrill, or Deepen), 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 § 8, Resolution 3, filed 6/28/63)

WAC 344-12-050 APPLICATION TO DRILL, REDRILL, OR DEEPEN (FORM-1). (1) A person desiring to drill, redrill, or deepen a well in search of oil or gas shall for each such well:

(a) Notify the supervisor of such intent on Form-1(~~(; and)~~) (Notice of Intention to Drill, Redrill, or Deepen);

(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 including site reclamation procedures;

(h) Designate methods and site for disposal of waste materials; and

(i) Shall pay a fee of one hundred dollars 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 and))~~ the application, the fee, and other specified information, the supervisor ~~((will promptly))~~ may 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 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 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 ~~((f))~~(See chapter 344-16 WAC~~((f))~~) 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 ~~((no))~~ a fee of one hundred dollars 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) A copy of each application received shall be transmitted by the supervisor within ten days to the department of ecology, department of social and health services, and general purpose local governments of the jurisdiction in which the proposed activity would occur or in the case of a city or a town a well proposed within a three mile radius of its municipal boundaries and other affected agencies as deemed necessary by the supervisor.

(6) Designated representatives of general purpose local governments are requested to inform the supervisor in writing within ten working days of those local government zoning ordinances, permit requirements, or other factors, if any, which may apply to a well proposed to be drilled, redrilled, or deepened.

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)) not less than \$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.)) 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-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, caving strata, casing record, shooting, perforating, chemical treatment, general chemical composition, and volumes used of drilling mud, 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. A detailed description of lithology shall be furnished to the supervisor within thirty days after completion or abandonment of any exploratory or wildcat well.

(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 and at the expense of said off-set operator towards whom the well is being drilled 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 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.

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 freshwater 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 1,000 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 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.

#### 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 wellhead 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 unless such side outlets are available in the blowout preventer stack;

(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 seventy 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 follows:

(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 preventers.

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 hole 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 7,500 feet (2286 meters) or in areas of known high pressure desilters and desanders if required for solids control.

#### 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.

#### 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.

#### 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.

#### 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 leveled within three months after drilling operations cease. For good cause shown by the operator, the supervisor may extend the period for emptying and leveling, 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.

#### 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.

### 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 3,000 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

freshwater-saltwater 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 freshwater-saltwater interfaces.

(c) An interface plug may be placed wholly within a thick shale if such shale separates the freshwater sands from the brackish or saltwater 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 freshwater-saltwater 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 saltwater sands, squeeze-cementing shall be required through perforations to protect the freshwater zones. In addition, a 100-foot (30-meter) cement plug shall be placed inside the casing across the freshwater-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 potentially 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 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 centimeter) 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 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.

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

WAC 344-12-140 WELLS 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 is 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 or notice from the department of ecology of approval of the landowner's authorization as provided herein shall relieve the operator of further responsibility under the oil and gas conservation act and the supervisor shall release the bond.

#### NEW SECTION

WAC 344-12-145 RECLAMATION. The supervisor shall establish guidelines for the reclamation of land impacted by oil and gas drilling and production activities.

The owner, operator, or producer of the well or wells shall develop a reclamation plan for the area disturbed in site preparation, drilling, completing, or producing a well or wells, and submit the reclamation plan to the supervisor for approval. The owner, operator, or producer shall, before the reclamation plan is implemented, consult affected state agencies, including the department of game, before submitting the reclamation plan to the supervisor. Reclamation shall be accomplished in accordance with the reclamation plan and 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, saltwater 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 months of date of issuance of the permit. Such cancellation will take effect thirty 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 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.

#### PRODUCTION

#### 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 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 chapter 90.48 RCW 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 chapter 90.48 RCW 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 that 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 provided that such notification will be made at least seventy-two hours in advance of such test.

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 chapter 80.50 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 344-12-085 CASING REQUIREMENTS.
- (2) WAC 344-12-090 BLOW-OUT PREVENTION.
- (3) WAC 344-12-100 WELL-HEAD FITTINGS.
- (4) WAC 344-12-105 TUBING.
- (5) WAC 344-12-110 SEPARATORS.
- (6) WAC 344-12-115 CHOKES.
- (7) 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.
- (8) WAC 344-12-130 PROCEDURE FOR PLUGGING.
- (9) WAC 344-12-135 SEISMIC, CORE, AND OTHER EXPLORATORY HOLES TO BE PLUGGED.

**WSR 82-12-053**  
**PROPOSED RULES**  
**HUMAN RIGHTS COMMISSION**  
 [Filed June 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning new chapter 162-06 WAC, rules of general application, including WAC 162-06-030 rulings granting exceptions to rules; new chapter 162-26 WAC public accommodations, handicap discrimination; new chapter 162-38 WAC real estate transactions, handicap discrimination; chapters 162-26 and 162-38 WAC implement the 1969 amendments to the law against discrimination, chapter 49.60 RCW, adding discrimination because of handicap to the coverage of the public accommodations section (RCW 49.60.215) and the real estate transactions section (RCW 49.60.222) of the law against discrimination;

that such agency will at 1:30 p.m., Thursday, July 15, 1982, in the Washington State Human Rights Commission, 1601 Second Avenue Building, Fourth Floor, Seattle, 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 49.60.120(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 15, 1982, and/or orally at 1:30 p.m., Thursday, July 15, 1982, Washington State Human Rights Commission, 1601 Second Avenue Building, Fourth Floor, Seattle.

Dated: May 27, 1982

By: Morton M. Tytler

Senior Assistant Attorney General

#### STATEMENT OF PURPOSE

This statement applies to the following proposed new rules: Chapter 162-06 WAC including WAC 162-06-030, Rulings Granting Exceptions to Rules; chapter 162-26 WAC Public Accommodations, Handicap Discrimination; and chapter 162-38 WAC Real Estate Transactions, Handicap Discrimination.

**Purpose:** The purpose of proposed WAC 162-06-030 is to reserve to the commission the right to make exceptions to all rules adopted by it, and to establish procedures for doing so. The purpose of proposed chapters 162-26 and 162-38 WAC is to implement sections 7 and 8, chapter 127, Laws of 1979, which added handicap discrimination to the unfair practices defined in RCW 49.60.215 (public accommodations) and RCW 49.60.222 (real estate transactions).

**Statutory Authority:** The rules are proposed for adoption under authority of RCW 49.60.120(3).

**Summary of Rules:** Chapter 162-06 WAC creates a new chapter for rules of general application and proposes WAC 162-06-030, which reserves to the commission the right to make exceptions to all rules adopted by it, and to establish procedures for doing so; chapter 162-26

WAC sets out general principles and specific rules as to what constitutes unfair practices because of sensory, physical or mental handicap in places of public accommodation; and chapter 162-38 WAC sets out interpretations as to how the law prohibiting unfair practices in real estate transactions (RCW 49.60.222) applies to the handicapped.

**Reasons Supporting the Proposed Rules:** WAC 162-06-030 is needed to avoid unforeseen results or hardship when general rules are applied in unusual circumstances; chapter 162-26 WAC is proposed to clarify how the new handicap coverage of the public accommodations law is to be applied and interpreted; and chapter 162-38 WAC is proposed to clarify how rules of law previously applicable to conduct in real estate transactions based on sex, marital status, race, creed, color, or national origin are now to be applied to conduct based on the presence of a sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person.

**Agency Personnel Responsible for Drafting:** The proposed rules were drafted by Morton M. Tytler, Senior Assistant Attorney General, Human Rights Division, 5th Floor, Highways-Licenses Building, Olympia, Washington, (206) 753-1564, and Michael Kovell, Handicap Specialist, Washington State Human Rights Commission, 1601 Second Avenue Building, Fourth Floor, Seattle, Washington, (206) 464-6500; **Implementation and Enforcement:** WAC 162-06-030 will be implemented by the Human Rights Commissioners. Chapters 162-26 and 162-38 WAC will be implemented and enforced by the commission's staff under the direction of Raleigh Lewis, Executive Secretary, Washington State Human Rights Commission, 402 Evergreen Plaza Building, Olympia, Washington, (206) 753-6770, subject to approval by the Human Rights Commissioners. When applied in administrative hearings, the rules will be implemented and enforced by various administrative law judges designated by the Chief Administrative Law Judge. See RCW 49.60.250. The rules will also be applied by judges in court cases, subject to the ultimate authority of the courts to interpret the statutes.

**Person Proposing Rules:** The rules were prepared by the Special Projects Division of the Washington State Human Rights Commission in response to direction from the Human Rights Commissioners.

**Agency Comments:** The proposed rules are based on suggestions and recommendations from the Governor's Committee on Employment of the Handicapped and from the public at four informational hearings held in Spokane, Yakima, Lacey, and Seattle.

**Federal Law or Court Decision:** These rules are not proposed as the result of federal law or court action.

#### Chapter 162-06 WAC RULES OF GENERAL APPLICATION

##### NEW SECTION

**WAC 162-06-010 SCOPE OF CHAPTER.** This chapter contains rules that apply generally to all of the law against discrimination and all of the commission's functions, including the matters and functions treated elsewhere in this title.

**NEW SECTION**

**WAC 162-06-030 RULINGS GRANTING EXCEPTIONS TO RULES.** (1) Reservation of power. The commission reserves the power to grant exceptions in specific instances to any rule adopted by the commission (that is, to any rule in Title 162 WAC).

(2) Authority to act. An exception to a rule may be granted only by action of the commissioners.

(3) Request from person affected. Any person may request an exception to a commission rule. The request must be in writing and shall be filed with the clerk.

(4) Contents of request for exception. A request for exception shall contain the following:

- (a) Name of the person making the request;
- (b) Identification of the rule from which the exception is requested;
- (c) The exception requested;
- (d) A statement of the reasons why the exception is requested;
- (e) A statement as to whether any person other than the requesting person will be affected by the exception, and, if so, the name and address of each person. If a class of persons is affected, it will be sufficient to name a representative or representatives of the class;
- (f) A statement as to whether or not the subject of the request is included in a lawsuit or administrative complaint, and, if so, an identification of the case or cases;
- (g) Any other information the requestor wishes to include.

(5) Additional information. The requestor shall provide any additional information with respect to the request that the requestor is asked to provide by the commissioners or staff.

(6) Exception on own motion or at request of staff. The commission may make an exception to the application of its rules on its own motion or at the request of its staff when the commissioners are acting on a case, a declaratory ruling, or on any other matter.

(7) Nature of proceeding. The commissioners will ordinarily act on the basis of the information in the written request and any additional information reported by its staff. The commission may ask a representative of the requestor to appear and make further explanation. There will be no hearing, and the procedure on a request for an exception is not a "contested case" for purposes of the administrative procedure act, chapter 34.04 RCW. Persons desiring a formal ruling with right of appeal may petition for a declaratory ruling under RCW 34.04.080 and WAC 162-08-700.

(8) Procedure when complaint is pending. If the question of an exception arises or is pending while a complaint filed under RCW 49.60.230 is pending, the request for exception will not be considered initially by the commissioners but will be processed by the staff in the course of its work on the complaint. The staff will include a recommended disposition of an exception (whether requested by an interested person or the staff itself) in its recommended finding made under RCW 49.60.240. The recommendation on an exception will be brought especially to the attention of the commissioners at the time the finding comes before the commissioners for action. When the recommendation is in a finding of "reasonable cause," it shall be brought to the commissioners for ruling before the staff commences its endeavors to eliminate the unfair practice by conference, conciliation, and persuasion.

(9) Grounds for exception. The commission will grant an exception when in its judgment the reasons for the exception outweigh the adverse effect that the exception will have on the purposes of the law against discrimination or the administration of the law against discrimination. Reasons for an exception include:

- (a) Hardship on the requestor;
- (b) The special circumstances of the requestor are such that literal application of the rule will not carry out the purposes of the law against discrimination, or may work counter to the purposes of the law against discrimination;
- (c) The purposes of the law against discrimination will be equally well served and the requestor will be benefitted by application of the rule in a modified form;
- (d) Conflict with the purpose or policy of other law.

(10) Ruling on request for exception. The commission will grant or deny a request for an exception as a matter of judgment. The commission may decline to rule on a request. A grant of an exception may be subject to conditions set out in the ruling, and it may be limited in time. The ruling will be in writing and copies will be sent to the requesting person and to any other persons who are named in the request as interested persons or who ask for a copy of the ruling.

(11) Revocation or revision. A ruling granting an exception may be revoked or revised at any time by the commissioners. The revocation or

revision shall take effect when written notice of the revocation or revision is delivered to the requestor, or three days after it is mailed to the last known address of the requestor, whichever is earlier.

Chapter 162-26 WAC  
**PUBLIC ACCOMMODATIONS, HANDICAP DISCRIMINATION**

**WAC**

162-26-010	Scope of chapter.
162-26-020	Purpose of chapter.
162-26-030	Related law.
162-26-035	Concurrent remedy in court.
162-26-040	Definitions.
162-26-050	Who is protected.
162-26-060	General principles.
162-26-070	General rules.
162-26-080	Reasonable accommodation.
162-26-090	Arranged service.
162-26-100	Structural barriers to accessibility.
162-26-110	Behavior causing risk.
162-26-120	Failure to meet requirements of other law.
162-26-130	Use of dog guide.

**NEW SECTION**

**WAC 162-26-010 SCOPE OF CHAPTER.** (1) Confined to unfair practice. This chapter interprets and implements the handicap discrimination coverage of RCW 49.60.215, Unfair Practices of Places of Public Resort, Accommodation, Assemblage, Amusement. This chapter does not define the scope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted below in WAC 162-26-030) or interpret other statutes. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120 to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) Language interpreted. The language of RCW 49.60.215 that is interpreted and implemented by this chapter is:

"It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

(3) Related regulations. Regulations of the commission on handicap discrimination in real estate transactions are in chapter 162-38 WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and in other regulations governing employment. General regulations of the commission governing schools are in chapter 162-28 WAC.

**NEW SECTION**

**WAC 162-26-020 PURPOSE OF CHAPTER.** (1) Purpose. The purpose of this chapter is to specify how the interpreted statute applies to specific circumstances and to established principles of interpretation that will guide in other circumstances.

(2) Sources of policy. The commission is guided by the policy of the legislature expressed in the statute being interpreted and in related statutes, particularly RCW 49.60.010, 49.60.030, and chapter 70.04 RCW, the "White Cane Law." The commission is also guided by the specialized knowledge and experience of its staff, particularly its disability specialists, and by the commissioners' own knowledge of the nature of handicap discrimination and the practical needs of the disabled. This includes the information gathered at hearings held in Spokane, Yakima, Lacey, and Seattle prior to the preparation of the first draft of these rules, and the written and oral comments received after circulation of proposed rules.



(3) Legislative policy. The principal expressions of legislative policy outside of the language being interpreted are the following:

RCW 49.60.010: "The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of . . . the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in . . . places of public resort, accommodation, or amusement . . . because of . . . the presence of any sensory, mental, or physical handicap; and the board (Human Rights Commission) established hereunder is hereby given general jurisdiction and power for such purposes."

RCW 70.84.010: "The legislature declares:

"(1) It is the policy of this state to encourage and enable the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled to participate fully in the social and economic life of the state, and to engage in remunerative employment.

"(2) As citizens, the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

"(3) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons."

RCW 28A.13.005: "It is the purpose of this chapter (certain education statutes) to ensure that all handicapped children . . . shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state."

**NEW SECTION**

**WAC 162-26-030 RELATED LAW.** (1) General civil right. RCW 49.60.030 provides:

"(1) The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical handicap is recognized and declared to be a civil right. This right shall include, but not be limited to:

"(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;" This right is enforceable through lawsuits in court (RCW 49.60.030(2)) but not through the administrative process of the human rights commission.

(2) The "White Cane Law." Chapter 70.84 RCW prohibits the refusal of service to or the exaction of an extra charge from any blind or hearing impaired person because the person is accompanied by a guide dog. RCW 70.84.030. The chapter imposes special duties on a driver who approaches a blind pedestrian with a white cane or a blind or hearing impaired pedestrian using a guide dog. RCW 70.84.040. Blind, partially blind, and hearing impaired pedestrians are declared to have all the rights and privileges conferred by law on other persons in any of the places, accommodations, or conveyances listed in RCW 70.84.010 (quoted above in WAC 162-26-020(2)). RCW 70.84.050.

(3) Other laws. Other state laws define rights of the handicapped in particular circumstances. Some are referred to elsewhere in this chapter. Some accommodations are subject to United States law, particularly sections 503 and 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 793, 794.

**NEW SECTION**

**WAC 162-26-035 CONCURRENT REMEDY IN COURT.** Courts have jurisdiction under RCW 49.60.030(2) to remedy violations of RCW 49.60.215 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will ordinarily administratively close the case before it, as provided in WAC 162-08-062(3).

**NEW SECTION**

**WAC 162-26-040 DEFINITIONS.** (1) Place of public accommodation. RCW 49.60.040 gives the following definition:

"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;"

(2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"Handicap" is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."

(3) Definitions special to this chapter. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is handicapped, with reasonable effort and in reasonable safety.

"Arranged service" means making the services or goods of a place of public accommodation available to a handicapped person at a place or in a way that is different from the place or way that the service is offered to the public in general in order to serve the person. See WAC 162-26-090.

"Dog guide" means a trained dog guide used by a blind or deaf person. See WAC 162-26-130.

"Fair service" means the service required by RCW 49.60.215 for handicapped persons in places of public accommodation. Depending on the circumstances, fair service may be in the form of (a) same service, (b) reasonable accommodation, or (c) arranged service. These terms are defined in this chapter. See also "service" and "fairly serve."

"Fairly serve" means to provide fair service.

"Place of public accommodation" is short for "place of public resort, accommodation, assemblage, or amusement" and means the full term.

"Reasonable accommodation" means action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations. See WAC 162-26-080.

"Same service" means service without regard to the existence of a handicap. See WAC 162-26-060.

"Service" means everything available to persons from a place of public accommodation.

"Structural" is defined in WAC 162-26-100(5).

"Unfair service" means service not in compliance with RCW 49.60-215. See "fair service."

**NEW SECTION**

**WAC 162-26-050 WHO IS PROTECTED.** (1) Statute. RCW 49.60.215 requires service in places of public accommodation "regardless of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person. . ."

(2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not fairly served in a place of public accommodation. A person is handicapped by a sensory, mental, or physical condition if she or he is not fairly served because of the condition. The law protects all persons from unfair service because of handicap, whether the handicap is severe or slight.

(3) When handicap is present. The presence of a sensory, mental, or physical handicap includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history; or
- (c) Is perceived to exist, whether or not it exists in fact.

(4) Person using dog guide. WAC 162-26-130 defines who is protected as a person using a trained dog guide.

(5) Nonhandicapped not protected. The law protects against discrimination because of the "presence" of a handicap. It does not prohibit treating handicapped persons more favorably than nonhandicapped persons. Compare WAC 162-22-060 (employment).

#### NEW SECTION

**WAC 162-26-060 GENERAL PRINCIPLES.** (1) Same service preferred. The purposes of the law against discrimination are best achieved when handicapped persons are treated the same as if they were not handicapped. The legislature expresses this policy in RCW 49.60.215 with the words "regardless of." Persons should, if possible, be treated without regard to their handicap or use of a dog guide. This is called "same service" in this chapter.

(2) Reasonable accommodation. In some circumstances, however, treating handicapped persons the same as nonhandicapped persons (same service) will defeat the purposes of the law against discrimination. This would be true if persons in wheelchairs and nonhandicapped persons are equally entitled to use the stairway to reach the second floor of a store. In such circumstances, the operator of the place of public accommodation should if possible use the next best solution: Reasonable accommodation. A reasonable accommodation would be to permit the shopper in the wheelchair to use the freight elevator to reach the second floor, even though the public in general is not permitted to use the freight elevator. Reasonable accommodation is explained in WAC 162-26-080.

(3) Arranged service. Where same service will not carry out the purposes of the law and where no accommodation is reasonable, the operator of a place of public accommodation should use the third best solution: Arranged service. In the example used in this section, arranged service would be having a store employee bring merchandise of the size and description requested by the wheelchair shopper from the second floor for examination by the customer on the first floor. This would be appropriate if there were no elevator and no other safe and dignified way to transport the customer to the second floor. Arranged service is explained in WAC 162-26-090.

(4) Overall objective. In applying RCW 49.60.215, the commission seeks to assure that handicapped persons will have the enjoyment of places of public accommodation to the greatest extent practical. The legislature in RCW 49.60.040 has defined "full enjoyment of" with respect to the civil right set out in places of public accommodation in RCW 49.60.030 as follows:

"Full enjoyment of includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons . . . with any sensory, mental, or physical handicap, or a blind or deaf person using a trained dog guide, to be treated as not welcome, accepted, desired, or solicited;"

#### NEW SECTION

**WAC 162-26-070 GENERAL RULES.** (1) Rules. Except where exempted by RCW 49.60.215 or excepted by ruling of the commissioners under WAC 162-06-030, it is an unfair practice under RCW 49.60.215 for any person in the operation of a place of public accommodation, because of handicap or use of a dog guide:

- (a) To refuse to serve a person;
- (b) To charge for reasonably accommodating the special needs of a handicapped person, or for arranged service as defined in this chapter;
- (c) To treat a handicapped person as not welcome, accepted, desired, or solicited the same as a nonhandicapped person;

(d) To segregate or restrict a person or deny a person the use of facilities or services in connection with the place of public accommodation where same service is possible without regard to the handicap;

(e) To fail to reasonably accommodate the known physical, sensory, or mental limitations of a handicapped person, when same service would prevent the person from fully enjoying the place of public accommodation, as provided in WAC 162-26-080; or

(f) To fail to arrange service under the rules in WAC 162-26-090 when accommodation is not reasonable and same service treatment would prevent the handicapped person from fully enjoying the place of public accommodation.

(2) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030.

#### NEW SECTION

**WAC 162-26-080 REASONABLE ACCOMMODATION.** (1) Unfair to not accommodate. It is an unfair practice for a person in the operation of a place of public accommodation to fail to make reasonable accommodation to the known physical, sensory, or mental limitations of a handicapped person, when same service would prevent the person from fully enjoying the place of public accommodation.

(2) Defined. "Reasonable accommodation" is action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations.

(3) Reasonableness. Whether a possible accommodation is reasonable or not depends on the cost of making the accommodation, the size of the place of public accommodation, the availability of staff to make the accommodation, and other factors bearing on reasonableness in the particular situation.

(4) Examples of accommodation.

(a) An example of accommodation in a retail setting is special use of a freight elevator by a mobility-impaired person, as described in WAC 162-26-060(2).

(b) Accommodation in all places of public accommodation includes the provision of additional explanatory information or assistance for a person with a mental disability.

(c) Accommodation in an office includes the use of sign interpreters and teletypewriters for the deaf.

(d) Accommodation in public areas includes curb cuts for wheelchairs and elevator controls marked in braille.

(5) Carrying not favored. Carrying a mobility-impaired person is not an acceptable accommodation, except in rare circumstances. Carrying may be hazardous. It may humiliate the handicapped person by dramatizing dependency and creating a spectacle. Carrying should be done only when there is no other way for the mobility-impaired person to use the facility, as might be the case with an historical building or ship on display, and when it is agreeable to the handicapped person.

(6) Reference to employment standard. The concept of reasonable accommodation is also used in the employment context. The commission will rely on its interpretations of WAC 162-22-080 and on *Holland v. Boeing Co.*, 90 Wn.2d 384, 583 P.2d 621 (1978) for guidance in applying this section.

#### NEW SECTION

**WAC 162-26-090 ARRANGED SERVICE.** (1) Unfair to deny. No person shall be denied the enjoyment of a place of public accommodation because the facilities are not accessible to the person and cannot be made accessible with reasonable accommodation, when the desired service can be made available under the standards for arranged service that are specified in this section.

(2) Defined. "Arranged service" means making the services or goods of a place of public accommodation available to a handicapped person at a place or in a way that is different from the place or way that the service is offered to the public in general, in order to serve the person.

(3) Limitation on use. Arranged service is fair only when neither same service nor reasonable accommodation is possible, and the choice is between arranged service and no service.

(4) Choice of means of arranged service. The operator of a place of public accommodation may choose the place and means of providing arranged service so long as the operator gives reasonable weight to the convenience, needs, and dignity of the handicapped person seeking service. Among available means or places, the one that most closely approximates service to the general public should be chosen. There is

no need for the operator to deliver the services away from the place of public accommodation if the services can be made available somewhere at the place of public accommodation.

(5) Examples.

(a) An example of arranged service in a retail setting is given in WAC 162-26-060: Carrying goods from an inaccessible location to an accessible location.

(b) In an office setting, interviewers and forms could be brought to an accessible office or conference room in the building or at another place, although the particular business would ordinarily be done at an inaccessible location.

(c) In an office setting, arrange to interview a mentally handicapped person in place of requiring a written application or report.

(d) In an entertainment setting, seating areas made available for patrons in wheelchairs would be arranged service.

#### NEW SECTION

**WAC 162-26-100 STRUCTURAL BARRIERS TO ACCESSIBILITY.** (1) Statute. RCW 49.60.215 says that it

"shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law. . . ."

(2) Laws requiring accessibility. The principal laws requiring that places be made accessible are:

(a) The state building code, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

(b) Chapter 219, Laws of 1971 ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.

(c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.

(d) RCW 35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.

(e) United States law; particularly 45 CFR § 84.23 implementing section 504 of the rehabilitation act of 1973 (29 U.S.C. § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by handicapped persons.

(3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.215 to operate a place of public accommodation with structural barriers to accessibility of the handicapped when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination. This exemption does not relieve the operator of a place of public accommodation of the duty to make reasonable accommodation to the needs of handicapped persons as described in WAC 162-26-080, or to provide arranged service as described in WAC 162-26-090.

(4) When required by law. It is an unfair practice under RCW 49.60.215:

(a) To deny service to any person because of a barrier to accessibility when accessibility is required by law;

(b) To build or remodel in a way that does not comply with requirements of law on accessibility;

(c) To operate a place of public accommodation that is out of compliance with a law requiring accessibility;

(d) After . . . . ., 1982, to install, replace, or relocate in a place of public accommodation nonstructural fixtures or components that are not accessible to the handicapped or that are barriers to access by the handicapped to the place of public accommodation; or

(e) When remodeling or rehabilitating any place of public accommodation after . . . . ., 1982, to fail to replace or modify nonstructural components of a building in a way that eliminates barriers to same service in the place of public accommodation when this can be done without substantially changing the scope of the remodeling or substantially increasing the cost of the remodeling.

(5) What is "structural." "Structural" for purposes of RCW 49.60.215 means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, and carpeting or other floor covers.

#### NEW SECTION

**WAC 162-26-110 BEHAVIOR CAUSING RISK.** (1) Proviso interpreted. This section interprets the following proviso of RCW 49.60.215:

" PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

(2) General rule. It is not an unfair practice under RCW 49.60.215 to deny a person service in a place of public accommodation because that person's behavior or actions constitute a risk to property or other persons.

(3) Individual judgment required. To come within this exception, the denial of service must be based on knowledge of the present behavior or actions of the individual who is not served. It is an unfair practice to exclude all persons who have a handicap or who have a particular handicap unless the operator of the place of public accommodation can show that all persons with the handicap will present a risk to persons or property.

(4) Likelihood of injury. Risk to property or other persons must be immediate and likely, not remote or speculative.

(5) Degree of risk. Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(6) Risk to handicapped person. Risk to the handicapped person is not a reason to deny service. Liability for injury to handicapped customers is governed by law other than the law against discrimination. The law against discrimination has effect on tort liability only insofar as it includes handicapped persons within the public for which public accommodations must be made safe.

(7) Annoyance to staff or other customers. Annoyance on the part of staff or customers of the place of public accommodation at the abnormal appearance or behavior of a handicapped person is not a "risk to property or other persons" justifying nonservice, unless the annoying conduct exceeds what is reasonable in a society where handicapped persons participate fully.

(8) Least discriminatory solution required. It is an unfair practice to deny a handicapped person the enjoyment of an entire place of public accommodation because the person presents a risk of injury when using part of the place. When risk justifies not serving a handicapped person in the same way or same place as other customers, the person should be served through reasonable accommodation (WAC 162-26-060, 161-26-080) or arranged service (WAC 162-26-060, 162-260-090), if possible.

#### NEW SECTION

**WAC 162-26-120 FAILURE TO MEET REQUIREMENTS OF OTHER LAW.** (1) Unfair practice. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to refuse or fail to comply with any specific requirement of law for the benefit of handicapped persons applicable to the place of public accommodation.

(2) All sources of law covered. This section applies to all requirements imposed by or authorized by any law of the United States, the state of Washington, or any ordinance of a unit of local government within the state of Washington.

(3) References to selected laws. Some of the laws to which this section applies are:

(a) Chapter 28A.13 RCW (education for handicapped children);

(b) Sections 503 and 504 of the United States Rehabilitation Act of 1973, 29 U.S.C. §§ 793 and 794, and all regulations of agencies of the United States government issued pursuant to them;

(c) Chapter 70.84 RCW, the "White Cane Law."

**NEW SECTION**

**WAC 162-26-130 USE OF DOG GUIDE.** (1) Coverage of statute. RCW 49.60.215 requires fair service in a place of public accommodation "regardless of . . . the use of a trained dog guide by a blind or deaf person . . ." as well as because of handicap itself.

(2) Same rules apply. All of the rules of this chapter with respect to handicap itself apply equally to service of a blind or deaf person who is using a trained dog guide. See particularly WAC 162-26-060 and 162-26-070.

(3) Standards of "White Cane Law" apply. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to deny any person the following rights set out in the "White Cane Law," RCW 70.84.030:

"Every totally or partially blind or hearing impaired person shall have the right to be accompanied by a guide dog in any of the places listed in RCW 70.84.010(3) without being required to pay an extra charge for the guide dog. It shall be unlawful to refuse service to a blind or hearing impaired person in any such place solely because he is accompanied by a guide dog."

(4) "Dog guide" defined. For purposes of RCW 49.60.215 the term "dog guide" means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

". . . the term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."

(5) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.

## Chapter 162-38 WAC

**REAL ESTATE TRANSACTIONS, HANDICAP DISCRIMINATION****NEW SECTION**

**WAC 162-38-010 SCOPE OF CHAPTER.** (1) Confined to unfair practice. This chapter interprets and implements the handicap discrimination coverage of the sections of the law against discrimination governing unfair practices in real estate transactions, RCW 49.60.222, 49.60.223, 49.60.224, 49.60.225, and 49.60.226. This chapter does not define the scope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted in WAC 162-38-030) or interpret other statutes. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120(4) to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) Principal statute interpreted. The legislation principally interpreted in this chapter is the following portion of RCW 49.60.222:

"It is an unfair practice for any person, whether acting for himself or another, because of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

"(1) To refuse to engage in a real estate transaction with a person;

"(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

"(4) To refuse to negotiate for a real estate transaction with a person;

"(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

"(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or

indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

"(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(8) To expel a person from occupancy of real property;

"(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. . . ; or

"(10) To attempt to do any of the unfair practices defined in this section.

" . . . This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59.18 RCW."

(3) Related regulations. Regulations of the commission on handicap discrimination in public accommodations are in chapter 162-26 WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and other regulations governing employment. General regulations governing unfair practices in real estate transactions are in chapter 162-36 WAC. Regulations governing credit transactions are in chapter 162-40 WAC.

**NEW SECTION**

**WAC 162-38-020 PURPOSE OF CHAPTER.** (1) Purpose. The purpose of this chapter is to specify how the interpreted statutes apply to specific circumstances and to established principles of interpretation that will guide in other circumstances.

(2) Sources of policy. The commission is guided by the policy of the legislature expressed in the statute being interpreted and in related statutes, particularly RCW 49.60.010, 49.60.030 and 70.92.100, quoted below in subsection (3) of this section.

(3) Legislative policy. The principal expressions of legislative policy outside of the language being interpreted are the following:

RCW 49.60.010: "The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of . . . the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in . . . real property transactions because of . . . the presence of any sensory, mental, or physical handicap; and the board (human rights commission) established hereunder is hereby given general jurisdiction and power for such purposes."

RCW 70.92.100 (effective July 1, 1976): "It is the intent of the legislature that, notwithstanding any law to the contrary, plans and specifications for the erection of buildings through the use of public or private funds shall make special provisions for elderly or physically disabled persons."

**NEW SECTION**

**WAC 162-38-030 RELATED LAW.** (1) General civil right. RCW 49.60.030 provides:

"(1) The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

"(c) The right to engage in real estate transactions without discrimination;"

(2) State building code. The state building code, chapter 19.27 RCW, includes by reference the barrier free design standards, chapter 51-10 WAC. RCW 19.27.030(5). These standards were established under authority of chapter 70.92 RCW. With some exceptions, they apply to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

NEW SECTION

**WAC 162-38-035 CONCURRENT REMEDY IN COURT.** Courts have jurisdiction under RCW 49.60.030(2) to remedy violations of RCW 49.60.222, 49.60.223, and 49.60.224 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will administratively close the case before it in compliance with RCW 49.60.226 and WAC 162-08-062(2).

NEW SECTION

**WAC 162-38-040 DEFINITIONS.** (1) Real estate transaction. RCW 49.60.040 gives the following definitions:

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental, or lease of real property."

(2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"Handicap" is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."

(3) Definitions special to this chapter. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is handicapped, with reasonable effort and in reasonable safety.

"Barrier free design standards" means chapter 51-10 WAC, setting of barrier free design standards making building and facilities accessible to physically disabled persons, a component of the state building code. See WAC 162-38-030(2), 162-38-070.

"Dog guide" means a trained dog guide used by a blind or deaf person. See WAC 162-38-100.

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" is defined in WAC 162-38-070(5).

"Tenant" is a person who rents or seeks to rent real property.

NEW SECTION

**WAC 163-38-050 WHO IS PROTECTED.** (1) Statutes. RCW 49.60.222 defines practices in connection with real estate transactions that are unfair when done because of "the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person." RCW 49.60.223 and 49.60.224 are worded similarly with respect to handicap.

(2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not treated fairly in a real estate transaction. A person is handicapped by a sensory, mental, or physical condition if she or he is discriminated against because of the condition. The law protects all persons from discrimination because of handicap, whether the handicap is severe or slight.

(3) When handicap present. The presence of a sensory, mental, or physical handicap includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history; or
- (c) Is perceived to exist, whether or not it exists in fact.

(4) Person using dog guide. WAC 162-38-100 defines who is protected as a person using a trained dog guide.

(5) Nonhandicapped not protected. The law protects against discrimination because of the "presence" of a handicap. It does not protect those who are not handicapped from treatment favoring the handicapped. Compare WAC 162-22-060 (employment).

**Reviser's note:** The above new section was filed by the agency as WAC 163-38-050. However, the other rules for the Human Rights

Commission are found in Title 162 WAC. The new section above appears to be WAC 162-38-050, but pursuant to RCW 34.08.040, it is published in the same form as filed by the agency.

NEW SECTION

**WAC 162-38-060 GENERAL RULES.** (1) General principles apply. The unfair practices in real estate transactions defined in RCW 49.60.222 apply to race discrimination, sex discrimination, and other kinds of discrimination as well as handicap discrimination. This chapter deals with special questions as to the application of the law to handicap discrimination. Where no special provision is made by the statute, by this chapter, or by exception by the commissioners under WAC 162-06-030, general principles of nondiscrimination apply.

(2) Statutory rules. It is an unfair practice under RCW 49.60.222 for any person to do any of the following things because of handicap or the use of a trained dog guide by a blind or deaf person:

"(1) To refuse to engage in a real estate transaction with a person;

"(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

"(4) To refuse to negotiate for a real estate transaction with a person;

"(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

"(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

"(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(8) To expel a person from occupancy of real property;

"(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. . . .

"(10) To attempt to do any of the unfair practices defined in this section."

(3) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030.

NEW SECTION

**WAC 162-38-070 STRUCTURAL BARRIERS TO ACCESSIBILITY.** (1) Statute. RCW 49.60.222 says:

"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law."

(2) Laws requiring accessibility. The principal laws that require that buildings be made accessible are:

(a) The state building code, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

(b) Chapter 219, Laws of 1971 1st ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.

(c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.

(d) RCW 35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.

(e) United States law; particularly 45 CFR § 8423, implementing section 504 of the rehabilitation act of 1973 (29 USC § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by handicapped persons.

(3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.222:

(a) To engage in a real estate transaction involving real property that is not required to be made accessible by law other than the law against discrimination; or

(b) To maintain real property with structural barriers to accessibility when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination.

(4) Unfair practices. It is an unfair practice under RCW 49.60.222:

(a) To build or remodel in violation of the barrier free design standards, chapter 51-10 WAC, or other requirement of law on accessibility.

(b) To engage in a real estate transaction involving a building that is in violation of the barrier free design standards, chapter 51-10 WAC, or other requirement of law on accessibility.

(c) To take any action of the types set out in RCW 49.60.222 (1) through (10) against a handicapped person because the real property transaction involves a building that is in violation of the barrier free design standards, chapter 51-10 WAC, or other requirement of law on accessibility.

(d) After . . . . . 1982, to install, replace, or relocate nonstructural components that are not accessible to the handicapped or that are barriers to access by the handicapped to the real property.

(e) When remodeling or rehabilitating rental property after . . . . . 1982, to fail to replace or modify nonstructural components of a building in a way that eliminates barriers to full enjoyment of the building by the handicapped when this can be done without substantially changing the scope of the remodeling or substantially increasing the cost of remodeling.

(5) What is "structural." "Structural" for purposes of RCW 49.60.222 means the load bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, and carpeting or other floor covers.

(6) Modifications by tenant. Rules with respect to allowing tenants to make structural or other changes in order to achieve or improve accessibility are set out in WAC 162-38-080.

#### NEW SECTION

**WAC 162-38-080 MODIFICATIONS OR ADDITIONS MADE BY TENANTS.** (1) Landlord need not pay. Except as required by law (explained in WAC 162-38-070) a landlord is not required to pay for alterations or additions to real property needed to make it accessible by handicapped persons.

(2) Unfair to unreasonably prohibit modifications needed by handicapped tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure, it is an unfair practice under RCW 49.60.222 for a landlord to refuse to allow a handicapped tenant to make alterations or additions to the structure or fixtures under the following conditions:

(a) The alterations or additions are paid for by the tenant.

(b) The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building, enforce standards of quality and architectural compatibility, and assure that the alteration or addition is removable without permanent damage, or will not depreciate the property if it remains after the tenant leaves.

(c) If the tenant's handicap is temporary, the alteration or addition may be approved on a temporary basis, to be removed when no longer needed.

(d) The landlord may require the tenant on vacating the rented property to return the rental property to the condition it was in before the alterations or additions were made.

(e) The landlord may require a damage deposit in an amount reasonably calculated to cover the cost of removal of alterations or additions made by a handicapped tenant under this section and restoration of the property to its original condition.

(3) Examples of appropriate modifications. The following are examples of alterations or additions commonly needed to make real property usable by handicapped persons:

(a) Ramps for wheelchairs or walkers.

(b) Lights to indicate to a deaf person that the doorbell or telephone is ringing, or for similar purposes.

(c) Grab bars in bathrooms.

(d) Roll-out shelves in kitchens.

(e) Simplified locking systems for use by a mentally handicapped person.

#### NEW SECTION

**WAC 162-38-090 PUBLIC AREAS OF RENTAL PROPERTY.** (1) Are covered as places of public accommodation. RCW 49.60.040 includes the following in its broad definition of place of public accommodation:

" . . . public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants."

(2) Applicable law. Public areas as defined in this section are governed by the public accommodations coverage of the law against discrimination, RCW 49.60.215, and chapter 162-26 WAC, public accommodations, handicap discrimination, as well as by the real estate transaction coverage of the law against discrimination and this chapter of the commission's regulations.

(3) Public areas. "Public" areas for purposes of public accommodations coverage of rental property include all areas intended for use by more than one tenant, or by one or more tenants and the resident owner. The area need not be open to the public at large. The area is covered if it is open to all tenants, or any two tenants, or the owner and one or more tenants. In addition to public halls, public elevators and public washrooms, public areas include garbage disposal facilities, recreation facilities, laundry or other work areas, and open space.

#### NEW SECTION

**WAC 162-38-100 PERSONS WITH DOG GUIDES.** (1) Are protected. RCW 49.60.222 protects blind or deaf persons from discrimination because of their use of a trained dog guide the same as it protects them from discrimination directly because of handicap.

(2) General rule. The same rules that apply to the treatment of persons because of handicap under RCW 49.60.222 and this chapter apply to the treatment of blind or deaf persons because they use a trained dog guide.

(3) Landlord's duty. It is an unfair practice for a landlord to refuse to rent to a blind or deaf person because the person uses a trained dog guide. A landlord's no-pet policy cannot be applied to the dog guide of a blind or deaf person.

(4) Cleaning or damage deposits not unfair. It is not an unfair practice for a landlord to enforce on a blind or deaf tenant its standard cleaning or damage deposit for dogs. It is not an unfair practice for a landlord who otherwise doesn't allow dogs in the rented property to require a reasonable cleaning or damage deposit for the dog when renting to a deaf or blind person using a trained dog guide.

(5) "Dog guide" defined. For purposes of RCW 49.60.222 the term "dog guide", means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

"The term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind person or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."

(6) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.



NEW SECTION

WAC 162-38-110 INQUIRIES TO HANDICAPPED APPLICANTS. (1) Statute. RCW 49.60.222 includes the following as an unfair practice with respect to handicap:

"(6) To . . . make a . . . inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;"

(2) Unfair practice. It is an unfair practice under RCW 49.60.222(6) for a landlord to inquire into matters personal to a handicapped applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether a handicapped person is assisted by an aide, and when.

(3) Reference to employment rules. The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law.

NEW SECTION

WAC 162-38-120 UNFAIR TO REQUEST OR REQUIRE WAIVER OF RIGHTS. It is an unfair practice for any person as a condition of entering into or continuing a real estate transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a handicapped person.

**WSR 82-12-054**  
**PROPOSED RULES**  
**FOREST PRACTICES BOARD**  
 [Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Forest Practices Board of the state of Washington intends to adopt, amend, or repeal rules concerning Title 222 WAC which regulates the conduct of forest practices.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, June 25, 1982, in Conference Room 301, Department of Natural Resources, Public Lands Building.

The authority under which these rules are proposed is RCW 76.09.040 and 76.09.050 which directs that the Forest Practices Board has authority to implement the provisions of chapter 76.09 RCW.

This notice is connected to and continues the matter in Notice No. WSR 82-09-046 filed with the code reviser's office on April 15, 1982.

Dated: May 28, 1982  
 By: Arden A. Olson  
 Executive Secretary

**WSR 82-12-055**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**EMERGENCY SERVICES**  
 [Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Emergency Services intends to adopt, amend, or repeal rules

concerning permitted entry and/or occupancy, Mt. St. Helens restricted zone, chapter 118-03 WAC;

that such agency will at 9:00 a.m., Thursday, July 8, 1982, in the Conference Room, General Administration Building, Capitol Campus, Olympia, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, July 8, 1982, in the Department of Emergency Services, 4220 East Martin Way, Olympia.

The authority under which these rules are proposed is chapters 43.06 and 38.52 RCW, Governor's Executive Order 82-11.

Interested persons may submit data, views, or arguments to this agency orally at 9:00 a.m., Thursday, July 8, 1982, Conference Room, General Administration Building, Olympia.

Dated: June 2, 1982  
 By: Hugh H. Fowler  
 Director

STATEMENT OF PURPOSE

Title: Mt. St. Helens Closure—Rules for Permitted Entry and/or Occupation.

Description of Purpose: To provide rules and regulations to implement the Governor's EO 82-11.

Statutory Authority: Chapters 43.06 and 38.52 RCW.

Summary of Rule: These rules provide for a permit application approval process for entry into the Mt. St. Helens Restricted Zone. They also establish the criteria for those persons allowed entry and the restrictions they must obey in order to enter the area.

Reasons Supporting Proposed Action: EO 82-11.

Agency Personnel Responsible for Drafting and Enforcement: William Lokey, 4220 East Martin Way, Olympia, WA 98504; Implementation: William Lokey and Ben Dew, 4220 East Martin Way, Olympia, WA 98504, Phone: (206) 753-5255.

Organization Proposing Rule: Washington State Department of Emergency Services.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-010 PURPOSE. The purpose of this chapter is to adopt ~~((emergency))~~ rules, regulations, and guidelines to implement Executive Order ~~((81-09))~~ 82-11, prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the ~~((Red))~~ Restricted Zone ~~((and prohibiting any person or persons with certain exceptions from entering the lower risk administrative Blue Zone))~~ of the Mt. St. Helens volcano as described in that Executive Order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The Executive Order issued by the Governor ~~((on April 15, 1981))~~ effective May 12, 1982 recognizes the continuing danger from additional eruptions, earthquakes, and other related events from Mt. St. Helens.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-030 DEFINITIONS. ~~((Red))~~ Restricted Zone shall mean that high hazard area immediately adjacent to or surrounding the Mt. St. Helens volcano closed to public access by the Governor of the state of Washington pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The ~~((Red))~~ Restricted Zone boundary area may change from time to time as conditions warrant. ~~((Blue Zone))~~ "Fallback Zones" shall mean ~~((that less hazardous, administrative~~



area) areas immediately adjacent or surrounding the ((Red)) Restricted Zone which may be closed to public access by the Governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. When closed to public access by the Governor, a Fallback Zone shall be a part of the Restricted Zone defined by this section. ((The Blue Zone boundary area may change)) Fallback Zones may be instituted from time to time as conditions warrant. The abbreviation "DES" as used hereinafter shall mean the Washington State Department of Emergency Services. The term "Director" used hereinafter shall mean the Director of the Department of Emergency Services. "DOL" shall mean the Washington State Department of Licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the Emergency Coordinating Center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean Driver's License Examiner. "USFS" shall mean United States Forest Service(s). "USGS" shall mean United States Geological Survey.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-050 EXEMPTED PERSONNEL. ((The following shall be exempted from Executive Order 81-09, rules prohibiting entry and/or occupation of the Blue or Red Zone subject to the limitations in paragraphs below.)) Consistent with Executive Order 82-11, the following shall be subject to a limited exception to the prohibition against entry or occupancy in the Restricted Zone.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments ((requiring)) that require their presence in ((Blue and Red Zones)) the Restricted Zone.

(2) U.S. Forest Service personnel ((in performance of their)) who are performing official duties ((requiring)) that require entry into ((Blue and Red Zones)) the Restricted Zone.

(3) U.S. Army Corps of Engineers personnel who are performing official duties that require their presence in the Restricted Zone.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the ((Blue or Red Zones)) Restricted Zone. The sheriffs of ((Lewis, Cowlitz, Clark, and Skamania Counties)) counties whose jurisdictions lie within the boundaries of the Restricted Zone or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel ((under their supervision)).

((4)) (5) Federal, state, county ((or)) and local law enforcement and fire fighting personnel whose jurisdiction is within the ((Blue or Red)) Restricted Zone and who are on official business within the ((Blue or Red)) Restricted Zone.

((5)) (6) ((If permitted by the director, or his designee(s)),) Federal, state, county or local administrative personnel on official business within the ((Blue or Red)) Restricted Zone.

((a) The Director of DES, or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.

(b) Federal administrative personnel other than those exempted in section (1) and (2) above, will be required to obtain and possess a permit:

((6)) (7) Individual(s) ((whose official permanent residence is within the Blue or Red Zone, provided they comply with the requirements and conditions under WAC 118-03-130 and WAC 118-03-210, and only for purposes of going to and coming from their residences.)) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the Restricted Zone.

((7)) (8) Individual(s) with a legitimate business reason for being within the ((Blue or Red Zone, provided their entry is approved by the DES Director)) Restricted Zone as determined by the Director, Department of Emergency Services, or his designee(s).

((8) Persons who own, lease, or rent property for recreational purposes may be admitted upon showing substantial need to enter the Blue and Red Zone provided they are approved by the DES Director or his designee(s).))

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-070 CONDITIONS FOR ENTRY. (1) All permit holders must have two-way communications available within the ((Blue or Red)) Restricted Zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the ((Blue or Red Zone)) Restricted Zone. The base station emergency phone number must be on file with DES.

(2) The ((Red)) Restricted Zone will be open only when volcanic monitoring instruments are functioning properly. The ((Red)) Restricted Zone will be closed when volcanic monitoring instruments are unreliable. The ((Red and Blue)) Restricted Zone will be closed also during eruptions, when there is an alert issued by the U.S. Geological Survey, and occasionally during advisories issued by the U.S. Geological Survey.

(3) ((Entry and occupancy of the Blue and Red Zone will normally be one-half hour before sunrise to one-half hour before sunset, as established by the National Weather Service.

((4) Extended hours of certain operations within the Blue Zone may be granted by the Director of DES or his designee for good cause.

((5)) Overnight stays in the ((Blue or Red)) Restricted Zone will be granted only by special permission by the Director of DES or his designee. The permit holder must be doing work requiring night time operations and have constant radio communications. Otherwise, entry and occupancy of the Restricted Zone will normally be limited to the period one-half hour before sunrise to one-half hour after sunset, as established by the National Weather Service.

((6)) (4) The permit for entry into the ((Blue or Red)) Restricted Zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, alternative routes, and names of those entering.

((7) A permittee may leave the vehicle or aircraft while in the Red Zone, but must not be more than thirty minutes from the vehicle or aircraft and must maintain two-way radio contact with the vehicle, aircraft, or the base station.

((8) A permittee may leave the vehicle or aircraft while in the Blue Zone, but must not be more than sixty minutes from the vehicles or aircraft and must maintain two-way radio contact with the vehicle, aircraft, or base station.

((9) No one is to work alone in the Red Zone. Unaccompanied work in the Blue zone is permitted as long as two-way radio contact is maintained.

((10) Permit holders will stop work when requested by proper authorities and will leave the Blue or Red Zone when requested.

((11) It is strongly recommended that all who enter the Blue or Red Zone carry emergency equipment and a first aid kit.

((12) Recommended minimal emergency equipment should include: hard hat, respirator or face mask, goggles, and water.))

(5) Helicopters entering the Restricted Zone must obtain a mission number from the ECC. Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently 118.6 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the U.S. Forest Service.

(7) Permit holders must be able to leave the Restricted Zone within one hour.

(8) Permit holders will leave the Restricted Zone when ordered by proper authorities.

(9) Anyone entering the Restricted Zone must have with them either a Restricted Zone permit or a Restricted Zone contractor's permit card.

(10) It is strongly recommended that all who enter the Restricted Zone carry emergency gear and a first aid kit. Recommended minimal emergency equipment should include: Hard hat, respirator or face mask, goggles, water and food.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-090 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. The DOL shall process ((Blue and/or Red)) Restricted Zone entry permit applications at the following locations:

Longview, 773 Third Avenue, 98632  
 Vancouver, 915 MacArthur Blvd., 98661  
 Morton, 141 North 2nd, 98356 (P.O. Box 774)  
 Centralia, 112 Harrison Ave., 98531

Seattle, King County Administrative Bldg.  
Room 615, 500 4th Avenue

The DOL, under the direction of the Director of DES or his designee(s), may issue a permit for entry to the ~~((Blue and/or Red))~~ Restricted Zone, only to such individuals and for such purposes as are clearly permitted by this chapter and Executive Order. The DOL shall compile a daily status list of approved and denied entry permits to the ~~((Blue and/or Red))~~ Restricted Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the ~~((Blue or Red))~~ Restricted Zone. Permanent residents or property owners will keep DOL advised by mail of the names and number of visitors and the dates that the visitors will be present.

Phone Numbers of DOL Offices

Longview — 206-577-2235 or 2236  
Vancouver — 206-696-6671 or 6672  
Morton — 206-496-5637  
Centralia — 206-736-2855 or 2856  
Seattle — 206-464-5846

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-110 APPLICATION/PROCESSING PROCEDURES—NONPERMANENT RESIDENTS. (1) Individuals desiring access to the ~~((Red or Blue))~~ Restricted Zones should contact one of the designated DOL Driver's License Examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the ~~((Blue or Red))~~ Restricted Zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the ~~((Blue or Red))~~ Restricted Zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the Director, DES; the Director, USFS Emergency Coordination Center; and the sheriffs of ~~((Clark, Cowlitz, Lewis, and Skamania Counties))~~ counties whose jurisdictions lie within the boundaries of the Restricted Zone with a daily list of permits issued.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-130 PERMIT AND WAIVER ISSUANCE PROCEDURES—PERMANENT RESIDENTS. (1) ~~((Permanent residence permits issued prior to April 15, 1981, remain valid.~~

~~((2)))~~ Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

~~((3)))~~ (2) Permanent residence applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

~~((4)))~~ (3) Permanent residence applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

~~((5)))~~ (4) All permanent residence applicants under sixteen years of age must be included on the application of their parent/guardian.

~~((6)))~~ (5) DOL will maintain a current list of permanent residents with permits within the ~~((Blue or Red))~~ Restricted Zone.

~~((7)))~~ (6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-150 PERMIT AND WAIVER ISSUANCE PROCEDURES—RECREATION PROPERTY OWNERS, RENTERS,

OR LESSEES. (1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees ~~((within the Blue or Red))~~ with permits within the Restricted Zone.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-170 PERMIT AND WAIVER ISSUANCE PROCEDURES—VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS. (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen years of age and older shall sign a waiver.

(b) All visitors between sixteen years of age or older, but who have not attained eighteen years of age must have a waiver signed on their behalf by their parent ~~((or))~~ guardian.

(c) All visitors under sixteen years of age must be included on the waiver signed by their parent ~~((or))~~ guardian.

(2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the ~~((Blue or Red))~~ Restricted Zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-190 PERMIT AND WAIVER ISSUANCE PROCEDURES—MEDIA AND SCIENTIFIC RESEARCH. (1) Media permit applications will be reviewed by a Mt. St. Helens Review Committee composed of members of the media community.

(2) Scientific research permit applications will be reviewed by a Mt. St. Helens Scientific Research Review Committee composed of members of the scientific community.

(3) Requests for permits by both media and scientific research personnel will ~~((forward))~~ be forwarded to the USFS Volcano Center coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-210 CONDITIONS FOR ENTRY—PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS. (1) Individuals who establish proof of permanent residence in communities or areas within the ~~((Blue or Red))~~ Restricted Zone will be issued a permit by DOL.

(2) Movement within the ~~((Blue or Red))~~ Restricted Zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations ~~((with))~~ within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the ~~((Blue or Red))~~ Restricted Zone unless a specific permit has been issued.

AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-230 CONDITIONS FOR ENTRY—EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WAC's 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the ~~((Blue or Red))~~ Restricted Zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of pre-designated escape routes.

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

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the ~~((Blue or Red))~~ Restricted Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the ~~((Blue or Red))~~ Restricted Zone for the permittee's business.

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

(g) Inform each employee, agent and contractor authorized to enter the ~~((Red))~~ Restricted Zone for permittee's business ~~((to stay within thirty (30) minutes walking distance from their vehicles, and within the Blue Zone to stay within (60) minutes walking distance from their vehicles))~~ that they must be able to leave the Restricted Zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC's 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

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

(3) Entry and occupancy of the ~~((Blue or Red))~~ Restricted Zone for industrial permittees will be authorized ~~((during the hours from one-half hour before sunrise to one-half hour before sunset as established by the U.S. Weather Bureau Service))~~ as per WAC 118-03-070(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the director of DES or his designee(s).

(4) Entry and occupancy of the ~~((Blue or Red))~~ Restricted Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the Director of DES or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with DES an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the ~~((Blue or Red))~~ Restricted Zone.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-250 INDUSTRIAL PERMIT REAPPLICATION PROCEDURE. (1) Industrial permits issued for the ~~((Red))~~ Restricted Zone prior to ~~((April 15, 1981;))~~ May 12, 1982 are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL, identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-270 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. Federal, state or local government administrative personnel on official business shall be authorized entry into the ~~((Blue or Red Zones))~~ Restricted Zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the ~~((Blue or Red))~~ Restricted Zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the ~~((Blue or Red))~~ Restricted Zone, and

(3) Approval for permit issue has been made by the Director, DES or his designee(s), and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic ~~((eruption))~~ activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-290 OTHER PERMIT APPLICANTS. The Director, DES, or his designee(s) may authorize persons not included in the above specific categories to enter the ~~((Blue or Red Zones))~~ Restricted Zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the ~~((Blue or Red))~~ Restricted Zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the ~~((Blue or Red))~~ Restricted Zone, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

#### AMENDATORY SECTION (Amending Order 81-03, filed 7/7/81)

WAC 118-03-310 REVOCATION AND SUSPENSION. (1) In the event that volcanic activity or other events increase the danger already present in the ~~((Blue or Red))~~ Restricted Zone, permits, except permanent residents and scientific personnel approved by the Director of DES or his designee(s), may be suspended or revoked by the Director, DES, or his designee(s). This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC Director) and DES. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DES in accordance with established DES operational procedures.

(2) The Director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

**WSR 82-12-056**

**ADOPTED RULES**

**WALLA WALLA**

**COMMUNITY COLLEGE**

[Resolution No. 82-6—Filed June 2, 1982]

Be it resolved by the board of trustees of Community College District No. 20, Walla Walla Community College, acting at Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, that it does promulgate and adopt the annexed rules relating to constitution and bylaws of the associated students of Walla Walla Community College, chapter 132T-104 WAC.

This action is taken pursuant to Notice No. WSR 82-06-024 filed with the code reviser on February 24, 1982. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Community College District No. 20, Walla Walla Community College, as authorized in chapters 34.04, 34.08 and 28B.19 RCW and chapter 1-13 WAC.

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

APPROVED AND ADOPTED May 20, 1982.

By Eldon J. Dietrich  
Secretary, Board of Trustees

CHAPTER 132T-104

CONSTITUTION AND BYLAWS OF THE  
ASSOCIATED STUDENTS  
OF WALLA WALLA COMMUNITY COLLEGE

WAC

- 132T-104-040 Executive Body of Associated Students of Walla Walla Community College.
- 132T-104-070 Standing Committees.
- 132T-104-080 Amendments.
- 132T-104-110 Allocation of Money.
- 132T-104-120 Walla Walla Community College Clubs and Organizations.
- 132T-104-130 Compensation for Officers of the Walla Walla Community College Associated Student Body.
- 132T-104-210 Duties of Officers of Walla Walla Community College Associated Student Body.
- 132T-104-240 Sophomore and Freshman Senators.
- 132T-104-260 Elections.
- 132T-104-265 Committees.
- 132T-104-270 Initiative and Referendum.
- 132T-104-280 The Recall.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-040 EXECUTIVE BODY OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE. (1) The executive authority of the associated student body shall be vested in the offices of president, executive vice-president, activities vice-president, business vice-president, and publicity vice-president.

(2) Candidates for the offices of president, executive vice-president, activities vice-president, ~~((and))~~ business vice-president, and publicity vice-president shall be members of the associated students, shall have completed one quarter in residence at the time of nomination, shall have and maintain a minimum cumulative grade

point average of 2.0, and shall have completed a minimum of twenty-four credit hours at the time of nomination, except the candidate of president, who shall have completed a minimum of thirty-six credit hours at the end of the spring quarter of his nomination.

(3) Candidates for the offices of the associated student body executive council shall file their names in the associated student body office within the first two weeks of spring quarter.

(4) Offices shall be filled by the associated student body through a primary and ~~((final))~~ general election.

(a) A primary shall be held for any office that has three or more candidates. The primary election shall be held during the fourth week of the spring quarter.

(b) The two candidates receiving the most votes in the primary election for an office shall be candidates for the office in the ~~((final))~~ general election.

(c) The general ~~((final))~~ election shall be held two weeks following the primary election.

(d) The candidate~~(s)~~ receiving the most votes for an office shall be considered elected to that office in the ~~((final))~~ general election. In case of a tie, a run-off shall take place not earlier than five days and not later than seven days after the ~~((final))~~ general election.

(e) The officers of the executive council shall hold office from the end of spring quarter to the end of the following spring quarter.

(5) Members of the associated student executive council shall not hold any other office in clubs or classes.

(6) Vacancies occurring in the executive council shall be filled by an associated student election not later than four weeks after such vacancy occurs or by appointment of executive council with the approval of the associated student senate. The election of a candidate to fill the vacancy will be by majority vote.

(7) The duties and regulations of the executive council shall be set forth in the by-laws.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-070 ((STANDING)) COMMITTEES. (1) The standing committees of the associated students shall be registered in the by-laws. ~~((The by-laws shall also set forth the purpose and membership of such committees.))~~

~~((2))~~ ~~((Committee membership shall be filled by appointments of the executive council subject to ratification by the associated student senate by a majority vote.))~~ The special committees of the associated students shall be registered in the by-laws. The by-laws shall also set forth the purpose and membership of such committees.

~~((3))~~ ~~Appointees to standing committees and the student membership of joint committees shall possess the same qualifications as set forth in WAC 132T-104-030(3), provided that, the freshman members of the standing committees shall not be bound by such qualifications.))~~

~~((4))~~ ~~The standing committees and the student membership of joint committees shall be responsible to the associated student senate and shall be administered by the executive council.))~~

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-080 AMENDMENTS. (1) Amendments to this constitution and by-laws shall be proposed by either a majority of the ~~((associated))~~ student senate or by a petition presented to the ~~((associated student secretary))~~ executive council containing the valid signatures of at least ten percent of the members of the associated student body.

(2) The constitution and/or by-laws shall be amended by a majority of the votes cast by the members of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.

~~((3)) The by-laws shall be amended by a two-thirds majority of the associated student senate and shall then be referred to the associated student body to be passed by a majority vote of the associated students who vote in an election and the approval of the Board of Trustees of Walla Walla Community College.~~

~~((4))~~ (3) A proposed constitutional amendment or amendment of the by-laws shall be submitted to an election within four weeks after its proposal or presentation.

~~((5))~~ (4) Approved constitutional amendments and by-laws shall be incorporated into this constitution and the by-laws to which they refer.

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 35, filed 8/23/78)

WAC 132T-104-110 ALLOCATION OF MONEY. (1) Each associated student body-sponsored activity shall submit a budget to the ~~((finance))~~ Service and Activity Fee committee spring quarter. The committee shall then appropriate the amount they ~~((finance))~~ Service and Activity Fee committee deem necessary for the ~~((activity))~~ club to function during the next year. They can then spend this money as the club and/or advisor see fit as long as state, college, and associated student body guidelines are followed. Complete monthly financial reports must be made to the student senate to keep them informed of group activities. All paper work regarding expenditures must be presented to the Activities Director for his signature well in advance of the event.

(2) Requests for money must be put in writing and presented to the business vice-president, giving a detailed breakdown of what the money is to be spent for before any expenditures shall be authorized.

(3) Nonfunded activities and all other expenditures shall follow the prescribed associated student body procedures.

(4) The associated student body president and the business vice-president may allocate expenditures of amounts up to ~~((twenty-five))~~ twenty dollars.

(5) The executive council of the associated student body may authorize expenditures of amounts up to one hundred dollars.

(6) Authorizations for expenditures of amounts over one hundred dollars must come from the associated student senate with a two-thirds majority vote.

(7) Authorization for expenditures of amounts over one hundred dollars will be automatically tabled for one week.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-120 WALLA WALLA COMMUNITY COLLEGE CLUBS AND ORGANIZATIONS. (1) Each club, which has been approved by the associated student senate, shall have one voting seat in the associated student senate, providing the club has ten active members. Clubs having less than ten members must be approved yearly by student senate, by majority vote.

(2) Each club will be required to have a constitution/goals. A faculty advisor is ~~((not))~~ required ~~((, but advised)).~~

(3) Any new club wishing to have a voting seat in the student senate is required to have been in existence (active) for a minimum of five successive weeks, including attendance at five successive associated student ~~((body))~~ senate meetings.

(4) All monies which have been allocated and spent by a club shall be accounted for in a written report to be submitted to the executive council no later than two weeks after the expenditures have occurred.

(5) Missing three associated student body student senate meetings in one quarter forfeits all voting rights, as well as ability to spend associated student body monies until five successive meetings have been attended.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-130 COMPENSATION FOR OFFICERS OF THE WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The associated student body officers (executive council) shall receive ~~((full tuition and thirty dollars books))~~ a three-hundred-dollar scholarship per quarter.

(2) At the end of every quarter the executive council and the associated student body advisor shall meet to determine the job done by ~~((sophomore and freshman))~~ senators ~~((and))~~ ~~((cheerleaders))~~. This will be a closed meeting. The executive council may make the following recommendations.

- (a) Changes in specific jobs.
- (b) Having individuals switch jobs.
- (c) Requesting that a student senator resign.
- (d) Reimburse a student senator for one-half of the last quarter's in-state tuition.
- (e) Recommend students or student for Outstanding Student for the past quarter.

(3) The executive council's recommendations shall be ~~((printed in the weekly bulletin prior))~~ presented to the student senate meeting where action on said recommendation is to be taken. Students under section (d) must turn into the student senate a summary form of what

*WAC 132T-104-110  
WAC 132T-104-130*

they did the preceding quarter before they are eligible to receive money.

(4) Candidates that are selected by the executive council must be ratified by a vote of two-thirds majority of student senate.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-210 DUTIES OF OFFICERS OF WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The Associated Student Body President shall preside over all meetings of the executive council and joint meetings with the associated student senate. The president shall make all appointments subject to the approval of the executive council and/or student senate unless otherwise provided for in this constitution and its by-laws. ~~((He shall be responsible for the coordination of the entire associated student senate.))~~ He shall be an ex-officio nonvoting member of the associated student senate and committees with the exception of executive council or in the occurrence of a tie. The president shall be the official representative of the associated student senate and the executive council. He is chairman of the ~~((Athletic Activities))~~ Service and Activity Fee Budget Committee. He is required to assist with:

- ~~((a) Fairbooth))~~
- ~~((b) Registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~
- ~~((e) Spring week and homecoming activities))~~
- ~~((f) Spring retreat))~~
- ~~((g) Presidents meetings))~~
- ~~((h) Student handbook))~~
- ~~((i) Attend Board of Trustees meetings))~~

(2) Executive Vice President - He shall assist the president in his duties and shall assume the duties of the president in his absence. His most important duty is to get more people involved in student government. He is to keep up-to-date and precise records of clubs' officers and all people in student government (names and phone no. etc.). He is a student representative on all school committees (example: CORP, curriculum, graduation, etc.). ~~((He is required to assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) He is chairman of registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~
- ~~((e) Spring retreat))~~
- ~~((f) Spring week and homecoming activities))~~
- ~~((g) President meetings))~~
- ~~((h) Student handbook))~~
- ~~((i) Athletic Activities Budget Committee))~~

(3) Activities Vice-President - He shall be responsible for the activities program at Walla Walla Community College. He shall appoint all necessary activities committee members. ~~((He must assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) Registration))~~
- ~~((c) A.S.B. elections))~~
- ~~((d) Freshman orientation))~~

- ~~((e) Spring retreat))~~
- ~~((f) Student handbook))~~
- ~~((g) Athletic Activities Budget Committee))~~

(4) Publicity Vice-President - He shall be responsible for promoting Walla Walla Community College. He is also ~~((in charge of the fairbooth, and))~~ responsible for promoting our school to the community, especially the high school seniors in our district. He is responsible for placing and taking down announcements on outside and inside reader boards and assisting clubs with their publicity. ~~((He is required to assist with:))~~

- ~~((a) A.S.B. elections))~~
- ~~((b) Freshman orientation))~~
- ~~((c) Spring retreat))~~
- ~~((d) Student handbook))~~
- ~~((e) Athletic Activities Budget))~~

(5) Business Vice-President - The associated student body business vice-president shall be responsible for all financial matters of the associated student body of Walla Walla Community College, and shall act as financial advisor to all subsidiary organizations of the Walla Walla Community College associated student body. The business vice-president shall maintain in an efficient manner all financial records of the Walla Walla Community College associated student body and shall submit a financial report to the executive council and the associated student senate at the termination of each academic quarter or at their request. The business vice-president shall prepare the Walla Walla Community College associated student body budget with the aid of ~~((a budget))~~ the Service and Activity Fee committee. The business vice-president must have qualifications such as bookkeeping and accounting, necessary to effectively manage the student budget. ~~((Must assist with:))~~

- ~~((a) Fairbooth))~~
- ~~((b) A.S.B. elections))~~
- ~~((c) Freshman orientation))~~
- ~~((d) Spring retreat))~~
- ~~((e) Student handbook))~~
- ~~((f) Athletic Activities Budget Committee))~~

(6) In addition to specific duties designated for the five elected officers, they shall assist with the following duties:

(a) Associated student body elections; staff the polling place and tabulate the results.

(b) Student orientation; assist in planning, organizing and presenting information at the student orientation fall quarter each year.

(c) Spring retreat; plan, organize and implement a spring retreat each year for the incoming associated student body officers.

(d) Student handbook; gather information, ideas and plan for the following year's student handbook.

(e) Service and Activity Fee budget; serve as a member of the Service and Activity Fee committee, planning organization and implementing the budget process for all Service and Activity Fees.

~~((6))~~ (7) Executive council, student senators, and representatives are required to pass a minimum of 12 credits per quarter.

~~((7))~~ (8) Executive council officers are required to be in the A.S.B. offices an average minimum of 1 hour a

day. (It is recommended that they work a minimum of 10 hours a week for A.S.B.)

~~((8))~~ (9) Executive council, student senators, and representatives are required to attend all student senate meetings. Three unexcused absences per quarter may be grounds for impeachment or expulsion with loss of all rights and monies.

~~((9))~~ (10) Executive council officers may not take more than 18 credit hours without the express approval of the student senate.

~~((10))~~ (11) Executive council officers attempting to get a grade for being an officer must submit to the Director of Student Activities a summary report form of what they did for last quarter. The Director of Student Activities determines the grade.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

~~WAC 132T-104-240 ((SOPHOMORE AND FRESHMAN))~~ STUDENT SENATORS. (1) There shall be four ~~((sophomore))~~ senators appointed each year by the student senate. ~~((in the spring prior to their year in office. They officially take office when the new executive council takes office. Sophomore and freshman senators will be appointed in the following manner:))~~

~~((a) Executive council announces that they are seeking sophomore and/or freshman senators in the school newspaper and weekly bulletin:))~~

~~((b) Persons wishing to seek a position, turn into an executive officer a resume within two weeks after the first announcement is made:))~~

~~((c) Executive council screens the people applying for the positions. They then recommend to the student senate the people that they feel are qualified for the positions. They may recommend as many people to a position as they feel are qualified, example: Two or more people may be recommended for position 1:))~~

~~((d) The student senate then votes on the person desired for that position. A student senator must receive a two-thirds majority vote from the student senate to be a sophomore or freshman senator:))~~

~~((2) Positions:))~~

~~((a) Position 1 = Sophomore and freshman senators. They are student intramural directors. They plan intramural programs with the college intramural director. They are required to attend all associated student body meetings. Missing three A.S.B. meetings may be grounds for removal from office:))~~

~~((b) Position 2 = Sophomore and freshman senators. They are activities senators. They attend all A.S.B. meetings. Missing three A.S.B. meetings may be grounds for removal from office:))~~

~~((c) Position 3 = Sophomore and freshman senators. Their duties shall include buying equipment, campus beautification, improving the constitution, and getting more people involved in our school activities. They are required to attend all A.S.B. meetings. Missing three A.S.B. meetings may be grounds for removal from office:))~~

~~((d) Position 4 = Sophomore or freshman senator. The publicity senator is in charge of making posters, approving them and making sure that all posters are taken~~

~~down within twenty-four hours after their use has been fulfilled. Missing three A.S.B. meetings may be grounds for removal from office:))~~

~~((e) Position 5 = Freshman or sophomore senator. This person is responsible for publishing the weekly bulletin and assisting the school newspaper whenever possible. He must attend all A.S.B. meetings. Missing three A.S.B. meetings may be grounds for removal from office:))~~

~~((f) Positions 6 and on = These are left up to the imagination of the people applying. They may be varied as to the needs of the associated student body. Missing three meetings may be grounds for removal from office:))~~

(2) Persons interested in seeking those positions should contact the Student Activities Director.

(3) Applicants will be screened by the executive council. The executive council recommends to the student senate those applicants they feel are qualified. The student senate then votes on those recommendations. It takes a two-thirds majority vote by the student senate before an applicant can become a senator.

(4) Compensation for student senators: See WAC 132T-104-130.

(5) Duties and Responsibilities of Student Senators:

(a) Assist the A.S.B. executive council and student senate in the implementation of their goals and objectives.

(b) Assist in the planning, organizing and scheduling of activities, and publicity related to those activities.

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 35, filed 8/23/78)

~~WAC 132T-104-260 ELECTIONS.~~ (1) ~~((There shall be two persons at the place of polling at all times. One shall be a member of the executive council and/or the chief justice of the judicial board:))~~ All registered students at Walla Walla Community College are eligible to vote provided they have a valid I.D. card or a current quarter's registration receipt. Faculty, administrators, and classified staff are also eligible to vote.

(2) ((The chief justice of the judicial board, or the chief justice pro-tem, and two executive council members shall be present at the counting of the ballots:)) The elections shall be held on Wednesday from 9:00 a.m. to 5:00 p.m. There shall be two persons at the place of polling at all times. One shall be a member of the executive council, the other to be appointed by the executive council.

(3) ((All persons holding an associated student body card shall be eligible to vote. This includes part-time students, faculty, administration, and classified employees:)) The ballots are to be counted the same day following the closure of the polling place. At least three members of the executive council are to be present during the counting.

(4) ((The elections shall be held from 1:00 p.m. to 9:00 p.m. on the first election day, and from 9:00 a.m. to 3:00 p.m. on the second (last) election day. There shall



~~be no election held on Friday.)~~ The newly elected officers and student body members will be notified of the results of the election no later than 24 hours following the closure of the polling place.

~~((5) An associated student body card must be presented and punched at the time of voting. A book must be signed by the student prior to voting:))~~

~~((6))~~ (5) No campaigning will be permitted within ~~((the room nor any loitering within))~~ twenty-five feet ~~((from the voting area))~~ of the polling place. Campaigning shall be defined to include posters and handbills.

~~((7) The results of the election shall be made known and posted in the student lounge no later than twenty-four hours after the closing of the polls:))~~

~~((8))~~ (6) Except in the case of a handicapped individual, only one person at a time shall be admitted in the voting booth or machine.

~~((9))~~ (7) All voting ~~((in associated student body, public, and special elections))~~ shall be done by secret ballot.

~~((10) There shall be an election committee composed of the chief justice and the executive council:))~~

~~((11) The six members of the election committee shall be divided into two groups of three members each. The chief justice and two members from each group shall compose the campaign committee. The associated student body president and two members from each group shall compose the election committee. The members from the committees shall be chosen by the associated student body president and the chief justice together:))~~

~~((12) The election committee shall preside over all associated student body, public, and special elections. This committee shall enforce all rules of campaigning:))~~

~~((13) Any challenge of the election committee shall be referred to the appellate court:))~~

~~((14))~~ (8) Any challenge of the ~~((voting))~~ tabulation or election procedure must be made within twenty-four hours of the ~~((closing of the polls))~~ posted results.

~~((15))~~ (9) All write-ins shall be permitted on both primary and general elections.

~~((16))~~ (10) A write-in vote will be acceptable and counted when it is recognizable as belonging to a certain person.

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

NEW SECTION

WAC 132T-104-265 COMMITTEES. 1. Standing Committees. (1) Committee membership shall be filled by appointment of the executive council subject to ratification by the associated student senate by majority vote.

(2) Appointees to standing committees and the student membership of joint committees shall possess the same qualifications as set forth in WAC 132T-104-030 (3), provided that the freshman members of the standing committees shall not be bound by such qualifications.

(3) The standing committees and the student membership of joint committees shall be responsible to the student senate and shall be administered by the executive council.

(4) The purpose of the standing committee is to work toward solving goals that have been recognized by the executive council or the student senate. (Examples: Campus Improvement, Constitution Review, Community and Campus Projects, etc.)

2. Special Committees. (1) The special committee shall consist of four members from the student population and three from the faculty/staff, who shall be selected by the executive council and Director of Student Activities.

(2) The committee will choose one member to act as committee chairperson. The chairperson will report to the executive council.

(3) The committee will review the case in question and decide the results by majority vote. The decision will be presented to the Executive Council and Director of Student Activities.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-270 INITIATIVE AND REFERENDUM. (1) If any legal voter or organization of legal voters of Walla Walla Community College desires to petition the associated student senate to enact a proposed measure, or to submit a proposed measure to the people, or to order that a referendum of any act, or any part thereof, passed by the associated student senate be submitted to the students, he or they shall file in the office of the ~~((associated student body secretary))~~ executive council five printed or typewritten copies of the measure proposed, or of the act or part thereof on which a referendum is desired, accompanied by the name and address of the proposer, and by an affidavit that the proposer (if an individual) is, or that the members of the proposer (if an organization) are legal ~~((students))~~ voters.

(2) Initiative measures proposed to be submitted to the students must be filed with the ~~((associated student body secretary))~~ executive council within two months prior to the election at which they are to be submitted, and the petitions, therefore, must be filed with the ~~((associated student body secretary))~~ executive council not less than one month before the next general election.

(3) Petitions ordering that acts or parts of acts passed by the associated student senate be referred to the students at the next ensuing election shall be substantially in the following form:

Warning: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal ~~((student))~~ voter, or who makes herein any false statement, shall nullify the petition.

Petition for Referendum

To the Honorable .....  
~~((Secretary))~~ President of the Associated Students of Walla Walla Community College: We, the undersigned legal ~~((students))~~ voters of Walla Walla Community College

~~((and legal students))~~ residing at the address set opposite our names, respectfully order and direct that Referendum Measure No. . . . ., entitled (here insert the established ballot title of the measure) being a (or part or parts of an) act passed by the (( . . . . . )) student senate of Walla Walla Community College at the last special session of said legislature, shall be referred to the students of Walla Walla Community College for their approval or rejection at the special election to be held on the . . . . . day of . . . . ., A.D., 19. . . and each of us for himself says: I have personally signed this petition: I am a legal ((student)) voter of Walla Walla Community College, and my residence is correctly stated.

Petitioner's Signature                      Address  
1.  
2.  
etc.

(4) The person or organization proposing any initiative measure shall secure upon any such initiative petition the signatures of legal ~~((students))~~ voters equal in number to or exceeding eight per cent of the whole number of legal ((students)) voters.

(5) The time for submitting initiative or referendum petitions to the ~~((associated student body secretary))~~ executive council for filing is as follows:

(a) A referendum petition ordering and directing that the whole or some part or parts of an act passed by the student senate be referred to the students for their approval or rejection at the next ensuing general election or a special election ordered by the student senate, must be submitted not more than ninety days after the final adjournment of the session of the student senate which passed the act.

(b) An initiative petition proposing a measure to be submitted to the students for their approval or rejection at the next ensuing general election must be submitted not less than two months before the date of such election.

(6) Upon any initiative or referendum petition being submitted to the ~~((associated student body secretary))~~ executive council for filing, ~~((he))~~ they may refuse to file it upon any of the following grounds:

(a) That the petition is not in proper form.

(b) That the petition clearly bears insufficient signatures.

(c) That the time within which the petition may be filed has expired.

(7) In case of refusal, the ~~((associated student body secretary))~~ executive council shall endorse on the petition the word "submitted" and the date, and retain the petition pending appeal. If none of the grounds for refusal exists, the ~~((associated student body secretary))~~ executive council must accept and file the petition.

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 35, filed 8/23/78)

WAC 132T-104-280 THE RECALL. (1) Initiating recall proceedings—statement—contents—verification. ((Wherever any legal student or committee or organization of Walla Walla Community College students desire to demand the recall and discharge of any elective public officer of Walla Walla Community College, as the case may be, he or they shall prepare a printed or)) Prior to initiating a recall petition of any elective public officer of Walla Walla Community College the student person, committee or organization intending to initiate the recall shall first contact the Director of Student Activities and notify him/her of the intent, and provide him with a printed or typewritten charge, reciting that such officer, naming him/her and giving the title of ((his)) the office, has committed an act or acts of malfeasance while in office. The charge shall state the act or acts ((complained of)) in concise language, without unnecessary repetition. ((, and shall be signed by the person or persons making the same, who shall give their respective addresses, and be verified under oath that he or they believe the charge or charges to be true.))

(a) The Director of Student Activities, together with the executive council of the associated student body, shall within five working days select a special committee to investigate the validity of the charges.

(b) This committee shall follow the guidelines set forth in section WAC 132T-104-265, Special Committee, and within five working days report to the executive council and the Director of Student Activities its findings.

(c) That within five days from the time the special committee submits its findings to the executive council and the Director of Student Activities, the Director of Student Activities shall notify the student person, committee or organization intending to initiate the recall the findings of the special committee as to the validity of the charges.

(2) ((The recall petition shall be filed in the office of the associated student body secretary.)) Should the special committee determine the charges on the proposed recall petition to be invalid, then the student person, committee, or organization may still pursue the recall provided the special committee's findings are published and distributed, together with the petition for recall, within five days following the date the executive council and the Director of Student Activities have received the committee's report.

(3) Should the legal voter or committee or organization of Walla Walla Community College determine to pursue the recall petition, he/she or they shall then prepare a printed or typewritten charge reciting that such officer, naming him/her and giving the title of the office, has committed an act of malfeasance while in office. The charge shall state the act or acts complained of in concise language, without unnecessary repetition. The charges must remain the same as those filed with the Director of Student Activities and the executive council and referred to the special committee. The charges shall be signed by the person or persons making the same,

who shall give their respective addresses and shall be verified under oath that he/she or they believe the charge or charges to be true. The special committee's findings on each charge alleged in the recall petition shall be included in the signed recall petition.

((3)) (4) Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed for the recall and discharge of an officer a petition substantially in the following form:

Warning: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal ((student)) voter of Walla Walla Community College, or herein makes a false statement, shall nullify the recall petition.

Petition for the recall of  
(here insert name of the person  
whose recall is petitioned for)

To the Honorable ((here insert the name and title of the officer with whom the charge is filed:)) President and Executive Vice-President of the Associated Students of Walla Walla Community College:

We, the undersigned students of Walla Walla Community College residing at the address set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office for and on account of his having committed the act or acts of malfeasance or misfeasance while in office, in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal ((student)) voter of Walla Walla Community College; and my residence address is correctly stated.

Petitioner's Signature                      Address

- 1.
- 2.
- etc.

(5) The recall petition shall be filed in the office of the Director of Student Activities and executive council.

(6) The petition shall be filed with both the president and the executive vice-president of the associated student body, with a copy provided to the Director of Student Activities.

((4)) (7) When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition he or it may submit the same to the officer with whom the charge was filed for filing in his office. The number of signatures required shall be as follows: In the case of a member of the associated student senate, signatures of legal ((students)) voters equal to twenty-five per cent of the total

number of votes cast for all candidates for the office when the officer whose recall is demanded was elected at the preceding election.

((5)) (8) Upon the filing of a recall petition in his office, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five or more than ten days from the date of its filing.

((6)) (9) The special election to be called for the recall of officers shall be conducted in the same manner as primary or general elections, as the case may be, are conducted. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge, and shall be so arranged that any voter can, by making one cross (x) express his desire to have the officer charged recalled from his office, or retained therein.

((7)) (10) Upon the completion of the canvass of the returns of any recall election, the result shall be published in the manner required by law for the publication of the results of general elections. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall be dismissed from his office, and the office shall thereupon become and be vacant.

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 82-12-057**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
[Filed June 2, 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:

- Amd WAC 251-04-020 Definitions (probationary period; trial service period), to add language to provide for probationary and trial service periods in excess of six months.
- Amd WAC 251-04-040 Exemptions, to place limitations on an employee's right to return to a classified position upon termination of an exempt appointment.
- Amd WAC 251-04-050 Higher Education Personnel Board, to modify the number of names to be certified for a vacancy from three to five; provide that reemployment from layoff will be on a "rule of five"; provide for probationary periods of up to twelve months; and abolish salary increments on the basis of length of service.
- Amd WAC 251-04-070 Personnel Officers, to add reference to probationary periods of twelve months.
- Amd WAC 251-06-010 Classification Plan—Preparation, to add concept of probationary periods in excess of six months.
- Amd WAC 251-06-080 Position Reallocation—Effect on Incumbent, to add concept of probationary periods in excess of six months.

- New WAC 251-06-090 Probationary Period—Duration, to provide method for establishing probationary periods in excess of six months.
- New WAC 251-10-031 Layoff—Equal Layoff Seniority, to provide that performance will be used in determining which employees will be laid off when layoff seniority between employees is equal and to require director to establish standards and procedures for computing numerical average of performance evaluation ratings.
- Amd WAC 251-10-045 Layoff—Veterans Retention Preference, with "housekeeping" changes to language.
- Amd WAC 251-10-060 Layoff Lists—Statewide, to provide that certification to vacancies from the list will be on a "rule of five".
- Amd WAC 251-10-140 Immediate Dismissal, to provide for use of accumulated annual leave by employees who are dismissed immediately.
- Amd WAC 251-14-058 Union Shop Requirements, with "housekeeping" changes to language.
- Amd WAC 251-18-240 Certification—Method, to provide that certification from an institution-wide layoff list will be from a "rule of five" rather than on the basis of layoff seniority, and that certification from a combined eligible list will be on a "rule of five".
- Amd WAC 251-18-250 Certification—Selective, to change reference regarding certification to "rule of five".
- Amd WAC 251-18-260 Certification—Incomplete, to change reference regarding certification to "rule of five".
- Amd WAC 251-18-265 Certification—Concurrent, to change reference regarding certification to "rule of five".
- Amd WAC 251-18-280 Certification—Selection—Actions Required, to change reference regarding certification to "rule of five".
- Amd WAC 251-18-320 Appointment—Probationary, to add concept of probationary periods in excess of six months.
- Amd WAC 251-18-330 Trial Service Period, to delete reference to a six-month period.
- Amd WAC 251-18-340 Appointment—Permanent Status, to delete reference to a six-month probationary period.
- Amd WAC 251-22-090 Annual Leave—Cash Payment, to abolish provisions for cash payment of unused annual leave except upon death of the employee.
- New WAC 251-22-091 Annual Leave—Separation, to require that employees be allowed to use all accumulated annual leave prior to their separation from employment.
- Amd WAC 251-22-200 Leave of Absence Without Pay, to change reference from "temporary" appointment to "exempt" appointment (see WAC 251-04-040).
- Amd WAC 251-10-035 Layoff—Special Employment Programs, to provide that layoff action may be taken because of lack of funds or lack of work and deletes "good faith reorganization for efficiency purposes" as reason for layoff. The change is proposed to provide consistency with action taken by the board in March, 1982, amending WAC 251-10-030 dealing with layoff of all other classified employees;

that such agency will at 10:00 a.m., Thursday, July 15, 1982, in the Administration Building, Grays Harbor College, Aberdeen, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 15, 1982, in the Administration Building, Grays Harbor College, Aberdeen, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views or arguments to this agency in writing to be received by this agency prior to July 15, 1982, and/or orally at 10:00 a.m., Thursday, July 15, 1982, Administration Building, Grays Harbor College, Aberdeen, Washington.

Dated: June 2, 1982  
By: Douglas E. Sayan  
Director

#### STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on June 2, 1982, and is filed pursuant to RCW 34.04.025.

Numerous changes were made to chapter 28B.16 RCW during the 1982 legislative session through the enactment of SHB 1226 to be effective July 10, 1982, and ESSB 5007 to be effective July 1, 1982. Under its rule-making authority contained in RCW 28B.16.100, the board intends to consider revision of affected portions of Title 251 WAC on an emergency basis at its June 17, 1982 meeting, and on a permanent basis at its July 15, 1982 meeting.

The purpose of the existing rules and the summary of the proposed changes to accommodate the statutory changes are listed by individual rule below.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia, 98504, Scan 234-3730.

Organization Proposing Changes: HEPB staff.

The agency makes no additional comments/recommendations regarding the proposals.

The changes are not the result of federal law or state court action.

Individual Rules Affected:

WAC 251-04-020 Definitions (probationary period; trial service period).

Purpose of Existing Rule: Provides the definitions of probationary period and trial service period.

Summary of Proposed Change: Adds language to provide for probationary and trial service periods in excess of six months.

WAC 251-04-040 Exemptions.

Purpose of Existing Rule: Identifies the classifications, positions, and employees in higher education which are exempted from coverage of the law and administrative rules.

Summary of Proposed Change: Places limitations on an employee's right to return to a classified position upon termination of an exempt appointment.

WAC 251-04-050 Higher Education Personnel Board.

Purpose of Existing Rule: Identifies the scope of the board's general duties and authority.

Summary of Proposed Change: Modifies the number of names to be certified for a vacancy from three to five;

provides that reemployment from layoff will be on a "rule of five", provides for probationary periods of up to twelve months; and abolishes salary increments on the basis of length of service.

**WAC 251-04-070 Personnel Officers.**

**Purpose of Existing Rule:** Identifies the duties and responsibilities of personnel officers in higher education institutions/related boards.

**Summary of Proposed Change:** Adds reference to probationary periods of twelve months.

**WAC 251-06-010 Classification Plan—Preparation.**

**Purpose of Existing Rule:** Establishes requirements for the preparation of a classification plan for all positions within the HEPB classified service.

**Summary of Proposed Change:** Adds concept of probationary periods in excess of six months.

**WAC 251-06-080 Position Reallocation—Effect on Incumbent.**

**Purpose of Existing Rule:** Establishes rights of an employee upon reallocation of his/her position.

**Summary of Proposed Change:** Adds concept of probationary periods in excess of six months.

**WAC 251-06-090 Probationary Period—Duration.**

**Purpose of Existing Rule:** New rule proposed.

**Summary of Proposed Change:** Provides method for establishing probationary periods in excess of six months.

**WAC 251-10-031 Layoff—Equal Layoff Seniority.**

**Purpose of Existing Rule:** New rule proposed.

**Summary of Proposed Change:** Provides that performance will be used in determining which employees will be laid off when layoff seniority between employees is equal, and requires the director to establish standards and procedures for computing numerical average of performance evaluation ratings.

**WAC 251-10-045 Layoff—Veterans Retention Preference.**

**Purpose of Existing Rule:** Provides for veteran's preference in computing layoff seniority.

**Summary of Proposed Change:** Housekeeping changes to language.

**WAC 251-10-060 Layoff Lists—Statewide.**

**Purpose of Existing Rule:** Establishes the method for placement on statewide layoff lists at institutions of higher education and related boards.

**Summary of Proposed Change:** Provides that certification to vacancies from the list will be on a "rule of five".

**WAC 251-10-140 Immediate Dismissal.**

**Purpose of Existing Rule:** Provides for immediate dismissal of employees under certain circumstances.

**Summary of Proposed Change:** Provides for use of accumulated annual leave by employees who are dismissed immediately.

**WAC 251-14-058 Union Shop Requirements.**

**Purpose of Existing Rule:** Establishes requirements for a union shop.

**Summary of Proposed Change:** Housekeeping changes to language.

**WAC 251-18-240 Certification—Method.**

**Purpose of Existing Rule:** Establishes the method for certification of names to fill vacancies.

**Summary of Proposed Change:** Provides that certification from an institutionwide layoff list will be from a "rule of five" rather than on the basis of layoff seniority, and that certification from a combined eligible list will be on a "rule of five".

**WAC 251-18-250 Certification—Selective.**

**Purpose of Existing Rule:** Establishes method for selectively certifying eligibles to fill a vacancy.

**Summary of Proposed Change:** Changes reference regarding certification to "rule of five".

**WAC 251-18-260 Certification—Incomplete.**

**Purpose of Existing Rule:** Establishes method for filling vacancy from an incomplete certification.

**Summary of Proposed Change:** Changes reference regarding certification to "rule of five".

**WAC 251-18-265 Certification—Concurrent.**

**Purpose of Existing Rule:** Establishes method for responding to concurrent requests for certification of eligibles to fill vacancies.

**Summary of Proposed Change:** Changes reference regarding certification to "rule of five".

**WAC 251-18-280 Certification—Selection—Actions Required.**

**Purpose of Existing Rule:** Identifies actions required of personnel officer upon completion of interviews by employing officials.

**Summary of Proposed Change:** Changes reference regarding certification to "rule of five".

**WAC 251-18-320 Appointment—Probationary.**

**Purpose of Existing Rule:** Establishes the conditions of a probationary appointment.

**Summary of Proposed Change:** Adds concept of probationary periods in excess of six months.

**WAC 251-18-330 Trial Service Period.**

**Purpose of Existing Rule:** Establishes the conditions of a trial service period.

**Summary of Proposed Change:** Deletes reference to a six-month period.

**WAC 251-18-340 Appointment—Permanent Status.**

**Purpose of Existing Rule:** Establishes conditions for a permanent status appointment.

**Summary of Proposed Change:** Deletes reference to a six-month probationary period.

**WAC 251-22-090 Annual Leave—Cash Payment.**

**Purpose of Existing Rule:** Establishes conditions for cash payment for unused annual leave.

**Summary of Proposed Change:** Abolishes provisions for cash payment for unused annual leave except upon death of the employee.

**WAC 251-22-091 Annual Leave—Separation.**

**Purpose of Existing Rule:** New rule proposed.

**Summary of Proposed Change:** Requires that employees be allowed to use all accumulated annual leave prior to their separation from employment.

**WAC 251-22-200 Leave of Absence Without Pay.**

**Purpose of Existing Rule:** Establishes conditions under which leave of absence without pay may be allowed.

**Summary of Proposed Change:** Changes reference from "temporary" appointment to "exempt" appointment (see WAC 251-04-040).

**WAC 251-10-035 Layoff—Special Employment Programs.**

**Statutory Authority:** RCW 28B.16.100.

**Purpose of Existing Rule:** Provides for the establishment of special employment program layoff units.

**Summary of Proposed Change:** Provides that layoff action may be taken because of lack of funds or lack of work and deletes "good faith reorganization for efficiency purposes" as reason for layoff.

**Agency Person Responsible for Drafting, Implementing and Enforcing Rule:** Douglas E. Sayan, Director—HEPB, FT-11, Olympia, 98504, Scan 234-3730.

**Organization Proposing Change:** HEPB staff. The change is proposed to provide consistency with action taken by the board in March, 1982, in amending WAC 251-10-030 dealing with layoff of all other classified employees.

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 93, filed 2/3/82)

**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-month(s) period of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution. Upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

**"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 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

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred 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)) the same time period as the probationary period for the class, 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 61, filed 8/30/77, effective 10/1/77)

**WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD.** (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. No member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his/her appointment shall have been approved by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations

of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis(;) and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to ~~((two))~~ four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment~~((both according to seniority))~~; determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein ~~((shall))~~ permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade~~((based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service))~~; and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. ~~((A standardized procedure shall be instituted not later than July 1, 1978, for all employees.))~~ This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-04-070 PERSONNEL OFFICERS.** (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of the higher education personnel act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the higher education personnel board shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and non-competitive service.
- (d) Probationary periods of six to twelve months and retention and rejections therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.
- (i) Training programs.
- (j) Maintenance of personnel records.

**AMENDATORY SECTION** (Amending Order 93, filed 2/3/82)

**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) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary 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.)) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension

of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982 then the four-year period shall begin on July 10, 1982. 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 61, filed 8/30/77, effective 10/1/77)

**WAC 251-06-010 CLASSIFICATION PLAN—PREPARATION.** The director shall prepare and may revise for board approval a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months.

#### NEW SECTION

**WAC 251-06-090 PROBATIONARY PERIOD—DURATION.**

(1) The probationary period for all classes in the HEPB classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the HEPB classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

**AMENDATORY SECTION** (Amending Order 70, filed 9/29/78, effective 11/1/78)

**WAC 251-06-080 POSITION REALLOCATION—EFFECT ON INCUMBENT.** (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum, is affected as follows:

(a) When reallocation is a result of an accumulation of duties by the incumbent over a period of time equal to at least ~~((six months))~~ the probationary period for the class, the incumbent may elect to remain in the position following reallocation providing he/she meets the minimum qualifications for the class. The minimum qualifications may be waived by the director if it is determined that the incumbent has demonstrated sufficient experience to satisfactorily perform the duties of the class. Successful completion of the higher level duties by the incumbent for at least ~~((six months))~~ the period of time equal to the probationary period satisfies the examination requirement and confers permanent status. Documentation of such service shall be kept on file for each reallocation request approved;

(b) When reallocation will require immediate changes in the duties of the position, it will be filled in accord with chapter 251-18 WAC. The incumbent will be given an opportunity to compete for the position. If the employee is not selected, or chooses not to compete, subsection (2)(a), (b), and (d) will apply.

(2) An employee occupying a position which is reallocated to a class with a lower salary range maximum has the following options:

(a) Transfer to a vacant position within the current class;

(b) Be afforded such bumping rights and placement on layoff lists as would be provided in layoff;

(c) Demote with the position;

(d) In addition, the employee may make him/herself available for appointment on or before the effective date of the reallocation via the institution's transfer/lateral movement/voluntary demotion procedure.

(3) Establishment of salary and periodic increment following reallocation shall be as provided in WAC 251-08-100 and 251-08-112.

#### NEW SECTION

**WAC 251-10-031 LAYOFF—EQUAL LAYOFF SENIORITY.**

(1) The decision on which employees to lay off shall be based on layoff seniority as defined in WAC 251-04-020, except that when layoff seniority is equal, performance shall be used as the determining factor and employees having the highest performance evaluation ratings based on the last regular annual evaluation shall be retained in preference to those having lower evaluation ratings.

(2) The director shall establish standards and procedures to be used for computing the numerical average of an employee's performance evaluation ratings assigned by his/her supervisor.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-10-140 IMMEDIATE DISMISSAL.** When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. Provisions must be made to permit affected employees to use all accumulated annual leave as provided in WAC 251-22-091.

**AMENDATORY SECTION** (Amending Order 76, filed 6/29/79, effective 8/1/79)

**WAC 251-10-035 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS.** (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds (~~((curtailment))~~) or lack of work, (~~((good faith reorganization for efficiency purposes))~~) or when an incumbent must be separated due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. 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 special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in subsection (5)(b) of this section, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-10-045 LAYOFF—VETERANS RETENTION PREFERENCE.** (1) For the purpose of this section veteran means any permanent employee who has one or more years in 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.

(2) Veterans as defined in subsection (1) shall have added to their unbroken service in an institution of higher education, their total active military service, not to exceed five years. The combined total of unbroken institutional employment and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran (~~shall be~~) is entitled to veterans retention benefits as outlined in subsections (1) and (2) regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" (~~shall~~) does not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

**AMENDATORY SECTION** (Amending Order 70, filed 9/29/78, effective 11/1/78)

**WAC 251-10-060 LAYOFF LISTS—STATE-WIDE.** (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: PROVIDED, That:

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status; or

(ii) Lower class(es) in the same class series; or for

(iii) Equivalent classes under the jurisdiction of the state department of personnel; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be one year from the date of placement on the list.

(4) Referral from this list shall be on a rule of ~~(three)~~ five.

(5) Employees appointed from this list shall be required to serve a probationary period of six months. Termination during the probationary period shall not affect the employees' status on state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Annual leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-14-058 UNION SHOP REQUIREMENTS.** (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to become members of such employee organization within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization (~~shall be~~) is satisfied by the payment of monthly or other periodic dues and (~~shall~~) does not require payment of initiation, reinstatement, or any other fees or fines, and (~~shall~~) includes full and complete membership rights.

(3) Employees who wish the right of nonassociation with an employee organization must base their reasons on bona fide religious tenets or teachings of a church or religious body of which they are members. Such requests must be presented to the personnel office on the campus of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop representation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the union shop representation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but (~~shall be~~) is entitled to the same representation rights as a member of the employee organization.

(7) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative, is membership in that employee organization or the regular payment of a union shop representation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, (~~shall~~) constitutes cause for dismissal per the provisions of WAC 251-10-170.

(8) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with WAC 251-14-058.

(9) The requirement to be a member of an employee organization or the payment of a union shop representation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC 251-14-050 or 251-14-054.

(10) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization and/or to pay a union shop representation fee as a condition of employment.

(11) Payroll deductions for employee organization dues and/or union shop representation fees may be provided by the institution upon written authorization from the employee.

**AMENDATORY SECTION** (Amending Order 65, filed 1/30/78)

**WAC 251-18-240 CERTIFICATION—METHOD.** (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) ~~(In the case of certification made from an institution-wide layoff list, the personnel officer shall certify the eligible with the greatest layoff seniority. If there are no eligibles on the institution-wide layoff~~

list for the class.) The personnel officer shall certify to the employing official ~~((two))~~ four more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s) ~~(; except that if there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, the certification will be limited to the senior eligible on the list).~~

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Institution-wide Layoff List
- (b) Organizational Unit Promotion List
- (c) Institution-wide Promotion List
- (d) Special Employment Program Layoff List
- (e) State-wide Layoff List
- (f) Open Competitive or Noncompetitive List.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are no eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of ~~((two))~~ four more names than there are vacancies to be filled by the certification ~~(, even if the lists contain persons from the special employment program layoff list).~~

#### AMENDATORY SECTION (Amending Order 84, filed 7/2/80)

WAC 251-18-250 CERTIFICATION—SELECTIVE. (1) The personnel officer may declare a selective certification of eligibles to fill a vacancy under the following conditions:

(a) When there is a requirement for specialized and/or distinctive technical or professional qualifications essential to fill the work requirements of a particular position;

(b) When the institution/related board is utilizing a corrective employment program to increase the representation of employees by race, sex or handicap per provisions of WAC 251-18-390, Corrective Employment Programs.

(2) Recruiting bulletins issued to establish lists of eligibles from which selective certification may be made must include the special qualifications and/or indicate that selective certification in accord with corrective employment program regulations may be utilized.

(3) The eligibles selectively certified shall be in strict order of their standing on the appropriate lists from among those meeting the approved selective criteria. When selective certification for corrective employment purposes as provided in subsection (1)(b) of this section does not result in a complete certification of ~~((two))~~ four more names than there are vacancies to be filled, the personnel officer may complete the certification by adding the necessary number of names from the top of the appropriate eligible list as provided in WAC 251-18-240(3).

(4) The appointment of employees hired or promoted through selective certification will be reported monthly to the director.

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-260 CERTIFICATION—INCOMPLETE. When the number of names available for filling any vacancy is fewer than ~~((three))~~ five, the employing official may make an appointment from the certification or decline to do so.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-265 CERTIFICATION—CONCURRENT. When more than one department submits a request for certification for a class concurrently, the top ~~((three))~~ five names on the appropriate employment list will be certified to each department for consideration and selection.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) Following certification of eligibles and upon

completion of the resulting interviews, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

- (a) Eligible was interviewed and considered but not appointed;
- (b) Eligible waived consideration for the position;
- (c) Eligible could not be contacted, provided he/she had been given at least two working days to respond to notice of certification;
- (d) Eligible failed to appear for the interview; or
- (e) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than ~~((two))~~ four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-320 APPOINTMENT—PROBATIONARY. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

- (a) Open-Competitive or Noncompetitive List.
- (b) Institution-Wide Layoff List - when the employee was in probationary status at the time of layoff.
- (c) State-wide Layoff List.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is not a permanent employee of the institution.

(2) The probationary period will continue for ~~((a period of six months))~~ the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

- (a) The employee shall begin a probationary period in the new class;
- (b) The salary in the new class shall be established as provided in WAC 251-08-080;
- (c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

#### AMENDATORY SECTION (Amending Order 91, filed 11/4/81)

WAC 251-18-330 TRIAL SERVICE PERIOD. (1) A trial service period ~~((of six months))~~ shall be required upon appointment of a permanent employee to a new class, unless

(a) during the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) the class is lower in that same class series, or

(c) the employee is being reallocated per the provisions of WAC 251-06-080(1)(a), or

(d) the employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-18-400(5).

(2) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has

preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(3) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

(4) An employee who is reverted may appeal to the board regarding:

(a) Whether the employer complied with the requirements of WAC 251-18-330(3)(a) and (b); and

(b) Whether the claimed deficiencies existed at the time of reversion.

(5) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.

(6) In the event an employee is on leave without pay status for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay.

(7) Successful completion of the trial service period shall result in permanent status in the class.

(8) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

#### AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-340 APPOINTMENT—PERMANENT STATUS. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a ~~((six-month))~~ probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-090 ANNUAL LEAVE—CASH PAYMENT. ~~((Cash payment for unused accumulated annual leave must be made to an employee who has completed six months of continuous employment under the following conditions:~~

~~(1) Upon written resignation, with a minimum of two calendar weeks notice. The employing official may waive the notice period.~~

~~(2) Upon separation by death, retirement, layoff or dismissal of an employee.))~~ Classified employees whose employment is terminated by their death who have completed six months of continuous employment shall have such accrued vacation leave paid to their estate.

#### NEW SECTION

WAC 251-22-091 ANNUAL LEAVE—SEPARATION. Classified employees who have completed six continuous months of employment, and who separate by retirement, resignation, layoff or dismissal shall be allowed to use all accumulated annual leave prior to their separation.

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

##### WAC 251-22-200 LEAVE OF ABSENCE WITHOUT PAY.

(1) Leave of absence without pay may be allowed for any of the following reasons:

(a) Conditions applicable for leave with pay;

(b) Maternity leave;

(c) Educational leave;

(d) Leave for Government service in the public interest;

(e) To accommodate annual work schedules of employees occupying positions established on the basis of an instructional year as specified in WAC 251-18-380.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Annual leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, except as provided in WAC 251-18-380(2).

(5) A classified employee taking ~~((a-temporary))~~ an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of ~~((such-temporary))~~ the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the ~~((temporary employment))~~ exempt appointment.

#### **WSR 82-12-058**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed June 2, 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 aerial application of desiccants and defoliants, WAC 16-230-170.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Tuesday, July 6, 1982, in the Director's Office, 406 General Administration Building, AX-41, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 17.21.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 6, 1982, Department of Agriculture, Grain and Chemical Division, 406 General Administration Building, AX-41, Olympia, Washington 98504.

Dated: June 2, 1982

By: Art G. Losey

Assistant Director

#### **STATEMENT OF PURPOSE**

Title: WAC 16-230-170 Aerial Equipment—Boom Length, Pressure, Nozzle Requirement, Nozzle Height of Discharge and Smoke Device Requirements for the Entire Area Under Order.

Description of Purpose: To enforce and administer the Pesticide Application Act, chapter 17.21 RCW, for the purpose of protecting the public of Washington state.

Statutory Authority: RCW 17.21.030.

Summary of Rule: Because there are fields in eastern Washington are isolated from susceptible crops, a permit



system will allow applicators the use of less restrictive equipment to desiccate their fields. The department will review each request carefully in regard to safety factors and the possible exposure to susceptible crops.

Reasons Supporting Proposed Action: This amendment will be a considerable savings to the grower and applicator.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Art G. Losey, Assistant Director, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504.

Organization Proposing Rule: Department of Agriculture.

Agency Comments: None.

Whether Rule is Necessary as Result of Federal Law: No.

**AMENDATORY SECTION** (Amending Order 1682, filed 4/4/80)

**WAC 16-230-170 AERIAL EQUIPMENT—BOOM LENGTH, PRESSURE, NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER.** (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliant.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliant shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliant:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: PROVIDED, That the RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliant: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington State department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliant within the area under order as described in WAC 16-230-150 with nozzles, nozzle type and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

**WSR 82-12-059**

**PROPOSED RULES**

**PARKS AND RECREATION  
COMMISSION**

[Filed June 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 amend rules concerning standard fees charged, WAC 352-32-250. Proposed amendment would increase the nightly electrical hookup surcharge for senior citizen pass holders from \$1.00 to \$1.50;

that such agency will at 9 a.m., Monday, July 19, 1982, in the Islander Lopez, Fisherman's Bay, Lopez, Washington 98261, 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, July 16, 1982, and/or orally at 9 a.m., Monday, July 19, 1982, Islander Lopez, Fisherman's Bay, Lopez, Washington 98261.

Dated: May 28, 1982

By: Robert T. McCoy  
Rules Coordinator

**STATEMENT OF PURPOSE**

Title: Standard Fees Charged, WAC 352-32-250.

Description of Purpose: Proposed amendment would increase the nightly surcharge for senior citizen pass holders who use an electrical hookup. The surcharge would be set at whatever the nightly electrical hookup fee is for non-pass users.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: At this time, senior citizens can purchase an annual pass for \$12.00. This pass entitles the holder to up to 30 nights of free camping during the off-season. If they choose to use an electrical hookup, however, an additional nightly fee of \$1.00 is charged. This amendment would set the electrical hookup fee at whatever the non-pass user is charged for the same hookup (at present \$1.50).

Reasons Supporting Proposed Action: The proposed amendment would bring the senior citizen pass surcharge in line with the amount charged to non-pass users for electrical hookups.

Agency Personnel Responsible for Drafting: Dennis Smith, Assistant Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504, 753-5766; Implementation: Lynn Genasci, Assistant Director of Operations; and Enforcement: By existing agency personnel.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended language is contained in the proposed amendatory section shown below.

Federal Law/Court Action: N/A.



**AMENDATORY SECTION** (Amending Order 60, filed 4/14/82)

**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 \$1.50 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 nonmotorized 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: \$.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)~~ nightly surcharge equal to the fee for electrical hookup established in subsection (2) above will be added for the use of an electrical hookup;

(10) Washington senior citizens and disabled or handicapped persons found eligible under 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 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: \$1.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite; PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(13) Marine park moorage facilities - see WAC 352-12-020 and 352-32-030.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

**WSR 82-12-060****ADOPTED RULES****UTILITIES AND TRANSPORTATION  
COMMISSION**

[Order R-187, Cause No. TV-1595--Filed June 2, 1982]

In the matter of amending WAC 480-12-033 relating to temporary permits.

This action is taken pursuant to Notice No. WSR 82-09-038 filed with the code reviser on April 14, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-09-038 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioner Robert C. Bailey.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 28, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the June 2, 1982, meeting the commission considered the rule change proposal. No written comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, the commission has determined that WAC 480-12-033 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-033 as amended will extend the time period for emergency temporary permits.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-12-033 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 2nd day of June, 1982.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Robert C. Bailey, Commissioner

#### APPENDIX A

#### AMENDATORY SECTION (Amending Order R-50, filed 8/8/73)

##### WAC 480-12-033 TEMPORARY PERMITS. (1)

The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

(i) A showing of an immediate and urgent need for the requested service;

(ii) The presence of lack of available service capable of meeting the need; and

(iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within seven days from the date of publication, submit a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing(;) and able and commits to provide service to their satisfaction on demand.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

(a) In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) (except a temporary permit which has been canceled within ((20)) twenty days after date of issuance as hereinafter provided) or (2) above, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations

authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than ((60)) sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1):

"This permit is subject to cancellation any time within ((20)) twenty days after date of issuance, if the commission receives evidence that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of ((15)) thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner.

(a) Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits ~~((of at least twenty-five thousand dollars for injury or death of any one person, and, subject to such limit as to any one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident))~~ provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.

#### WSR 82-12-061

#### ADOPTED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-186, Cause No. TV-1611—Filed June 2, 1982]

In the matter of amending WAC 480-12-195 relating to transportation of hazardous materials by common and contract carriers.

This action is taken pursuant to Notice No. WSR 82-09-042 filed with the code reviser on April 14, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040, 81.80.211 and 81.80.290 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW),

and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-09-042 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioner Robert C. Bailey.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 28, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the June 2, 1982, meeting the commission considered the rule change proposal. No written or oral comments opposing the rule change were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-195 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-195 as amended will eliminate the red bill of lading requirement for hazardous materials transportation, since the requirement is no longer mandated by state law.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-195 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 2nd day of June, 1982.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Robert C. Bailey, Commissioner

#### APPENDIX A

AMENDATORY SECTION (Amending Order R-181, Cause No. TV-1567, filed 2/10/82)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging,

loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) ~~((In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.~~

(3)) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

#### WSR 82-12-062

#### ADOPTED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-188, Cause No. TV-1596—Filed June 2, 1982]

In the matter of amending WAC 480-12-110 relating to the tacking of permits.

This action is taken pursuant to Notice No. WSR 82-09-037 filed with the code reviser on April 14, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-09-037 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioner Robert C. Bailey.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 28, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the June 2, 1982, meeting the commission considered the rule change proposal. No written comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, the commission has determined that WAC 480-12-110 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-110 as amended will allow a carrier to combine or "tack" a regular route with an irregular route.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-110 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 2nd day of June, 1982.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Robert C. Bailey, Commissioner

#### APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-110 PERMIT, MUST ABIDE BY—"TACKING"—EXTENSION. (1) A permit to operate as a common or contract carrier shall embrace authority for a certain specific route, or routes, or territory, and for a certain specific commodity or commodities over the routes or within the territory so authorized. The permit shall also show the type of service, whether scheduled or nonscheduled, whether over regular or irregular routes and whether radial or nonradial service.

(2) No change of service may be made without a revision of permit by the commission.

(3) Every carrier must adhere strictly to the scope of his permit and any deviation will be a violation thereof.

(4) Permits authorizing service within a certain radial distance from a given point shall be construed as authorizing such service within the given distance by "Road Miles" rather than by "Air Miles".

(5) A common carrier of general freight may combine, join, or "tack" any regular route authorities, or any regular and irregular route authorities, contained in its permit so long as the combining, joining, or "tacking" is conducted through a common point, which point can be either terminal or intermediate on ~~((either))~~ the regular route and need not be named. No common carrier of general freight having ~~((both regular route authority and))~~ irregular route ~~((authority))~~ authorities in its permit shall combine, join, or "tack" such authorities to provide a through service except upon application to the

commission and its finding that such through service will be in the public interest. ~~((No common carrier of general freight shall combine, join, or "tack" any irregular route authorities contained in its permit:))~~

(6) The operating authority of a permit holder cannot be extended except upon order of the commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality.

#### WSR 82-12-063

#### ADOPTED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-189, Cause No. TV-1597—Filed June 2, 1982]

In the matter of amending WAC 480-12-350 relating to insurance.

This action is taken pursuant to Notice No. WSR 82-09-036 filed with the code reviser on April 14, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-09-036 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioner Robert C. Bailey.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 28, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, June 2, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the June 2, 1982, meeting the commission considered the rule change proposal. Written comments were received from Jane M. Purkey of Grayport Transfer & Storage Co.

The rule change affects no economic values.

In reviewing the entire record herein, the commission has determined that WAC 480-12-350 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-350 as amended will increase the amount of liability and property damage insurance required for carriers.

## ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-350 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 2nd day of June, 1982.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Robert C. Bailey, Commissioner

## APPENDIX A

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount of not less than ~~((twenty-five))~~ five hundred thousand dollars ((for recovery for personal injury by one person and not less than one hundred thousand dollars for recovery for all persons receiving personal injury by reason of one act of negligence and not less than ten thousand dollars for damage to property, excluding cargo, of any person other than the insured)) combined single limit (CSL) as of July 1, 1982, and seven hundred fifty thousand dollars combined single limit (CSL) as of July 1, 1983; PROVIDED, That an amount of not less than one million dollars combined single limit (CSL) as of July 1, 1982, and five million dollars combined single limit (CSL) as of July 1, 1983, shall be required in the transportation of hazardous substances as defined in 49 CFR § 171.8; AND PROVIDED FURTHER, That applications for permits to operate as Temporary Common Carriers or Temporary Contract Carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance", filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient; PROVIDED, The combined single limits set forth above are in effect.

WSR 82-12-064  
EMERGENCY RULES  
DEPARTMENT OF GAME  
(Game Commission)  
[Order 170—Filed June 2, 1982]

Be it resolved by 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 establish 1982 Western Washington upland bird punchcard season limit on pheasants, WAC 232-28-40501.

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 unless a season limit was set at this time, there would be insufficient time after the next regularly scheduled Game Commission meeting to meet printing requirements and punchcard distribution to authorized license dealers state-wide. Therefore, the establishing of a season limit on pheasants in Western Washington is necessary to provide user group awareness and allow the previously established season to occur in an orderly manner.

Such rule is therefore adopted as an emergency rule.

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 May 27, 1982.

By Archie U. Mills  
Chairman, Game Commission

NEW SECTION

WAC 232-28-40501 ESTABLISH 1982 WESTERN WASHINGTON UPLAND BIRD PUNCHCARD SEASON LIMIT ON PHEASANTS. *Notwithstanding the provisions of WAC 232-28-405, the 1982 season bag limit for pheasants in Western Washington shall be twelve pheasants.*

WSR 82-12-065  
PROPOSED RULES  
DEPARTMENT OF GAME  
(Game Commission)  
[Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that

the State Game Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 232-28-505	1982-83 Trapping Seasons and Regulations.
New	WAC 232-28-105	1982 Upland Migratory Game Bird Seasons.
Amd	WAC 232-12-081	Checking Stations—Inspection of Game and Licenses.
Rep	WAC 232-28-504	1981-82 Trapping Seasons and Regulations.
Rep	WAC 232-28-103	1980 Upland Migratory Game Bird Seasons.
Rep	WAC 232-16-020	Auburn Game Farm.
Rep	WAC 232-16-090	Colville State Game Farm.
Rep	WAC 232-16-190	Green Lake Island Game Reserve.
Rep	WAC 232-16-220	Kennewick Game Farm Reserve.
Rep	WAC 232-16-260	Mount Baker Game Reserve.
Rep	WAC 232-16-350	Snoqualmie Falls Game Reserve.
Rep	WAC 232-16-390	Lake Stevens Game Reserve;

that such agency will at 9:00 a.m., Friday, July 9, 1982, in the Rodeway Inn, 6802 South Sprague Avenue, Tacoma, WA 98409, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, July 9, 1982, in the Rodeway Inn, 6802 South Sprague Avenue, Tacoma, WA 98409.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1982, and/or orally at 9:00 a.m., Friday, July 9, 1982, Rodeway Inn, 6802 South Sprague Avenue, Tacoma, WA 98409.

Dated: June 2, 1982

By: Dave Schultz

Acting Chief, Wildlife Enforcement

#### STATEMENT OF PURPOSE

Title: New sections WAC 232-28-505 1982-83 Trapping Seasons and Regulations and 232-28-105 1982 Upland Migratory Game Bird Seasons. Amenda-tory Section WAC 232-12-081 Checking Stations—Inspection of Game and Licenses. Repealing WAC 232-28-504 1981-82 Trapping Seasons and Regulations; 232-28-103 1980 Upland Migratory Game Bird Seasons; 232-16-020 Auburn Game Farm; 232-16-090

Colville State Game Farm; 232-16-190 Green Lake Island Game Reserve; 232-16-220 Kennewick Game Farm Reserve; 232-16-260 Mount Baker Game Reserve; 232-16-350 Snoqualmie Falls Game Reserve; and 232-16-390 Lake Stevens Game Reserve.

Statutory Authority: RCW 77.12.040.

Summary: Seasons and bag limits will be established as outlined on the attachments. Dates and limits will change depending upon calendar and regional recommendations. The game farm reserves listed on the repealer are non-operating, non-existence game farms and no longer need to be included in the Washington Administrative Code.

Reasons in support of rule: To properly manage the wildlife resources.

Agency Personnel Responsible for Drafting: Richard J. Poelker, Divisional Administrator, Wildlife Management Division; and Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740; Implementation: Richard J. Poelker and Dave Schultz; and Enforcement: Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Person or Organization Proposing Rule: Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: No comments.

Is Rule Required by Federal Law, Federal Court Action or State Court Action: No.

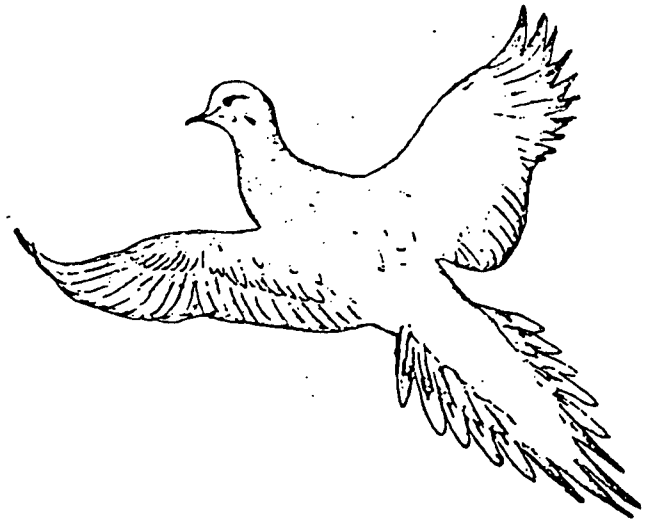
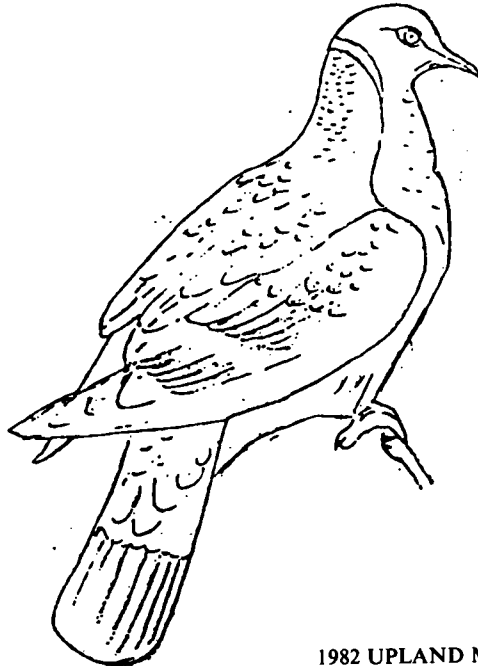
#### NEW SECTION

WAC 232-28-505 1982-1983 TRAPPING SEASONS AND REGULATIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1982-1983 Trapping Seasons and Regulations proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**NEW SECTION**

WAC 232-28-105 1982 UPLAND MIGRATORY GAME BIRD SEASONS



1982 UPLAND MIGRATORY GAME BIRD SEASONS

-Statewide-

**MOURNING DOVE:**

September 1 - September 15, inclusive  
 Daily bag limit: 10  
 Possession limit: 20

**BAND-TAILED PIGEON:**

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

**SHOOTING HOURS** as follows: (Daylight Saving Time)

**DATES INCLUSIVE**

Tue. Sept. 1    Sun. Sept. 6  
 Mon. Sept. 7    Sun. Sept. 13  
 Mon. Sept. 14    Sun. Sept. 20  
 Mon. Sept. 21    Sun. Sept. 27  
 Mon. Sept. 28    Wed. Sept. 30

Eastern Washington

From A.M.	To P.M.
5:50	7:35
6:00	7:20
6:05	7:05
6:15	6:50
6:25	6:40

Western Washington

From A.M.	To P.M.
6:00	7:45
6:10	7:35
6:20	7:20
6:25	7:05
6:40	6:50

**AMENDATORY SECTION**

WAC 232-12-081 CHECKING STATIONS—INSPECTION OF GAME AND LICENSES. ((+) The department is authorized to establish checking stations, for the purpose of inspecting hunting and fishing licenses and wildlife.

(2) Every person, upon the request of a wildlife agent, shall produce for inspection, wildlife and required hunting or fishing licenses, tags and permits in their possession. It is unlawful to fail to stop at a department checking station while it is in operation.)) Hunters and fishermen occupying a motor vehicle approaching or entering a check station established by a Wildlife Agent must stop and produce for inspection:

- (1) Wildlife in their possession;
- (2) Licenses, permits, tags, stamps or punchcards required under Title 77 R.C.W. or rules adopted thereunder.

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

**REPEALER**

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

- WAC 232-28-504 1981-82 TRAPPING SEASONS AND REGULATIONS
- WAC 232-28-103 1980 UPLAND MIGRATORY GAME BIRD SEASONS
- WAC 232-16-020 AUBURN GAME FARM
- WAC 232-16-090 COLVILLE STATE GAME FARM
- WAC 232-16-190 GREEN LAKE ISLAND GAME RESERVE
- WAC 232-16-220 KENNEWICK GAME FARM RESERVE



WAC 232-16-260 MOUNT BAKER GAME RESERVE  
 WAC 232-16-350 SNOQUALMIE FALLS GAME RESERVE  
 WAC 232-16-390 LAKE STEVENS GAME RESERVE

**WSR 82-12-066**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1818—Filed June 2, 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 Community, separate and jointly owned property—Labor and industries compensation—Lien, amending WAC 388-28-392.

This action is taken pursuant to Notice No. WSR 82-09-019 filed with the code reviser on April 12, 1982. 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 June 2, 1982.

By David A. Hogan  
 Director, Division of Administration

**AMENDATORY SECTION** (Amending Order 842, filed 8/9/73)

**WAC 388-28-392 COMMUNITY, SEPARATE AND JOINTLY OWNED PROPERTY—LABOR AND INDUSTRIES COMPENSATION—LIEN.** (1) The department of social and health services (DSHS) is authorized to file a lien upon labor and industries time-loss compensation payable to a recipient of public assistance.

~~((a))~~ Provisions of this section do not apply to persons ~~((whose))~~ when the person's eligibility for labor and industries benefits is based upon an injury or illness occurring prior to July 1, 1972.

(2) By accepting public assistance a recipient is deemed to have subrogated to ~~((the department))~~ DSHS his or her right to recover net time-loss compensation. ~~((The amount recoverable by the department shall be up to 80% of assistance or compensation, whichever is less, granted to the recipient for or during the period for which time loss is payable))~~ DSHS shall compute the department's claim for subrogation up to eighty percent of the lesser amount of either the public assistance or time-loss compensation paid, for the periods when both public assistance and time-loss are paid to the injured worker.

(a) When the public assistance unit is composed of several adults not married to each other, and the adults' dependents in an assistance unit, the claims for subrogation will be made as if the injured worker and his or her dependents were on a separate assistance grant.

(i) If the unmarried adults on a public assistance grant have a common child, that child will be counted as one of the injured worker's dependents.

(ii) If an injured worker or one of his or her dependents receives other income which is budgeted against the public assistance grant, the claim for subrogation will be made as if that other income were budgeted against continuing assistance for the injured worker and his or her dependents in the household.

(b) When the period of duplicated benefits from public assistance and time-loss compensation terminates, or if continuing assistance is paid to supplement time-loss compensation to bring the injured worker's income up to the grant payment standard, DSHS shall make no further claim under this lien against the time-loss compensation.

(c) In computing the amounts of claims for subrogation, DSHS shall compute the payments for time loss and public assistance paid for less than a full month on the actual number of days paid.

(3) A copy of the statement of lien and notice to the department of labor and industries to withhold and deliver time-loss compensation to ~~((the department))~~ DSHS shall be mailed to a recipient no later than three days after such statement has been sent to the department of labor and industries.

(4) ~~((The department))~~ DSHS shall advise an applicant or recipient of the provisions of this section when it is known that such individual may be eligible for time-loss compensation from labor and industries.

(5) Any person feeling himself or herself aggrieved by the action of ~~((the department))~~ DSHS in impounding his or her time-loss compensation shall have the right to a fair hearing as provided in chapter 388-08 WAC.

**WSR 82-12-067**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1819—Filed June 2, 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 incapacity, amending WAC 388-37-035.

This action is taken pursuant to Notice No. WSR 82-09-049 filed with the code reviser on April 15, 1982. 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 June 2, 1982.

By David A. Hogan  
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1709, filed 10/15/81)

WAC 388-37-035 INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence.

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician or chiropractor; for a mental incapacity, the source may be a report from a psychiatrist or clinical psychologist. Medical evidence may be obtained from other DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities so that it can be determined whether there remains a capacity to engage in a useful occupation.

(4) Incapacity due to mental disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.

(5) Such incapacity will be determined on the basis of evidence that the individual:

(a) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.

(b) Is unable to sustain an adequate attention span.

(c) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.

(d) Does not have the degree of physical and motor control required to sustain employment.

(e) Does not have perception and memory to the degree necessary to obtain and sustain employment.

(f) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.

(g) Is under medication which impairs functioning.

(h) Any one or a combination of the conditions in subdivisions (a) through ~~((h))~~ (g) may be sufficient to establish incapacity.

(6) Incapacity will be considered to be established ~~((for a period of sixty days))~~ without an incapacity review team decision when the person:

(a) Deleted;

(b) Has been determined to be eligible for any benefits based on social security administration disability criteria;

(c) Is eligible for services from the ~~((bureau))~~ division of developmental disabilities;

~~((d) Is being released from inpatient psychiatric treatment.))~~

(7) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.

(8) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into ~~((either))~~ intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020.

~~((8))~~ (9) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) Detoxification—thirty days.

(ii) Maintenance—sixty days.

(iii) Residential treatment—sixty days.

(b) Assistance shall not be continued beyond the initial period of time described in subdivision ~~((8))~~ (9)(a) of this section without an incapacity review team decision.

~~((9))~~ (10) If the person claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections ~~((7))~~ (8) or ~~((8))~~ (9) of this section, incapacity will be determined by evidence that:

(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or

(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property.

~~((10))~~ (11) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.

~~((11))~~ (12) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.

~~((12))~~ (13) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.

**WSR 82-12-068**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1820—Filed June 2, 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 82-09-051 filed with the code reviser on April 15, 1982. 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 June 2, 1982.

By David A. Hogan  
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1756, filed 2/3/82)

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) 4.25 percent for January 1, 1982 rate setting; and
- (iii) ~~((3.25))~~ 1.625 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 82-12-069**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission for Vocational Rehabilitation)**  
 [Order 1821—Filed June 2, 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 fair hearings, amending WAC 490-500-570.

This action is taken pursuant to Notice No. WSR 82-09-072 filed with the code reviser on April 21, 1982. 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 June 2, 1982.

By David A. Hogan  
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-570 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the division, and shall thereupon be granted, a fair hearing.

(a) A client ~~((who desires))~~ desiring a fair hearing shall request such hearing within thirty days after receiving notice from the division of the finding of the administrative review.

~~((2))~~ (b) A request for a fair hearing may be made either verbally or in writing and may be filed in any office of the division. If made verbally, such a request shall promptly be reduced to writing.

~~((3))~~ (c) All requests for fair hearings shall:

~~((a))~~ (i) Specify the date of the administrative review ~~((which is))~~ being appealed ~~((from))~~,

~~((b))~~ (ii) Specify as precisely as possible the issue to be adjudicated at the fair hearing,

~~((c))~~ (iii) Set forth the address of the client, his or her representative or his or her attorney.

~~((d))~~ (iv) Be signed by the client, his or her representative, or his or her attorney.

~~((4))~~ At any time after the filing of a request for a fair hearing, the client shall have the right of access to and may examine any files and records of the division regarding his vocational rehabilitation case which contain information which is relevant and material to his grievance. This right of access and examination shall extend to the client's representative or attorney if so authorized in writing by the client.

~~(5) A fair hearing shall be held within thirty days after the submission of a request and shall be held either in the county in which the client resides or in the county in which he has been receiving services. The fair hearing shall be conducted by a hearing officer appointed by the secretary for such purposes.~~

~~(6) The division shall notify a client who has requested a fair hearing of the time and place of said hearing at least five days prior to the time thereof by registered mail or by personal service upon said client, unless agreed otherwise in writing by the client and the division.~~

~~(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.~~

~~(8) Rules of evidence:~~

~~(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.~~

~~(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.~~

~~(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.~~

~~(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.~~

~~(9) The division shall not be required to pay fees or mileage to witnesses appearing at fair hearings.~~

~~(10) The division or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing where such action will expedite the fair hearing.~~

~~(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the division or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The division or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The division or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his~~

~~discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.~~

~~(12) A client shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the division. If, after being duly notified of a hearing a client or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.~~

~~(13) The fair hearing shall be closed to the public, with only the hearing officer, the client and his representative, the client's witnesses, and the division's representatives and witnesses in attendance, unless the client has made a written request to the division that the hearing be open to the public.~~

~~(14) In any fair hearing proceedings, the hearing officer may in his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient dispositions of the proceedings.~~

~~(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing, officially notice:~~

~~(a) General customs and practices followed in the transaction of business;~~

~~(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;~~

~~(c) The disposition of any proceedings then pending before or previously concluded by the division;~~

~~(d) Matters within the technical knowledge of the division as a body of experts, or within the scope of pertaining to the subject matter of its duties, responsibilities, or jurisdiction.~~

~~(16) The division shall, within thirty days after the date of the fair hearing, notify the client in writing of the decision of the hearing officer. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the hearing officer's decision.~~

~~(17) In computing any period of time prescribed or allowed by division rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.)~~

(2) Any party desiring a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge notify the hearings examiner of said desire, stating in detail the reasons why such continuance is necessary. The hearings examiner in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The hearings examiner may grant a continuance for good cause shown, and may at any time order a continuance upon his or her own motion. If during the hearing it appears

further testimony or argument should be received in the interest of justice, the hearing examiner conducting the hearing may, at his or her discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(3) The following sections of chapter 388-08 WAC shall apply to hearings requested under this section:

WAC 388-08-00401 except subsection (1)(d),  
WAC 388-08-00601 through 388-08-405,  
WAC 388-08-408 through 388-08-414,  
WAC 388-08-420 through 388-08-503, and  
WAC 388-08-520.

(4) The director, division of vocational rehabilitation, is the hearing authority to review and rule on petitions for review of initial decisions and orders and to write review decisions and orders.

(5) Any client not satisfied with the decision of the director, division of vocational rehabilitation, may request the secretary of education to review the decision pursuant to 29 U.S.C. Section 722.

**WSR 82-12-070**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Securities Division)**  
[Filed June 2, 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 Washington state limited offering exemption, adding new chapter 460-46A WAC, limited offering exemption;

that such agency will at 10:00 a.m., Friday, August 13, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, August 16, 1982, in the Securities Division, Department of Licensing, Olympia, Washington 98504, unless this matter is continued for further comment.

The authority under which these rules are proposed is RCW 21.20.320(9), see also RCW 21.20.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 13, 1982, and/or orally at 10:00 a.m., Friday, August 13, 1982, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: June 2, 1982  
By: John Gonzalez  
Director

**STATEMENT OF PURPOSE**

Name of Agency: Department of Licensing, Securities Division.

General Purpose of Rule: The rule shown below is to implement the provisions of RCW 21.20.320(9) and to

provide corporations, who have not previously sold registered securities, to raise up to five hundred thousand dollars in a twelve-month period.

Statutory Authority: RCW 21.20.320(9), see also RCW 21.20.450.

Summary of the Rules: Adopting WAC 460-46A-010 Limited Offering Exemption—Conditions to be Met, creating additional limited offering exemption if the prescribed form and conditions are followed; adopting WAC 460-46A-020 Availability of Exemption, defining availability of exemption to an issuer, who must be a corporation, may offer only one class of stock, may not raise more than \$500,000 under exemption, may not use exemption to sell debt securities, and who has not previously sold registered securities; adopting WAC 460-46A-025 No Sales Commission, imposing the requirements that no sales commission be paid directly or indirectly for sales under the limited offering exemption; adopting WAC 460-46A-030 Affiliate—Definition, defining "affiliate"; adopting WAC 460-46A-040 Maximum Number of Purchasers Under Exemption, listing maximum number of purchasers under exemption to seventy-five in any consecutive twelve-month period; adopting WAC 460-46A-050 Maximum Amount of Cheap and Promotional Shares, limiting maximum amount of cheap and promotional shares to forty percent of the outstanding shares at the completion of the offering; adopting WAC 460-46A-060 Promoter—Definition, defining "promoter"; adopting WAC 460-46A-070 Cheap and Promotional Shares—Definition, defining "cheap" and "promotional" shares; adopting WAC 460-46A-080 Stock Options, limiting stock options to ten percent of the outstanding shares after the completion of the offering, setting minimum prices of shares sold under option, and time limit for exercise of option; adopting WAC 460-46A-085 Inapplicability of Cheap and Promotional Share, and Stock Option, Restrictions, stating conditions and circumstances under which the cheap and promotional shares and stock option restrictions under WAC 460-46A-050 and 460-46A-080 will not apply; adopting WAC 460-46A-090 Disclosure Documents, requiring a FORM LOE-82 provided by the securities administrator to the issuer to be furnished to each offeror under the limited offering exemption and requiring revision of disclosures where appropriate; adopting WAC 460-46A-095 Prices of Shares, requiring all shares sold under exemption to be sold at the same price; adopting WAC 460-46A-100 Time Purchase of Shares Under Limited Offering Exemption, requiring that shares sold under exemption be fully paid for within ninety days of date of subscription; adopting WAC 460-46A-105 Maximum and Minimum Offering Amounts, requiring maximum and minimum offering amounts to be specified by issuer; adopting WAC 460-46A-110 Monies to be Deposited in Escrow Account: Period of Escrow and of Offering, requiring funds received for sales of securities under the exemption be put in a separate escrow account until the minimum amount is raised, requiring that the minimum amount be raised within six months of the first offer, and that the offering period may not exceed nine months from the time of the first

offer; adopting WAC 460-46A-120 Startup Management Compensation Prohibited, prohibiting startup management compensation, but allowing reimbursement of actual out of pocket expenses and allowing reasonable salaries to be paid when issuer is actually conducting business operations; adopting WAC 460-46A-145 Restrictions on Transferability, requiring that restrictions on transferability be placed on stock certificates of shares sold under the limited offering exemption; adopting WAC 460-46A-150 Suitability of Investors, defining investor suitability requirements; adopting WAC 460-46A-155 Attorney to Review Disclosure Documents, requiring that the disclosure document required under WAC 460-46A-090 be reviewed and signed by an attorney who is a member in good standing of the state bar association; adopting WAC 460-46A-160 Signing and Verification of Information in Disclosure Documents, requiring all directors and the chief executive and accounting officers of the issuer to verify accuracy and completeness of information in the disclosure document and sign same document; and adopting WAC 460-46A-165 Annual Reports to Stockholders, requiring issuers to provide annual written financial reports for five years to investors in the limited offering.

**Reason Proposed:** The amendments are proposed to facilitate the raising of capital by corporations who have not previously sold registered securities by providing an exemption from registration under RCW 21.20.320(9) while providing reasonable safeguards for the investing public.

**Responsible Department Personnel:** In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Joan Baird, Assistant Director, Professional Licensing, 3rd Floor, Highways-Licenses Building, 234-1369 (Scan), 753-1369; and Ralph R. Smith, Administrator, Securities Division, 6th Floor, Highways-Licenses Building, 234-6928 (Scan), 753-6928.

**Proponents and Opponents:** This rule is proposed by the Department of Licensing, Securities Division.

**Agency Comments:** These rules were promulgated pursuant to the authority contained in RCW 21.20.450.

#### Chapter 460-46A WAC

#### WASHINGTON STATE LIMITED OFFERING EXEMPTION

##### NEW SECTION

**WAC 460-46A-010 LIMITED OFFERING EXEMPTION—CONDITIONS TO BE MET.** Transactions involving the offer and sale of securities made in accordance with all the conditions set forth in WAC 460-46A-020 through 460-46A-165 shall be exempted from registration under RCW 21.20.320(9).

##### NEW SECTION

**WAC 460-46A-020 AVAILABILITY OF EXEMPTION.** Only corporations may use the limited offering exemption. The limited offering exemption may be used by an issuer more than once provided that the aggregate amount raised by all offerings by the issuer and its affiliates under the limited offering exemption shall not exceed five hundred thousand dollars. The limited offering exemption is available only if one class of stock is outstanding after the offering. The limited offering exemption may not be used for the offer and sale of debt securities. The limited offering exemption is not available if the issuer or its affiliates have previously sold securities of such issuer or affiliate

under the provisions of RCW 21.20.210 (registration by qualification) or RCW 21.20.180 (registration by coordination) or of similar provisions of the securities or blue sky laws of any other state. The total amount of funds raised by the issuer and its affiliates under all exemptions, including the limited offering exemption, but excepting the statutory nonpublic offering exemption of RCW 21.20.320(1), may not exceed five hundred thousand dollars in any twelve-month period during which the limited offering exemption is used.

##### NEW SECTION

**WAC 460-46A-025 NO SALES COMMISSION.** No commission or other remuneration may be paid directly or indirectly for offering or making sales of shares under the limited offering exemption.

##### NEW SECTION

**WAC 460-46A-030 AFFILIATE—DEFINITION.** "Affiliate" means any person who directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with the person specified. For example, corporations with common principal owners or executive management are "affiliates."

##### NEW SECTION

**WAC 460-46A-040 MAXIMUM NUMBER OF PURCHASERS UNDER EXEMPTION.** The maximum number of purchasers under the limited offering exemption in any consecutive twelve months shall be twenty-five. Husband and wife shall be counted as one purchaser, as shall an estate. Each shareholder of a corporation and each beneficiary of a trust shall be counted separately as a purchaser in addition to the corporation or trust unless the shareholder or beneficiary has been such for at least six months prior to the purchase.

##### NEW SECTION

**WAC 460-46A-050 MAXIMUM AMOUNT OF CHEAP AND PROMOTIONAL SHARES.** In no event shall the aggregate amount of cheap and promotional shares exceed forty percent of the outstanding shares of a corporation using the limited offering exemption after the completion of the offering, except that this prohibition shall not apply if the net tangible book value (under generally accepted accounting principles) per share for all shares outstanding after the offering will exceed sixty percent of the offering price per share.

##### NEW SECTION

**WAC 460-46A-060 PROMOTER—DEFINITION.** "Promoter" means any person who, acting alone or in conjunction with one or more persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer.

##### NEW SECTION

**WAC 460-46A-070 CHEAP AND PROMOTIONAL SHARES—DEFINITION.** "Promotional shares" means any shares which are issued by a corporation using the limited offering exemption (1) in consideration for services rendered in connection with the founding or organization of its business, or (2) to a promoter in consideration for any intangible property, including such property as patents, copyrights or goodwill, or any tangible property, unless there exists an active public trading market therefor so that the fair market value thereof at the time of issuance may be clearly ascertained. "Cheap shares" means any shares issued to persons for consideration per share less than the proposed offering price per share under the limited offering exemption. At the time of issuance of any promotional or cheap shares, if there shall be paid into the corporation any cash consideration therefor, or any tangible property for which there exists a public trading market, the calculation of the number of promotional or cheap shares shall show as a deduction the number of shares which would be fully paid at the offering price in the limited offering based upon the amount of any such cash and the fair market value of any such tangible property.

##### NEW SECTION

**WAC 460-46A-080 STOCK OPTIONS.** The maximum amount of stock options may not exceed ten percent of all outstanding shares of the same or similar class of the issuer after the completion of an offering based upon the limited offering exemption. The exercise price

per share under such option must be at least equal to the price per share paid by the purchaser for similar shares sold under the limited offering exemption. Such option may not be exercisable after three years, except that the option may be exercisable for up to five years if the exercise price per share in the fourth and fifth years is at least one hundred twenty percent of the price per share in the offering.

#### NEW SECTION

**WAC 460-46A-085 INAPPLICABILITY OF CHEAP AND PROMOTIONAL SHARE, AND STOCK OPTION, RESTRICTIONS.** The above notwithstanding, the restrictions of WAC 460-46A-050 and 460-46A-080 shall not apply if the provisions of either subsection (1), (2) or (3) below apply:

(1) All of the investors in the limited offering fall within one or more of the following categories:

(a) Executive officers of the issuer;

(b) Persons who are then currently licensed to practice law or securities public accounting, or are registered securities broker-dealers or securities salespersons or registered investment advisors or investment advisor salespersons, in any jurisdiction; or

(c) Entities specified in RCW 21.20.320(8).

(2) All investors in the limited offering purchase for cash on the same terms and conditions, and the investors purchasing a majority of the securities sold in the limited offering fall within categories (a), (b) or (c) above.

(3) The excess amounts of cheap or promotional shares and options above the maximum limits established by WAC 460-46A-050 and 460-46A-080 shall be placed in an escrow established by order of the administrator allowing them to be released from escrow only if within five years the net worth of the issuer (under generally accepted accounting principles) increases above the amount of net worth of the issuer at the commencement of the offering:

(a) In the case of promotional or cheap shares, the number of promotional or cheap shares released shall be a number equal to the amount such increase in net worth exceeds three hundred percent of the proceeds of the limited offering, divided by the offering price per share in the limited offering; and

(b) In the case of options, the number of options released shall be those covering an underlying number of shares equal to the amount such increase in net worth (after allowing for that applied to the release from escrow of any promotional or cheap shares) exceeds three hundred percent of the proceeds of the limited offering, divided by the offering price per share in the limited offering.

#### NEW SECTION

**WAC 460-46A-090 DISCLOSURE DOCUMENT.** Each offeree under the limited offering exemption must be furnished a disclosure document on a form provided by the securities administrator (called "Form LOE-82"). A copy of such disclosure document with all attachments must be furnished to prospective purchasers twenty-four hours before either agreeing to purchase the shares or making any payment of consideration, whichever is earlier. A manually signed copy of the disclosure document must be filed with the securities administrator at least five business days prior to commencement of the offering. If the financial statements attached to the disclosure document are audited, a copy of the disclosure document and all attachments shall be forwarded to the auditor at the same time it is forwarded to the securities administrator. Certified mail, return receipt requested, is recommended. If during the course of an offering made under the limited offering exemption there shall occur an event which would materially affect the issuer, its prospects or properties, or otherwise materially affect the accuracy or completeness of the information contained in the disclosure document, the disclosure document shall be promptly revised to reflect such event, filed with the securities administrator as so revised, and used for all sales of shares in the offering thereafter.

#### NEW SECTION

**WAC 460-46A-095 PRICE OF SHARES.** All shares sold pursuant to the limited offering exemption must be sold for cash, must be of the same class, and must be offered and sold at the same price.

#### NEW SECTION

**WAC 460-46A-100 TIME PURCHASE OF SHARES UNDER LIMITED OFFERING EXEMPTION.** The terms of the subscription of purchase for all shares sold under the limited offering exemption

must provide that such shares shall be fully paid for within ninety days of the date of subscription.

#### NEW SECTION

**WAC 460-46A-105 MAXIMUM AND MINIMUM OFFERING AMOUNTS.** The issuer must specify the minimum amount of funds necessary to achieve the results anticipated in the disclosure document required under WAC 460-46A-090, and this shall be the minimum amount of funds to be raised under an offering under the limited offering exemption. The issuer must also establish a maximum amount of funds to be so raised, and the minimum amount shall not be less than seventy-five percent of the maximum amount.

#### NEW SECTION

**WAC 460-46A-110 MONEYS TO BE DEPOSITED IN ESCROW ACCOUNT; PERIOD OF ESCROW AND OF OFFERING.** The issuer must establish a separate escrow account with a bank acting as escrow agent for all funds received for sales of securities under the limited offering exemption until at least the minimum amount has been raised. If the minimum amount is not raised within six months of the first offer, then all funds, including any interest thereon, shall be promptly returned to the investors. In any event, the offering period may not exceed nine months from the time of the first offer.

#### NEW SECTION

**WAC 460-46A-120 STARTUP MANAGEMENT COMPENSATION PROHIBITED.** No initial management compensation in cash or property may be paid to any promoter, officer, director or person owning ten percent or more of the outstanding shares of the issuer: PROVIDED, That actual out-of-pocket expenses may be reimbursed to said promoter, officer, director or person owning ten percent or more of the outstanding shares of the issuer: AND PROVIDED FURTHER, That reasonable salaries may be paid to any persons during periods when the issuer is actually conducting business operations.

#### NEW SECTION

**WAC 460-46A-145 RESTRICTIONS ON TRANSFERABILITY.** The issuer must place a legend on the stock certificate evidencing the shares sold under the limited offering exemption in substantially the following form:

"These shares are not registered under the Securities Act of Washington and may not be offered, or sold, pledged (except a pledge pursuant to the terms of which any offer or sale upon foreclosure would be made in a manner that would not violate the registration provisions of the Securities Act of Washington) or otherwise distributed for value, nor may these shares be transferred on the books of the company, without opinion of counsel, concurred in by counsel for the company, that no violation of said registration provisions would result therefrom."

#### NEW SECTION

**WAC 460-46A-150 SUITABILITY OF INVESTORS.** No person may purchase shares under the limited offering exemption in excess of (1) fifteen thousand dollars, (2) twenty-five percent of his or her annual income for the last calendar year, or (3) twenty-five percent of his or her net worth, exclusive of equity in residence, automobiles, furnishings, jewelry and personal effects, whichever amount is greater. The issuer must obtain and preserve for three years a signed statement from any purchaser who purchases more than fifteen thousand dollars worth of shares in the offering that the amount of his or her investment does not exceed twenty-five percent of his or her annual income or net worth.

#### NEW SECTION

**WAC 460-46A-155 ATTORNEY TO REVIEW DISCLOSURE DOCUMENT.** In order for the limited offering exemption to be available, an attorney, who is a member in good standing of a state bar association, must sign the disclosure form required under WAC 460-46A-090. The attorney need not independently verify the accuracy or completeness of the information contained therein but must certify that he has reviewed the responses to the questions in the form and that (with the exception of the financial statements required under the



form) the responses set forth the type of information requested by the form. He must further render an opinion that the shares to be sold in the offering have been duly authorized and when issued upon payment of the offering price will be legally and validly issued, fully paid and nonassessable.

#### NEW SECTION

**WAC 460-46A-160 SIGNING AND VERIFICATION OF INFORMATION IN DISCLOSURE DOCUMENT.** All directors and the chief executive and accounting officers of the issuer shall sign the disclosure form under WAC 460-46A-090 and by such action shall certify that they each have made reasonable efforts to verify the material accuracy and completeness of the information therein contained. In order for this limited offering exemption to be available, the chief executive and accounting officers of the issuer shall make themselves and the issuer's books and records available to each investor to respond to questions and otherwise verify the information contained in the disclosure document prior to the investment by such investor.

#### NEW SECTION

**WAC 460-46A-165 ANNUAL REPORTS TO STOCKHOLDERS.** Issuers using the limited offering exemption shall thereby undertake to investors in the limited offering to annually provide for five years thereafter written financial reports containing a balance sheet as of the end of the issuer's fiscal year and a statement of profits and losses for said fiscal year, all prepared in accordance with generally accepted accounting principles.

**WSR 82-12-071  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Securities Division)  
[Filed June 2, 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 applicability of cheap stock provisions to issuers of new securities, adding new section WAC 460-16A-108, inapplicability of restrictions on amounts of cheap and promotional shares;

that such agency will at 10:00 a.m., Friday, August 13, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, September 13, 1982, in the Securities Division, Department of Licensing, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 21.20.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 13, 1982, and/or orally at 11:00 a.m., Friday, August 13, 1982, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: June 2, 1982  
By: John Gonzalez  
Director

#### STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose of Rule: The rule shown below is proposed to supplement the provisions of WAC 460-16A-107 and to relieve issuers of the restrictions of WAC 460-16A-107 where certain conditions are met.

Statutory Authority: RCW 21.20.320(9), see also RCW 21.20.450.

Summary of Rule: WAC 460-16A-108 Inability of Restrictions on Amounts of Cheap and Promotional Shares. Removes the restrictions of WAC 460-16A-107 where each of the following conditions are met: Offering is firmly underwritten by fifteen investment banking firms who purchase at least one hundred thousand dollars of securities, and the aggregate amount firmly underwritten is not less than four million dollars and the offering price is not less than five dollars per share.

Reason Proposed: The amendment is proposed to create a blue chip underwriting exemption from the promotional stock and cheap stock rules for registered offerings under the Securities Act of Washington.

Responsibility Department Personnel: In addition to the Director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Joan Baird, Assistant Director, Professional Licensing, 3rd Floor, Highways-Licenses, 234-1369 Scan, 753-1369; and Ralph R. Smith, Administrator, Securities Division, 6th Floor, Highways-Licenses, 234-6928 Scan, 753-6928.

Proponents and Opponents: This rule is proposed by the Department of Licensing, Securities Division.

Agency Comments: This amendment was promulgated pursuant to the authority contained in RCW 21.20.450.

#### NEW SECTION

**WAC 460-16A-108 INAPPLICABILITY OF RESTRICTIONS ON AMOUNTS OF CHEAP AND PROMOTIONAL SHARES.** The restrictions on the amounts of cheap and promotional shares contained in WAC 460-16A-107 shall not apply with respect to offerings as to which each of the following conditions is met:

- (1) The offering shall be firmly underwritten by a syndicate of not less than fifteen investment banking firms, each of which firmly agrees to purchase for resale in the offering at least one hundred thousand dollars of securities; and
- (2) The amount in the offering firmly underwritten by such syndicate of investment banking firms shall aggregate not less than four million dollars; and
- (3) The offering price per share in said offering shall not be less than five dollars per share.

**WSR 82-12-072  
PROPOSED RULES  
SECRETARY OF STATE  
[Filed June 2, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning office hours, office procedures, special service fee schedules, document signature requirements, mailing

address requirements and related procedural requirements for corporate and trademark filings to be made at the Corporations Division of the Office of the Secretary of State;

that such agency will at 10:00 a.m., Friday, July 30, 1982, in the House Rules Room, Legislative 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 sections 67, 114, 159 and 187, chapter 35, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 30, 1982, and/or orally at 10:00 a.m., Friday, July 30, 1982, House Rules Room, Legislative Building, Olympia, Washington.

Dated: June 2, 1982

By: Helen Morris

Acting Deputy Secretary of State

### STATEMENT OF PURPOSE

Title of Proposed Rules: Chapter 434-50 WAC, Corporation Filing Procedures and Special Fees.

Purpose of the Proposed Rules: To specify new policies and procedures of the Corporations Division of the Office of the Secretary of State required for the effective implementation of chapter 35, Laws of 1982.

Statutory Authority for the Proposed Rules: Sections 67, 114, 159 and 187 of chapter 35, Laws of 1982 and RCW 23A.44.040.

Summary of the Proposed Rules: Establishes Corporations Division office hours and general procedures applicable to corporation filings and requests for information, establishes filing procedures for mailing addresses for registered offices, signature requirements for certain corporate documents, and fees for expedited services as authorized by chapter 35, Laws of 1982.

Reasons for the Proposed Rules: Regulations specifying fees for special services and related filing procedures are required by chapter 35, Laws of 1982, prior to the imposition and collection of such fees.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Proposed Rules: Laura Eckert, Assistant Secretary of State, Legislative Building, Olympia, Washington 98504, (206) 753-7123 and Helen Morris, Corporations Division Supervisor, Office of the Secretary of State, Olympia, Washington 98504, (206) 753-2896.

Person or Organization Proposing the Rules: Office of the Secretary of State.

Agency Comments on Recommendations Regarding Statutory Language, Implementation, Enforcement, or Fiscal Matters Pertaining to the Proposed Rules: None.

These proposed rules are not necessary as the result of federal law or federal or state court action.

### NEW SECTION

**WAC 434-50-010 PURPOSE.** These rules are adopted to establish certain procedures, and fee schedules applicable to filings made at the Corporations, Trademarks and Limited Partnerships Division of the Office of the Secretary of State, and to provide general information

concerning that division. These rules are adopted pursuant to the corporations laws of Washington, including Sec. 67, 114, 159 and 187, Ch. 35, Laws of 1982.

### NEW SECTION

**WAC 434-50-015 OFFICE ADDRESS.** (1) Mailing address for the Corporations Division is: Corporations Division, Office of the Secretary of State, Olympia, Washington 98504. Use of any other address may delay mail delivery.

(2) The offices of the Corporations Division are located at 500-A State Modular Office Building, Airdustrial Way and Armstrong Street SW, Tumwater, Washington. To reach the division's offices, take Exit 102, Interstate 5 (Troster Road exit), go east two blocks to Capitol Boulevard, turn south on Capitol Boulevard, drive one mile to Airdustrial Way, turn on Airdustrial Way, go one-half mile. The State Modular Office Building is on the south side of Airdustrial Way; the Division is located in the northwest corner of the building.

### NEW SECTION

**WAC 434-50-020 OFFICE HOURS.** (1) Hours of operation for personnel in the division will be from 8:00 a.m. through 4:30 p.m. daily, Monday through Friday.

(2) Over-the-counter or same-day processing of documents, or inspection of public records is available only between 8:30 to 11:30 a.m. and 1:00 to 3:30 p.m. each day. (Allow four hour turn-around time for expedited service.)

(3) Certain expedited or over-the-counter services may be subject to special service fees established elsewhere in these regulations.

(4) Documents, including substitute service-of-process on the Secretary of State which are delivered after normal working hours will be deemed to have been received on the next working day. As used in this section, "received after normal working hours" includes delivery by posting/taping/tacking documents to the office's doors, placing documents on doormats or in office mailboxes, or other forms of delivery not physically received by an employee of the Office of the Secretary of State during working hours.

### NEW SECTION

**WAC 434-50-025 TELEPHONE SERVICES.** (1) The telephone number for corporate information is (206) 753-7115.

(2) The following information on active corporations is available by telephone:

(a) Exact name of corporation according to Secretary of State's records.

(b) Expiration date of corporate license.

(c) Registered agent's name.

(d) Registered office address.

(e) Date Washington firm incorporated.

(f) Date out-of-state corporation qualified to do business in Washington.

(g) Amount of capital corporation is authorized to issue.

(h) Filing period of most recent annual report (list of officers and directors.)

(3) Name availability review is not available. Names and addresses of officers and directors, records of very recent incorporations, dissolutions or other information requiring file and/or archival research cannot be responded to immediately.

(4) The corporations division receptionist does not have access to corporate information records. Receptionist's phone number, for general information is (206) 753-7120.

**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 434-50-030 MAIL-IN SERVICE.** (1) Expedited services for mail-in requests are currently not available.

(2) Documents for filing are processed in order of date of receipt. If correct, documents will be marked "filed" as of the date of receipt. If requested in cover letter, personnel will call and advise when documents are filed. Requests for specific filing dates will be observed, however, document must be received in proper order with correct fees

by the specified date. Documents cannot be held for filing for extended periods, maximum early request is five (5) days.

(3) Information requests are processed in order of date of receipt, when related to active files. However, inquiries requiring search of non-active/archived files are processed on time-available basis.

#### NEW SECTION

**WAC 434-50-035 IN-PERSON OR EXPEDITED COUNTER SERVICE - SPECIAL FEES.** (1) During counter service hours (8:30 - 11:30 a.m., 1:00 - 3:30 p.m.) at the offices of the Corporations Division. Expedited services, such as charter document review and filing, name reservation review and filing, document certification, document copying, processing of service-of-process filings, trademark filings and other services related to corporation records and filings are available, upon payment of the appropriate fee.

Because of limited staff, the Corporations Division reserves the right to limit the provision of counter service without notice or to limit the number of service requests submitted by one person during one day. During counter service hours, there is no charge for inspection and review of active corporate records and document drop-off ("Receipt" stamped only without review).

(2) Fees for same-day services provided in-person over-the-counter (during hours specified) at the Corporations Division are as follows per document:

(a) A copy of corporate or other records: Five dollars expedited service charge plus statutory fees, one dollar for first page copied, twenty cents per page thereafter.

(b) Certificate or certified copies: Five dollars expedited service fee plus statutory fee of \$5.00 (each certificate), plus twenty cents per page copied.

(c) Same-day processing of corporate charter documents, such as articles of incorporation, amendments, mergers, dissolutions, qualification for foreign corporation: Ten dollars expedited service fee per set of documents, in addition to statutory fees for the form of the filing.

(d) Same-day processing of name reservations or registration requests: Ten dollars expedited service fee, plus regular statutory filing fee for each action filed.

(e) Processing of trademark filing, same-day basis: Ten dollars expedited service fee, plus statutory fees for the form of the filing, for each action filed.

(f) Processing of service-of-process on the Secretary of State under Ch. 23A.RCW, or RCW 46.64.040 on a same-day basis: Ten dollars expedited service fee, in addition to statutory \$25.00 service-of-process fee, for each action filed.

(g) Same-day processing of any other documents or materials submitted for filing under the corporations, trademarks or limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action filed.

(h) Search of non-active corporation or trademark archival files (corporations dissolved, merged out of existence or otherwise defunct): Five dollars expedited search fee, for each request.

(3) Special service fees, as established above, will be charged when same-day over-the-counter service is requested. (Allow four hour turn-around time for same-day service.) If the Office of the Secretary of State is unable to complete the requested action (by approval, denial or other definite disposition of the matter) by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.

(4) All requests for special services must be made or received during counter service hours at the Corporations Division offices, 8:30 - 11:30 a.m., and 1:00 - 3:30 p.m., Monday - Friday.

#### NEW SECTION

**WAC 434-50-040 FEE PREPAYMENT, WHEN REQUIRED.**

(1) The following fees due to the Office of the Secretary of State must be prepaid (check or money submitted concurrently with the document(s)) before action can be taken:

- (a) Filing fees, under RCW 23A, RCW 18, RCW 23 and RCW 24;
- (b) Corporate annual license fees;
- (c) Trademark filing fees;
- (d) Special service fees for expedited document processing;
- (e) Service of process fees;
- (f) Copy or copying charges;
- (g) Certificate or certified copy charges;
- (h) Special archival search service fees;
- (i) Document resubmission fees or dishonored check fees;

(j) Purchase of publications, such as the corporate laws or microfiche subscription.

(2) Anyone desiring a certificate, certified copies or photo copies or other service for which the statutes have set a variable rate may send in their request accompanied by a check made payable to the "Secretary of State." Since the exact fee will be unknown, insert the phrase "not to exceed \$10.00" above the space intended for the written dollar amount. This will enable the clerk who processes the request to fill in the exact cost. A memo indicating the exact amount filled in on the check will accompany the returned certificate or other document.

#### NEW SECTION

**WAC 434-50-045 MISCELLANEOUS CHARGES - SPECIAL SERVICE FEES.** (1) Dishonored Checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the Secretary of State by means of a check, and the check is dishonored by the financial institution when presented, the Secretary of State will impose a seven dollar reprocessing fee, payable to the Secretary of State.

In the event a valid replacement check is not received in the Office of the Secretary of State within the time prescribed by its Accounting Division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

(2) Error in Document - Resubmission Fees. If a person, corporation or other entity submits a document for filing to the Office of the Secretary of State and the document contains one or more of the errors listed below, subsections (a) - (e), a three dollar resubmittal fee to cover postage and handling will be charged each time the Office of the Secretary of State must return the documents to sender for correction or completion and the corrected documents are subsequently resubmitted to the Office of the Secretary of State for action. Reasons for document rejection which will trigger a resubmission fee are:

(a) Submission of corporate charter document(s) lacking required signature(s) on any copy of the documents, or not accompanied by supportive documents, such as certificate of good standing, second set of charter documents;

(b) Submission of corporate charter document(s) without required filing or license fees;

(c) Submission of corporate charter documents which fail to state a registered office address or to appoint a registered agent, if the document filing is of a type which requires such designation (i.e., articles of incorporation) or agent's signed consent to serve is not included;

(d) Submission of articles of incorporation wherein the name of the corporation is not consistently spelled in the same manner throughout the articles (i.e., page one may refer to the "ABC Company," but page six refers to "ABCD Company").

(e) Submission of documents wherein the capital value is inconsistent (i.e., 20,000 shares at a par value of ten dollars per share. Total authorized capital, \$2,000.00) or failure to set an aggregate value for non-par shares.

(3) "False Statement" Civil Penalty, \$200.00 maximum.

(4) The Office of the Secretary of State may provide certain photo copies free of charge as a cost-effective measure and convenience of office administration.

#### NEW SECTION

**WAC 434-50-050 ORIGINAL SIGNATURE REQUIREMENT - ORIGINAL RETAINED.** RCW 23A.04.010 (16) and related sections in the Washington profit and non-profit corporation statutes permit documents which are to be submitted to the Office of the Secretary of State in duplicate original form to be submitted as "one original with original signatures and one copy thereof." In the case of documents submitted with only one original-signature version and one copy thereof, the Office of the Secretary of State will retain as its official file copy the document version bearing the original signature(s), and will return to the submitter that document version bearing the copy of the signature(s).

#### NEW SECTION

**WAC 434-50-055 REGISTERED OFFICE ADDRESS - REQUIREMENTS.** By law, the registered office address for a corporation registered in Washington State must be at a geographic location in this state. However, under certain circumstances, a post office box address may be used in conjunction with the registered office address. A post office address may be used when: (1) The registered agent

states to the Office of the Secretary of State that the U.S. Postal Service cannot or will not deliver to the "street address," and that the agent will therefore not receive mail communications from the Office of the Secretary of State, including the annual license fee billing; and

(2) The post office box address the agent desires to use is in the same Washington city or town as the registered office address; and

(3) The agent agrees to notify the Office of the Secretary of State and the corporation of any changes in address, whether of the official registered office address or of the mail (post office box) address.

**WSR 82-12-073**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director, Department of Licensing intends to adopt, amend, or repeal rules concerning adding new sections WAC 308-115-050, 308-115-060, 308-115-070, 308-115-080, 308-115-090, 308-115-100, 308-115-110, 308-115-120, 308-115-130, 308-115-140, 308-115-150, 308-115-160, 308-115-170, 308-115-180, 308-115-190, 308-115-200, 308-115-210, 308-115-220, 308-115-230, 308-115-240 and 308-115-400 and repealing WAC 308-115-010, 308-115-020, 308-115-030 and 308-115-040; that such agency will at 9:00 a.m., Thursday, July 8, 1982, in the Fourth Floor Conference Room, Highways-Licenses Building, 12th and Franklin, 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 18.50.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1982, and/or orally at 9:00 a.m., Thursday, July 8, 1982, Fourth Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington.

Dated: June 2, 1982  
 By: Ruth A. Jacobson  
 Midwifery Coordinator

**STATEMENT OF PURPOSE**

Name of Agency: Department of Licensing.

Purpose: The purpose of the rules and regulations is to amplify and clarify the provisions of the new (amended) midwifery statute.

Statutory Authority: RCW 18.50.135.

Summary of the Rules: WAC 308-115-050 Definitions, this section contains the definitions of terms used in the chapter; WAC 308-115-060 Filing of Application for Licensing Examination, this section contains the requirement for application to take the state licensing examination for midwife; WAC 308-115-070 Release of Examination Results, this section contains the procedure to be followed for release of examination results to applicants and others; WAC 308-115-080 Failures, this section contains the procedure for applicants who fail the licensing examination; WAC 308-115-090 Philosophy Governing Accreditation of Midwifery Educational

Program, this section contains the director's philosophy for the accreditation of midwifery programs; WAC 308-115-100 Purpose of Accreditation of Midwifery Educational Programs, this section contains the reasons and purposes for accreditation of midwifery programs; WAC 308-115-110 Purpose, Philosophy and Objectives for Accredited Midwifery Educational Programs, this section establishes the requirement for midwifery educational programs to develop philosophy and objective statements; WAC 308-115-120 Advisory Body, this section establishes the advisory body for midwifery educational programs and delineates some of its functions; WAC 308-115-130 Resources, Facilities and Services for Accredited Midwifery Educational Programs, this section contains the requirement for resources, facilities and services; WAC 308-115-140 Administrator/Director for Accredited Midwifery Educational Programs, this section establishes the minimum requirements for the positions of academic director and administrator of midwifery educational programs; WAC 308-115-150 Faculty and Preceptors for Accredited Midwifery Educational Programs, this section outlines the qualifications required for the core faculty, the supporting faculty, the clinical faculty and preceptors utilized by midwifery educational programs; WAC 308-115-160 Curriculum for Accredited Midwifery Educational Programs, this section contains the requirements for the basic curriculum, and other requirements regarding the curriculum for accredited midwifery educational programs; WAC 308-115-170 Students in Accredited Midwifery Educational Programs, this section establishes certain requirements for selection, admission, promotion, and record keeping for students in an accredited midwifery educational program; WAC 308-115-180 Student Midwife Permit, this section contains the requirements for obtaining a student midwife permit and describes what practices are authorized; WAC 308-115-190 Program Evaluation of Accredited Midwifery Educational Program, this section establishes the requirements for an evaluation process and outlines what it must contain; WAC 308-115-200 Reports to the Director of the Department of Licensing by Accredited Midwifery Educational Programs, this section establishes the requirement for an annual report to be submitted to the Director of the Department of Licensing and outlines what it must contain; WAC 308-115-210 School Accreditation, this section outlines the procedure for application to be accredited as a midwifery educational program; WAC 308-115-220 School Survey Visits, this section establishes the requirement that midwifery educational programs shall be surveyed by the department; WAC 308-115-230 Appeal of Department of Licensing Decisions, this section cites the pertinent statutory references dealing with appeal by the Department of Licensing affecting schools of midwifery; and WAC 308-115-240 Closure of an Accredited School of Midwifery, this section establishes the procedures for closure of a school of midwifery.

Reason Proposed: These rules amplify and clarify the statutory provisions of chapter 18.50 RCW.

**Responsible Departmental Personnel:** In addition to the director of the Department of Licensing the following personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Ruth A. Jacobson, Midwifery Coordinator, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 234-3728 Scan, 753-3728 Comm.

**Proponents:** These rules are proposed by the Director of the Department of Licensing and were endorsed by the Washington State Midwifery Advisory Committee.

**Agency Comments:** These rules were promulgated pursuant to the authority contained in RCW 18.50.135.

#### NEW SECTION

**WAC 308-115-050 DEFINITIONS.** (1) Preceptor. A preceptor is an obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in non-birth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey Visits is an information gathering and observational visit intended to provide the basis for the Director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing Education as used in these rules means completion of courses for credit in a school that is accredited to train registered or practical nurses.

(5) Practical Midwifery Experience as used in these rules means performance of midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn documentation.

(6) Health Care Provider as used in these rules means any licensed physician who practices obstetrics.

#### NEW SECTION

**WAC 308-115-060 FILING OF APPLICATION FOR LICENSING EXAMINATION.** (1) All applicants shall file a completed, notarized application, with the fee specified in WAC 308-115-040, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the Department of Licensing, Division of Professional Licensing.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent.

#### NEW SECTION

**WAC 308-115-070 RELEASE OF EXAMINATION RESULTS.** (1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass shall receive the results of the examination and instructions for obtaining a license to practice as a midwife.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.

(5) Results of the examination will be released only as provided above, unless release is otherwise authorized in writing by the candidate.

(6) The applicant's examination results will be maintained by the department.

#### NEW SECTION

**WAC 308-115-080 FAILURES.** (1) An applicant who has failed the examination may be reexamined if he/she

(a) applies to the department at least 30 days prior to the next scheduled examination, and

(b) pays any required fee as specified in WAC 308-115-400.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the Director for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to complete an individualized program of study approved by the Director. Upon successful completion of the approved program, the applicant shall be permitted to retake the examination.

#### NEW SECTION

**WAC 308-115-090 PHILOSOPHY GOVERNING ACCREDITATION OF MIDWIFERY EDUCATION PROGRAMS.** The Director, who has established minimum standards for approved midwifery education programs, also believes that:

(1) Each midwifery program should have flexibility in developing and implementing its philosophy, purposes, and objectives,

(2) Development and implementation should be based not only on minimum standards for accredited schools of midwifery provided herein, but also on sound educational principles for the preparation of licensed midwives to meet current and future needs of the public,

(3) There must be congruence between the total activities of the midwifery program and its stated philosophy, purposes and objectives, and

(4) The minimum standards for accredited midwifery programs promote self-evaluation by midwifery schools which should lead to program improvement.

#### NEW SECTION

**WAC 308-115-100 PURPOSE OF ACCREDITATION OF MIDWIFERY EDUCATIONAL PROGRAMS.** The Director provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives, and

(3) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives.

#### NEW SECTION

**WAC 308-115-110 PURPOSE, PHILOSOPHY AND OBJECTIVES FOR ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) The purposes, philosophy and objectives of the school shall be stated clearly and shall be available in written form. They shall be consistent with the definition of practice of midwifery as outlined in RCW 18.50.010.

(2) The philosophy and objectives shall be used by the faculty in planning, implementing and evaluating the total program.

#### NEW SECTION

**WAC 308-115-120 ADVISORY BODY.** Each institution that offers a midwifery educational program shall appoint an advisory body composed of health professionals, midwives and public members. The group should have a minimum of five members and should meet regularly. Functions of the advisory body shall include but not be limited to the following:

(1) Promoting communication between the community and the school;

(2) Making recommendations on the curriculum, student selection and faculty;

(3) Informing the school about needs in midwifery education and practices; and

(4) Being informed about the school's finances.

**NEW SECTION**

**WAC 308-115-130 RESOURCES, FACILITIES AND SERVICES FOR ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Learning sites shall:

(a) Include a variety of sites in addition to the school that may be used for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals and health centers.

(b) Provide learning experiences of sufficient number and variety that students can achieve the course/curriculum objectives and requirements of the statute.

(3) Written agreements shall be maintained between the school and any supervising clinicians and faculty. Such agreements shall be reviewed periodically by the parties and shall state the responsibilities and privileges of each party.

**NEW SECTION**

**WAC 308-115-140 ADMINISTRATOR/DIRECTOR FOR ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) Each administrator of a midwifery educational program shall have a baccalaureate degree and a minimum of two years of administrative experience.

(2) The academic director shall be a midwife licensed under chapter 18.50 RCW or a CRN (nurse midwife) licensed under chapter 18.88 RCW and shall have not less than three years experience in midwifery clinical practice, or no less than three years experience as a midwifery educator.

(3) The position of administrator/director and academic director may be held simultaneously by one person.

**NEW SECTION**

**WAC 308-115-150 FACULTY AND PRECEPTORS FOR ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** Each accredited midwifery educational program shall have a variety of instructors to implement the curriculum. All of the instructors shall have adequate academic preparation and professional experience. Faculty and preceptors shall have the following qualifications:

(1) Core Midwifery/Obstetric faculty shall be only licensed midwives, CRNs (nurse midwives), licensed physicians or licensed osteopathic physicians and shall be currently licensed in Washington.

(2) Supporting faculty shall hold a degree in the subject area to be taught.

(3) Clinical faculty shall hold a current license in the area of clinical practice to be taught and shall have professional experience and shall demonstrate expertise in that subject area.

(4) Preceptors shall hold a current license in the state where they practice and shall be currently, legally engaged in active clinical obstetric practice.

**NEW SECTION**

**WAC 308-115-160 CURRICULUM FOR ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years, and each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods while enrolled in the school from which the student graduates.

(2) The length, sequence, content of courses and instructional methods shall be consistent with the philosophy and objectives of the school.

(3) The entire faculty shall participate in planning, implementing and evaluating the curriculum.

(4) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with stress on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology (which by the way includes neonatal pediatrics) epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instructions in nursing skills shall minimally include vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture for obtaining blood samples for analysis, administration of intravenous fluids and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartum and early postpartum periods, in compliance with RCW 18.50.040.

(5) Provision shall be made for faculty and students to systematically and periodically evaluate the curriculum.

(6) Any proposed major curriculum revision (such as changes affecting the school's philosophy and objectives, significant course content changes, or changes in the length of the program) shall be presented to the Director at least three months prior to implementation and in conformity with procedures specified by the Director.

**NEW SECTION**

**WAC 308-115-170 STUDENTS IN ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled.

(4) Each school shall maintain a comprehensive system of student records.

**NEW SECTION**

**WAC 308-115-180 STUDENT MIDWIFE PERMIT.** (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040(2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intra-partum and early postpartum periods as required by RCW 18.50.040(2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060.

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC 308-115-040.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intra-partum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife).

(3) The student midwife permit shall expire one year from the date of issuance but may be extended for good cause.

**NEW SECTION**

**WAC 308-115-190 PROGRAM EVALUATION ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** There shall be a written plan of program evaluation that is directed toward program improvement. The evaluation process shall include, but not be limited to:

(1) Purposes, philosophy and objectives,

(2) Organization and administration,

(3) Resources, facilities and services,

(4) Faculty,

(5) Curriculum,

(6) Students,

(7) Evaluation of student achievement and performance including performance on the state licensing examination, and

(8) Follow-up studies on performance of graduates.

**NEW SECTION**

**WAC 308-115-200 REPORTS TO THE DIRECTOR OF DEPARTMENT OF LICENSING BY ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS.** (1) An annual report on the program and its progress for the period July 1, to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

- (a) Change in the administrator or academic director,
- (b) Organizational change,
- (c) Changes in extended learning sites.

The information submitted to the Department of Licensing shall include the reason for the proposed change.

(3) The Director may require submission of additional reports.

**NEW SECTION**

**WAC 308-115-210 SCHOOL ACCREDITATION.** Applicants for accreditation as midwifery educational programs shall:

- (1) Apply for accreditation using a form provided by the director.
- (2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination.

**NEW SECTION**

**WAC 308-115-220 SCHOOL SURVEY VISITS.** The Director's designee shall make survey visits to midwifery educational programs:

- (1) At least annually during the first three years of operation, and
- (2) At least every two years after the new school's first three years of operation or more often at the discretion of the Director.

**NEW SECTION**

**WAC 308-115-230 APPEAL OF DEPARTMENT OF LICENSING DECISIONS.** A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

**NEW SECTION**

**WAC 308-115-240 CLOSURE OF AN ACCREDITED SCHOOL OF MIDWIFERY.** (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the Director concerning the matter.

**NEW SECTION**

**WAC 308-115-400 LICENSED MIDWIVES - FEES.** The following fees shall be charged by the professional licensing division of the Department of Licensing:

Title of Fee	Fee
Application	\$ 50.00
Examination	150.00
License renewal	35.00
Renewal penalty	50.00
Reexamination (after first retest)	150.00
Duplicate license	5.00
Verification to other states	10.00

**REPEALER**

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

**WAC 308-115-010 EXAMINATIONS FOR LICENSE TO PRACTICE MIDWIFERY.**

**WAC 308-115-020 ASSIGNMENT OF EXAMINATION NUMBERS TO APPLICANTS.**

**WAC 308-115-030 MINIMUM PASSING SCORE.**

**WAC 308-115-040 MIDWIVES—EXAMINATION FEE.**

**WSR 82-12-074  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Board of Osteopathic  
Medicine and Surgery)  
[Filed June 2, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning adding new section WAC 308-138-330; new chapter 308-138A WAC osteopathic physicians' assistants; WAC 308-138A-020 osteopathic physicians' assistants; WAC 308-138A-025 osteopathic physicians' assistant prescriptions; adding new chapter 308-138B WAC osteopathic physicians' acupuncture assistants; WAC 308-138B-100 education; WAC 308-138B-110 equivalency examination; WAC 308-138B-120 experience; WAC 308-138B-130 investigation; WAC 308-138B-140 english fluency; WAC 308-138B-150 supervising physician's knowledge of acupuncture; WAC 308-138B-160 utilization; and WAC 308-138B-170 x-rays and laboratory tests and changing title of chapter 308-138 WAC;

that such agency will at 9:00 a.m., Friday, July 16, 1982, in the Aladdin Motor Inn, Cascade Room, 900 South Capitol Way, 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 18.57.005 and 18.57A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 16, 1982, and/or orally at 9:00 a.m., Friday, July 16, 1982, Aladdin Motor Inn, Cascade Room, 900 South Capitol Way, Olympia, WA.

Dated: June 2, 1982  
By: Sydney W. Beckett  
Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Board of Osteopathic Medicine and Surgery.

Purpose: The purpose of the proposed rules is to establish conditions for reinstatement of licenses that have been expired for periods of time, to create new chapter 308-138A WAC, containing rules dealing with osteopathic physicians' assistants, and to create new chapter 308-138B WAC, dealing with osteopathic physicians' acupuncture assistants, and changing the title of chapter 308-138 WAC. Rules that would be duplicated as a result of the creation of the new chapters and an obsolete rule have been repealed.

Statutory Authority: RCW 18.57.005(3) and 18.57A.020.



Summary of the Rules: WAC 308-138-330 License Reinstatement, this rule establishes procedure and requirements for reinstating licenses which have been allowed to expire; new chapter 308-138A WAC Osteopathic Physicians' Assistants, this new chapter contains the rules which were formerly codified as WAC 308-138-020 and 308-138-025. In addition, references to a committee have been deleted and correct references to the board have been inserted; new chapter 308-138B WAC, this chapter contains sections which were formerly codified in WAC 308-138-110 through and including 308-138-170. In addition, all references to committee have been deleted and references to the board have been inserted; and WAC 308-138-010 Waiver of Basic Science Certificate has been repealed as a result of the repeal of chapter 43.74 RCW. The sections of chapter 308-138 WAC which have been codified as chapters 308-138A and 308-138B WAC have been repealed and recodified in the new chapters. The title to chapter 308-138 WAC has been changed to conform with the remaining sections.

Reason Proposed: These rules were proposed to clarify the requirements for osteopathic physicians' assistants and osteopathic physicians' acupuncture assistants.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following personnel have knowledge of and responsibility for the drafting, implementing and enforcing these rules: Sydney W. Beckett, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 235-1867 Scan, 754-1867 Comm.

Proponents: These rules were proposed by the Washington State Board of Osteopathic Medicine and Surgery. These rules are promulgated pursuant to the authority contained in RCW 18.57.005 and 18.57A.020.

#### NEW SECTION

**WAC 308-138-330 LICENSE REINSTATEMENT.** (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the Board. The Board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the Board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery.

#### NEW SECTION

**WAC 308-138A-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS.** (1) Program Approval Required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program Approval Procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by

the Board the director of the program shall submit to the Board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the Board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The Board may require such additional information from program sponsors as it desires.

(3) Approved Programs. The Board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the Board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional Skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approval by the Board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he was trained in the additional skill for which authorization is requested, and the Board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the Board of forms supplied by the Board. All applications shall be submitted at least 60 days prior to the meeting of the Board in which consideration is desired.

(6) Authorization by Board, Powers. In granting authorizations for the utilization of an osteopathic physician's assistant, the Board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the Board.

(7) Limitations, Number. No osteopathic physician shall supervise more than one graduate osteopathic physician's assistant without authorization of the Board.

(8) Limitations—Geographic Limitations. No osteopathic physician's assistant shall be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. Special permission may be granted to a supervising osteopathic physician to utilize an osteopathic physician's assistant in a place other than his regular place of meeting patients, however, when it appears that there are adequate communications between the place where the osteopathic physician's assistant is to be located and the osteopathic physician and that there is a need for such utilization.

(9) Supervising Osteopathic Physician, Responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him at all times when meeting or treating patients wears a placard or other identifying plate in a prominent place upon his person identifying him as a physician's assistant;

(b) No osteopathic physician's assistant in his employ represents himself in any manner which would tend to mislead the public generally or the patients of the supervising osteopathic physician that he is an osteopathic physician;

(c) That the osteopathic physician's assistant in his employ performs only those tasks which he is authorized to perform under the authorization granted by the Board.

(10) Re-registration. The annual re-registration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to re-register and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

#### NEW SECTION

**WAC 308-138A-025 OSTEOPATHIC PHYSICIAN'S ASSISTANT PRESCRIPTIONS.** An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the Board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number or physician assistant drug enforcement administration registration number.

(2) A physician's assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs except office supplies limited to treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling requirements.

#### NEW SECTION

WAC 308-138B-100 EDUCATION. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the Board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training for thirty-six months in acupuncture totalling 1,400 or more hours of study may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the Republic of China (Taiwan), People's Republic of China, Korea or Japan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the Board from the issuing agency rather than from the applicant himself.

#### NEW SECTION

WAC 308-138B-110 EQUIVALENCY EXAMINATION. (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards, must pass an equivalency examination prescribed by the Board.

(2) The examination shall be written and practical and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, bio-chemistry, pathology, hygiene and acupuncture.

(3) The applicants shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

#### NEW SECTION

WAC 308-138B-120 EXPERIENCE. An applicant for an authorization as an osteopathic physician's acupuncture assistant must present satisfactory evidence to the Board that he or she has actually practiced acupuncture full time for at least three years.

#### NEW SECTION

WAC 308-138B-130 INVESTIGATION. An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the Board or any person acting on its behalf.

#### NEW SECTION

WAC 308-138B-140 ENGLISH FLUENCY. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment.

#### NEW SECTION

WAC 308-138B-150 SUPERVISING PHYSICIANS' KNOWLEDGE OF ACUPUNCTURE. Osteopathic physicians applying for authorization to utilize the services of an osteopathic physician's acupuncture assistant shall demonstrate to the Board that the osteopathic physician possesses sufficient understanding of the application of acupuncture treatment, its contra-indications and hazards so as to adequately supervise the practice of acupuncture.

#### NEW SECTION

WAC 308-138B-160 UTILIZATION. (1) Persons authorized as osteopathic physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed, supervising osteopathic physician may request them to do. Under no circumstances may an osteopathic physician's acupuncture assistant perform any diagnosis of patients or recommend or prescribe any forms of treatment or medication.

(2) An acupuncture assistant shall treat patients only under the direct supervision of a physician who is present on the same premises where the treatment is to be given.

(3) An osteopathic physician shall not employ or supervise more than one acupuncture assistant.

#### NEW SECTION

WAC 308-138B-170 X-RAYS AND LABORATORY TESTS. X-ray and laboratory tests are not approved techniques for use by osteopathic physicians' acupuncture assistants, and use of such techniques is expressly prohibited. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means or modalities:

- (1) diathermy treatments
- (2) ultrasound treatments
- (3) infrared treatments
- (4) electromuscular stimulation for the purpose of stimulating muscle contractions.

#### REPEALER

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

WAC 308-138-010 WAIVER OF BASIC SCIENCE CERTIFICATE.

WAC 308-138-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS.

WAC 308-138-025 OSTEOPATHIC PHYSICIANS' ASSISTANT PRESCRIPTIONS.

WAC 308-138-100 EDUCATION.

WAC 308-138-110 EQUIVALENCY EXAMINATION.

WAC 308-138-120 EXPERIENCE.

WAC 308-138-130 INVESTIGATION.

WAC 308-138-140 ENGLISH FLUENCY.

WAC 308-138-150 SUPERVISING PHYSICIAN'S KNOWLEDGE OF ACUPUNCTURE.

WAC 308-138-160 UTILIZATION.

WAC 308-138-170 X-RAYS AND LABORATORY TESTS.

**WSR 82-12-075**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Dental Disciplinary Board)**  
 [Filed June 2, 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 WAC 308-39-110 definitions and 308-39-120 standards for dental administration of anesthesia. A copy of the proposed amendments is shown below, however, changes may be made at the hearing;

that such agency will at 1:00 p.m., Friday, July 16, 1982, in the Sea-Tac Hyatt House, 17001 Pacific Highway South, Phoenix Room E, 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 18.32.640.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 16, 1982, and/or orally at 1:00 p.m., Friday, July 16, 1982, Sea-Tac Hyatt House, 17001 Pacific Highway South, Phoenix Room E, Seattle, WA.

Dated: June 2, 1982  
By: Susan E. Shoblom  
Executive Secretary

### STATEMENT OF PURPOSE

Name of Agency: Washington State Dental Disciplinary Board.

Purpose of Amendments: To clarify existing rules and eliminate unnecessary language concerning the administration of anesthesia.

Statutory Authority: RCW 18.32.640.

Summary of Rules: WAC 308-39-110 Definitions and 308-39-120 Standards for Dental Administration of Anesthesia.

Reason for Proposed Amendments: To amend rules on the administration of anesthesia in order to clarify terms and language used and to delete unnecessary provisions related thereto.

Responsible Personnel: The Washington State Dental Disciplinary Board and the Professional Licensing Division of the Department of Licensing have the responsibility for drafting, implementing and enforcing these rules. The executive secretary for the board 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: These amendments are proposed by the Washington State Dental Disciplinary Board.

Agency Comments: These amendments are proposed pursuant to RCW 18.32.640.

Federal Law or Federal or State Court Requirements: The proposed rules are 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 308-39-110 DEFINITIONS. (1) "Dental Disciplinary Board" shall mean the board created by RCW 18.32.560.

(2) "Dental Examining Board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the Department of Licensing.

(4) "General Anesthesia" ((consists of the use of any drug, element or other material which results in the elimination of sensations accompanied by a state of unconsciousness)) is a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non-pharmacologic method, or combination thereof.

((5)) "Semi-conscious Sedation" consists of the use of any drug, element or other material which results in relaxation, diminution or loss of sensation, with retention of full reflex activity including the capability of maintaining and protecting the airway, spontaneous breathing ability with adequate ventilation, but impaired or lack of ability to respond adequately to questions and commands.)

((6)) (5) "Conscious Sedation" ((consists of the use of any drug, element or other material which results in relaxation, diminution or loss of sensation with the retention of intact protective reflexes, including the ability to maintain an airway, and capability of rational responses to question on command)) is a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method, or combination thereof.

((7)) (6) "Regional Anesthesia" consists of the use of ((and)) any drug, element or other material which results in a state of insensibility of a circumscribed area, or the loss of sensation of some definite, localized area, without inhibition of conscious processes.

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 373, filed 2/20/81)

WAC 308-39-120 STANDARDS FOR DENTAL ADMINISTRATION OF ANESTHESIA. The Dental Disciplinary Board adopts the following guidelines for its use when considering and investigating complaints and charges of malpractice, unsafe conditions and practices involving the dental administration of anesthesia;

(1) A dentist currently licensed in the State of Washington who has a minimum of one (1) year ((or its equivalent)) of training in ((a)) Anesthesiology and related subjects ((beyond the undergraduate dental school level shall be completed prior to the use or administration of general anesthesia or of semi-conscious sedation for dental patients)) or its equivalent; or is eligible for certification or has been certified by the American Dental Association Council on Dental Education AD Hoc Committee on Anesthesiology as of November, 1981 or the American Association of Oral and Maxillofacial Surgeons according to the standards as of December, 1979 shall be presumed adequately prepared to use or administer general anesthesia.

((2)) When using general anesthesia or semi-conscious sedation for dental patients, the dentist shall have a facility that is properly equipped for the administration of general anesthesia or semi-conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems and emergencies incident to the use and administration of general anesthesia or semi-conscious sedation. This staff shall be under close supervision of a licensed dentist and shall include periodic update and competence in cardiopulmonary resuscitation techniques and other emergency procedures.

((3)) (2) Successful completion of a course with ((A)) a minimum of sixty (60) hours of ((technique)) instruction in an accredited hospital or accredited dental school, including instruction in safety and management of emergencies, shall be ((completed prior to the use or administration of conscious sedation with oral or injected drugs for sedation for dental patients)) considered necessary in order for a dentist to administer sedation other than the administration of nitrous oxide alone or a single oral drug alone.

((4)) When using conscious sedation with oral or injected drugs (i.e., nitrous oxide analgesia plus oral or intramuscular premedication) the dentist shall have a facility that is properly equipped for the administration of conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems and emergencies incident to the use and administration of conscious nitrous oxide and oral or injected sedative medication. This staff shall be under the close supervision of a licensed dentist and shall include periodic updating and competence in cardiopulmonary resuscitation and other emergency procedures.

(5) When using conscious sedation utilizing nitrous oxide analgesia only or in conjunction with local anesthetic agents a minimum of twenty (20) hours of technique instruction sponsored by an accredited hospital, accredited dental school, accredited dental hygiene school, or dental society, including instruction in safety and management of

emergencies, shall be completed prior to the use of administration of conscious nitrous oxide sedation for dental patients:))

(3) A dentist will be presumed eligible to administer nitrous oxide alone if he/she has completed a course containing a minimum of fourteen hours of instruction sponsored by an accredited hospital, accredited dental school or dental society. This instruction must include actual experience with the administration of nitrous oxide.

~~((6) When using conscious nitrous oxide sedation for dental patients, the dentist shall have a facility that is properly equipped for the administration of conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems, and emergencies incident to the use and administration of conscious sedation. This staff shall be under the close supervision of a licensed dentist and shall include periodic updating and competence in cardiopulmonary resuscitation:~~

~~((7)) (4) When using local or regional anesthetic agents for dental patients the dentist shall ((have a facility that is properly equipped for the administration of local anesthesia and)) be capable of reasonably handling procedure problems and emergencies incident to the use and administration of local anesthetic agents. ((Such competence shall include periodic update and competence in cardiopulmonary resuscitation:))~~

Dentists who comply with the above-listed guidelines or who can show evidence of competence and skill by virtue of experience and/or comparable alternate training, ((or who are board certified or board certification eligible in one of the recognized dental specialties commonly requiring the use of anesthesia techniques)) shall be presumed by the Dental Disciplinary Board to have appropriate credentials for the use of anesthetics.

Dentists shall be capable of managing and treating any untoward reaction or emergency incident to the administration of any regional anesthesia, sedation, or general anesthesia that he/she may administer. The dentist should have certification in C.P.R. with a periodic update not to exceed two years. The dentist shall be responsible for the competence of his/her staff in cardiopulmonary resuscitation.

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 82-12-076  
PROPOSED RULES  
GAMBLING COMMISSION  
[Filed June 2, 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 230-04-060, 230-04-065, 230-25-030 and 230-04-200;

that such agency will at 10:00 a.m., Thursday, July 8, 1982, in the Red Lion Inn, Sea Tac, Seattle, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

WAC 230-04-060 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute; WAC 230-04-065 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute; WAC 230-25-030 is promulgated pursuant to RCW 9.46.070(7) and is intended to administratively implement that statute; and WAC 230-04-200 is promulgated pursuant to RCW 9.46.070(5) and is intended to administratively implement that statute.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 8, 1982, and/or orally at 10:00

a.m., Thursday, July 8, 1982, Red Lion Inn, Sea Tac, Seattle, Washington.

Dated: May 28, 1982  
By: Elwin Hart  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amendment to WAC 230-04-060 Required Information; amendment to WAC 230-04-065 Lesser Requirements for Applicants for Certain Classes of Licenses to Operate Bingo, Raffles, or Amusement Games, and Fund Raising Events; amendment to WAC 230-25-030 Fund Raising Event—Five Thousand Dollars Annual Net Receipts Maximum; and amendment to WAC 230-04-200 License Fees.

Description of Purpose: Amendment to WAC 230-04-060, to delete the requirement for gambling license applicants to submit State Department of Revenue tax number; amendment to WAC 230-04-065, to authorize non-profit organizations to use a simplified application form for a fund raising event license; amendment to WAC 230-25-030, to delete the requirement that fund raising event license applicants submit a proposed scheme for the distribution of receipts in excess of \$5,000 with their application; and amendment to WAC 230-04-200, to reduce the license fee for a class A-2 fund raising event from \$400 to \$300.

Statutory Authority:

- WAC 230-04-060 - RCW 9.46.070(7)
- WAC 230-04-065 - RCW 9.46.070(7)
- WAC 230-25-030 - RCW 9.46.070(7)
- WAC 230-04-200 - RCW 9.46.070(5)

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-04-060, the proposed amendment deletes the current requirement for gambling license applicants to submit the Washington State Department of Revenue tax number on their application. The number serves no useful purpose and causes delay in processing if not included on the application; amendment to WAC 230-04-065, the proposed amendment adds fund raising events to the types of gambling activities which are authorized to use a simplified application form. The amendment would ensure consistency in dealing with similar applications from private non-profit organizations. This change would expedite the licensing process by requiring fewer items of information while still providing essential data to determine eligibility for a license; amendment to WAC 230-25-030, the proposed amendment deletes the requirement that the proposed scheme for the distribution of receipts in excess of \$5,000 at fund raising events be included on the application. The scheme is required to be posted at the fund raising event and subject to inspection by enforcement officers. Submission of scheme with the application is not necessary for effective control; and amendment to WAC 230-04-200, the proposed amendment reduces the class A-2 (two 24 hour events) fund raising event license fee from \$400 to \$300 in an effort to reduce the total number of individual applications submitted thereby reducing administrative processing time for all applications. It is envisioned that some organizations would plan both of

their authorized annual events well in advance and submit a single application for the two events.

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 the proposed rules are self-explanatory and need no further comment.

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

#### AMENDATORY SECTION (Amending Order 85, filed 5/25/78)

WAC 230-04-060 REQUIRED INFORMATION. In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

~~(1) Washington state department of revenue tax number unless exempt from such registration pursuant to department of revenue regulations;~~

~~(2) (1) Copy of corporate applicants' articles of incorporation and by-laws; or, if not a corporation, a copy of any by-laws and other documents which set out the organizational structure and purposes of the organization;~~

~~(3) (2) A copy of a nonprofit or charitable applicant's internal revenue service tax exemption letter if one has been obtained;~~

~~(4) (3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;~~

~~(5) (4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;~~

~~(6) (5) The name, address, date of birth, and social security number of each paid employee or agent who will work in the activity for which the license is sought;~~

~~(7) (6) For each person listed below, a completed copy of the commission's form entitled "Personal Information Form";~~

~~(a) Each person who has a substantial interest in the applicant;~~

~~(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;~~

~~(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;~~

~~(8) (7) If the applicant is a natural person, a completed copy of the commission's "Personal Information Form" respecting the applicant;~~

~~(9) (8) When information filed with the commission becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in circumstances of the licensee, applicant, or any other persons since the information was filed, the applicant or licensee shall submit full details of any such change and/or correct any inaccuracy, together with copies of any new required documents, with the commission within 30 days following the change: PROVIDED, That with respect to bona fide charitable and/or bona fide nonprofit organizations only, notice need not be given of changes of officers until required renewal time(s) for a particular license(s). If other information required to be submitted under all other sections of this rule and/or other information required on the application, changes or becomes inaccurate in any way, the commission shall be notified as required in this subsection. All officers of bona fide charitable and/or bona fide nonprofit organizations, upon signing the original and/or renewal application(s) for licensure, shall obligate the organization to the fair and lawful operation of all gambling activities for that license year or until renewal time of another license held by the organization or an additional license if applied for, whichever is sooner, regardless of any change(s) in the roster of elected officers during that license period.~~

~~(10) (9) Sections (1), (2), (3), and (7) (1), (2), and (6) shall not apply to applications by or in behalf of an incorporated city or town in the state of Washington or a subdivision 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.

#### AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-030 FUND RAISING EVENT - FIVE THOUSAND DOLLARS ANNUAL NET RECEIPT MAXIMUM. (1) No licensee authorized to conduct one fund raising event for a period of seventy-two consecutive hours once during a calendar year shall conduct such an event in such a manner as to allow the total of all gross wagers and bets received by the licensee, less the amount of money paid or committed by the licensee as winnings, and for the purchase cost of prizes given as winnings, to exceed five thousand dollars at the conclusion of such fund raising event.

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

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

(4) Winners of all prizes shall be determined during the fund raising event. All cash prizes shall be paid by check, and merchandise prizes distributed to the winners not later than 30 calendar days following the conclusion of the event.

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

#### AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

WAC 230-04-065 LESSER REQUIREMENTS FOR APPLICANTS FOR CERTAIN CLASSES OF LICENSES TO OPERATE BINGO, RAFFLES OR AMUSEMENT GAMES AND FUND RAISING EVENTS. Notwithstanding the provisions of WAC 230-04-060, the following provisions shall apply to:

(1) Fund Raising Events. (All classes)

~~(1) (2) Bingo.~~

(a) Class A - \$500 or less annual net receipts.

(b) Class B - over \$500 through \$5000 annual net receipts.

~~(2) (3) Raffles.~~

(a) Class C - \$500 or less annual net receipts.

(b) Class D - over \$500 but not over \$5000 annual net receipts

~~(3) (4) Amusement games. Those amusement games which are conducted under a class A, B or C license on the premises of property owned by a corporation sole or property owned by a public school (kindergarten through grade 12), college or university where the annual net receipts of the licensee from the licensed activity do not exceed \$5000 and where the licensed activity is conducted by a bona fide charitable or nonprofit organization.~~

~~(4) (5) As to the above categories only, the director may prepare a simplified form which all applicants for license for the above categories shall submit to the office of the commission in Olympia. The information requested on the simplified application form and an accompanying affidavit shall be submitted to the commission by the applicant's highest ranking executive officer. At the minimum, each applicant shall provide the following information on or attached to the application:~~

~~(a) Washington state department of revenue tax number unless exempt from such registration pursuant to department of revenue regulations;~~

(b) (a) Copy of a corporate applicant's articles of incorporation and by-laws; a partnership applicant's articles and partnership agreement; copies of any by-laws and other documents which set out the organizational structure and purposes for which a noncorporate organization applicant was formed and operates; or, if the above are not available, an affidavit of the chief officer or responsible person with the organization setting out the purposes for which the organization exists and operates;

(c) (b) Information as to whether or not a tax exemption letter from the United States internal revenue service has been obtained or denied;

(d) (c) The name, address and date of birth of each employee who will participate in the operation of, and of each person who will participate in the management of, the activity for which the license is sought;

(e) (d) The name, address and date of birth of each person who has any interest in the gambling activity for which the license is sought, the building within or premises upon which the activity will occur or the equipment to be used for such gambling activity;

(f) (e) When information filed with the commission becomes inaccurate in any way, the applicant or licensee shall submit full details of any such change and correct any inaccuracy, together with copies of any new required documents with the commission within 30 days following the change.

(g) (6) Refer to WAC 230-20-400 for certain other exemptions subsequent to issuance of license(s). These exemptions do not apply to fund raising events.

**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 113, filed 10/15/81)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

- (1) BINGO
  - (a) Class A - five hundred dollars or less annual net receipts - \$25.
  - (b) Class B - five hundred dollars through five thousand dollars annual net receipts - \$75.
  - (c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
  - (d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$500.
  - (e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$1000.
  - (f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$2000.
  - (g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$4000.
  - (h) Class H - over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts - \$5500.
  - (i) Class I - over seven hundred fifty thousand dollars through one million dollars annual net receipts - \$8000.
  - (j) Class J - over one million dollars annual net receipts - \$11,000.
- (2) RAFFLES
  - (a) Class C - five hundred dollars or less annual net receipts - \$25.
  - (b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - \$75.
  - (c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
  - (d) Class F - over fifteen thousand dollars annual net receipts - \$500.
- (3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.
  - (a) Class A - five hundred dollars or less annual net receipts - \$25.
  - (b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$30.

(c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.

(d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$200.

(e) Class E - over fifteen thousand dollars annual net receipts - \$350.

(4) FUND RAISING EVENT (license year) - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A-1 - one event, twenty-four consecutive hours - \$200.

(b) Class A-2 - not more than two events, twenty-four consecutive hours each - ~~\$400~~ \$300.

(c) Class B-1 - one event, not more than seventy-two consecutive hours - \$300.

(5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.

(a) Class A - one event per year lasting no more than 12 consecutive days - \$500.

(b) Class B - twenty-five thousand dollars or less annual net receipts - \$500.

(c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$1500.

(d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.

(e) Class E - over five hundred thousand dollars annual net receipts - \$5000.

(6) CARD GAMES - bona fide charitable and nonprofit organizations.

(a) Class A - general (fee to play charged) - \$500.

(b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C - tournament only (no more than ten consecutive days) per tournament - \$35.

(d) Class D - general (no fee is charged a player to play cards) - \$35.

(e) Class R - primarily for recreational purposes and meets the standards of WAC 230-04-100 - \$10.

(7) CARD GAMES - commercial stimulant - each licensee per premises.

(a) Class B - limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(b) Class C - tournament only (no more than ten consecutive days) - per tournament - \$100.

(c) Class D - general (no fee is charged a player to play cards) - \$35.

(d) Class E - general.

(i) Up to five tables - \$2000

(ii) Up to four tables - \$1500

(iii) Up to three tables - \$750

(iv) Up to two tables - \$500

(v) One table only - \$250.

(8) BINGO GAME MANAGER - each license licensee \$100, each renewal \$50.

(9) PUBLIC CARD ROOM EMPLOYEE - each licensee - \$100, each renewal - \$50.

(10) PERMITS - for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A - one location and event only - \$10.

(b) Class B - annual permit for specified different events and locations - \$100.

(11) PUNCHBOARDS AND PULL TABS - each licensee, per premises - \$150.

(12) Manufacturer license - \$1250.

(13) Distributor license - \$1000.

(14) Distributor's representative license - \$150, renewal - \$75.

(15) Manufacturer's representative license - \$150, renewal - \$75.

The term annual net receipts as used above means net receipts from the activity licensed only, during the licensed year.

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

**WSR 82-12-077**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Optometry Board)**  
 [Order PL 399—Filed June 2, 1982]

Be it resolved by the Washington State Optometry Board, acting at Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, that it does promulgate and adopt the annexed rules relating to WAC 308-53-080 minimum practical examination requirements, 308-53-085 grading examinations and 308-53-151 credit for CPR training.

This action is taken pursuant to Notice No. WSR 82-08-048 filed with the code reviser on April 2, 1982. 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 Optometry as authorized in RCW 18.54.070(5).

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

APPROVED AND ADOPTED May 19, 1982.

By Calvin N. Ulberg  
 Chairman, Board of Optometry

**AMENDATORY SECTION** (Amending Order PL 326, filed 12/28/79)

~~WAC 308-53-080 ((MINIMUM PRACTICAL)) EXAMINATION ((REQUIREMENTS)) SUBJECTS. ((The practical examination portion of the optometry licensing examination shall cover at a minimum the following subjects: retinoscopy, ocular pathology, biomicroscopy, contact lenses, tonometry, and case study.))~~ Every qualified applicant for a license as an optometrist shall successfully pass an examination. The Board may choose to include, but need not be limited to, the following subjects: contact lenses; Washington State law; perimetry; pathology; visual training; ocular anatomy and physiology; optometric theory and methods; social, legal economic and ethics of optometry; ocular pharmacology; lensometer; retinoscopy; biomicroscopy slit lamp; tonometry; raiuscopy; and oral interview and case history.

Every applicant will take a written examination section on contact lenses, Washington State law, perimetry and pathology slides. Applicants not having satisfactorily passed the National Board of Examiners in Optometry examination will also take a written examination section on visual training, ocular anatomy and physiology, theory and methods of optometry, social, legal, economics and ethics of optometry, ocular pathology and ocular pharmacology.

Every applicant will take a practical examination section on: lensometer, retinoscopy, biomicroscopy slit lamp, tonometry and raiuscope. Every applicant will take a practical oral interview and case history section.

**NEW SECTION**

**WAC 308-53-085 GRADING EXAMINATIONS.** To successfully pass the examination, an applicant whom has satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

(1) Pass at least two (2) of the following subjects on the written section with a score of at least sixty percent (60%); contact lenses, perimetry, pathology slides. Washington State law does not require a minimum passing score but that score will be included in calculating a total average score; and

(2) Pass the practical examination section with at least a seventy-five percent (75%) average score; and

(3) Pass the practical oral interview and case history section with at least a seventy-five percent (75%) score; and

(4) Obtain a total average score of at least seventy-five percent (75%).

An applicant who has not satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

(1) Pass at least six (6) of the following subjects on the written sections with a score of at least sixty percent (60%): contact lenses, perimetry, pathology slides, visual training, ocular anatomy and physiology, theory and methods of optometry, ocular pathology and ocular pharmacology. Washington State law and social, legal, economic and ethics of optometry do not require a minimum passing score but these scores will be included in calculating a total average score; and

(2) Pass the practical examination section with at least a seventy-five percent (75%) average score; and

(3) Pass the practical oral interview and case history section with at least a seventy-five percent (75%) score; and

(4) Obtain a total average score of at least seventy percent (70%).

**NEW SECTION**

**WAC 308-53-151 CREDIT FOR CPR TRAINING.** On or after January 1, 1983, continuing education credit, up to five (5) credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, by whom the instructor is certified, and information regarding current certification at the time of the course, and the date and location of the course.

**WSR 82-12-078**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 82-12—Filed June 2, 1982]

I, John F. Spencer, deputy, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed



rules relating to water quality standards, amending chapter 173-201 WAC.

This action is taken pursuant to Notice No. WSR 82-06-056 filed with the code reviser on March 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.48.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 25, 1982.

By John F. Spencer  
Deputy Director

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-010 ((PURPOSE)) INTRODUCTION. (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

(2) This chapter shall be reviewed periodically by the department and appropriate revisions shall be undertaken.

(3) The water use and quality criteria set forth in WAC 173-201-035 through 173-201-085 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. These shall be the sole criteria for said waters.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-025 DEFINITIONS. (1) Background conditions: The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) Department: State of Washington department of ecology.

(3) Director: Director of the state of Washington department of ecology.

(4) Fecal coliform: That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 ~~((degrees))~~ plus or minus 0.2 degrees ~~((C))~~ Celsius.

(5) Geometric mean: The nth root of a product of n factors.

~~((3))~~ (6) Mean detention time: The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

~~((4))~~ Median Value: That value of a group of measurements that falls in the middle when the measurements are arranged in order of magnitude. If the number of measurements is even, the median value would be the value half-way between the two middle measurements.

~~((5))~~ (7) Permit: A document issued pursuant to RCW 90.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

~~((6))~~ (8) pH: The negative logarithm of the hydrogen ion concentration.

(9) Primary contact recreation: Activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming and water skiing.

(10) Secondary contact recreation: Activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems or urogenital areas would normally be avoided.

~~((7))~~ (11) Surface waters of the state: Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

~~((8))~~ (12) Temperature: Water temperature expressed in degrees Celsius (°C).

~~((9))~~ (13) Turbidity: The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

~~((10))~~ (14) Upwelling: ~~((Upwelling is a direct result of wind stress on the sea surface. As winds blow parallel to a coast, the net flow of water is at an angle of about 45° toward the sea. This flow causes cold bottom water to move upward to replace the warmer surface water moving offshore. The cold water is rich in dissolved nutrients and has a low dissolved oxygen content.))~~ The annual natural phenomenon where the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen rise to replace the surface water. The cold, oxygen deficient water flows into Puget Sound and other coastal estuaries replacing the deep water with lower dissolved oxygen concentrations reaching the surface during late summer and fall.

(15) USEPA: United States Environmental Protection Agency.

(16) Wildlife habitat: Waters of the state used by fish, other aquatic life and wildlife for any life history stage or activity.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-035 GENERAL CONSIDERATIONS. The following general guidelines shall apply to

the water quality criteria and classifications set forth in WAC (~~(173-201-020)~~) 173-201-045 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a waste-water discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates ~~((receiving))~~ water quality standards.

(b) Permits shall be subject to modification by the department ~~((of ecology))~~ whenever it appears to the department the discharge violates ~~((receiving))~~ water quality standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint sources and water quality standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the ~~((receiving))~~ water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest Practices Rules and Regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045 through 173-201-085; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department ~~((of ecology))~~

whenever it appears to the department that the discharge violates ~~((receiving))~~ water quality standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) ~~((It shall be the intent of this policy that))~~ Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever ~~((receiving))~~ waters ~~((of a classified area))~~ are of a higher quality than the criteria assigned for said ~~((area))~~ waters, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge~~((;))~~.

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria and special conditions established in WAC 173-201-045 through 173-201-085 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe. The aquatic application of herbicides which result in water use restrictions shall be considered an activity for which a short-term modification generally may be issued subject to the following conditions:

(i) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request generally shall be made at least thirty days prior to herbicide application.

(ii) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations.

(iii) Such herbicide application shall be in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (7 U.S.C. 136, et seq.)

(iv) Notice, including identification of the herbicide, applicator, location where the herbicide will be applied, proposed timing and method of application, and water use restrictions shall be given according to the following requirements:

(A) Appropriate public notice as determined and prescribed by the director or his designee shall be given of any water use restrictions specified in USEPA label provisions.

(B) The appropriate regional offices of the departments of fisheries and game shall be notified twenty-four hours prior to herbicide application.

(C) In the event of any fish kills, the departments of ecology, fisheries, and game shall be notified immediately.

(v) The herbicide application shall be made at times so as to:

(A) Minimize public water use restrictions during weekends.

(B) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend.

(vi) Any additional conditions as may be prescribed by the director or his designee.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) ~~(It shall be the policy of the state of Washington that)~~ No waste discharge permit will be issued which ~~((with))~~ violates established water quality criteria ~~((for the said waters))~~, except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by USEPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the ~~((Environmental Protection Agency))~~ USEPA.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest

practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) ~~((The United States Environmental Protection Agency))~~ USEPA Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other non-radioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by USEPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976).

(14) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with Section 316 of the Federal Clean Water Act (P.L. 95-217 as amended).

#### AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-045 GENERAL WATER USE AND CRITERIA CLASSES. The following criteria shall apply to the various classes of surface waters in the state of Washington:

##### (1) CLASS AA (EXTRAORDINARY).

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ~~((Wildlife habitat,))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating))~~ Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((General marine recreation and navigation))~~ Wildlife habitat.

(v) ~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

## (i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

## (ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 9.5 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 7.0 mg/((+))L ~~((except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities))~~. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 7.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((=the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed 16.0° ~~((Celsius))~~ C (freshwater) or 13.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=23/(T+5)$  (freshwater) or  $t=8/(T-4)$  (marine water).

When natural conditions exceed 16.0° ~~((Celsius))~~ C (freshwater) and 13.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° ~~((Celsius))~~ C, and the maximum water temperature shall not exceed 16.3° ~~((Celsius))~~ C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

## (2) CLASS A (EXCELLENT).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but ~~((are))~~ not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ~~((Wildlife habitat,))~~ Stock watering.

~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating)))~~ Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

~~((Commerce and navigation))~~ Wildlife habitat.

~~((Fish and shellfish reproduction, rearing, and harvesting))~~ Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

~~((Commerce and navigation))~~

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

## (ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed 8.0 mg/((+))L.

(B) Marine water - Dissolved oxygen shall exceed 6.0 mg/((+))L ~~((except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities))~~. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 6.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((=the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed 18.0° ~~((Celsius))~~ C (freshwater) or 16.0° ~~((Celsius))~~ C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=28/(T+7)$  (freshwater) or  $t=12/(T-2)$  (marine water).

When natural conditions exceed 18.0° ~~((Celsius))~~ C (freshwater) and 16.0° ~~((Celsius))~~ C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed  $2.8^{\circ}$  ((Celsius)) C, and the maximum water temperature shall not exceed  $18.3^{\circ}$  ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

### (3) CLASS B (GOOD).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Industrial and agricultural))~~ Water supply (industrial and agricultural).

(ii) ~~((Fishery and wildlife habitat))~~ Stock watering.

(iii) ~~((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, and boating)))~~ Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) ~~((Stock watering))~~ Wildlife habitat.

(v) ~~((Commerce and navigation))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) ~~((Shellfish reproduction and rearing, and crustacea (crabs, shrimp, etc.) harvesting))~~ Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(B) Marine water - Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 100 organisms/100 mL((-)), with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater - Dissolved oxygen shall exceed  $6.5$  mg/((+))L ~~((or 70 percent saturation whichever is greater))~~.

(B) Marine water - Dissolved oxygen shall exceed  $5.0$  mg/((+))L ~~((or 70 percent saturation, whichever is~~

~~greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)).~~ When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas ~~((=the concentration of total dissolved gas))~~ shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature ~~((=water temperatures))~~ shall not exceed  $21.0^{\circ}$  ((Celsius)) C (freshwater) or  $19.0^{\circ}$  ((Celsius)) C (marine water) due to human activities. Temperature increases shall not, at any time, exceed  $t=34/(T+9)$  (freshwater) or  $t=16/T$  (marine water).

When natural conditions exceed  $21.0^{\circ}$  ((Celsius)) C (freshwater) and  $19.0^{\circ}$  ((Celsius)) C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than  $0.3^{\circ}$  ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed  $2.8^{\circ}$  ((Celsius)) C, and the maximum water temperature shall not exceed  $21.3^{\circ}$  ((Celsius)) C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

### (4) CLASS C (FAIR).

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but ((are)) not be limited to, the following:

(i) ~~((Cooling water))~~ Water supply (industrial).

(ii) ~~((Commerce and navigation))~~ Fish (salmonid and other fish migration).

(iii) ~~((Fish passage))~~ Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) ~~((Boating))~~ Commerce and navigation.

(c) Water quality criteria - marine water.

(i) Fecal coliform organisms ~~((=Marine water))~~ shall not exceed a ((median)) geometric mean value of 200

organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen (~~(- Marine water = Dissolved oxygen~~) shall exceed 4.0 mg/((+))L ((or 50 percent saturation, whichever is greater, except when the natural phenomenon of upwelling occurs, natural dissolved oxygen levels can be degraded by up to 0.2 mg/l by man-caused activities)). When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 4.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) ((Total dissolved gas = the concentration of total dissolved gas shall not exceed 110 percent saturation at any point of sample collection.

(iv)) Temperature ((= water temperatures)) shall not exceed ((24.0° Celsius (freshwater) or)) 22.0° ((Celsius (marine water))) C due to human activities. Temperature increases shall not, at any time, exceed ((t=39/(T+1) (freshwater) or) t=20/(T+2) ((marine water))).

When natural conditions exceed ((24.0° Celsius (freshwater) and)) 22.0° ((Celsius (marine water))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

((+)) (iv) pH shall be within the range of ((6.5 to 9.0 (freshwater) or) 6.5 to 9.0 ((marine water))) with a man-caused variation within a range of less than 0.5 units.

((+)) (v) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

((+)) (vi) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

((+)) (vii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

#### (5) LAKE CLASS.

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses ((for waters of this class)) shall include, but ((are)) not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) ((Wildlife habitat,)) Stock watering.

(iii) ((General recreation and aesthetic enjoyment (picnicking, hiking, fishing, swimming, skiing, and boating:)) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam and mussel rearing, spawning, and harvesting.

Crayfish rearing, spawning, and harvesting.

(iv) ((Fish and shellfish reproduction, rearing, and harvesting)) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms ((= Lakes and impoundments)) shall not exceed a ((median)) geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(ii) Dissolved oxygen - no measurable decrease from natural conditions.

(iii) Total dissolved gas ((= the concentration of total dissolved gas)) shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature - no measurable change from natural conditions.

(v) pH - no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

#### AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-070 GENERAL CLASSIFICATIONS. General classifications applying to various surface water bodies not specifically classified under WAC 173-201-080 or 173-201-085 are as follows:

(1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are ((hereby designated)) classified Class AA or Lake Class.

(2) All lakes and their feeder streams within the state are ((hereby designated)) classified Lake Class and Class AA respectively, except for those feeder streams specifically ((designated)) classified otherwise.

(3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as Lake Class.

(6) All ((undesignated)) unclassified surface waters that are tributaries to Class AA waters are ((designated)) classified Class AA. All other ((undesignated)) unclassified surface waters within the state are hereby ((designated)) classified Class A.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-080 SPECIFIC CLASSIFICATIONS—FRESHWATER. Specific fresh surface waters of the state of Washington are classified as follows:

- (1) American River (~~(from confluence with Bumping River to headwaters)~~). Class AA
- ~~(2) ((Baker River. Class AA~~
- ~~(3)) Big Quilcene River and tributaries. Class AA~~
- ~~((4)) (3) Bumping River ((from confluence with Naches River to headwaters)). Class AA~~
- ~~((5)) (4) Burnt Bridge Creek. Class A~~
- ~~((6) Cascade River. Class AA~~
- ~~(7)) (5) Cedar River from Lake Washington to Landsburg Dam (river mile 21.6). Class A~~
- ~~((8)) (6) Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted. Class AA~~
- (7) Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8). Class A
- ~~((9)) (8) Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition - Dissolved oxygen shall exceed 5.0 mg/L ((or 50 percent saturation, whichever is greater,)) from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria. Class A~~
- ~~((10)) (9) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7). Class A~~
- ~~((11)) (10) Chehalis River, from Rock Creek (river mile 106.7) to headwaters. Class AA~~
- ~~((12)) (11) Chehalis River, south fork((, from mouth to headwaters)). Class A~~
- ~~((13)) (12) Chewack River ((from confluence with Methow River to headwaters)). Class AA~~
- ~~((14)) (13) Chiwawa River ((from confluence with Wenatchee River to headwaters)). Class AA~~
- ~~((15)) (14) Cispus River. Class AA~~
- ~~((16)) (15) Clearwater River. Class A~~
- ~~((17)) (16) Cle Elum River ((from confluence with Yakima River to Cle Elum Lake)). Class AA~~
- ~~((18) Cle Elum River from Cle Elum Lake to headwaters. Class AA~~
- ~~(19)) (17) Cloquallum ((River from mouth to headwaters)) Creek. Class A~~
- ~~((20)) (18) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom. Class A~~
- ~~((21)) (19) Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions - ((water)) Temperature((s)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius~~

- (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed 0.3° ((Celsius)) C due to any single source or 1.1° ((Celsius)) C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Class A
- ~~((22)) (20) Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile ((595)) 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature((=water tempera- tures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A~~
- ~~((23)) (21) Columbia River from Grand Coulee Dam (river mile ((595)) 596.6) to Canadian border (river mile ((742)) 745.0). Class AA~~
- ~~((24)) (22) Colville River. Class A~~
- ~~((25)) (23) Coweeman River from mouth to Mulholland Creek (river mile 18.4). Class A~~
- ~~((26)) (24) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters. Class AA~~
- (25) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0). Class A
- (26) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters. Class AA
- (27) Crab Creek and ((tributary streams from confluence with Columbia River to headwaters)) tributaries. Class B
- (28) Decker Creek ((from mouth to headwaters)). Class AA
- (29) Deschutes River from mouth to ((headwaters)) boundary of Snoqualmie National Forest (river mile 48.2). Class A
- (30) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters. Class AA
- ~~((30)) (31) Dickey River. Class A~~
- ~~((31)) (32) Dosewallips River and tributaries. Class AA~~
- ~~((32)) (33) Duckabush River and tributaries. Class AA~~
- ~~((33)) (34) Dungeness River from mouth to Canyon Creek (river mile 10.8). Class A~~
- ~~((34)) (35) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters. Class AA~~
- ~~((35)) (36) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal~~



No. 37 to the <del>((confluence with the))</del> Black River <del>((Tukwila))</del> (river mile 11.0) (Duwamish River continues as the Green River above the Black River).	Class B	<del>((48))</del> (50) Hoquiam River (continues as west fork above east fork) from mouth to river mile <del>((9))</del> 9.3 (Dekay Road bridge) (upper limit of tidal influence).	Class B
<del>((36))</del> Duwamish River upstream from the confluence with the Black River to the limit of tidal influence.	<del>Class A)</del>	(51) Humptulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork).	Class A
(37) Elochoman River.	Class A	(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters.	Class AA
<del>((37))</del> (38) Elwha River and tributaries.	Class AA	(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters.	Class AA
<del>((38))</del> (39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters.	Class AA	<del>((49))</del> (54) Issaquah Creek <del>((from mouth to headwaters))</del> .	Class A
<del>((39))</del> (40) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition - Temperature <del>((=water temperatures))</del> shall not exceed 20.0° <del>((Celsius))</del> C due to human activities. When natural conditions exceed 20.0° <del>((Celsius))</del> C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° <del>((Celsius))</del> C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	<del>((50))</del> (55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters.	Class AA
<del>((40))</del> (41) Grays River from Grays River Falls (river mile 15.8) to headwaters.	Class AA	<del>((51))</del> (56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters.	Class AA
<del>((41))</del> (42) Green River (Cowlitz County) <del>((from mouth to headwaters))</del> .	Class AA	<del>((52))</del> (57) Lake Washington Ship Canal from <del>((Lake Washington to))</del> Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). Special condition - Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1).	Lake Class
(43) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park at river mile 42.3).	Class A	<del>((53))</del> (58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters.	Class AA
<del>((42))</del> (44) Green River (King County) from <del>((intersection of the river with))</del> west boundary of <del>((Sec. 27, T.21N., R.6E.,))</del> Sec. 27-T21N-R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to <del>((intersection of the river with))</del> west boundary of <del>((Sec. 13, T.21N., R.7E.,))</del> Sec. 13-T21N-R7E (river mile 59.1).	Class AA	<del>((54))</del> (59) Little Wenatchee River <del>((from Lake Wenatchee to headwaters))</del> .	Class AA
<del>((43))</del> (45) Green River and tributaries (King County) from <del>((intersection of the river with))</del> west boundary of <del>((Sec. 13, T.21N., R.7E.,))</del> Sec. 13-T21N-R7E (river mile 59.1) to headwaters. Special condition - No waste discharge will be permitted.	Class AA	<del>((55))</del> Methow River from its confluence with the Chewack River to headwaters.	Class AA
<del>((44))</del> (46) Hamma Hamma River and tributaries.	Class AA	<del>((56))</del> (60) Methow River from mouth to <del>((the confluence of the))</del> Chewack River (river mile 50.1).	Class A
<del>((45))</del> (47) Hanaford Creek from mouth to east boundary <del>((line))</del> of <del>((Sec. 25, T.15N., R.2W))</del> Sec. 25-T15N-R2W (river mile 4.1). Special condition - dissolved oxygen shall exceed 6.5 mg/L <del>((or 70 percent saturation whichever is greater))</del> .	Class A	(61) Methow River from Chewack River (river mile 50.1) to headwaters.	Class AA
<del>((46))</del> (48) Hanaford Creek from east boundary <del>((line))</del> of <del>((Sec. 25, T.15N., R.2W.,))</del> Sec. 25-T15N-R2W (river mile 4.1) to headwaters.	Class A	<del>((57))</del> (62) Mill Creek from <del>((confluence with Walla Walla River))</del> mouth to 13th street bridge in Walla Walla (river mile 6.4). Special condition - Dissolved oxygen concentration shall exceed 5.0 mg/L <del>((or 50 percent saturation whichever is greater))</del> .	Class B
<del>((47))</del> (49) Hoh River and tributaries <del>((from mouth to headwaters))</del> .	Class AA	(63) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla waterworks dam (river mile 25.2).	Class A
		<del>((58))</del> (64) Mill creek and tributaries from city of Walla Walla waterworks dam (river mile 25.2) to headwaters. Special condition - no waste discharge will be permitted.	Class AA
		<del>((59))</del> (65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters.	Class AA

<del>((60))</del> (66) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters.	Class AA	<del>((74))</del> Queets River from mouth to river mile 3.0.	Class AA
<del>((61))</del> (67) Newaukum River ((from mouth to headwaters)).	Class A	(75)) (83) Queets River and tributaries ((from river mile 3 to headwaters)).	Class AA
(68) Nisqually River from mouth to Alder Dam (river mile 44.2).	Class A	<del>((76))</del> (84) Quillayute River.	Class AA
<del>((62))</del> (69) Nisqually River from Alder Dam (river mile 44.2) to headwaters.	Class AA	<del>((77))</del> Quinault River from mouth to river mile 2.	Class AA
<del>((63))</del> (70) Nooksack River from mouth to ((river mile 4 (just below Fern date))) Maple Creek (river mile 49.7).	Class A	(78)) (85) Quinault River and tributaries ((from river mile 2 to headwaters)).	Class AA
<del>((64))</del> (71) Nooksack River from ((confluence with)) Maple Creek (river mile 49.7) to headwaters.	Class AA	(86) Salmon Creek (Clark County).	Class A
(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3).	Class A	(87) Satsop River from mouth to west fork (river mile 6.4).	Class A
<del>((65))</del> (73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters.	Class AA	<del>((79))</del> (88) Satsop River, east fork((; from mouth to headwaters)).	Class AA
<del>((66))</del> (74) Nooksack River, middle fork.	Class AA	((80)) (89) Satsop River, middle fork((; from mouth to headwaters)).	Class AA
<del>((67))</del> (75) Okanogan River.	Class A	<del>((81))</del> (90) Satsop River, west fork((; from mouth to headwaters)).	Class AA
<del>((68))</del> (76) Palouse River from mouth to ((Colfax river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6).	Class B	<del>((82))</del> Sauk River.	Class AA
<del>((69))</del> (77) Palouse River from ((Colfax river mile 88, confluence with south fork)) south fork (Colfax, river mile 89.6) to Idaho border (river mile ((+10)) 123.4). Special condition - Temperature(=water temperatures) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class AA	(83)) (91) Skagit River from mouth to ((Burlington)) Skiyou Slough-lower end (river mile ((+7, Nookachamps Creek)) 25.6).	Class A
<del>((70))</del> (78) Pend Oreille River from Canadian border (river mile ((+7)) 16.0) to Idaho border (river mile ((86)) 87.7). Special condition - Temperature(=water temperatures) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$ .	Class A	((84)) (92) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade Rivers) from Skiyou Slough-lower end, (river mile ((26)) 25.6) to Canadian border (river mile ((9+)) 127.0).	Class AA
<del>((71))</del> (79) Pilchuck River from city of Snohomish waterworks dam (river mile 26.8) to headwaters.	Class AA	((85)) (93) Skokomish River and tributaries.	Class AA
<del>((72))</del> (80) Puyallup River from mouth to river mile 1.0 ((from mouth)).	Class B	((86)) (94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters.	Class AA
(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6).	Class A	(95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2).	Class A
<del>((73))</del> (82) Puyallup River from Kings Creek (river mile 31.6) to headwaters.	Class AA	<del>((87))</del> (96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters.	Class AA

increases, at any time, exceed 0.3° ((Celsius)) C due to any single source or 1.1° ((Celsius)) C due to all such activities combined.

((98)) (98) Snohomish River from mouth and east of longitude 122°13'40"W((-)) upstream to latitude 47°56'30"N((-)) (southern tip of Ebey Island river mile 8.1). Special condition: Fecal coliform organisms shall not exceed a ((median)) geometric mean value of 200, organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

((99)) (99) Snohomish River upstream from latitude 47°56'30"N((-)) (southern tip of Ebey Island river mile 8.1) to ((limit of tidal influence)) confluence with Skykomish and Snoqualmie River (river mile 20.5).

(100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1).

((101)) (101) Snoqualmie River, middle fork((-, from mouth to headwaters)).

((102)) (102) Snoqualmie River, north fork((-, from mouth to headwaters)).

((103)) (103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters.

((104)) (104) Soleduck River and tributaries.

((105)) (105) Spokane River from mouth to Idaho border (river mile ((9+)) 96.5). Special condition - Temperature((-water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed  $t=34/(T+9)$ .

(106) Stehekin River.

((107)) (107) Stillaguamish River from mouth to ((river mile 7 (at Norman))) north and south forks (river mile 17.8).

((108)) (108) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2).

((109)) (109) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters.

(110) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7).

((111)) (111) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters.

~~((100)) Stehekin River from Lake Chelan to headwaters.~~

~~((101)) Suiattle River.~~

~~((102)) (112) Sulphur Creek.~~

Class A

Class A

Class A

Class A

Class AA

Class AA

Class AA

Class AA

Class A

Class AA

Class A

Class A

Class AA

Class A

Class AA

Class AA

Class B

~~((103))~~ (113) Sultan River from mouth to Chaplain Creek (river mile 5.9).

Class A

~~((104))~~ (114) Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. Special condition - no waste discharge will be permitted above city of Everett diversion dam (river mile 9.4).

Class AA

~~((105))~~ (115) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23).

Class A

~~((106))~~ (116) Tieton River ((from confluence with Naches River to headwaters)).

Class AA

~~((107))~~ (117) Tolt River, south fork and tributaries from mouth to ((intersection of the river with)) west boundary of ((Sec. 31, T26N., R.9E)) Sec. 31-T26N-R9E (river mile 6.9).

Class AA

~~((108))~~ (118) Tolt River, south fork from ((intersection of the river with)) west boundary of ((Sec. 31, T.26N., R.9E.)) Sec. 31-T26N-R9E (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.

Class AA

~~((109))~~ (119) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters.

Class AA

~~((110))~~ (120) Toutle River, north fork, from Green River to headwaters.

Class AA

~~((111))~~ (121) Toutle River, south fork((-, from mouth to headwaters)).

Class AA

~~((112))~~ (122) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters.

Class AA

~~((113))~~ (123) Twisp River ((from confluence with Methow River to headwaters)).

Class AA

~~((114))~~ (124) Union River and tributaries from Bremerton waterworks dam (river mile 6.9) to headwaters. Special condition - no waste discharge will be permitted.

Class AA

~~((115))~~ (125) Walla Walla River from mouth to Lowden (Dry Creek at river mile ((+5)) 27.2).

Class B

~~((116))~~ (126) Walla Walla River from Lowden (Dry Creek at river mile ((+5)) 27.2) to Oregon border (river mile 40). Special condition - Temperature((-water temperatures)) shall not exceed 20.0° ((Celsius)) C due to human activities. When natural conditions exceed 20.0° ((Celsius (freshwater))) C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ((Celsius)) C; nor shall such temperature increases, at any time, exceed  $t=34/(T+9)$ .

Class A

~~((117))~~ (127) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters.

Class A

~~((118))~~ (128) White River (Pierce-King Counties) from Mud Mountain Dam (river mile 29.6) to headwaters.

Class AA

Class AA

~~((119))~~ (129) White River (Chelan County) ~~((from Lake Wenatchee to headwaters))~~. Class AA

(130) Wildcat Creek Class A

~~((120))~~ (131) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8). Class A

~~((121))~~ (132) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W). Class B

(133) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to west fork (river mile 17.7). Class A

~~((122))~~ (134) Wishkah River from west fork of Wishkah River (river mile 17.7) to ~~((intersection of the river with))~~ south boundary of ~~((Sec. 33, T.21N., R8W.))~~ Sec. 33-T21N-R8W (river mile 32.0). Class AA

~~((123))~~ (135) Wishkah River and tributaries from ~~((intersection of the river with))~~ south boundary of ~~((Sec. 33, T.21N., R.8W.))~~ Sec. 33-T21N-R8W (river mile 32.0) to headwaters. Special condition - no waste discharge will be permitted. Class AA

(136) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9) Class A

(137) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters. Class AA

~~((124))~~ (138) Yakima River from ~~((confluence with Columbia River))~~ mouth to Sunnyside Dam (river mile 103.8). Class B

~~((125))~~ (139) Yakima River from Sunnyside Dam (river mile 103.8) to Cle Elum River (river mile 185.6) ~~((just below the confluence of the Cle Elum River))~~. Special condition - Temperature ~~((= water temperatures))~~ shall not exceed 21.0° ~~((Celsius))~~ C due to human activities. When natural conditions exceed 21.0° ~~((Celsius (freshwater)))~~ C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° ~~((Celsius))~~ C; nor shall such temperature increases, at any time, exceed  $t=34/(T+9)$ . Class A

~~((126))~~ (140) Yakima River from Cle Elum River (river mile 185.6) ~~((immediately upstream from the Cle Elum River))~~ to headwaters. Class AA

**AMENDATORY SECTION** (Amending Order DE 77-32, files 1/17/78)

**WAC 173-201-085 SPECIFIC CLASSIFICATIONS—MARINE WATER.** Specific marine surface waters of the state of Washington are classified as follows:

(1) ~~((Bellingham Bay east of a line bearing 185° true from entrance of boat basin (light No. 2), except as otherwise noted.))~~ Class B

~~((2))~~ Bellingham Bay, inner, easterly of a line bearing 142° true through fixed green navigation light at southeast end of dock (approximately 300 yards northeast of bell buoy "2") to the east boat basin jetty. Class B

~~((3))~~ Budd Inlet south of latitude 47°04'N~~((:))~~ (south of Priest Point Park). Class B

~~((4))~~ (2) Coastal waters; Pacific Ocean from Ilwaco to Cape Flattery. Class AA

~~((5))~~ (3) Commencement Bay ~~((from))~~ south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light. Class A

~~((6))~~ (4) Commencement Bay, inner, ~~((from))~~ south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street. Class B

~~((7))~~ (5) Commencement Bay, city waterway south and east of south 11th Street. Class C

~~((8))~~ (6) Drayton Harbor, south of entrance. Class A

~~((9))~~ (7) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A

~~((10))~~ (8) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A

~~((11))~~ Everett Harbor east of longitude 122°13'40"W. and southwest of a line bearing 121° true from light "4" (Snohomish River mouth). Class A

~~((12))~~ (9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B

~~((13))~~ (10) Grays Harbor west of longitude 123°59'W. Class A

~~((14))~~ (11) Grays Harbor east of longitude 123°59'W~~((:))~~ to longitude 123°45'45"W~~((:))~~ (Cosmopolis Chehalis River, river mile 3.1). Special condition - Dissolved oxygen ~~((=))~~ shall exceed 5.0 mg/L ~~((or 60 percent saturation, whichever is greater))~~. Class B

~~((15))~~ (12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W~~((:))~~ and north of latitude 48°27'20"N. ~~((, except as otherwise noted.))~~ Class A

~~((16))~~ (13) Hood Canal. Class AA

~~((17))~~ (14) Mukilteo and all North Puget Sound west of longitude 122°39'W~~((:))~~ (Whidbey, Fidalgo, Guemes and Lummi Islands and state highway 20 bridge at Deception Pass), except as otherwise noted. Class AA

~~((18))~~ (15) Oakland Bay west of longitude 123°05'W~~((:))~~ (inner Shelton harbor). Class B

~~((19))~~ (16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook. Class A

~~((20))~~ (17) Port Gamble south of latitude 47°51'20"N. Class A

~~((21))~~ (18) Port Townsend west of a line between Point Hudson and Kala point. Class A

~~((22))~~ (19) Possession Sound, south of latitude 47°57'N. Class AA

~~((23))~~ (20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and ~~((longitude 122°38'35"W. (bridge)))~~ state highway 20 bridge at Deception Pass between latitude 47°57'N~~((:))~~ (Mukilteo) and latitude 48°27'20"N~~((:))~~ (Similk Bay), except as otherwise noted. Class A

~~((24))~~ (21) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W~~((:))~~ (Brisco Point) and longitude 122°51'W~~((:))~~ (northern tip of Hartstene Island). Class AA

~~((25))~~ (22) Sequim Bay southward of entrance. Class AA

~~((26))~~ (23) South Puget Sound west of longitude 122°52'30"W~~((:))~~ (Brisco Point) and longitude 122°51'W~~((:))~~ (northern tip of Hartstene Island, except as otherwise noted). Class A

~~((27))~~ (24) Strait of Juan de Fuca. Class AA

~~((28))~~ (25) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8). Class A

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-090 ACHIEVEMENT CONSIDERATIONS. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department ~~((of ecology))~~ to apply the various implementation and enforcement authorities at its disposal, including ~~((the development and implementation of the continuing planning process required by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500) and applicable federal regulations thereunder))~~ participation in the programs of the Federal Clean Water Act (P.L. 95-217) as appropriate. It is also the intent that cognizance will be taken of the need for ~~((information as contemplated under section 304, 208, 209, and other sections of the federal act, with emphasis on silviculture and agriculture, and for))~~ participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The ~~((Washington))~~ department's ~~((of ecology's))~~ planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act ~~((and regulations))~~. Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law.

AMENDATORY SECTION (Amending Order DE 77-32, filed 1/17/78)

WAC 173-201-120 ENFORCEMENT. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director ~~((of the department))~~ may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within thirty days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 173-201-020 WATER USE AND QUALITY CRITERIA.

(2) WAC 173-201-050 CHARACTERISTIC USES TO BE PROTECTED.

(3) WAC 173-201-140 MISCELLANEOUS.

**WSR 82-12-079**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 10:00 a.m., Friday, July 9, 1982, in the Leopold Hotel, Bellingham, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Monday, July 12, 1982, in the Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 9, 1982, and/or orally at 10:00 a.m., Friday, July 9, 1982, Leopold Hotel, Bellingham, Washington.

Dated: June 2, 1982  
 By: Rolland A. Schmitt  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-20-010 and 220-22-030 and chapter 220-47 WAC.

Description of Purpose: Alter gear testing restrictions; provide sampling regulations, alter area boundaries and provide adjustments for 1982 Puget Sound salmon fishing regulations.

Summary of Rule: WAC 220-20-010, allows gillnet testing; eliminates Georgia Strait gear test area, replaces with Boundary Bay Area; restricts Pt. Gardner testing to waters over 10 fathoms; establishes Pt. Townsend gear test area; reduces gear testing time period; provides for shellfish release during gear testing; requires compliance with sampling requests; WAC 220-22-030, clarified 7B area and alters 11 - 11A boundary; and chapter 220-47 WAC, provides adjustments for 1982 Puget Sound salmon fishery schedule and gear restrictions.

Reasons Supporting Proposed Action: WAC 220-20-010, provide greater accessibility of salmon fleet to gear testing areas and at request of gillnet fishermen allows gillnet testing. Management needs dictate need for access to catch sampling; WAC 220-22-030, clarify the Gooseberry Pt. line and provide a more clearly recognizable fishing boundary in Commencement Bay; and chapter 220-47 WAC, adjustments in schedule and gear restrictions based on 1982 Puget Sound pre-season salmon forecast and harvest criteria.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Duane Phinney, 115 General Administration Building, Olympia, Washington, 753-6600; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries

Comments: None.

These rules are not the result of federal law or court order.

AMENDATORY SECTION (Amending Order 81-3, filed 2/6/81)

**WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH.** (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the Department of Fisheries.

(2) It shall be unlawful for any person, corporation, business, or company to have in possession or under control or custody any salmon or other food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the Director of Fisheries, unless otherwise provided.

(3) It shall be lawful to take, fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	(Hippoglossus stenolepis)
Pacific herring.	(Clupea harengus pallasii)
(except when lawfully taken from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B as prescribed in WAC 220-49-020)	
Salmon	
Chinook	(Oncorhynchus tshawytscha)
Coho	(Oncorhynchus kisutch)
Chum	(Oncorhynchus keta)
Pink	(Oncorhynchus gorbuscha)
Sockeye	(Oncorhynchus nerka)
Masu	(Oncorhynchus masu)

(4) It shall be unlawful for any person to take, fish for or possess food fish or shellfish smaller than the lawful commercial sizes while aboard any craft engaged in commercial fishing or having commercially caught fish aboard.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the Department of Fisheries approved and registered buoy brand provided that;

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) Effective January 1, 1975, when two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the Department of Fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the Department of Fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the Department of Fisheries.

(9) It shall be unlawful for any person licensed under the Fisheries Code of Washington to fail to make any report or return required of

him by the Department of Fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, provided; that it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersized salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard, any salmon or other food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or ((size)) sex limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the Department of Fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the Director of Fisheries, or to perform any act not specifically authorized in said document or in the regulations of the Director of Fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the Director of Fisheries.

(17) It shall be lawful to test commercial fishing gear (~~excluding gill-nets;~~) as follows:

(a) Bellingham Bay - inside and northerly of a line from Governor's Point to the north tip of Eliza Island to Point ((Francis)) Frances in waters 10 fathoms and deeper.

(b) ~~((Georgia Strait - within a 1 mile radius of buoy RB "A" at the north end of Alden Bank during times not under IPSFC control))~~ Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control.

(c) San Juan Channel - within a 1 mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2 mile radius of the entrance to Everett ~~((break water))~~ breakwater in waters 10 fathoms and deeper.

(f) Central Puget Sound - between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

~~((th))~~ (i) All tows or sets are limited to ~~((one hour))~~ 20 minutes exclusive of setting and retrieving time.

~~((t))~~ (j) All testing is to be accomplished between 8:00 a.m. and 4:00 p.m.

~~((t))~~ (k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

~~((tt))~~ (l) Any and all incidentally caught fish and shellfish must be returned to the waters immediately, and no fish are to be ~~((brought))~~ retained aboard the vessel at any time during a gear test operation.

~~((H))~~ (m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the Fisheries Patrol office in Olympia prior to testing.

(18) It is unlawful for any person or corporation licensed by the Department of Fisheries to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but no limited to, the snouts of those salmon that are marked by having clipped adipose fins.

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 81-101, filed 8/25/81)

WAC 220-47-313 PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Area 7B - September 13 through October 9: 24 hours per day.

Area 8 - September 13 through October 3: 24 hours per day.

~~((August 16 through October 24))~~ All other open areas - September 13 through October 30: - 5:00 a.m. to 9:00 p.m. Pacific Daylight Time.

~~((October 25 through October 31 - 5:00 a.m. to 8:00 p.m. Pacific Standard Time.))~~

~~((NOTE: Purse seine fishery in Area 7B closes at 4:00 p.m. (PDT) on September 18 and 25 and October 2 and 9, 1981.))~~

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 81-101, filed 8/25/81)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 4B, 5, 6, 6A, 6B, 6C((~~6D~~), 7, 7A) - closed.

Area 6D - October 3 through October 16.

Areas 7 and 7A - closed.

Area 7B - September 13 through October ((3+)) 30.

Areas 7C and 7D - closed.

Areas 8 and 8A - ((October 18)) September 13 through October ((3+)) 30.

~~((Area 8A - August 16 through October 31.))~~

Areas 9 and 9A - closed.

Areas 10 and 11 - September 13 through October ((3+)) 30.

Areas 10A, 10B, 10C, 10D ((and)), 10E and 11A - closed.

~~((Area 11A - closed.))~~

Area 12 - ((October 18)) September 13 through October ((3+)) 30.

Areas 12A, 12B, 12C, 12D, 13, 13A, 13B and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 81-101, filed 8/25/81)

WAC 220-47-312 PURSE SEINE—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:



Area 6D - Week beginning October 3: Monday, Tuesday, and Wednesday. Week beginning October 10: Tuesday, Wednesday, and Thursday.

Area 7B - Week beginning September 12: Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday. Weeks beginning September ((+3)) 19, September ((20)) 26, ((September 27)) and October ((4)) 3: Sunday, Monday, Tuesday, Wednesday, Thursday ((and)), Friday, and Saturday. Week(s) beginning October ((+8 and October 25)) 17: Monday. Week beginning October 24: Tuesday.

Area 8 - Weeks beginning ((October 18)) September 12 and ((October 25)) September 26: ((Monday)) Tuesday, Wednesday, and Thursday. Week beginning September 19: Monday, Tuesday, and Wednesday. Week beginning October 17: Monday. Week beginning October 24: Tuesday.

Area 8A - Week(s) beginning ((August 16, August 23, August 30 and)) September ((6)) 12: Tuesday and Wednesday. Week(s) beginning ((October 18 and October 25)) September 19: Monday and Tuesday. Week beginning October 17: Monday. Week beginning October 24: Tuesday.

Areas 10 and 11 - Week beginning September ((+3)) 12: Tuesday ((and)), Wednesday and Thursday. Week(s) beginning September ((20 October 18 and October 25)) 19: Monday and Tuesday. Week beginning September 26: Tuesday and Wednesday. Week beginning October 17: Monday. Week beginning October 24: Tuesday.

Area 12 - Weeks beginning ((October 18)) September 12 and October ((25)) 24: ((Monday)) Tuesday. Weeks beginning September 19 and October 17: Monday.

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS.** (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point Light on Vancouver Island to the Tatoosh Island Light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island, northerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Smith Island Light, and southerly of a line projected from the Smith Island Light to vessel traffic lane buoy R to the Trial Island Light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point Light to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Angeles Point Monument to the Partridge Point Light, westerly of a line projected from the Partridge Point Light to the Point Wilson Light and easterly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head Light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit Light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point Light, westerly of a line projected southeasterly from Sandy Point Light to the most westerly point of Gooseberry Point, northerly of a line projected from the Trial Island Light to vessel traffic lane buoy R to the Smith Island Light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island,

thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point Light.

(10) Area 7B shall include those waters of Puget Sound easterly of a line projected from the most westerly point of Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line projected from William Point Light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point Light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected southeasterly from the Sandy Point Light to the most westerly point of Gooseberry Point.

(13) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass Light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(14) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point Light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass Light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point true east to the mainland and southerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point Light to the Point Wilson Light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point true east to the mainland and northerly of a line projected from the Apple Cove Point Light to Edwards Point.

(16) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(17) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point Light to Edwards Point, westerly of a line projected 233° true from the Golden Tides restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91, northerly of a true east-west line passing through the Point Vashon Light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(18) Area 10A shall include those waters of Puget Sound easterly of a line projected 7° true from a point on Duwamish Head through the Duwamish Head Light to Pier 91.

(19) Area 10B shall include those waters of Puget Sound easterly of a line projected 233° true from the Golden Tides restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, Salmon Bay, the Lake Washington Ship Canal, Lake Union, Portage Bay, Lake Washington northerly of the Evergreen Point Floating Bridge, and waters of the Sammamish River north of State Highway 908 Bridge.

(20) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(21) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(22) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(23) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon Light, northerly of a line ~~((projected 240° true))~~ from ~~((the))~~ Browns Point ~~((Light))~~ to ~~((a point))~~ the Asarco smelter stack on the opposite shore ~~((in line with the KCPQ-TV tower in Tacoma))~~ of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(24) Area 11A shall include those waters of Puget Sound southerly of a line ~~((projected 240° true))~~ from ~~((the))~~ Browns Point ~~((Light))~~ to ~~((a point on the opposite shore in line with))~~ the ~~((KCPQ-TV tower in Tacoma))~~ Asarco smelter stack on the opposite shore of Commencement Bay.

(25) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point Light to Misery Point.

(26) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(27) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point Light to Misery Point.

(28) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the fishing boundary marker at Union.

(29) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the fishing boundary marker at Union.

(30) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected 93° true from the marker on the Longbranch Peninsula to the point immediately north of Green Point and northerly and easterly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

(31) Area 13A shall include those waters of Puget Sound northerly of a line projected 93° true from the marker on Longbranch Peninsula to the point immediately north of Green Point.

(32) Area 13B shall include those waters of Puget Sound westerly of a line projected from the Devil's Head Light to Treble Point, thence through lighted buoy No. 3 to the mainland.

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-47-413 GILL NET—DAILY HOURS.** It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Areas 7B and 8 - September 12 through October 16: 24 hours per day.

All other open areas - July ~~((26))~~ 25 through August ~~((15))~~ 14 - 7:00 p.m. to 9:30 a.m. Pacific Daylight Time.

August ~~((16))~~ 15 through September ~~((19))~~ 18 - 6:00 p.m. to 9:00 a.m. Pacific Daylight Time.

September ~~((20))~~ 19 through October ~~((24))~~ 30 - 5:00 p.m. to 9:00 a.m. Pacific Daylight Time.

~~((October 25 through October 31 - 4:00 p.m. to 8 a.m. Pacific Standard Time.))~~

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-47-414 GILL NET—MESH SIZES.** It is unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

July ~~((26))~~ 25 through ~~((August 15))~~ September 11 - Areas 7B and 7C - ~~((5))~~ 6 inch minimum mesh size. ~~((August 16 through September 5 - Areas 7B and 7C - 7 1/2 inch minimum mesh size. July 26 through September 5 - Areas 8 and 8A - 5 inch minimum to six inch maximum mesh size.))~~

September ~~((6))~~ 12 through October ~~((10))~~ 16 - All open areas - 5 inch minimum mesh size. October ~~((11))~~ 17 through October ~~((11))~~ 30 - All open areas - 6 inch minimum mesh size.

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON.** It is unlawful to take, fish for, or possess salmon for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

~~((Area 7 - Fidalgo Bay and San Juan Island Salmon Preserves.))~~

~~((Area 7A - Drayton Harbor Salmon Preserve.))~~

Area 7B - Fidalgo Bay Salmon Preserve.

Area 7C - that portion inside a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - Skagit Bay Salmon Preserve.

Area 8A - Port Susan and Port Gardner Salmon Preserves.

Area 10 - that portion easterly of a line projected from Meadow Point to West Point.

Area 11 - Gig Harbor Salmon Preserve and those waters south of a line from Dash Point to Point Defiance.

Area 12 - Those waters inside and southeasterly of a line projected from Lone Rock to buoy "BBC Comm Fish" approximately 1/2 mile offshore, thence southwesterly approximately 1-1/2 miles to another buoy "BBC Comm Fish", thence approximately 1/2 mile directly to a fishing boundary marker on shore.

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-47-412 GILL NET—WEEKLY PERIODS.** It is unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - Weeks beginning October 3 and October 10: Monday, Tuesday, and Wednesday nights.

Area ~~((8))~~ 7B ~~((and 7C))~~ - Weeks beginning July ~~((26))~~ 25 and August 8: Tuesday, Wednesday and Thursday nights. Week beginning August ~~((2))~~ 1: Monday, Tuesday and Wednesday nights. Weeks beginning September 12, September 19, September 26, and October 9: Sunday through Saturday. Weeks beginning October 17 and October 24: Monday night.

Area ~~((7B))~~ 7C - Week beginning ~~((August 9))~~ July 25: Tuesday, Wednesday and Thursday nights. Week beginning August ~~((16))~~ 1: Monday, Tuesday and Wednesday nights. ~~((Week beginning August 23: Tuesday and Wednesday nights. Weeks beginning September 6, September 13, September 20, September 27, and October 4: Sunday, Monday, Tuesday, Wednesday and Thursday nights. Week beginning October 18: Monday night. Week beginning October 25: Sunday night.))~~

Area 8 - Weeks beginning ~~((August 16, August 23 and August 30))~~ September 12, September 19 and September 26: ~~((Sunday.))~~ Monday, Tuesday, and Wednesday ~~((and Thursday night. Week beginning October 18: Monday night.))~~ Weeks beginning October ~~((25))~~ 17 and October 24: ~~((Sunday))~~ Monday night.

Area 8A - Weeks beginning ~~((August 16, August 23, August 30 and))~~ September ~~((6))~~ 12 and September 19: ~~((Sunday and))~~ Monday and Tuesday nights. Weeks beginning October ~~((18))~~ 17 and October 24: Monday night. ~~((Week beginning October 25: Sunday night.))~~

Areas 10 and 11 - Week beginning September ~~((13))~~ 12: Monday, ~~((and))~~ Tuesday and Wednesday nights. Weeks beginning September ~~((20))~~ 19 and September 26: Monday and Tuesday nights. Weeks beginning October ~~((18))~~ 17 and October 24: Monday night. ~~((Week beginning October 25: Sunday night.))~~

Area 12 - Weeks beginning September 12, September 19, October ~~((18))~~ 17, and October 24: Monday night. ~~((Week beginning October 25: Sunday night.))~~

**AMENDATORY SECTION** (Amending Order 81-101, filed 8/25/81)

**WAC 220-47-411 GILL NET—SEASONS.** It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon

Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

- Areas 4B, 5, 6, 6A, 6B(;) and 6C(~~-6D, 7 and 7A~~) - closed.  
Area 6D - October 3 through October 16.  
Areas 7 and 7A - closed.  
 Area 7B - July ((26)) 25 through October ((3+)) 30.  
 Area 7C - July ((26)) 25 through August ((8)) 7.  
 Area 7D - closed.  
 Areas 8 and 8A - ((August+6)) September 12 through October ((3+)) 30.  
 Areas 9 and 9A - closed.  
 Area(s) 10 ((and+1)) - September ((+3)) 12 through October ((3+)) 30.  
 Areas 10A, 10B, 10C, 10D and 10E - closed.  
Area 11 - September 12 through October 30.  
 Area 11A - closed.  
 Area 12 - ((October+8)) September 12 through October ((3+)) 30.  
 Areas 12A, 12B, 12C, 12D, 13, 13A, 13B and all freshwater areas - closed.

**WSR 82-12-080**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed June 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial and subsistence fishing regulations;

that such agency will at 10:00 a.m., Thursday, July 22, 1982, in the General Conference Room, 115 General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Friday, July 23, 1982, in the Conference Room, 115 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 21, 1982, and/or orally at 10:00 a.m., Wednesday, July 21, 1982, General Conference Room, 115 General Administration Building, Olympia, Washington.

Dated: June 2, 1982  
 By: Rolland A. Schmitt  
 Director

**STATEMENT OF PURPOSE**

Title: WAC 220-20-019, 220-20-021, 220-20-039, 220-32-055, 220-69-240 and 220-69-280.

Description of Purpose: Requires documentation, modifies reporting rules, and creates a subsistence fishery.

Summary of Rule: WAC 220-20-019 requires documentation of origin of fish; WAC 220-20-021 disallows sale of sturgeon eggs only and requires notification of commercially caught sturgeon; WAC 220-20-039 requires permit for import and transfer of live fish and viable sexual products; WAC 220-32-055 establishes Wanapum Indian subsistence fishery and modifies subsistence fishing rules; WAC 220-69-240 modifies

wholesale dealer reporting requirements and geoduck reporting; and WAC 220-69-280 allows Series K Fish Receiving Tickets to be used.

Reasons Supporting Proposed Action: WAC 220-20-019, knowledge of origin of fish is needed to prevent sale of illegally caught fish; WAC 220-20-021, documentation of commercially caught sturgeon needed to prevent resource depletion; egg sales with carcass present necessary to prevent sale of sport caught fish and oversize fish; WAC 220-20-039, statutory requirements under RCW 75.16.030 to prevent introduction of diseases and pests; WAC 220-69-240, no authority for frozen fish reporting; geoduck reporting change needed to insure legal harvest of geoducks; and WAC 220-69-280, old fish receiving ticket stock depleted.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Frank Haw, Roland Hachtel, Dale Ward and Ron Westley, 115 General Administration Building, Olympia, Washington, 753-6600; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These rule proposals are not the result of federal law or court order.

NEW SECTION

WAC 220-20-019 REQUIREMENT TO PROVIDE SALES DOCUMENTS. It is unlawful for any individual, firm, or corporation to fail to show on demand to any authorized employee or enforcement officer of the department of fisheries state of Washington fish receiving tickets or sales documents pursuant to WAC 220-69-240.

NEW SECTION

WAC 220-20-021 SALE OF COMMERCIALY CAUGHT STURGEON. (1) It shall be unlawful for any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW to:

(a) Keep any sturgeon he takes under such license for personal use; or

(b) Sell any sturgeon he takes under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers; or

(c) Sell, barter or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under section (1)(b) above.

(2) It shall be unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

NEW SECTION

WAC 220-20-039 LIVE FISH—IMPORT AND TRANSFER

(1) It is unlawful for any person, group, corporation, association or government entity to import into, transport, or possess within the State of Washington live fish and/or the viable sexual products thereof, except aquarium fish, game fish, and indigenous marine baitfish, without having first obtained a permit to do so from the Director of the Department of Fisheries. The permit shall accompany the fish and/or sexual products at all times within the State of Washington and shall be presented to Department of Fisheries employees on demand.

(2) The Director may impose conditions in any permit as necessary to insure the protection of food fish within this state from infectious, contagious or communicable diseases and pests. It shall be unlawful to violate the terms and conditions of any permit. In addition to any other penalties provided by law, violation of these rules on the terms and conditions of any permit may result in the suspension and/or revocation of the permit.

AMENDATORY SECTION (Amending Order 77-14, filed 5/15/77)

WAC 220-32-055 OFF-RESERVATION TREATY INDIAN SUBSISTENCE FISHING (1) It shall be lawful for individuals possessing treaty fishing rights pursuant to the Yakima Treaty, the Umatilla Treaty, and the Nez Perce Treaty to fish for food fish for subsistence family-use purposes ~~((subject to the following provisions:~~

~~(1) Such fishing shall be permitted))~~ year-round in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H.

(2) ~~((Lawful fishing gear by treaty Indians in the above designated area includes dip nets, bag set nets, spear, gaff, club, fowl hook, and angling))~~ In accordance with RCW 75.12.300 and RCW 75.12.310, it shall be lawful for the following Wanapum Indians to take, fish for or possess foodfish for subsistence purposes in the vicinity of Priest Rapids Dam in specified areas at specified times using specified gear authorized by the director of the department of fisheries:

<u>Frank Buck</u>	<u>Lester Umtuch</u>
<u>Stanley Buck</u>	<u>Robert S. Tomanawash, Sr.</u>
<u>Willie Buck</u>	<u>Grant Wyena</u>
<u>Harry Buck</u>	<u>Douglas Wyena</u>
<u>Ken Buck</u>	<u>Jerry Wyena</u>
<u>Rex Buck, Jr.</u>	<u>Jimmy Wyena</u>
<u>Phillip Buck</u>	<u>Patrick Wyena</u>
<u>Richard Buck</u>	

The following provisions will apply to this fishery:

(a) It is unlawful to fish at any time, place or using gear other than that designated by the director of the department of fisheries and authorized by regulation.

(b) It is unlawful for Wanapum Indian fishermen to fail to report, in writing, their total catch to the department of fisheries within five days of the end of fishing activity authorized by (2)(a).

(c) Should any Wanapum Indian be convicted of violating any of the provisions of this section, or sell, barter or attempt to sell or barter any fish taken in this fishery or any treaty Indian fishery, that fisherman will be ineligible to further participate in the Wanapum Indian subsistence fishery unless otherwise determined by the director of the department of fisheries.

(3) It shall be unlawful to ~~((allow fish taken for subsistence family-use purposes in the aforementioned areas, to be sold))~~ sell, barter, or ~~((bartered))~~ offer for sale or barter, buy or for a commercially licensed buyer or wholesale fish dealer to have in possession ~~((of a commercially licensed buyer))~~ food fish taken in an Indian subsistence fishery as defined in (1) and (2) above.

(4) ~~((Personal-use fishing in other areas of the state must conform to regulations promulgated under WAC 220-56 series (sport fishing regulation))~~) It is unlawful for fishermen participating in an Indian subsistence fishery to fail to submit their catch to department of fisheries employees for the conduct of biological sampling or fail to allow necessary biological samples to be taken.

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

AMENDATORY SECTION (Amending Order 81-31, filed 5/11/81)

WAC 220-69-240 DUTIES OF COMMERCIAL PURCHASERS AND RECEIVERS. (1) Every person, partnership, association,

corporation, or similar entity receiving or purchasing fresh~~((;))~~ or iced~~((,-or frozen))~~ food fish or shellfish~~((;))~~ or ~~((any))~~ parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state or territory from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Each delivery must be recorded on a separate state of Washington fish receiving ticket: PROVIDED, That provisions of this section do not apply to purchases or receipts made by individuals or consumers at retail: PROVIDED FURTHER, That the provisions of this section do not apply to fresh, iced, or frozen food fish or shellfish, or parts thereof purchased from any person, partnership, association, corporation, or similar entity, possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish grower shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish grower possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, ~~((and retain these,))~~ together with such sales receipt documents or information as may be required, to show the seller's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish or shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington.

(b) Any frozen food fish or shellfish received in the state of Washington which were not previously landed in another state, territory, or country.

(3) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: PROVIDED, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "Loss Estimate".

(4) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 15 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(5) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fisheries, Olympia, Washington; telephone (206) 753-6637.

(6) It is unlawful for any person, partnership, association, corporation, or similar entity receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to accurately~~((;))~~ and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore ~~((or upon transfer to another vessel))~~. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

AMENDATORY SECTION (Amending Order 80-27, filed 5/2/80)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G, Series H ~~((or))~~, Series J or Series K state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the Department of Fisheries.

(2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver. All Series G tickets shall be used before using Series H, ~~((and))~~ all Series H tickets shall be used before using Series J, and all Series J tickets shall be used before using Series K tickets.

(3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the Department of Fisheries.

(4) Any purchaser or receiver terminating business shall notify the department of fisheries in writing and shall return all unused fish receiving tickets and ticket books to the Department of Fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the Department of Fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the Department of Fisheries.

## 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.

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82-20-010	NEW-P	82-02-074	118-03-250	AMD-E	82-12-055	132H-140-050	AMD-P	82-07-070
82-20-010	NEW	82-05-030	118-03-250	NEW-E	82-05-004	132H-140-050	AMD	82-11-039
82-20-020	NEW-P	82-02-074	118-03-255	NEW-E	82-10-047	132H-140-060	AMD-E	82-07-029
82-20-020	NEW	82-05-030	118-03-255	NEW-E	82-07-059	132H-140-060	AMD-P	82-07-070
82-20-030	NEW-P	82-02-074	118-03-260	AMD-E	82-11-046	132H-140-060	AMD	82-11-039
82-20-030	NEW	82-05-030	118-03-270	AMD-E	82-12-055	132H-140-070	NEW-E	82-07-029
82-20-040	NEW-P	82-02-074	118-03-270	AMD-P	82-05-004	132H-140-070	NEW-P	82-07-070
82-20-040	NEW	82-05-030	118-03-275	NEW-E	82-10-047	132H-140-070	NEW	82-11-039
82-20-050	NEW-P	82-02-074	118-03-275	NEW-E	82-07-059	132H-140-070	NEW-E	82-07-029
82-20-050	NEW	82-05-030	118-03-280	NEW-E	82-07-059	132H-140-080	NEW-P	82-07-070
82-20-060	NEW-P	82-02-074	118-03-290	AMD-E	82-11-046	132H-140-080	NEW	82-11-039
82-20-060	NEW	82-05-030	118-03-290	AMD-P	82-12-055	132H-140-080	NEW	82-11-039
82-20-070	NEW-P	82-02-074	118-03-295	NEW-E	82-05-004	132H-140-090	NEW-E	82-07-029
82-20-070	NEW	82-05-030	118-03-295	NEW-E	82-10-047	132H-140-090	NEW-P	82-07-070
118-03	REP-E	82-08-015	118-03-300	NEW-E	82-07-059	132H-140-090	NEW	82-11-039
118-03-010	AMD-E	82-11-046	118-03-310	AMD-E	82-11-046	132H-140-100	NEW-E	82-07-029
118-03-010	AMD-P	82-12-055	118-03-310	AMD-P	82-12-055	132H-140-100	NEW-P	82-07-070
118-03-015	NEW-E	82-05-004	118-03-315	NEW-E	82-05-004	132H-140-100	NEW	82-11-039
			118-03-315	NEW-E	82-10-047	132H-140-110	NEW-E	82-07-029
			118-03-320	NEW-E	82-07-059	132H-140-110	NEW-P	82-07-070



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132H-140-110	NEW	82-11-039	132N-156-200	REP-E	82-07-032	132T-104-280	AMD-P	82-06-024
132H-160-492	NEW-P	82-12-045	132N-156-205	NEW	82-07-031	132T-104-280	AMD	82-12-056
132N-156-010	REP	82-07-031	132N-156-205	NEW-E	82-07-032	132Y-125-004	NEW-P	82-05-039
132N-156-010	REP-E	82-07-032	132N-156-210	REP	82-07-031	132Y-125-004	NEW	82-10-013
132N-156-015	NEW	82-07-031	132N-156-210	REP-E	82-07-032	132Y-136-001	NEW	82-04-018
132N-156-015	NEW-E	82-07-032	132Q-89-010	NEW-P	82-08-018	132Y-136-101	NEW	82-04-018
132N-156-025	NEW	82-07-031	132Q-89-010	NEW-C	82-11-064	132Y-136-201	NEW	82-04-018
132N-156-025	NEW-E	82-07-032	132R-128-010	REP-P	82-08-043	132Y-136-204	NEW	82-04-018
132N-156-030	REP	82-07-031	132R-128-020	REP-P	82-08-043	132Y-136-208	NEW	82-04-018
132N-156-030	REP-E	82-07-032	132R-128-030	REP-P	82-08-043	132Y-136-212	NEW	82-04-018
132N-156-035	NEW	82-07-031	132R-128-040	REP-P	82-08-043	132Y-136-216	NEW	82-04-018
132N-156-035	NEW-E	82-07-032	132R-128-050	REP-P	82-08-043	132Y-136-220	NEW	82-04-018
132N-156-040	REP	82-07-031	132R-128-060	REP-P	82-08-043	132Y-136-224	NEW	82-04-018
132N-156-040	REP-E	82-07-032	132R-128-070	REP-P	82-08-043	132Y-136-228	NEW	82-04-018
132N-156-045	NEW	82-07-031	132R-128-080	REP-P	82-08-043	132Y-136-236	NEW	82-04-018
132N-156-045	NEW-E	82-07-032	132R-128-090	REP-P	82-08-043	132Y-136-304	NEW	82-04-018
132N-156-050	REP	82-07-031	132R-128-100	REP-P	82-08-043	132Y-136-401	NEW	82-04-018
132N-156-050	REP-E	82-07-032	132R-128-110	REP-P	82-08-043	132Y-136-404	NEW	82-04-018
132N-156-055	NEW	82-07-031	132R-128-120	REP-P	82-08-043	132Y-136-501	NEW	82-04-018
132N-156-055	NEW-E	82-07-032	132R-128-121	REP-P	82-08-043	132Y-136-540	NEW	82-04-018
132N-156-060	REP	82-07-031	132R-128-122	REP-P	82-08-043	137-04-010	NEW	82-04-023
132N-156-060	REP-E	82-07-032	132R-128-130	REP-P	82-08-043	137-04-015	NEW	82-04-023
132N-156-065	NEW	82-07-031	132R-128-130	REP-P	82-08-043	137-04-020	NEW	82-04-023
132N-156-065	NEW-E	82-07-032	132R-130-010	NEW-P	82-09-040	137-04-030	NEW	82-04-023
132N-156-070	REP	82-07-031	132R-180-010	REP-P	82-08-043	137-08-010	NEW	82-04-023
132N-156-070	REP-E	82-07-032	132R-180-020	REP-P	82-08-043	137-08-020	NEW	82-04-023
132N-156-075	NEW	82-07-031	132R-180-030	REP-P	82-08-043	137-08-060	NEW	82-04-023
132N-156-075	NEW-E	82-07-032	132R-180-040	REP-P	82-08-043	137-08-070	NEW	82-04-023
132N-156-080	REP	82-07-031	132R-180-050	REP-P	82-08-043	137-08-080	NEW	82-04-023
132N-156-080	REP-E	82-07-032	132R-180-060	REP-P	82-08-043	137-08-090	NEW	82-04-023
132N-156-085	NEW	82-07-031	132R-180-070	REP-P	82-08-043	137-08-100	NEW	82-04-023
132N-156-085	NEW-E	82-07-032	132R-180-080	REP-P	82-08-043	137-08-110	NEW	82-04-023
132N-156-090	REP	82-07-031	132R-180-090	REP-P	82-08-043	137-08-120	NEW	82-04-023
132N-156-090	REP-E	82-07-032	132T-05-020	AMD-P	82-02-046	137-08-130	NEW	82-04-023
132N-156-095	NEW	82-07-031	132T-05-020	AMD	82-07-011	137-08-140	NEW	82-04-023
132N-156-095	NEW-E	82-07-032	132T-05-030	AMD-P	82-02-046	137-08-150	NEW	82-04-023
132N-156-100	REP	82-07-031	132T-05-030	AMD	82-07-011	137-08-160	NEW	82-04-023
132N-156-100	REP-E	82-07-032	132T-05-040	AMD-P	82-02-046	137-08-170	NEW	82-04-023
132N-156-105	NEW	82-07-031	132T-05-040	AMD	82-07-011	137-08-180	NEW	82-04-023
132N-156-105	NEW-E	82-07-032	132T-05-050	AMD-P	82-02-046	137-56-005	NEW-P	82-04-059
132N-156-110	REP	82-07-031	132T-05-050	AMD	82-07-011	137-56-005	NEW	82-08-055
132N-156-110	REP-E	82-07-032	132T-05-060	AMD-P	82-02-046	137-56-010	NEW-P	82-04-059
132N-156-115	NEW	82-07-031	132T-05-060	AMD	82-07-011	137-56-010	NEW	82-08-055
132N-156-115	NEW-E	82-07-032	132T-05-070	NEW-P	82-02-046	137-56-020	NEW-P	82-04-059
132N-156-120	REP	82-07-031	132T-05-070	NEW	82-07-011	137-56-020	NEW	82-08-055
132N-156-120	REP-E	82-07-032	132T-06-010	AMD	82-07-033	137-56-030	NEW-P	82-04-059
132N-156-125	NEW	82-07-031	132T-06-020	AMD	82-07-033	137-56-030	NEW	82-08-055
132N-156-125	NEW-E	82-07-032	132T-06-040	AMD	82-07-033	137-56-040	NEW-P	82-04-059
132N-156-130	REP	82-07-031	132T-06-050	AMD	82-07-033	137-56-040	NEW	82-08-055
132N-156-130	REP-E	82-07-032	132T-06-060	AMD	82-07-033	137-56-050	NEW-P	82-04-059
132N-156-135	NEW	82-07-031	132T-06-070	REP	82-07-033	137-56-050	NEW	82-08-055
132N-156-135	NEW-E	82-07-032	132T-06-075	NEW	82-07-033	137-56-060	NEW-P	82-04-059
132N-156-140	REP	82-07-031	132T-06-080	REP	82-07-033	137-56-060	NEW	82-08-055
132N-156-140	REP-E	82-07-032	132T-06-085	NEW	82-07-033	137-56-070	NEW-P	82-04-059
132N-156-145	NEW	82-07-031	132T-06-090	REP	82-07-033	137-56-070	NEW	82-08-055
132N-156-145	NEW-E	82-07-032	132T-06-095	NEW	82-07-033	137-56-080	NEW-P	82-04-059
132N-156-150	REP	82-07-031	132T-104-040	AMD-P	82-06-024	137-56-080	NEW	82-08-055
132N-156-150	REP-E	82-07-032	132T-104-040	AMD	82-12-056	137-56-090	NEW-P	82-04-059
132N-156-155	NEW	82-07-031	132T-104-070	AMD-P	82-06-024	137-56-090	NEW	82-08-055
132N-156-155	NEW-E	82-07-032	132T-104-070	AMD	82-12-056	137-56-100	NEW-P	82-04-059
132N-156-160	REP	82-07-031	132T-104-080	AMD-P	82-06-024	137-56-100	NEW	82-08-055
132N-156-160	REP-E	82-07-032	132T-104-080	AMD	82-12-056	137-56-120	NEW-P	82-04-059
132N-156-165	NEW	82-07-031	132T-104-110	AMD-P	82-06-024	137-56-120	NEW	82-08-055
132N-156-165	NEW-E	82-07-032	132T-104-110	AMD	82-12-056	137-56-140	NEW-P	82-04-059
132N-156-170	REP	82-07-031	132T-104-120	AMD-P	82-06-024	137-56-140	NEW	82-08-055
132N-156-170	REP-E	82-07-032	132T-104-120	AMD	82-12-056	137-56-150	NEW-P	82-04-059
132N-156-175	NEW	82-07-031	132T-104-130	AMD-P	82-06-024	137-56-150	NEW	82-08-055
132N-156-175	NEW-E	82-07-032	132T-104-130	AMD	82-12-056	137-56-160	NEW-P	82-04-059
132N-156-180	REP	82-07-031	132T-104-210	AMD-P	82-06-024	137-56-160	NEW	82-08-055
132N-156-180	REP-E	82-07-032	132T-104-210	AMD	82-12-056	137-56-170	NEW-P	82-04-059
132N-156-185	NEW	82-07-031	132T-104-240	AMD-P	82-06-024	137-56-170	NEW	82-08-055
132N-156-185	NEW-E	82-07-032	132T-104-240	AMD	82-12-056	137-56-180	NEW-P	82-04-059
132N-156-190	REP	82-07-031	132T-104-260	AMD-P	82-06-024	137-56-180	NEW	82-08-055
132N-156-190	REP-E	82-07-032	132T-104-260	AMD	82-12-056	137-56-190	NEW-P	82-04-059
132N-156-195	NEW	82-07-031	132T-104-265	NEW-P	82-06-024	137-56-190	NEW	82-08-055
132N-156-195	NEW-E	82-07-032	132T-104-265	NEW	82-12-056	137-56-200	NEW-P	82-04-059
132N-156-200	REP	82-07-031	132T-104-270	AMD-P	82-06-024	137-56-200	NEW	82-08-055
			132T-104-270	AMD	82-12-056			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
137-56-210	NEW-P	82-04-059	137-60-100	NEW-E	82-03-016	154-08-040	NEW-E	82-10-005
137-56-210	NEW	82-08-055	137-60-100	NEW	82-07-006	154-08-050	NEW-E	82-04-017
137-56-220	NEW-P	82-04-059	137-60-110	NEW-P	82-03-015	154-08-050	NEW-E	82-10-005
137-56-220	NEW	82-08-055	137-60-110	NEW-E	82-03-016	154-12	NEW-C	82-08-054
137-56-230	NEW-P	82-04-059	137-60-110	NEW	82-07-006	154-12-010	NEW-E	82-04-017
137-56-230	NEW	82-08-055	137-60-120	NEW-P	82-03-015	154-12-010	NEW-E	82-10-005
137-56-240	NEW-P	82-04-059	137-60-120	NEW-E	82-03-016	154-12-020	NEW-E	82-04-017
137-56-240	NEW	82-08-055	137-60-120	NEW	82-07-006	154-12-020	NEW-E	82-10-005
137-56-250	NEW-P	82-04-059	137-60-130	NEW-P	82-03-015	154-12-030	NEW-E	82-04-017
137-56-250	NEW	82-08-055	137-60-130	NEW-E	82-03-016	154-12-030	NEW-E	82-10-005
137-56-260	NEW-P	82-04-059	137-60-130	NEW	82-07-006	154-12-040	NEW-E	82-04-017
137-56-260	NEW	82-08-055	137-60-140	NEW-P	82-03-015	154-12-040	NEW-E	82-10-005
137-56-270	NEW-P	82-04-059	137-60-140	NEW-E	82-03-016	154-12-050	NEW-E	82-04-017
137-56-270	NEW	82-08-055	137-60-140	NEW	82-07-006	154-12-050	NEW-E	82-10-005
137-57-005	NEW-P	82-04-059	137-60-140	REP-P	82-04-065	154-12-060	NEW-E	82-04-017
137-57-005	NEW	82-08-055	139-36-010	REP	82-07-051	154-12-060	NEW-E	82-10-005
137-57-010	NEW-P	82-04-059	139-36-010	NEW-P	82-04-066	154-12-070	NEW-E	82-04-017
137-57-010	NEW	82-08-055	139-36-020	NEW	82-07-052	154-12-070	NEW-E	82-10-005
137-57-020	NEW-P	82-04-059	139-36-020	NEW-P	82-04-066	154-12-080	NEW-E	82-04-017
137-57-020	NEW	82-08-055	139-36-030	NEW	82-07-052	154-12-080	NEW-E	82-10-005
137-57-030	NEW-P	82-04-059	139-36-030	NEW-P	82-04-066	154-12-090	NEW-E	82-04-017
137-57-030	NEW	82-08-055	139-36-031	NEW	82-07-052	154-12-090	NEW-E	82-10-005
137-57-040	NEW-P	82-04-059	139-36-031	NEW	82-07-052	154-12-100	NEW-E	82-04-017
137-57-040	NEW	82-08-055	139-36-032	NEW-P	82-04-066	154-12-100	NEW-E	82-10-005
137-57-040	NEW	82-08-055	139-36-032	NEW	82-07-052	154-12-100	NEW-E	82-10-005
137-57-050	NEW-P	82-04-059	139-36-032	NEW-P	82-04-066	154-12-110	NEW-E	82-04-017
137-57-050	NEW	82-08-055	139-36-033	NEW	82-07-052	154-12-110	NEW-E	82-10-005
137-57-060	NEW-P	82-04-059	139-36-033	NEW	82-07-052	154-12-110	NEW-E	82-10-005
137-57-060	NEW	82-08-055	139-36-034	NEW-P	82-04-066	154-16	NEW-C	82-08-054
137-57-070	NEW-P	82-04-059	139-36-034	NEW	82-07-052	154-16-010	NEW-E	82-04-017
137-57-070	NEW	82-08-055	139-36-040	NEW-P	82-04-066	154-16-010	NEW-E	82-10-005
137-57-080	NEW-P	82-04-059	139-36-040	NEW	82-07-052	154-16-020	NEW-E	82-04-017
137-57-080	NEW	82-08-055	139-36-040	NEW-P	82-04-066	154-16-020	NEW-E	82-10-005
137-58-010	NEW-P	82-03-013	139-36-041	NEW	82-07-052	154-16-020	NEW-E	82-10-005
137-58-010	NEW-E	82-03-014	139-36-041	NEW	82-07-052	154-20	NEW-C	82-08-054
137-58-010	NEW	82-07-067	139-36-041	NEW-P	82-04-066	154-20	NEW-E	82-04-017
137-58-020	NEW-P	82-03-013	139-36-050	NEW-P	82-04-066	154-20-010	NEW-E	82-10-005
137-58-020	NEW-E	82-03-014	139-36-050	NEW	82-07-052	154-20-010	NEW-E	82-04-017
137-58-020	NEW	82-07-067	139-36-051	NEW-P	82-04-066	154-20-020	NEW-E	82-10-005
137-58-030	NEW-P	82-03-013	139-36-060	NEW	82-07-052	154-20-020	NEW-E	82-10-005
137-58-030	NEW-E	82-03-014	139-36-060	NEW-P	82-04-066	154-24	NEW-C	82-08-054
137-58-030	NEW	82-07-067	139-36-061	NEW	82-07-052	154-24-010	NEW-E	82-04-017
137-58-040	NEW-P	82-03-013	139-36-061	NEW-P	82-04-066	154-24-010	NEW-E	82-10-005
137-58-040	NEW-E	82-03-014	139-36-061	NEW	82-07-052	154-28	NEW-C	82-08-054
137-58-040	NEW	82-07-067	139-50-010	NEW-P	82-03-047	154-28-010	NEW-E	82-04-017
137-60	NEW-P	82-03-015	139-50-010	NEW	82-07-053	154-28-010	NEW-E	82-10-005
137-60-010	NEW-E	82-03-016	154	NEW-C	82-12-027	154-32	NEW-C	82-08-054
137-60-010	NEW	82-07-006	154-01	NEW-C	82-08-054	154-32-010	NEW-E	82-04-017
137-60-020	NEW-P	82-03-015	154-01-010	NEW-E	82-04-017	154-32-010	NEW-E	82-10-005
137-60-020	NEW-E	82-03-016	154-01-010	NEW-E	82-10-005	154-32-020	NEW-E	82-04-017
137-60-030	NEW-P	82-03-015	154-04	NEW-C	82-08-054	154-32-020	NEW-E	82-10-005
137-60-030	NEW-E	82-03-016	154-04-010	NEW-E	82-04-017	154-36	NEW-C	82-08-054
137-60-030	NEW	82-07-006	154-04-010	NEW-E	81-10-005	154-36-010	NEW-E	82-04-017
137-60-030	NEW-P	82-03-015	154-04-020	NEW-E	82-04-017	154-36-010	NEW-E	82-10-005
137-60-030	NEW-E	82-03-016	154-04-020	NEW-E	81-10-005	154-40	NEW-C	82-08-054
137-60-040	NEW-P	82-03-015	154-04-030	NEW-E	82-04-017	154-40-010	NEW-E	82-04-017
137-60-040	NEW-E	82-03-016	154-04-030	NEW-E	81-10-005	154-40-010	NEW-E	82-10-005
137-60-040	NEW	82-07-006	154-04-040	NEW-E	82-04-017	154-44	NEW-C	82-08-054
137-60-040	NEW-P	82-03-015	154-04-040	NEW-E	81-10-005	154-44-010	NEW-E	82-04-017
137-60-045	NEW-E	82-03-016	154-04-050	NEW-E	82-04-017	154-44-010	NEW-E	82-10-005
137-60-045	NEW	82-07-006	154-04-050	NEW-E	81-10-005	154-48	NEW-C	82-08-054
137-60-050	NEW-P	82-03-015	154-04-060	NEW-E	81-10-005	154-48-010	NEW-E	82-04-017
137-60-050	NEW-E	82-03-016	154-04-060	NEW-E	82-04-017	154-48-010	NEW-E	82-10-005
137-60-050	NEW	82-07-006	154-04-070	NEW-E	82-04-017	154-52	NEW-C	82-08-054
137-60-060	NEW-P	82-03-015	154-04-070	NEW-E	81-10-005	154-52-010	NEW-E	82-04-017
137-60-060	NEW-E	82-03-016	154-04-080	NEW-E	82-04-017	154-52-010	NEW-E	82-10-005
137-60-060	NEW	82-07-006	154-04-080	NEW-E	81-10-005	154-56	NEW-C	82-08-054
137-60-070	NEW-P	82-03-015	154-04-090	NEW-E	82-04-017	154-56-010	NEW-E	82-04-017
137-60-070	NEW-E	82-03-016	154-04-090	NEW-E	81-10-005	154-56-010	NEW-E	82-10-005
137-60-070	NEW	82-07-006	154-04-100	NEW-E	82-04-017	154-60	NEW-C	82-08-054
137-60-080	NEW-P	82-03-015	154-04-100	NEW-E	81-10-005	154-60-010	NEW-E	82-04-017
137-60-080	NEW-E	82-03-016	154-04-110	NEW-E	82-04-017	154-60-010	NEW-E	82-10-005
137-60-080	NEW	82-07-006	154-04-110	NEW-E	81-10-005	154-64	NEW-C	82-08-054
137-60-090	NEW-P	82-03-015	154-08	NEW-C	82-08-054	154-64-010	NEW-E	82-04-017
137-60-090	NEW-E	82-03-016	154-08-010	NEW-E	82-04-017	154-64-010	NEW-E	82-10-005
137-60-090	NEW	82-07-006	154-08-010	NEW-E	82-10-005	154-64-020	NEW-E	82-04-017
137-60-090	NEW-P	82-03-015	154-08-020	NEW-E	82-04-017	154-64-020	NEW-E	82-10-005
137-60-090	NEW-E	82-03-016	154-08-020	NEW-E	82-10-005	154-64-030	NEW-E	82-04-017
137-60-090	NEW	82-07-006	154-08-030	NEW-E	82-04-017	154-64-030	NEW-E	82-10-005
137-60-100	NEW-P	82-03-015	154-08-030	NEW-E	82-10-005	154-64-040	NEW-E	82-04-017
137-60-100	NEW	82-07-006	154-08-040	NEW-E	82-04-017	154-64-040	NEW-E	82-10-005

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154-64-050	NEW-E	82-04-017	172-116-300	AMD	82-07-038	173-130-100	REP-P	82-10-073
154-64-050	NEW-E	82-10-005	172-116-310	AMD	82-07-038	173-130-110	REP-P	82-10-073
154-64-060	NEW-E	82-04-017	172-116-315	AMD	82-07-038	173-130-120	REP-P	82-10-073
154-64-060	NEW-E	82-10-005	172-116-320	AMD	82-07-038	173-130-130	REP-P	82-10-073
154-68	NEW-C	82-08-054	172-116-330	AMD	82-07-038	173-130-140	REP-P	82-10-073
154-68-010	NEW-E	82-04-017	172-116-340	AMD	82-07-038	173-130-150	REP-P	82-10-073
154-68-010	NEW-E	82-10-005	172-116-345	NEW	82-07-038	173-130-155	REP-P	82-10-073
154-68-020	NEW-E	82-04-017	172-168-010	AMD	82-07-064	173-130-160	REP-P	82-10-073
154-68-020	NEW-E	82-10-005	172-168-020	AMD	82-07-064	173-130-170	REP-P	82-10-073
154-68-020	NEW-E	82-04-017	172-168-060	AMD	82-07-064	173-130-180	REP-P	82-10-073
162-06-010	NEW-P	82-12-053	172-168-070	AMD	82-07-064	173-130-190	REP-P	82-10-073
162-06-030	NEW-P	82-12-053	172-168-080	AMD	82-07-064	173-130-195	REP-P	82-10-073
162-16-160	NEW-P	82-08-070	172-168-090	AMD	82-07-064	173-130-200	REP-P	82-10-073
162-16-160	NEW-C	82-12-023	172-168-100	AMD	82-07-064	173-130A-010	NEW-P	82-10-073
162-16-170	NEW-P	82-08-070	172-168-110	AMD	82-07-064	173-130A-020	NEW-P	82-10-073
162-16-170	NEW-C	82-12-023	172-168-120	AMD	82-07-064	173-130A-030	NEW-P	82-10-073
162-26-010	NEW-P	82-12-053	172-168-130	AMD	82-07-064	173-130A-040	NEW-P	82-10-073
162-26-020	NEW-P	82-12-053	173-19-160	AMD	82-05-017	173-130A-050	NEW-P	82-10-073
162-26-030	NEW-P	82-12-053	173-19-160	AMD-P	82-08-075	173-130A-060	NEW-P	82-10-073
162-26-035	NEW-P	82-12-053	173-19-160	AMD	82-11-105	173-130A-070	NEW-P	82-10-073
162-26-040	NEW-P	82-12-053	173-19-250	AMD	82-05-018	173-130A-080	NEW-P	82-10-073
162-26-050	NEW-P	82-12-053	173-19-2521	AMD	82-02-079	173-130A-090	NEW-P	82-10-073
162-26-060	NEW-P	82-12-053	173-19-2524	AMD-P	82-08-075	173-130A-100	NEW-P	82-10-073
162-26-070	NEW-P	82-12-053	173-19-2524	AMD	82-11-106	173-130A-110	NEW-P	82-10-073
162-26-080	NEW-P	82-12-053	173-19-2601	AMD-C	82-02-076	173-130A-120	NEW-P	82-10-073
162-26-090	NEW-P	82-12-053	173-19-2601	AMD	82-03-042	173-130A-130	NEW-P	82-10-073
162-26-100	NEW-P	82-12-053	173-19-2601	AMD-P	82-03-043	173-130A-140	NEW-P	82-10-073
162-26-110	NEW-P	82-12-053	173-19-2601	AMD	82-07-003	173-130A-150	NEW-P	82-10-073
162-26-120	NEW-P	82-12-053	173-19-2902	AMD	82-02-078	173-130A-160	NEW-P	82-10-073
162-26-130	NEW-P	82-12-053	173-19-310	AMD-P	82-10-075	173-130A-170	NEW-P	82-10-073
162-38-010	NEW-P	82-12-053	173-19-330	AMD-C	82-05-015	173-130A-180	NEW-P	82-10-073
162-38-020	NEW-P	82-12-053	173-19-330	AMD-C	82-06-012	173-130A-190	NEW-P	82-10-073
162-38-030	NEW-P	82-12-053	173-19-330	AMD	82-07-045	173-130A-200	NEW-P	82-10-073
162-38-035	NEW-P	82-12-053	173-19-3514	AMD-P	82-05-056	173-130A-210	NEW-P	82-10-073
162-38-040	NEW-P	82-12-053	173-19-3514	AMD	82-10-002	173-201-010	AMD-P	82-06-056
162-38-050	NEW-P	82-12-053	173-19-370	AMD-P	82-10-076	173-201-010	AMD	82-12-078
162-38-060	NEW-P	82-12-053	173-19-3704	AMD-P	82-10-076	173-201-020	REP-P	82-06-056
162-38-070	NEW-P	82-12-053	173-19-390	AMD-P	82-10-075	173-201-020	REP	82-12-078
162-38-080	NEW-P	82-12-053	173-19-3910	AMD-C	82-05-016	173-201-025	AMD-P	82-06-056
162-38-090	NEW-P	82-12-053	173-19-3910	AMD	82-06-013	173-201-025	AMD	82-12-078
162-38-100	NEW-P	82-12-053	173-19-420	AMD-P	82-03-043	173-201-035	AMD-P	82-06-056
162-38-110	NEW-P	82-12-053	173-19-420	AMD	82-07-004	173-201-035	AMD	82-12-078
162-38-120	NEW-P	82-12-053	173-19-4202	AMD	82-02-080	173-201-045	AMD-P	82-06-056
167-04-010	REP-P	82-07-084	173-19-4206	AMD	82-02-081	173-201-045	AMD	82-12-078
167-04-030	REP-P	82-07-084	173-19-450	AMD	82-02-077	173-201-050	REP-P	82-06-056
167-04-050	REP-P	82-07-084	173-19-450	AMD-P	82-03-043	173-201-050	REP	82-12-078
167-06-010	REP-P	82-07-084	173-19-450	AMD	82-07-005	173-201-070	AMD-P	82-06-056
167-06-020	REP-P	82-07-084	173-19-4502	AMD-P	82-05-056	173-201-070	AMD	82-12-078
167-08-010	REP-P	82-07-084	173-19-4502	AMD	82-10-001	173-201-080	AMD-P	82-06-056
172-116-010	AMD	82-07-038	173-20-520	AMD-P	82-07-099	173-201-080	AMD	82-12-078
172-116-015	NEW	82-07-038	173-20-520	AMD-P	82-11-102	173-201-085	AMD-P	82-06-056
172-116-020	AMD	82-07-038	173-80-010	NEW	82-05-011	173-201-085	AMD	82-12-078
172-116-030	AMD	82-07-038	173-80-020	NEW	82-05-011	173-201-090	AMD-P	82-06-056
172-116-040	AMD	82-07-038	173-80-030	NEW	82-05-011	173-201-090	AMD	82-12-078
172-116-050	AMD	82-07-038	173-80-040	NEW	82-05-011	173-201-120	AMD-P	82-06-056
172-116-060	AMD	82-07-038	173-80-050	NEW	82-05-011	173-201-120	AMD	82-12-078
172-116-080	AMD	82-07-038	173-80-060	NEW	82-05-011	173-201-140	REP-P	82-06-056
172-116-090	AMD	82-07-038	173-80-070	NEW	82-05-011	173-201-140	REP	82-12-078
172-116-100	REP	82-07-038	173-128-010	REP-P	82-10-074	173-230-010	AMD-P	82-05-055
172-116-110	AMD	82-07-038	173-128-020	REP-P	82-10-074	173-230-010	AMD	82-09-056
172-116-120	REP	82-07-038	173-128-030	REP-P	82-10-074	173-230-020	AMD-P	82-05-055
172-116-130	AMD	82-07-038	173-128-040	REP-P	82-10-074	173-230-020	AMD	82-09-056
172-116-140	AMD	82-07-038	173-128-050	REP-P	82-10-074	173-230-040	AMD-P	82-05-055
172-116-150	AMD	82-07-038	173-128A-010	NEW-P	82-10-074	173-230-040	AMD	82-09-056
172-116-160	AMD	82-07-038	173-128A-020	NEW-P	82-10-074	173-230-050	AMD-P	82-05-055
172-116-170	AMD	82-07-038	173-128A-030	NEW-P	82-10-074	173-230-050	AMD	82-09-056
172-116-175	AMD	82-07-038	173-128A-040	NEW-P	82-10-074	173-230-060	REP-P	82-05-055
172-116-185	REP	82-07-038	173-128A-050	NEW-P	82-10-074	173-230-060	REP	82-09-056
172-116-190	AMD	82-07-038	173-130-010	REP-P	82-10-073	173-230-061	NEW-P	82-05-055
172-116-200	AMD	82-07-038	173-130-020	REP-P	82-10-073	173-230-061	NEW	82-09-056
172-116-210	AMD	82-07-038	173-130-030	REP-P	82-10-073	173-230-070	AMD-P	82-05-055
172-116-220	AMD	82-07-038	173-130-040	REP-P	82-10-073	173-230-070	AMD	82-09-056
172-116-230	AMD	82-07-038	173-130-050	REP-P	82-10-073	173-230-080	AMD-P	82-05-055
172-116-240	AMD	82-07-038	173-130-060	REP-P	82-10-073	173-230-080	AMD	82-09-056
172-116-250	AMD	82-07-038	173-130-070	REP-P	82-10-073	173-230-100	AMD-P	82-05-055
172-116-260	AMD	82-07-038	173-130-080	REP-P	82-10-073	173-230-100	AMD	82-09-056
172-116-270	AMD	82-07-038	173-130-090	REP-P	82-10-073	173-230-110	AMD-P	82-05-055
172-116-280	AMD	82-07-038						

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-230-110	AMD	82-09-056	173-303-220	NEW	82-05-023	194-16-010	NEW	82-11-005
173-302	REP-C	82-04-046	173-303-230	NEW	82-05-023	194-16-020	NEW-E	82-07-087
173-302-010	REP	82-05-023	173-303-240	NEW	82-05-023	194-16-020	NEW-P	82-07-088
173-302-020	REP	82-05-023	173-303-250	NEW	82-05-023	194-16-020	NEW	82-11-005
173-302-030	REP	82-05-023	173-303-260	NEW	82-05-023	194-16-030	NEW-E	82-07-087
173-302-040	REP	82-05-023	173-303-270	NEW	82-05-023	194-16-030	NEW-P	82-07-088
173-302-050	REP	82-05-023	173-303-275	NEW	82-05-023	194-16-030	NEW	82-11-005
173-302-060	REP	82-05-023	173-303-280	NEW	82-05-023	194-16-040	NEW-E	82-07-087
173-302-070	REP	82-05-023	173-303-290	NEW	82-05-023	194-16-040	NEW-P	82-07-088
173-302-080	REP	82-05-023	173-303-300	NEW	82-05-023	194-16-040	NEW	82-11-005
173-302-090	REP	82-05-023	173-303-310	NEW	82-05-023	194-16-050	NEW-E	82-07-087
173-302-100	REP	82-05-023	173-303-320	NEW	82-05-023	194-16-050	NEW-P	82-07-088
173-302-110	REP	82-05-023	173-303-330	NEW	82-05-023	194-16-050	NEW	82-11-005
173-302-120	REP	82-05-023	173-303-340	NEW	82-05-023	194-16-060	NEW-E	82-07-087
173-302-130	REP	82-05-023	173-303-350	NEW	82-05-023	194-16-060	NEW-P	82-07-088
173-302-140	REP	82-05-023	173-303-360	NEW	82-05-023	194-16-060	NEW	82-11-005
173-302-150	REP	82-05-023	173-303-370	NEW	82-05-023	194-16-070	NEW-E	82-07-087
173-302-160	REP	82-05-023	173-303-380	NEW	82-05-023	194-16-070	NEW-P	82-07-088
173-302-165	REP	82-05-023	173-303-390	NEW	82-05-023	194-16-070	NEW	82-11-005
173-302-170	REP	82-05-023	173-303-395	NEW	82-05-023	204-10-080	AMD-P	82-11-050
173-302-180	REP	82-05-023	173-303-400	NEW	82-05-023	204-22-010	NEW-P	82-11-051
173-302-190	REP	82-05-023	173-303-500	NEW	82-05-023	204-22-020	NEW-P	82-11-051
173-302-200	REP	82-05-023	173-303-510	NEW	82-05-023	204-22-030	NEW-P	82-11-051
173-302-210	REP	82-05-023	173-303-520	NEW	82-05-023	204-22-040	NEW-P	82-11-051
173-302-220	REP	82-05-023	173-303-575	NEW	82-05-023	204-22-050	NEW-P	82-11-051
173-302-230	REP	82-05-023	173-303-600	NEW	82-05-023	204-24	AMD-C	82-06-040
173-302-240	REP	82-05-023	173-303-610	NEW	82-05-023	204-24-020	AMD-P	82-12-003
173-302-250	REP	82-05-023	173-303-620	NEW	82-05-023	204-24-040	AMD-E	82-04-048
173-302-260	REP	82-05-023	173-303-630	NEW	82-05-023	204-24-040	AMD-P	82-04-049
173-302-270	REP	82-05-023	173-303-640	NEW	82-05-023	204-24-040	AMD	82-11-045
173-302-280	REP	82-05-023	173-303-650	NEW	82-05-023	204-24-050	AMD-E	82-04-048
173-302-290	REP	82-05-023	173-303-660	NEW	82-05-023	204-24-050	AMD-P	82-04-049
173-302-300	REP	82-05-023	173-303-670	NEW	82-05-023	204-24-050	AMD	82-11-045
173-302-310	REP	82-05-023	173-303-700	NEW	82-05-023	204-56-010	REP-P	82-06-041
173-302-320	REP	82-05-023	173-303-800	NEW	82-05-023	204-56-010	REP	82-11-040
173-302-330	REP	82-05-023	173-303-801	NEW	82-05-023	204-56-015	NEW-P	82-06-041
173-302-340	REP	82-05-023	173-303-805	NEW	82-05-023	204-56-015	NEW	82-11-040
173-302-350	REP	82-05-023	173-303-810	NEW	82-05-023	204-56-020	REP-P	82-06-041
173-302-360	REP	82-05-023	173-303-815	NEW	82-05-023	204-56-020	REP	82-11-040
173-302-370	REP	82-05-023	173-303-820	NEW	82-05-023	204-56-025	NEW-P	82-06-041
173-302-380	REP	82-05-023	173-303-825	NEW	82-05-023	204-56-025	NEW	82-11-040
173-302-390	REP	82-05-023	173-303-830	NEW	82-05-023	204-56-030	REP-P	82-06-041
173-303	AMD-C	82-04-046	173-303-840	NEW	82-05-023	204-56-030	REP	82-11-040
173-303-010	NEW	82-05-023	173-303-845	NEW	82-05-023	204-56-035	NEW-P	82-06-041
173-303-020	NEW	82-05-023	173-303-900	NEW	82-05-023	204-56-035	NEW	82-11-040
173-303-030	NEW	82-05-023	173-303-910	NEW	82-05-023	204-56-040	REP-P	82-06-041
173-303-040	NEW	82-05-023	173-303-9901	NEW	82-05-023	204-56-040	REP	82-11-040
173-303-045	NEW	82-05-023	173-303-9902	NEW	82-05-023	204-56-045	NEW-P	82-06-041
173-303-050	NEW	82-05-023	173-303-9903	NEW	82-05-023	204-56-045	NEW	82-11-040
173-303-060	NEW	82-05-023	173-303-9904	NEW	82-05-023	204-56-050	REP-P	82-06-041
173-303-070	NEW	82-05-023	173-303-9905	NEW	82-05-023	204-56-050	REP	82-11-040
173-303-071	NEW	82-05-023	173-303-9906	NEW	82-05-023	204-56-055	NEW-P	82-06-041
173-303-075	NEW	82-05-023	173-303-9907	NEW	82-05-023	204-56-055	NEW	82-11-040
173-303-080	NEW	82-05-023	173-400-115	AMD-P	82-11-103	204-56-065	NEW-P	82-06-041
173-303-081	NEW	82-05-023	173-415-040	AMD-P	82-11-103	204-56-065	NEW	82-11-040
173-303-082	NEW	82-05-023	173-490-020	AMD-P	82-11-104	204-56-075	NEW-P	82-06-041
173-303-083	NEW	82-05-023	173-490-025	AMD-P	82-11-104	204-56-075	NEW	82-11-040
173-303-084	NEW	82-05-023	173-490-040	AMD-P	82-11-104	204-56-085	NEW-P	82-06-041
173-303-090	NEW	82-05-023	173-490-080	AMD-P	82-11-104	204-56-085	NEW	82-11-040
173-303-100	NEW	82-05-023	173-490-203	AMD-P	82-11-104	204-56-99001	NEW-P	82-06-041
173-303-101	NEW	82-05-023	173-490-204	AMD-P	82-11-104	204-56-99001	NEW	82-11-040
173-303-102	NEW	82-05-023	173-490-205	AMD-P	82-11-104	204-56-99002	NEW-P	82-06-041
173-303-103	NEW	82-05-023	173-490-206	REP-P	82-11-104	204-56-99002	NEW	82-11-040
173-303-104	NEW	82-05-023	173-490-208	NEW-P	82-11-104	204-56-99003	NEW-P	82-06-041
173-303-110	NEW	82-05-023	174-104-010	AMD-P	82-06-008	204-56-99003	NEW	82-11-040
173-303-120	NEW	82-05-023	174-104-010	AMD-C	82-09-009	204-56-99004	NEW-P	82-06-041
173-303-130	NEW	82-05-023	174-104-010	AMD	82-10-035	204-56-99004	NEW	82-11-040
173-303-140	NEW	82-05-023	180-55-125	AMD	82-04-002	204-56-99005	NEW-P	82-06-041
173-303-141	NEW	82-05-023	180-56-230	AMD	82-04-003	204-56-99005	NEW	82-11-040
173-303-145	NEW	82-05-023	180-90-130	AMD	82-04-004	204-56-99006	NEW-P	82-06-041
173-303-150	NEW	82-05-023	180-90-140	AMD	82-04-004	204-56-99006	NEW	82-11-040
173-303-160	NEW	82-05-023	180-90-160	AMD	82-04-004	204-56-99007	NEW-P	82-06-041
173-303-170	NEW	82-05-023	192-16-050	NEW-P	82-09-063	204-56-99007	NEW	82-11-040
173-303-180	NEW	82-05-023	192-16-050	NEW-E	82-09-064	204-56-99008	NEW-P	82-06-041
173-303-190	NEW	82-05-023	192-18-050	AMD-E	82-03-054	204-56-99008	NEW	82-11-040
173-303-200	NEW	82-05-023	194-16-010	NEW-E	82-07-087	204-56-99009	NEW-P	82-06-041
173-303-210	NEW	82-05-023	194-16-010	NEW-P	82-07-088	204-56-99009	NEW	82-11-040

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204-56-99010	NEW	82-11-040	212-16-255	REP-E	82-12-013
204-56-99011	NEW-P	82-06-041	212-16-260	REP-E	82-12-013
204-56-99011	NEW	82-11-040	212-16-275	REP-E	82-12-013
204-56-99012	NEW-P	82-06-041	212-16-280	REP-E	82-12-013
204-56-99012	NEW	82-11-040	212-16-285	REP-E	82-12-013
204-56-99013	NEW-P	82-06-041	212-16-290	REP-E	82-12-013
204-56-99013	NEW	82-11-040	212-16-295	REP-E	82-12-013
204-70-040	AMD-E	82-04-047	212-16-300	REP-E	82-12-013
204-70-040	AMD-E	82-11-041	212-16-305	REP-E	82-12-013
204-70-040	AMD-P	82-11-042	212-16-310	REP-E	82-12-013
204-70-100	AMD-E	82-04-047	212-16-315	REP-E	82-12-013
204-70-100	AMD-E	82-11-041	212-16-320	REP-E	82-12-013
204-70-100	AMD-P	82-11-042	212-16-335	REP-E	82-12-013
204-70-110	NEW-E	82-11-041	212-16-340	REP-E	82-12-013
204-70-110	NEW-P	82-11-042	212-16-345	REP-E	82-12-013
204-70-120	AMD-E	82-04-047	212-16-350	REP-E	82-12-013
204-70-120	REP-E	82-11-041	212-16-355	REP-E	82-12-013
204-70-120	REP-P	82-11-042	212-16-360	REP-E	82-12-013
204-88-010	NEW-E	82-11-043	212-16-365	REP-E	82-12-013
204-88-010	NEW-P	82-11-044	212-16-370	REP-E	82-12-013
204-88-020	NEW-E	82-11-043	212-16-385	REP-E	82-12-013
204-88-020	NEW-P	82-11-044	212-16-390	REP-E	82-12-013
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204-88-050	NEW-P	82-11-044	212-16-430	REP-E	82-12-013
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204-88-060	NEW-P	82-11-044	212-16-440	REP-E	82-12-013
204-88-070	NEW-E	82-11-043	212-16-455	REP-E	82-12-013
204-88-070	NEW-P	82-11-044	212-16-460	REP-E	82-12-013
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212-16-015	REP-E	82-12-013	212-16-475	REP-E	82-12-013
212-16-020	REP-E	82-12-013	212-16-480	REP-E	82-12-013
212-16-025	REP-E	82-12-013	212-16-485	REP-E	82-12-013
212-16-030	REP-E	82-12-013	212-16-490	REP-E	82-12-013
212-16-035	REP-E	82-12-013	212-16-495	REP-E	82-12-013
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212-16-055	REP-E	82-12-013	212-16-525	REP-E	82-12-013
212-16-075	REP-E	82-12-013	212-16-530	REP-E	82-12-013
212-16-080	REP-E	82-12-013	212-16-535	REP-E	82-12-013
212-16-085	REP-E	82-12-013	212-16-540	REP-E	82-12-013
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212-16-120	REP-E	82-12-013	212-16-585	REP-E	82-12-013
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212-16-180	REP-E	82-12-013	212-16-635	REP-E	82-12-013
212-16-185	REP-E	82-12-013	212-16-640	REP-E	82-12-013
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212-16-205	REP-E	82-12-013	212-16-660	REP-E	82-12-013
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212-17-240	NEW-E 82-12-001	220-12-010	AMD 82-07-047	220-47-307	AMD-P 82-12-079
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212-17-250	NEW-E 82-12-001	220-16-055	AMD-P 82-09-082	220-47-312	AMD-P 82-12-079
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212-26-005	NEW 82-11-029	220-20-02100A	NEW-E 82-07-082	220-48-090	REP-P 82-10-077
212-26-010	NEW-P 82-07-075	220-20-039	NEW-E 82-06-059	220-48-09001	REP-P 82-10-077
212-26-010	NEW 82-11-029	220-20-039	NEW-P 82-12-080	220-48-091	REP-P 82-10-077
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212-26-020	NEW 82-11-029	220-28-072B0A	NEW-E 82-07-020	220-48-098	REP-P 82-10-077
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212-26-030	NEW 82-11-029	220-28-086NOB	NEW-E 82-12-009	220-49-02000A	NEW-E 82-02-063
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212-26-035	NEW 82-11-029	220-28-086N0C	NEW-E 82-12-047	220-49-02000B	NEW-E 82-02-067
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212-26-040	NEW 82-11-029	220-28-201	REP-E 82-12-051	220-49-02000F	NEW-E 82-04-021
212-26-045	NEW-P 82-07-075	220-28-202	NEW-E 82-12-051	220-49-02000F	REP-E 82-10-010
212-26-045	NEW 82-11-029	220-32-02200E	REP-E 82-03-027	220-49-02000G	NEW-E 82-04-027
212-26-050	NEW-P 82-07-075	220-32-02200F	NEW-E 82-03-027	220-49-02000G	REP-E 82-10-010
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212-26-055	NEW 82-11-029	220-32-03000E	NEW-E 82-04-039	220-49-02000I	NEW-E 82-10-022
212-26-060	NEW-P 82-07-075	220-32-03600M	NEW-E 82-06-014	220-49-02000I	REP-E 82-10-041
212-26-060	NEW 82-11-029	220-32-0400M	REP-E 82-03-027	220-49-02000J	NEW-E 82-10-041
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212-26-065	NEW 82-11-029	220-32-04000N	REP-E 82-09-044	220-52-053	AMD 82-03-045
212-26-070	NEW-P 82-07-075	220-32-04000O	NEW-E 82-09-044	220-52-05300J	NEW-E 82-04-011
212-26-070	NEW 82-11-029	220-32-04100E	NEW-E 82-10-008	220-52-05300J	NEW-E 82-10-012
212-26-075	NEW-P 82-07-075	220-32-05100R	NEW-E 82-04-039	220-52-05300L	NEW-E 82-11-013
212-26-075	NEW 82-11-029	220-32-055	AMD-P 82-12-080	220-52-054	AMD 82-03-045
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212-26-085	NEW 82-11-029	220-32-05700K	REP-E 82-03-027	220-56-100	AMD-P 82-09-082
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212-26-095	NEW-P 82-07-075	220-32-05700M	NEW-E 82-09-044	220-56-110	AMD-C 82-06-023
212-26-095	NEW 82-11-029	220-32-05900C	NEW-E 82-10-039	220-56-110	AMD-C 82-07-044
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220-56-115	AMD-C	82-06-023	220-56-320	AMD-C	82-07-044	220-57-17500J	NEW-E	82-08-029
220-56-115	AMD-C	82-07-044	220-56-320	AMD	82-07-047	220-57-180	AMD-P	82-09-082
220-56-115	AMD	82-07-047	220-56-32000A	NEW-E	82-11-013	220-57-185	AMD-P	82-09-082
220-56-115	AMD-P	82-09-082	220-56-32500C	NEW-E	82-10-012	220-57-190	AMD-P	82-09-082
220-56-11500A	NEW-E	82-09-027	220-56-32500C	REP-E	82-11-013	220-57-195	AMD-P	82-09-082
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220-56-117	NEW-C	82-06-023	220-56-340	AMD-C	82-07-044	220-57-220	AMD-P	82-02-097
220-56-117	NEW-C	82-07-044	220-56-340	AMD	82-07-047	220-57-220	AMD-C	82-06-023
220-56-117	NEW	82-07-047	220-56-360	AMD-P	82-02-097	220-57-220	AMD-C	82-07-044
220-56-128	AMD-P	82-02-097	220-56-360	AMD-C	82-06-023	220-57-225	AMD	82-07-047
220-56-128	AMD-C	82-06-023	220-56-360	AMD-C	82-07-044	220-57-225	AMD-P	82-09-082
220-56-128	AMD-C	82-07-044	220-56-360	AMD	82-07-047	220-57-240	AMD-P	82-09-082
220-56-128	AMD	82-07-047	220-56-36000C	NEW-E	82-04-012	220-57-255	AMD-P	82-02-097
220-56-12800A	NEW-E	82-08-005	220-56-36000D	NEW-E	82-10-007	220-57-255	AMD-C	82-06-023
220-56-131	AMD-P	82-02-097	220-56-36000E	NEW-E	82-11-060	220-57-255	AMD-C	82-07-044
220-56-131	AMD-C	82-06-023	220-56-372	AMD-P	82-02-097	220-57-255	AMD	82-07-047
220-56-131	AMD-C	82-07-044	220-56-372	AMD-C	82-06-023	220-57-25500B	NEW-E	82-07-008
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232-16-090	REP-P	82-12-065	248-17-214	NEW	82-04-041	250-18-015	NEW-E	82-12-036
232-16-190	REP-P	82-12-065	248-17-215	NEW	82-04-041	250-18-020	NEW-E	82-12-036
232-16-220	REP-P	82-12-065	248-17-216	NEW	82-04-041	250-18-025	NEW-E	82-12-036
232-16-260	REP-P	82-12-065	248-18-025	REP-P	82-02-062	250-18-030	NEW-E	82-12-036
232-16-350	REP-P	82-12-065	248-18-025	REP-E	82-03-011	250-18-035	NEW-E	82-12-036
232-16-390	REP-P	82-12-065	248-18-025	AMD-P	82-06-060	250-18-040	NEW-E	82-12-036
232-23-60404	NEW-E	82-05-010	248-18-025	AMD-E	82-07-023	250-18-045	NEW-E	82-12-036
232-28-103	REP-P	82-12-065	248-18-025	AMD-C	82-09-054	250-18-050	NEW-E	82-12-036
232-28-105	NEW-P	82-12-065	248-18-025	AMD-C	82-11-082	250-18-055	NEW-E	82-12-036
232-28-204	REP-P	82-08-066	248-18-539	NEW-P	82-02-061	250-18-060	NEW-E	82-12-036
232-28-205	NEW-P	82-08-066	248-18-539	NEW	82-06-031	250-20-011	AMD-P	82-11-088
232-28-304	REP-P	82-08-066	248-25-001	NEW-E	82-06-016	250-20-021	AMD-P	82-11-088
232-28-40501	NEW-E	82-12-064	248-25-001	NEW-P	82-06-018	250-20-031	AMD-P	82-11-088
232-28-504	REP-P	82-12-065	248-25-001	NEW-P	82-12-006	250-20-041	AMD-P	82-11-088
232-28-505	NEW-P	82-12-065	248-25-001	NEW-E	82-12-007	250-28-030	AMD-P	82-11-085
232-28-60304	REP-E	82-02-051	248-25-002	NEW-E	82-06-016	250-32-020	AMD-P	82-11-086
232-28-60304	REP-P	82-06-048	248-25-002	NEW-P	82-06-018	250-32-030	AMD-P	82-11-086
232-28-60304	REP	82-09-015	248-25-002	NEW-P	82-12-006	250-32-040	AMD-P	82-11-086
232-28-60315	REP-E	82-02-049	248-25-002	NEW-E	82-12-007	250-32-050	AMD-P	82-11-086
232-28-60317	REP-E	82-03-017	248-25-010	NEW-E	82-06-016	250-32-060	AMD-P	82-11-086
232-28-60401	NEW-E	82-02-049	248-25-010	NEW-P	82-06-018	250-32-070	AMD-P	82-11-086
232-28-60402	NEW-E	82-02-050	248-25-010	NEW-P	82-12-006	250-36-020	REP-P	82-11-087
232-28-60403	NEW-E	82-03-017	248-25-010	NEW-E	82-12-007	250-36-030	REP-P	82-11-087
232-28-60403	REP-P	82-06-048	248-25-015	NEW-P	82-12-006	250-36-040	REP-P	82-11-087
232-28-60405	NEW-P	82-06-048	248-25-015	NEW-E	82-12-007	250-36-050	REP-P	82-11-087
232-28-60405	NEW-E	82-09-026	248-25-020	NEW-E	82-06-016	250-36-060	REP-P	82-11-087
232-28-60405	NEW	82-10-014	248-25-020	NEW-P	82-06-018	250-36-070	REP-P	82-11-087
232-28-60406	NEW-P	82-06-048	248-25-020	NEW-P	82-12-006	250-36-080	REP-P	82-11-087
232-28-60406	NEW	82-09-014	248-25-020	NEW-E	82-12-007	250-40-030	AMD-P	82-11-089
232-28-60406	NEW	82-10-015	248-25-030	NEW-E	82-06-016	250-40-050	AMD-P	82-11-089
232-28-60406	REP-E	82-11-097	248-25-030	NEW-P	82-06-018	250-44	AMD-P	82-11-072
232-28-60407	NEW-E	82-08-010	248-25-030	NEW-P	82-12-006	250-44	AMD-E	82-12-002
232-28-60408	NEW-E	82-08-012	248-25-030	NEW-E	82-12-007	250-44-010	AMD-P	82-11-072
232-28-60409	NEW-E	82-09-012	248-25-040	NEW-E	82-06-016	250-44-010	AMD-E	82-12-002
232-28-60410	NEW-E	82-09-013	248-25-040	NEW-P	82-06-018	250-44-020	AMD-P	82-11-072
232-28-60410	NEW-E	82-12-012	248-25-040	NEW-P	82-12-006	250-44-020	AMD-E	82-12-002
232-28-60411	NEW-E	82-09-032	248-25-040	NEW-E	82-12-007	250-44-030	AMD-P	82-11-072
232-28-60412	NEW-E	82-11-003	248-25-050	NEW-E	82-06-016	250-44-030	AMD-E	82-12-002
232-28-60413	NEW-E	82-11-097	248-25-050	NEW-P	82-06-018	250-44-040	AMD-P	82-11-072
232-28-703	REP	82-05-032	248-25-050	NEW-P	82-12-006	250-44-040	AMD-E	82-12-002
232-28-704	NEW	82-05-032	248-25-050	NEW-E	82-12-007	250-44-050	AMD-P	82-11-072

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
250-44-050	AMD-E	82-12-002	260-36-040	AMD-E	82-09-008	275-27-640	REP-E	82-02-056
250-44-060	AMD-P	82-11-072	260-36-040	AMD-P	82-11-078	275-27-640	REP	82-06-034
250-44-090	AMD-P	82-11-072	260-36-090	AMD-E	82-09-008	275-27-660	REP-P	82-02-054
250-44-090	AMD-E	82-12-002	260-36-090	AMD-P	82-11-078	275-27-660	REP-E	82-02-056
250-44-110	AMD-P	82-11-072	260-44-060	AMD-P	82-05-044	275-27-660	REP	82-06-034
250-44-110	AMD-E	82-12-002	260-44-060	AMD-C	82-06-032	275-27-665	REP-P	82-02-054
250-44-120	AMD-P	82-11-072	260-44-120	AMD-P	82-06-033	275-27-665	REP-E	82-02-056
250-44-120	AMD-E	82-12-002	260-70-021	AMD	82-03-053	275-27-665	REP	82-06-034
250-44-130	AMD-P	82-11-072	260-70-040	AMD-P	82-03-052	275-27-680	REP-P	82-02-054
250-44-130	AMD-E	82-12-002	260-70-040	AMD	82-07-016	275-27-680	REP-E	82-02-056
250-44-140	AMD-P	82-11-072	260-70-100	AMD	82-03-053	275-27-680	REP	82-06-034
250-44-140	AMD-E	82-12-002	260-70-200	AMD-P	82-05-044	275-27-685	REP-P	82-02-054
250-44-150	AMD-P	82-11-072	260-70-200	AMD-C	82-06-032	275-27-685	REP-E	82-02-056
250-44-150	AMD-E	82-12-002	260-70-200	AMD	82-09-016	275-27-685	REP	82-06-034
250-44-160	AMD-P	82-11-072	260-70-290	NEW-P	82-05-044	275-38-001	NEW-P	82-09-071
250-44-160	AMD-E	82-12-002	260-70-290	AMD-C	82-06-032	275-38-001	NEW-E	82-10-032
250-44-180	AMD-P	82-11-072	260-70-290	NEW	82-09-016	275-38-001	NEW-P	82-09-071
250-44-180	AMD-E	82-12-002	260-70-300	NEW-P	82-06-033	275-38-005	NEW-E	82-10-032
250-44-190	AMD-E	82-12-002	260-70-300	NEW	82-09-016	275-38-007	NEW-P	82-09-071
250-44-200	AMD-P	82-11-072	260-88-010	AMD-P	82-03-052	275-38-007	NEW-E	82-10-032
250-44-200	AMD-E	82-12-002	260-88-010	AMD-C	82-06-055	275-38-015	NEW-P	82-09-071
250-44-210	AMD-P	82-11-072	260-88-010	AMD	82-09-016	275-38-015	NEW-E	82-10-032
250-44-210	AMD-E	82-12-002	260-88-020	NEW-P	82-03-052	275-38-020	NEW-P	82-09-071
251-04-020	AMD	82-04-069	260-88-020	NEW-C	82-06-055	275-38-020	NEW-E	82-10-032
251-04-020	AMD-P	82-12-057	260-997	REP-P	82-05-044	275-38-025	NEW-P	82-09-071
251-04-040	AMD	82-04-069	260-997	REP-C	82-06-032	275-38-025	NEW-E	82-10-032
251-04-040	AMD-P	82-12-057	260-997	REP	82-09-016	275-38-030	NEW-P	82-09-071
251-04-050	AMD-P	82-12-057	263-12-015	AMD	82-03-031	275-38-030	NEW-E	82-10-032
251-04-070	AMD-P	82-12-057	263-12-016	AMD	82-03-031	275-38-035	NEW-P	82-09-071
251-06-010	AMD-P	82-12-057	263-12-020	AMD	82-03-031	275-38-035	NEW-E	82-10-032
251-06-070	AMD	82-04-069	263-12-045	AMD	82-03-031	275-38-040	NEW-P	82-09-071
251-06-080	AMD-P	82-12-057	263-12-050	AMD	82-03-031	275-38-040	NEW-E	82-10-032
251-06-090	NEW-P	82-12-057	263-12-053	AMD	82-03-031	275-38-045	NEW-P	82-09-071
251-09-015	NEW-P	82-06-047	263-12-056	AMD	82-03-031	275-38-045	NEW-E	82-10-032
251-10-030	AMD-P	82-04-068	263-12-060	AMD	82-03-031	275-38-050	NEW-P	82-09-071
251-10-030	AMD-C	82-06-026	263-12-065	AMD	82-03-031	275-38-050	NEW-E	82-10-032
251-10-030	AMD	82-07-074	263-12-090	AMD	82-03-031	275-38-055	NEW-P	82-09-071
251-10-031	NEW-P	82-12-057	263-12-093	AMD	82-03-031	275-38-055	NEW-E	82-10-032
251-10-035	AMD-P	82-12-057	263-12-095	AMD	82-03-031	275-38-060	NEW-P	82-09-071
251-10-045	AMD-P	82-12-057	263-12-100	AMD	82-03-031	275-38-060	NEW-E	82-10-032
251-10-060	AMD-P	82-12-057	263-12-115	AMD	82-03-031	275-38-065	NEW-P	82-09-071
251-10-110	AMD-P	82-06-047	263-12-120	AMD	82-03-031	275-38-065	NEW-E	82-10-032
251-10-110	AMD	82-10-006	263-12-125	AMD	82-03-031	275-38-075	NEW-P	82-09-071
251-10-140	AMD-P	82-12-057	263-12-145	AMD	82-03-031	275-38-075	NEW-E	82-10-032
251-12-080	AMD-P	82-06-047	263-12-165	AMD	82-03-031	275-38-080	NEW-P	82-09-071
251-12-080	AMD	82-10-006	263-12-175	AMD	82-03-031	275-38-080	NEW-E	82-10-032
251-14-030	AMD-P	82-06-047	275-25-520	AMD-P	82-02-054	275-38-510	NEW-P	82-09-071
251-14-030	AMD	82-10-006	275-25-520	AMD-E	82-02-056	275-38-510	NEW-E	82-10-032
251-14-040	AMD-P	82-06-047	275-25-520	AMD	82-06-034	275-38-515	NEW-P	82-09-071
251-14-040	AMD	82-10-006	275-25-527	NEW-P	82-02-054	275-38-515	NEW-E	82-10-032
251-14-058	AMD-P	82-12-057	275-25-527	NEW-E	82-02-056	275-38-520	NEW-P	82-09-071
251-18-240	AMD-P	82-12-057	275-25-527	NEW	82-06-034	275-38-520	NEW-E	82-10-032
251-18-250	AMD-P	82-12-057	275-27-230	AMD-P	82-02-054	275-38-525	NEW-P	82-09-071
251-18-260	AMD-P	82-12-057	275-27-230	AMD-E	82-02-056	275-38-525	NEW-E	82-10-032
251-18-265	AMD-P	82-12-057	275-27-230	AMD	82-06-034	275-38-530	NEW-P	82-09-071
251-18-280	AMD-P	82-12-057	275-27-600	REP-P	82-02-054	275-38-530	NEW-E	82-10-032
251-18-320	AMD-P	82-12-057	275-27-600	REP-E	82-02-056	275-38-535	NEW-P	82-09-071
251-18-330	AMD-P	82-12-057	275-27-600	REP	82-06-034	275-38-535	NEW-E	82-10-032
251-18-340	AMD-P	82-12-057	275-27-605	REP-P	82-02-054	275-38-540	NEW-P	82-09-071
251-18-350	AMD	82-04-069	275-27-605	REP-E	82-02-056	275-38-540	NEW-E	82-10-032
251-22-090	AMD-P	82-12-057	275-27-605	REP	82-06-034	275-38-545	NEW-P	82-09-071
251-22-091	NEW-P	82-12-057	275-27-610	REP-P	82-02-054	275-38-545	NEW-E	82-10-032
251-22-111	AMD-P	82-06-047	275-27-610	REP-E	82-02-056	275-38-550	NEW-P	82-09-071
251-22-111	AMD	82-10-006	275-27-610	REP	82-06-034	275-38-550	NEW-E	82-10-032
251-22-200	AMD-P	82-12-057	275-27-615	REP-P	82-02-054	275-38-555	NEW-P	82-09-071
260-12-200	AMD-P	82-03-052	275-27-615	REP-E	82-02-056	275-38-555	NEW-E	82-10-032
260-12-200	AMD	82-07-016	275-27-615	REP	82-06-034	275-38-560	NEW-P	82-09-071
260-28-050	AMD-E	82-09-008	275-27-620	REP-P	82-02-054	275-38-560	NEW-E	82-10-032
260-28-050	AMD-P	82-11-078	275-27-620	REP-E	82-02-056	275-38-565	NEW-P	82-09-071
260-32-110	AMD-P	82-03-052	275-27-620	REP	82-06-034	275-38-565	NEW-E	82-10-032
260-32-110	AMD-C	82-06-055	275-27-630	REP-P	82-02-054	275-38-570	NEW-P	82-09-071
260-32-420	NEW-P	82-06-033	275-27-630	REP-E	82-02-056	275-38-570	NEW-E	82-10-032
260-32-420	NEW	82-09-016	275-27-630	REP	82-06-034	275-38-575	NEW-P	82-09-071
260-36-020	AMD-E	82-09-008	275-27-635	REP-P	82-02-054	275-38-575	NEW-E	82-10-032
260-36-020	AMD-P	82-11-078	275-27-635	REP-E	82-02-056	275-38-580	NEW-P	82-09-071
260-36-030	AMD-E	82-09-008	275-27-635	REP	82-06-034	275-38-580	NEW-E	82-10-032
260-36-030	AMD-P	82-11-078	275-27-640	REP-P	82-02-054	275-38-585	NEW-P	82-09-071



### Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-92-310	REP-P	82-04-059	275-93-090	REP-E	82-03-016	289-20-205	AMD	82-04-088
275-92-310	REP	82-08-055	275-93-090	REP	82-07-006	289-20-210	AMD	82-04-088
275-92-315	REP-P	82-04-059	275-93-100	REP-P	82-03-015	290-06-120	AMD-P	82-11-047
275-92-315	REP	82-08-055	275-93-100	REP-E	82-03-016	296-15-025	NEW-P	82-04-040
275-92-320	REP-P	82-04-059	275-93-100	REP	82-07-006	296-15-025	NEW	82-07-019
275-92-320	REP	82-08-055	275-93-110	REP-P	82-03-015	296-15-070	AMD-P	82-09-067
275-92-325	REP-P	82-04-059	275-93-110	REP-E	82-03-016	296-15-070	AMD	82-12-035
275-92-325	REP	82-08-055	275-93-110	REP	82-07-006	296-17-351	AMD-P	82-07-022
275-92-330	REP-P	82-04-059	275-93-120	REP-P	82-03-015	296-17-351	AMD	82-10-034
275-92-330	REP	82-08-055	275-93-120	REP-E	82-03-016	296-17-910	AMD	82-05-019
275-92-335	REP-P	82-04-059	275-93-120	REP	82-07-006	296-17-911	AMD	82-05-019
275-92-335	REP	82-08-055	275-93-130	REP-P	82-03-015	296-17-913	AMD	82-05-019
275-92-340	REP-P	82-04-059	275-93-130	REP-E	82-03-016	296-17-914	AMD	82-05-019
275-92-340	REP	82-08-055	275-93-130	REP	82-07-006	296-17-915	AMD	82-05-019
275-92-345	REP-P	82-04-059	275-93-140	REP-P	82-03-015	296-17-917	AMD	82-05-019
275-92-345	REP	82-08-055	275-93-140	REP-E	82-03-016	296-17-919	AMD	82-05-019
275-92-350	REP-P	82-04-059	275-93-140	REP	82-07-006	296-17-91901	AMD	82-05-019
275-92-350	REP	82-08-055	284-17-100	REP-P	82-07-056	296-17-91902	AMD	82-05-019
275-92-355	REP-P	82-04-059	284-17-100	REP	82-10-016	296-24-12005	AMD-P	82-08-004
275-92-355	REP	82-08-055	284-17-110	REP-P	82-07-056	296-24-12009	AMD-P	82-02-065
275-92-400	REP-P	82-04-059	284-17-110	REP	82-10-016	296-24-12009	AMD	82-08-026
275-92-400	REP	82-08-055	284-17-120	NEW-P	82-07-056	296-24-130	REP-P	82-02-065
275-92-405	REP-P	82-04-059	284-17-120	NEW	82-10-016	296-24-130	REP	82-08-026
275-92-405	REP	82-08-055	284-17-210	AMD-P	82-07-056	296-24-13001	REP-P	82-02-065
275-92-410	REP-P	82-04-059	284-17-210	AMD	82-10-016	296-24-13001	REP	82-08-026
275-92-410	REP	82-08-055	284-17-310	AMD-P	82-07-056	296-24-13003	REP-P	82-02-065
275-92-415	REP-P	82-04-059	284-17-310	AMD	82-10-016	296-24-13003	REP	82-08-026
275-92-415	REP	82-08-055	284-24-010	REP-P	82-02-059	296-24-13005	REP-P	82-02-065
275-92-510	REP-P	82-04-059	284-24-010	REP	82-06-036	296-24-13005	REP	82-08-026
275-92-510	REP	82-08-055	284-24-015	NEW-P	82-02-059	296-24-13007	REP-P	82-02-065
275-92-515	REP-P	82-04-059	284-24-015	NEW	82-06-036	296-24-13007	REP	82-08-026
275-92-515	REP	82-08-055	284-24-020	REP-P	82-02-059	296-24-13009	REP-P	82-02-065
275-92-520	REP-P	82-04-059	284-24-020	REP	82-06-036	296-24-13009	REP	82-08-026
275-92-520	REP	82-08-055	284-24-030	REP-P	82-02-059	296-24-13011	REP-P	82-02-065
275-92-525	REP-P	82-04-059	284-24-030	REP	82-06-036	296-24-13011	REP	82-08-026
275-92-525	REP	82-08-055	284-24-035	REP-P	82-02-059	296-24-13013	REP-P	82-02-065
275-92-530	REP-P	82-04-059	284-24-035	REP	82-06-036	296-24-13013	REP	82-08-026
275-92-530	REP	82-08-055	284-24-040	REP-P	82-02-059	296-24-13501	AMD-P	82-08-004
275-92-535	REP-P	82-04-059	284-24-040	REP	82-06-036	296-24-14007	AMD-P	82-08-004
275-92-535	REP	82-08-055	284-24-050	REP-P	82-02-059	296-24-16503	AMD-P	82-08-004
275-92-540	REP-P	82-04-059	284-24-050	REP	82-06-036	296-24-16539	AMD-P	82-08-004
275-92-540	REP	82-08-055	284-24-060	NEW-P	82-02-059	296-24-170	REP-P	82-08-004
275-92-545	REP-P	82-04-059	284-24-060	NEW	82-06-036	296-24-17001	REP-P	82-08-004
275-92-545	REP	82-08-055	284-24-070	NEW-P	82-02-059	296-24-17003	REP-P	82-08-004
275-92-550	REP-P	82-04-059	284-24-070	NEW	82-06-036	296-24-17005	REP-P	82-08-004
275-92-550	REP	82-08-055	284-24-080	NEW-P	82-02-059	296-24-17007	REP-P	82-08-004
275-92-555	REP-P	82-04-059	284-24-080	NEW	82-06-036	296-24-17009	REP-P	82-08-004
275-92-555	REP	82-08-055	284-44-180	REP-P	82-09-030	296-24-17011	REP-P	82-08-004
275-92-560	REP-P	82-04-059	284-44-180	REP	82-12-032	296-24-17013	REP-P	82-08-004
275-92-560	REP	82-08-055	284-50-380	AMD-P	82-09-030	296-24-17015	REP-P	82-08-004
275-92-565	REP-P	82-04-059	284-50-380	AMD	82-12-032	296-24-17017	REP-P	82-08-004
275-92-565	REP	82-08-055	284-55-080	AMD-P	82-09-030	296-24-17019	REP-P	82-08-004
275-92-565	REP	82-08-055	284-55-010	AMD	82-12-032	296-24-17021	REP-P	82-08-004
275-93-005	REP-P	82-03-015	284-55-035	NEW-P	82-09-030	296-24-17023	REP-P	82-08-004
275-93-005	REP-E	82-03-016	284-55-035	NEW	82-12-032	296-24-17025	REP-P	82-08-004
275-93-005	REP	82-07-006	284-55-040	AMD-P	82-09-030	296-24-17027	REP-P	82-08-004
275-93-010	REP-P	82-03-015	284-55-040	AMD	82-12-032	296-24-17029	REP-P	82-08-004
275-93-010	REP-E	82-03-016	284-55-040	AMD	82-12-032	296-24-17031	REP-P	82-08-004
275-93-010	REP	82-07-006	284-55-045	NEW-P	82-09-030	296-24-17033	REP-P	82-08-004
275-93-020	REP-P	82-03-015	284-55-045	NEW	82-12-032	296-24-17035	REP-P	82-08-004
275-93-020	REP-E	82-03-016	284-55-065	NEW-P	82-09-030	296-24-17037	REP-P	82-08-004
275-93-020	REP	82-07-006	284-55-065	NEW	82-12-032	296-24-17039	REP-P	82-08-004
275-93-040	REP-P	82-03-015	284-55-067	NEW-P	82-09-030	296-24-17041	REP-P	82-08-004
275-93-040	REP-E	82-03-016	284-55-067	NEW	82-12-032	296-24-17043	REP-P	82-08-004
275-93-040	REP	82-07-006	284-55-110	AMD-P	82-09-030	296-24-17045	REP-P	82-08-004
275-93-050	REP-P	82-03-015	284-55-110	AMD	82-12-032	296-24-17047	REP-P	82-08-004
275-93-050	REP-E	82-03-016	289-12-030	AMD-E	82-05-042	296-24-17047	REP-P	82-08-004
275-93-050	REP	82-07-006	289-12-030	AMD-P	82-05-046	296-24-33001	AMD-P	82-02-065
275-93-060	REP-P	82-03-015	289-12-030	AMD	82-08-051	296-24-33001	AMD	82-08-026
275-93-060	REP-E	82-03-016	289-12-035	NEW-E	82-08-052	296-24-950	REP-E	82-12-018
275-93-060	REP	82-07-006	289-12-035	NEW-P	82-08-068	296-24-955	REP-P	82-02-065
275-93-070	REP-P	82-03-015	289-12-035	NEW	82-11-069	296-24-955	REP	82-08-026
275-93-070	REP-E	82-03-016	289-13-070	AMD-E	82-08-053	296-24-956	NEW-P	82-02-065
275-93-070	REP	82-07-006	289-13-070	AMD-P	82-08-069	296-24-956	NEW	82-08-026
275-93-080	REP-P	82-03-015	289-13-070	AMD	82-11-071	296-24-95601	NEW-P	82-02-065
275-93-080	REP-E	82-03-016	289-15-225	NEW-P	82-05-045	296-24-95601	NEW	82-08-026
275-93-080	REP	82-07-006	289-15-225	NEW-C	82-08-067	296-24-95603	NEW-P	82-02-065
275-93-090	REP-P	82-03-015	289-15-225	NEW	82-11-070	296-24-95603	NEW	82-08-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-95605	NEW-P	82-02-065	296-48-720	REP	82-09-053	296-48A-780	REP	82-09-053
296-24-95605	NEW	82-08-026	296-48-725	REP-P	82-05-006	296-48A-800	REP-P	82-05-006
296-24-95607	NEW-P	82-02-065	296-48-725	REP	82-09-053	296-48A-800	REP	82-09-053
296-24-95607	NEW	82-08-026	296-48-730	REP-P	82-05-006	296-48A-990	REP-P	82-05-006
296-24-95609	NEW-P	82-02-065	296-48-730	REP	82-09-053	296-48A-990	REP	82-09-053
296-24-95609	NEW	82-08-026	296-48-735	REP-P	82-05-006	296-48B	REP-C	82-02-052
296-24-95611	NEW-P	82-02-065	296-48-735	REP	82-09-053	296-48B-001	REP	82-04-060
296-24-95611	NEW	82-08-026	296-48-740	REP-P	82-05-006	296-48B-002	REP	82-04-060
296-24-95613	NEW-P	82-02-065	296-48-740	REP	82-09-053	296-48B-005	REP	82-04-060
296-24-95613	NEW	82-08-026	296-48-745	REP-P	82-05-006	296-48B-006	REP	82-04-060
296-24-95615	NEW-P	82-02-065	296-48-745	REP	82-09-053	296-48B-009	REP	82-04-060
296-24-95615	NEW	82-08-026	296-48-750	REP-P	82-05-006	296-48B-010	REP	82-04-060
296-24-95617	NEW-P	82-02-065	296-48-750	REP	82-09-053	296-48B-015	REP	82-04-060
296-24-95617	NEW	82-08-026	296-48-755	REP-P	82-05-006	296-48B-020	REP	82-04-060
296-24-95699	NEW-P	82-02-065	296-48-755	REP	82-09-053	296-48B-025	REP	82-04-060
296-24-95699	NEW	82-08-026	296-48-760	REP-P	82-05-006	296-48B-030	REP	82-04-060
296-24-960	AMD-P	82-08-004	296-48-760	REP	82-09-053	296-48B-032	REP	82-04-060
296-32-250	AMD-P	82-08-004	296-48-761	REP-P	82-05-006	296-48B-035	REP	82-04-060
296-45-65043	AMD-P	82-02-065	296-48-761	REP	82-09-053	296-48B-040	REP	82-04-060
296-45-65043	AMD-E	82-07-013	296-48-765	REP-P	82-05-006	296-48B-050	REP	82-04-060
296-45-65043	AMD	82-08-026	296-48-765	REP	82-09-053	296-48B-055	REP	82-04-060
296-45-66007	AMD-E	82-07-001	296-48-770	REP-P	82-05-006	296-48B-060	REP	82-04-060
296-46-493	AMD-P	82-08-003	296-48-770	REP	82-09-053	296-48B-065	REP	82-04-060
296-46-493	AMD-C	82-11-057	296-48-775	REP-P	82-05-006	296-48B-068	REP	82-04-060
296-46-910	AMD-P	82-08-003	296-48-775	REP	82-09-053	296-48B-070	REP	82-04-060
296-46-910	AMD-E	82-08-035	296-48-776	REP-P	82-05-006	296-48B-075	REP	82-04-060
296-46-910	AMD-C	82-11-057	296-48-776	REP	82-09-053	296-48B-080	REP	82-04-060
296-48	REP-C	82-02-052	296-48-780	REP-P	82-05-006	296-48B-085	REP	82-04-060
296-48-005	REP-P	82-05-006	296-48-780	REP	82-09-053	296-48B-090	REP	82-04-060
296-48-005	REP	82-09-053	296-48-781	REP-P	82-05-006	296-48B-095	REP	82-04-060
296-48-010	REP-P	82-05-006	296-48-781	REP	82-09-053	296-48B-100	REP	82-04-060
296-48-010	REP	82-09-053	296-48-782	REP-P	82-05-006	296-48B-105	REP	82-04-060
296-48-020	REP-P	82-05-006	296-48-782	REP	82-09-053	296-48B-115	REP	82-04-060
296-48-020	REP	82-09-053	296-48-785	REP-P	82-05-006	296-48B-120	REP	82-04-060
296-48-051	REP-P	82-05-006	296-48-785	REP	82-09-053	296-48B-125	REP	82-04-060
296-48-051	REP	82-09-053	296-48-790	REP-P	82-05-006	296-48B-140	REP	82-04-060
296-48-600	REP-P	82-05-006	296-48-790	REP	82-09-053	296-48B-142	REP	82-04-060
296-48-600	REP	82-09-053	296-48-795	REP-P	82-05-006	296-48B-143	REP	82-04-060
296-48-602	REP-P	82-05-006	296-48-795	REP	82-09-053	296-48B-145	REP	82-04-060
296-48-602	REP	82-09-053	296-48-800	AMD-E	82-04-014	296-48B-150	REP	82-04-060
296-48-604	REP-P	82-05-006	296-48-800	REP-P	82-05-006	296-48B-160	REP	82-04-060
296-48-604	REP	82-09-053	296-48-800	AMD-E	82-09-031	296-48B-165	REP	82-04-060
296-48-605	REP-P	82-05-006	296-48-800	REP	82-09-053	296-48B-175	REP	82-04-060
296-48-605	REP	82-09-053	296-48-825	REP-P	82-05-006	296-48B-177	REP	82-04-060
296-48-610	REP-P	82-05-006	296-48-825	REP	82-09-053	296-48B-178	REP	82-04-060
296-48-610	REP	82-09-053	296-48-830	REP-P	82-05-006	296-48B-179	REP	82-04-060
296-48-615	REP-P	82-05-006	296-48-830	REP	82-09-053	296-48B-180	REP	82-04-060
296-48-615	REP	82-09-053	296-48-890	REP-P	82-05-006	296-48B-185	REP	82-04-060
296-48-620	REP-P	82-05-006	296-48-890	REP	82-09-053	296-48B-190	REP	82-04-060
296-48-620	REP	82-09-053	296-48A	REP-C	82-02-052	296-48B-19001	REP	82-04-060
296-48-625	REP-P	82-05-006	296-48A-001	REP-P	82-05-006	296-48B-19002	REP	82-04-060
296-48-625	REP	82-09-053	296-48A-001	REP	82-09-053	296-48B-19003	REP	82-04-060
296-48-630	REP-P	82-05-006	296-48A-200	REP-P	82-05-006	296-48B-19004	REP	82-04-060
296-48-630	REP	82-09-053	296-48A-200	REP	82-09-053	296-48B-19005	REP	82-04-060
296-48-635	REP-P	82-05-006	296-48A-400	REP-P	82-05-006	296-48B-193	REP	82-04-060
296-48-635	REP	82-09-053	296-48A-400	REP	82-09-053	296-48B-196	REP	82-04-060
296-48-636	REP-P	82-05-006	296-48A-405	REP-P	82-05-006	296-48B-200	REP	82-04-060
296-48-636	REP	82-09-053	296-48A-405	REP	82-09-053	296-48B-210	REP	82-04-060
296-48-640	REP-P	82-05-006	296-48A-410	REP-P	82-05-006	296-48B-215	REP	82-04-060
296-48-640	REP	82-09-053	296-48A-410	REP	82-09-053	296-48B-220	REP	82-04-060
296-48-645	REP-P	82-05-006	296-48A-600	REP-P	82-05-006	296-48B-225	REP	82-04-060
296-48-645	REP	82-09-053	296-48A-600	REP	82-09-053	296-48B-230	REP	82-04-060
296-48-701	REP-P	82-05-006	296-48A-605	REP-P	82-05-006	296-48B-235	REP	82-04-060
296-48-701	REP	82-09-053	296-48A-605	REP	82-09-053	296-48B-245	REP	82-04-060
296-48-702	REP-P	82-05-006	296-48A-610	REP-P	82-05-006	296-48B-250	REP	82-04-060
296-48-702	REP	82-09-053	296-48A-610	REP	82-09-053	296-48B-255	REP	82-04-060
296-48-703	REP-P	82-05-006	296-48A-615	REP-P	82-05-006	296-48B-260	REP	82-04-060
296-48-703	REP	82-09-053	296-48A-615	REP	82-09-053	296-48B-265	REP	82-04-060
296-48-704	REP-P	82-05-006	296-48A-700	REP-P	82-05-006	296-48B-270	REP	82-04-060
296-48-704	REP	82-09-053	296-48A-700	REP	82-09-053	296-48B-275	REP	82-04-060
296-48-706	REP-P	82-05-006	296-48A-750	REP-P	82-05-006	296-48B-280	REP	82-04-060
296-48-706	REP	82-09-053	296-48A-750	REP	82-09-053	296-48B-285	REP	82-04-060
296-48-710	REP-P	82-05-006	296-48A-755	REP-P	82-05-006	296-48B-290	REP	82-04-060
296-48-710	REP	82-09-053	296-48A-755	REP	82-09-053	296-48B-295	REP	82-04-060
296-48-715	REP-P	82-05-006	296-48A-770	REP-P	82-05-006	296-48B-400	REP	82-04-060
296-48-715	REP	82-09-053	296-48A-770	REP	82-09-053	296-48B-405	REP	82-04-060
296-48-720	REP-P	82-05-006	296-48A-780	REP-P	82-05-006	296-48B-410	REP	82-04-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-415	REP	82-04-060	296-62-07314	AMD-E	82-12-019	296-150	NEW-C	82-02-052
296-48B-420	REP	82-04-060	296-62-07329	AMD-P	82-08-004	296-150-005	NEW-W	82-04-015
296-48B-425	REP	82-04-060	296-62-07349	AM/DE-P	82-08-004	296-150-010	NEW-W	82-04-015
296-48B-430	REP	82-04-060	296-62-07501	AMD	82-03-023	296-150-015	NEW-W	82-04-015
296-48B-435	REP	82-04-060	296-62-07515	AMD-P	82-08-004	296-150-020	NEW-W	82-04-015
296-48B-440	REP	82-04-060	296-62-07521	RECOD-P	82-08-004	296-150-025	NEW-W	82-04-015
296-48B-445	REP	82-04-060	296-62-09003	AMD-P	82-08-004	296-150-030	NEW-W	82-04-015
296-48B-450	REP	82-04-060	296-62-09011	AMD	82-03-023	296-150-035	NEW-W	82-04-015
296-48B-455	REP	82-04-060	296-62-09015	NEW	82-03-023	296-150-040	NEW-W	82-04-015
296-48B-460	REP	82-04-060	296-62-09017	NEW	82-03-023	296-150-045	NEW-W	82-04-015
296-48B-465	REP	82-04-060	296-62-09019	NEW	82-03-023	296-150-050	NEW-W	82-04-015
296-48B-467	REP	82-04-060	296-62-09021	NEW	82-03-023	296-150-055	NEW-W	82-04-015
296-48B-468	REP	82-04-060	296-62-09023	NEW	82-03-023	296-150-060	NEW-W	82-04-015
296-48B-469	REP	82-04-060	296-62-09025	NEW	82-03-023	296-150-065	NEW-W	82-04-015
296-48B-46901	REP	82-04-060	296-62-09027	NEW	82-03-023	296-150-070	NEW-W	82-04-015
296-48B-470	REP	82-04-060	296-62-09029	NEW	82-03-023	296-150-075	NEW-W	82-04-015
296-48B-475	REP	82-04-060	296-62-09031	NEW	82-03-023	296-150-080	NEW-W	82-04-015
296-48B-480	REP	82-04-060	296-62-09033	AMD-P	82-08-004	296-150-085	NEW-W	82-04-015
296-48B-485	REP	82-04-060	296-62-09035	NEW	82-03-023	296-150-090	NEW-W	82-04-015
296-48B-490	REP	82-04-060	296-62-09037	AMD-P	82-08-004	296-150-095	NEW-W	82-04-015
296-48B-500	REP	82-04-060	296-62-09039	NEW	82-03-023	296-150-100	NEW-W	82-04-015
296-48B-505	REP	82-04-060	296-62-09041	NEW	82-03-023	296-150-105	NEW-W	82-04-015
296-48B-510	REP	82-04-060	296-62-09043	NEW	82-03-023	296-150-110	NEW-W	82-04-015
296-48B-515	REP	82-04-060	296-62-09045	NEW	82-03-023	296-150-115	NEW-W	82-04-015
296-48B-520	REP	82-04-060	296-62-09047	NEW	82-03-023	296-150-120	NEW-W	82-04-015
296-48B-525	REP	82-04-060	296-62-09049	NEW	82-03-023	296-150-125	NEW-W	82-04-015
296-48B-530	REP	82-04-060	296-62-09051	NEW	82-03-023	296-150-130	NEW-W	82-04-015
296-48B-535	REP	82-04-060	296-62-09053	NEW	82-03-023	296-150-135	NEW-W	82-04-015
296-48B-540	REP	82-04-060	296-62-14515	AMD-P	82-08-004	296-150-140	NEW-W	82-04-015
296-48B-550	REP	82-04-060	296-62-14525	AMD-P	82-08-004	296-150-145	NEW-W	82-04-015
296-48B-555	REP	82-04-060	296-62-14533	AMD	82-03-023	296-150-150	NEW-W	82-04-015
296-48B-560	REP	82-04-060	296-78-71023	AMD-P	82-08-004	296-150-155	NEW-W	82-04-015
296-48B-565	REP	82-04-060	296-79-020	AMD-P	82-08-004	296-150-160	NEW-W	82-04-015
296-48B-570	REP	82-04-060	296-79-050	AMD-P	82-08-004	296-150-165	NEW-W	82-04-015
296-48B-575	REP	82-04-060	296-81-002	AMD-P	82-08-004	296-150-170	NEW-W	82-04-015
296-48B-580	REP	82-04-060	296-81-002	AMD-P	82-08-004	296-150-175	NEW-W	82-04-015
296-48B-585	REP	82-04-060	296-81-003	REP-P	82-07-079	296-150-180	NEW-W	82-04-015
296-48B-590	REP	82-04-060	296-81-003	REP	82-12-005	296-150-185	NEW-W	82-04-015
296-48B-595	REP	82-04-060	296-81-005	REP-P	82-07-079	296-150-190	NEW-W	82-04-015
296-48B-598	REP	82-04-060	296-81-006	REP	82-12-005	296-150A	NEW-C	82-02-052
296-48B-600	REP	82-04-060	296-81-007	REP-P	82-07-079	296-150A	NEW-C	82-11-083
296-48B-610	REP	82-04-060	296-81-008	REP	82-12-005	296-150A-005	NEW-P	82-05-007
296-48B-615	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-005	NEW	82-12-004
296-48B-620	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-010	REP-P	82-05-007
296-48B-625	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-010	REP	82-12-004
296-48B-630	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-011	NEW-P	82-05-007
296-48B-635	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-011	NEW	82-12-004
296-48B-640	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-015	REP-P	82-05-007
296-48B-645	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-015	REP	82-12-004
296-48B-650	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-016	NEW-P	82-05-007
296-48B-655	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-016	NEW	82-12-004
296-48B-660	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-016	REP-P	82-05-007
296-48B-665	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-020	REP	82-12-004
296-48B-670	REP	82-04-060	296-81-008	NEW-P	82-07-079	296-150A-020	REP	82-12-004
296-48B-675	REP	82-04-060	296-81-008	NEW	82-12-005	296-150A-021	NEW-P	82-05-007
296-48B-680	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-021	NEW	82-12-004
296-48B-685	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-021	NEW-P	82-05-007
296-48B-690	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-024	NEW	82-12-004
296-48B-695	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-024	NEW	82-05-007
296-48B-700	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-024	REP-P	82-05-007
296-48B-705	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-025	REP	82-12-004
296-48B-710	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-025	REP-P	82-05-007
296-48B-715	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-025	REP	82-12-004
296-48B-720	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-026	REP-P	82-05-007
296-48B-725	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-026	REP	82-12-004
296-48B-730	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-026	REP	82-12-004
296-48B-735	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-027	REP-P	82-05-007
296-48B-740	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-027	REP	82-12-004
296-48B-745	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-027	REP	82-12-004
296-48B-750	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-030	NEW-P	82-05-007
296-48B-755	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-030	NEW	82-12-004
296-48B-760	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-035	NEW-P	82-05-007
296-48B-765	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-035	NEW	82-12-004
296-48B-770	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-040	NEW-P	82-05-007
296-48B-775	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-040	NEW	82-12-004
296-48B-780	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-045	NEW-P	82-05-007
296-48B-785	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-045	NEW	82-12-004
296-48B-790	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-050	REP-P	82-05-007
296-48B-795	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-050	REP	82-12-004
296-48B-800	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-051	NEW-P	82-05-007
296-48B-805	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-051	NEW	82-12-004
296-48B-810	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-055	NEW-P	82-05-007
296-48B-815	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-055	NEW	82-12-004
296-48B-820	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-055	NEW	82-12-004
296-48B-825	REP	82-04-060	296-81-008	AMD	82-12-005	296-150A-060	NEW-P	82-05-007
296-48B-830	REP	82-04-060	296-81-008	AMD-P	82-07-079			
296-48B-835	REP	82-04-060	296-104-200	AMD	82-05-003			
296-52-043	AMD-P	82-02-065	296-116-075	NEW-P	82-06-054			
296-52-043	AMD-E	82-07-013	296-116-075	NEW-C	82-09-060			
296-52-043	AMD	82-08-026	296-116-080	AMD-P	82-06-054			
296-52-090	AMD-P	82-02-065	296-116-080	AMD-C	82-09-060			
296-52-090	AMD-E	82-07-013	296-116-085	AMD-P	82-10-049			
296-52-090	AMD	82-08-026	296-116-185	AMD-P	82-02-068			
296-54-543	AMD-P	82-08-004	296-116-185	AMD-C	82-05-035			
296-62-07101	AMD-P	82-02-065	296-116-185	AMD	82-08-016			
296-62-07101	AMD	82-08-026	296-116-185	AMD-E	82-08-017			
296-62-07107	AMD	82-03-023	296-116-205	AMD-P	82-10-049			
296-62-07109	AMD	82-03-023	296-116-300	AMD-P	82-08-062			
296-62-07109	AMD-P	82-08-004	296-116-300	AMD-C	82-11-048			
296-62-07115	AMD-P	82-02-065	296-116-300	AMD-C	82-12-020			
296-62-07115	AMD	82-08-026	296-116-300	AMD-C	82-12-033			
296-62-07302	AMD-P	82-08-004	296-116-320	AMD-P	82-10-049			





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296-150B-145	NEW-P	82-05-006	296-150B-513	NEW	82-04-060	296-150B-770	NEW	82-04-060
296-150B-145	NEW	82-09-053	296-150B-517	NEW	82-04-060	296-150B-773	NEW	82-04-060
296-150B-150	NEW-P	82-05-006	296-150B-520	NEW	82-04-060	296-150B-777	NEW	82-04-060
296-150B-150	NEW	82-09-053	296-150B-523	NEW	82-04-060	296-150B-780	NEW	82-04-060
296-150B-155	NEW-P	82-05-006	296-150B-527	NEW	82-04-060	296-150B-783	NEW	82-04-060
296-150B-155	NEW	82-09-053	296-150B-530	NEW	82-04-060	296-150B-787	NEW	82-04-060
296-150B-160	NEW-P	82-05-006	296-150B-533	NEW	82-04-060	296-150B-790	NEW	82-04-060
296-150B-160	NEW	82-09-053	296-150B-537	NEW	82-04-060	296-150B-793	NEW	82-04-060
296-150B-165	NEW-P	82-05-006	296-150B-540	NEW	82-04-060	296-150B-797	NEW	82-04-060
296-150B-165	NEW	82-09-053	296-150B-543	NEW	82-04-060	296-150B-800	NEW	82-04-060
296-150B-170	NEW-P	82-05-006	296-150B-547	NEW	82-04-060	296-150B-803	NEW	82-04-060
296-150B-175	NEW-P	82-05-006	296-150B-550	NEW	82-04-060	296-150B-807	NEW	82-04-060
296-150B-175	NEW	82-09-053	296-150B-553	NEW	82-04-060	296-150B-810	NEW	82-04-060
296-150B-180	NEW-P	82-05-006	296-150B-557	NEW	82-04-060	296-150B-813	NEW	82-04-060
296-150B-180	NEW	82-09-053	296-150B-560	NEW	82-04-060	296-150B-817	NEW	82-04-060
296-150B-200	NEW-P	82-05-006	296-150B-563	NEW	82-04-060	296-150B-820	NEW	82-04-060
296-150B-200	NEW-P	82-06-021	296-150B-567	NEW	82-04-060	296-150B-950	NEW	82-04-060
296-150B-200	NEW	82-09-059	296-150B-570	NEW	82-04-060	296-150B-990	NEW-P	82-05-006
296-150B-205	NEW-P	82-06-021	296-150B-573	NEW	82-04-060	296-150B-990	NEW-P	82-08-002
296-150B-205	NEW	82-09-059	296-150B-577	NEW	82-04-060	296-150B-990	NEW	82-09-053
296-150B-210	NEW-P	82-06-021	296-150B-580	NEW	82-04-060	296-150B-990	AMD	82-12-040
296-150B-210	NEW	82-09-059	296-150B-583	NEW	82-04-060	296-155-485	AMD-P	82-02-065
296-150B-215	NEW-P	82-06-021	296-150B-587	NEW	82-04-060	296-155-485	AMD-E	82-07-013
296-150B-215	NEW	82-09-059	296-150B-590	NEW	82-04-060	296-155-485	AMD	82-08-026
296-150B-220	NEW-P	82-06-021	296-150B-593	NEW	82-04-060	296-155-48501	REP-P	82-02-065
296-150B-220	NEW	82-09-059	296-150B-597	NEW	82-04-060	296-155-48501	REP	82-08-026
296-150B-225	NEW-P	82-06-021	296-150B-600	NEW	82-04-060	296-155-48502	REP-P	82-02-065
296-150B-225	NEW	82-09-059	296-150B-603	NEW	82-04-060	296-155-48502	REP	82-08-026
296-150B-230	NEW-P	82-06-021	296-150B-607	NEW	82-04-060	296-155-66501	AMD-P	82-08-004
296-150B-230	NEW	82-09-059	296-150B-610	NEW	82-04-060	296-200-050	AMD-P	82-11-047
296-150B-235	NEW-P	82-06-021	296-150B-613	NEW	82-04-060	296-200-900	AMD-P	82-11-047
296-150B-235	NEW	82-09-059	296-150B-617	NEW	82-04-060	296-306-200	AMD-P	82-02-065
296-150B-240	NEW-P	82-06-021	296-150B-620	NEW	82-04-060	296-306-200	AMD-E	82-07-013
296-150B-240	NEW	82-09-059	296-150B-623	NEW	82-04-060	296-306-200	AMD	82-08-026
296-150B-245	NEW-P	82-06-021	296-150B-627	NEW	82-04-060	296-306-200	AMD-E	82-10-071
296-150B-245	NEW	82-09-059	296-150B-630	NEW	82-04-060	296-350-080	AMD-P	82-08-004
296-150B-250	NEW-P	82-06-021	296-150B-633	NEW	82-04-060	296-350-095	NEW-P	82-10-072
296-150B-250	NEW	82-09-059	296-150B-637	NEW	82-04-060	296-350-35055	AMD-P	82-08-004
296-150B-255	NEW-P	82-06-021	296-150B-640	NEW	82-04-060	296-350-400	AMD-P	82-08-004
296-150B-255	NEW	82-09-059	296-150B-643	NEW	82-04-060	296-360-030	AMD-P	82-08-004
296-150B-300	NEW	82-04-060	296-150B-647	NEW	82-04-060	296-401-010	AMD-P	82-08-003
296-150B-305	NEW	82-04-060	296-150B-650	NEW	82-04-060	296-401-010	AMD-C	82-11-057
296-150B-310	NEW	82-04-060	296-150B-653	NEW	82-04-060	308-16-440	NEW-P	82-05-049
296-150B-315	NEW	82-04-060	296-150B-657	NEW	82-04-060	308-16-440	NEW	82-08-064
296-150B-400	NEW	82-04-060	296-150B-660	NEW	82-04-060	308-16-450	NEW-P	82-05-049
296-150B-403	NEW	82-04-060	296-150B-663	NEW	82-04-060	308-16-450	NEW	82-08-064
296-150B-407	NEW	82-04-060	296-150B-667	NEW	82-04-060	308-16-460	NEW-P	82-05-049
296-150B-410	NEW	82-04-060	296-150B-670	NEW	82-04-060	308-16-460	NEW	82-08-064
296-150B-413	NEW	82-04-060	296-150B-673	NEW	82-04-060	308-16-470	NEW-P	82-05-049
296-150B-417	NEW	82-04-060	296-150B-677	NEW	82-04-060	308-16-470	NEW	82-08-064
296-150B-420	NEW	82-04-060	296-150B-680	NEW	82-04-060	308-24-510	NEW-P	82-05-048
296-150B-423	NEW	82-04-060	296-150B-683	NEW	82-04-060	308-24-510	NEW	82-08-063
296-150B-427	NEW	82-04-060	296-150B-687	NEW	82-04-060	308-24-520	NEW-P	82-05-048
296-150B-430	NEW	82-04-060	296-150B-690	NEW	82-04-060	308-24-520	NEW	82-08-063
296-150B-433	NEW	82-04-060	296-150B-693	NEW	82-04-060	308-24-530	NEW-P	82-05-048
296-150B-437	NEW	82-04-060	296-150B-697	NEW	82-04-060	308-24-530	NEW	82-08-063
296-150B-440	NEW	82-04-060	296-150B-700	NEW	82-04-060	308-24-540	NEW-P	82-05-048
296-150B-443	NEW	82-04-060	296-150B-703	NEW	82-04-060	308-24-540	NEW	82-08-063
296-150B-447	NEW	82-04-060	296-150B-707	NEW	82-04-060	308-25-010	NEW-P	82-02-093
296-150B-450	NEW	82-04-060	296-150B-710	NEW	82-04-060	308-25-010	NEW	82-06-043
296-150B-453	NEW	82-04-060	296-150B-713	NEW	82-04-060	308-25-010	AMD-P	82-08-077
296-150B-457	NEW	82-04-060	296-150B-717	NEW	82-04-060	308-25-010	AMD	82-11-068
296-150B-460	NEW	82-04-060	296-150B-720	NEW	82-04-060	308-25-020	NEW-P	82-02-093
296-150B-463	NEW	82-04-060	296-150B-723	NEW	82-04-060	308-25-020	NEW	82-06-043
296-150B-467	NEW	82-04-060	296-150B-727	NEW	82-04-060	308-25-020	AMD-P	82-08-077
296-150B-470	NEW	82-04-060	296-150B-730	NEW	82-04-060	308-25-020	AMD	82-11-068
296-150B-473	NEW	82-04-060	296-150B-733	NEW	82-04-060	308-25-030	NEW-P	82-02-093
296-150B-477	NEW	82-04-060	296-150B-737	NEW	82-04-060	308-25-030	NEW	82-06-043
296-150B-480	NEW	82-04-060	296-150B-740	NEW	82-04-060	308-25-030	AMD-P	82-08-077
296-150B-483	NEW	82-04-060	296-150B-743	NEW	82-04-060	308-25-030	AMD	82-11-068
296-150B-487	NEW	82-04-060	296-150B-747	NEW	82-04-060	308-25-040	NEW-P	82-02-093
296-150B-490	NEW	82-04-060	296-150B-750	NEW	82-04-060	308-25-040	NEW	82-06-043
296-150B-497	NEW	82-04-060	296-150B-753	NEW	82-04-060	308-25-040	AMD-P	82-08-077
296-150B-500	NEW	82-04-060	296-150B-757	NEW	82-04-060	308-25-040	AMD	82-11-068
296-150B-503	NEW	82-04-060	296-150B-760	NEW	82-04-060	308-25-050	NEW-P	82-02-093
296-150B-507	NEW	82-04-060	296-150B-763	NEW	82-04-060	308-25-050	NEW	82-06-043
296-150B-510	NEW	82-04-060	296-150B-767	NEW	82-04-060	308-25-060	NEW-P	82-02-093

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308-25-060	NEW	82-06-043	308-61-260	AMD-P	82-09-080	308-138A-025	NEW-P	82-12-074
308-25-070	NEW-P	82-02-093	308-61-260	AMD	82-12-038	308-138B-100	NEW-P	82-12-074
308-25-070	NEW	82-06-043	308-61-270	AMD-P	82-09-080	308-138B-110	NEW-P	82-12-074
308-26-017	NEW-P	82-08-049	308-61-270	AMD	82-12-038	308-138B-120	NEW-P	82-12-074
308-26-017	NEW	82-11-056	308-61-320	AMD-P	82-09-080	308-138B-130	NEW-P	82-12-074
308-34-010	NEW-P	82-05-052	308-61-320	AMD	82-12-038	308-138B-140	NEW-P	82-12-074
308-34-010	NEW	82-09-043	308-61-400	AMD-P	82-09-080	308-138B-150	NEW-P	82-12-074
308-34-020	NEW-P	82-05-052	308-61-400	AMD	82-12-038	308-138B-160	NEW-P	82-12-074
308-34-020	NEW	82-09-043	308-61-420	AMD-P	82-09-080	308-138B-170	NEW-P	82-12-074
308-34-030	NEW-P	82-05-052	308-61-420	AMD	82-12-038	308-400-010	NEW	82-05-014
308-34-030	NEW	82-09-043	308-100-010	AMD	82-03-046	308-400-020	NEW	82-05-014
308-34-040	NEW-P	82-05-052	308-100-020	AMD	82-03-046	308-400-030	NEW	82-05-014
308-34-040	NEW	82-09-043	308-100-030	AMD-P	82-10-048	308-400-040	NEW	82-05-014
308-34-050	NEW-P	82-05-052	308-100-050	AMD	82-03-046	308-400-040	AMD-P	82-08-075A
308-34-050	NEW	82-09-043	308-100-060	AMD	82-03-046	308-400-042	NEW-P	82-04-084
308-34-060	NEW-P	82-05-052	308-100-070	REP	82-03-046	308-400-042	NEW	82-08-021
308-34-060	NEW	82-09-043	308-102-012	AMD	82-03-046	308-400-044	NEW	82-05-014
308-34-070	NEW-P	82-05-052	308-102-013	REP	82-03-046	308-400-046	NEW	82-05-014
308-34-070	NEW	82-09-043	308-102-210	AMD	82-03-046	308-400-048	NEW	82-05-014
308-34-080	NEW-P	82-05-052	308-102-260	AMD	82-03-046	308-400-048	AMD-P	82-08-075A
308-34-080	NEW	82-09-043	308-102-290	AMD	82-03-046	308-400-050	NEW	82-05-014
308-36-020	REP-P	82-04-008	308-102-295	NEW-E	82-07-002	308-400-052	NEW-P	82-08-075A
308-36-020	REP	82-07-094	308-102-295	NEW-P	82-08-076	308-400-053	NEW-E	82-10-043
308-36-030	REP-P	82-04-008	308-104-015	NEW	82-03-046	308-400-054	NEW-P	82-08-075A
308-36-030	REP	82-07-094	308-104-020	REP	82-03-046	308-400-056	NEW-P	82-08-075A
308-36-040	REP-P	82-04-008	308-104-025	NEW	82-03-046	308-400-058	NEW-P	82-08-075A
308-36-040	REP	82-07-094	308-104-030	REP	82-03-046	308-400-060	NEW	82-05-014
308-36-050	REP-P	82-04-008	308-104-040	AMD	82-03-046	308-400-060	AMD-P	82-08-075A
308-36-050	REP	82-07-094	308-104-050	AMD	82-03-046	308-400-062	NEW-P	82-08-075A
308-36-060	REP-P	82-04-008	308-104-058	NEW	82-03-046	308-400-063	NEW-E	82-10-043
308-36-060	REP	82-07-094	308-104-100	AMD	82-03-046	308-400-070	NEW	82-05-014
308-36-065	REP-P	82-04-008	308-104-150	NEW	82-03-046	308-400-070	AMD-P	82-08-075A
308-36-065	REP	82-07-094	308-104-160	NEW	82-03-046	308-400-080	NEW	82-05-014
308-36-070	REP-P	82-04-008	308-104-160	AMD-P	82-08-076	308-400-090	NEW	82-05-014
308-36-070	REP	82-07-094	308-104-170	NEW	82-03-046	308-400-090	REP-P	82-08-075A
308-36-080	REP-P	82-04-008	308-104-180	NEW	82-03-046	308-400-092	NEW-P	82-08-075A
308-36-080	REP	82-07-094	308-115-010	REP-P	82-12-073	314-12-010	AMD	82-04-031
308-37-110	AMD-P	82-04-087	308-115-020	REP-P	82-12-073	314-12-033	NEW-P	82-11-004
308-37-110	AMD	82-07-043	308-115-030	REP-P	82-12-073	314-12-035	NEW	82-04-032
308-39-110	AMD-P	82-12-075	308-115-040	REP-P	82-12-073	314-12-040	AMD-P	82-07-046
308-39-120	AMD-P	82-12-075	308-115-050	NEW-P	82-12-073	314-12-040	AMD	82-10-020
308-40-020	AMD	82-04-024	308-115-060	NEW-P	82-12-073	314-16-195	NEW-P	82-10-069
308-40-101	AMD	82-04-024	308-115-070	NEW-P	82-12-073	314-16-200	AMD-P	82-06-046
308-40-102	AMD	82-04-024	308-115-080	NEW-P	82-12-073	314-16-200	AMD-W	82-07-009
308-40-103	NEW	82-04-024	308-115-090	NEW-P	82-12-073	314-16-200	AMD-P	82-07-014
308-40-104	NEW	82-04-024	308-115-100	NEW-P	82-12-073	314-16-200	AMD	82-10-019
308-40-105	AMD	82-04-024	308-115-110	NEW-P	82-12-073	314-20-100	AMD-P	82-10-068
308-40-110	AMD	82-04-024	308-115-120	NEW-P	82-12-073	314-20-105	AMD-P	82-10-068
308-52-135	AMD	82-03-022	308-115-130	NEW-P	82-12-073	314-24-120	AMD	82-04-035
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308-53-080	AMD-P	82-08-048	308-115-160	NEW-P	82-12-073	314-38-010	NEW-P	82-10-070
308-53-080	AMD	82-12-077	308-115-170	NEW-P	82-12-073	314-40-010	AMD-P	82-10-069
308-53-085	NEW-P	82-08-048	308-115-180	NEW-P	82-12-073	314-40-040	AMD	82-04-028
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308-61-010	AMD-P	82-09-079	308-115-220	NEW-P	82-12-073	314-60-040	AMD-P	82-07-095
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308-61-100	AMD	82-12-037	308-124D-015	NEW-P	82-05-051	314-60-902	REP	82-04-030
308-61-110	AMD-P	82-09-079	308-138	AMD-P	82-12-074	314-60-903	REP	82-04-030
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308-61-210	AMD	82-12-038	308-138-150	REP-P	82-12-074	332-24-090	AMD-E	82-07-021
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332-140-030	NEW-E	82-10-050	344-12-112	NEW-P	82-03-051	352-12-040	NEW	82-08-027
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388-15-568	AMD	82-10-064	388-37-035	AMD	82-12-067	388-57-095	NEW-P	82-03-040
388-24-040	AMD-P	82-06-015	388-37-060	AMD	82-04-076	388-57-095	NEW	82-07-026
388-24-040	AMD-E	82-06-019	388-38-110	AMD-P	82-03-040	388-57-097	NEW-P	82-07-097
388-24-040	AMD	82-09-034	388-38-110	AMD	82-07-026	388-57-097	NEW	82-11-018
388-24-042	AMD-P	82-06-015	388-42-150	AMD-P	82-03-025	388-59-010	AMD-P	82-03-024
388-24-042	AMD-E	82-06-019	388-42-150	AMD-E	82-03-026	388-59-010	AMD	82-06-052
388-24-042	AMD	82-09-034	388-42-150	AMD	82-06-050	388-70-013	AMD-E	82-02-072
388-24-044	NEW-E	82-07-080	388-44-010	AMD	82-04-072	388-70-013	AMD-P	82-02-073
388-24-044	NEW-P	82-07-091	388-44-010	AMD-P	82-11-054	388-70-013	AMD	82-06-001
388-24-044	NEW	82-10-060	388-44-010	AMD-E	82-11-055	388-70-013	AMD-P	82-12-048
388-24-070	AMD-E	82-08-058	388-44-020	AMD-P	82-11-054	388-70-024	AMD	82-04-070
388-24-070	AMD-P	82-08-059	388-44-020	AMD-E	82-11-055	388-70-024	AMD-P	82-12-048

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388-80-005	AMD-E	82-02-058	390-16-011	AMD-P	82-07-093	419-18-020	NEW-E	82-09-048
388-80-005	AMD-P	82-02-064	390-16-011	AMD	82-11-026	419-18-020	NEW-P	82-09-076
388-80-005	AMD	82-06-003	390-16-031	AMD-P	82-07-093	419-18-030	NEW-E	82-09-048
388-80-005	AMD-P	82-07-096	390-16-031	AMD	82-11-026	419-18-030	NEW-P	82-09-076
388-80-005	AMD	82-10-062	390-16-035	REP-P	82-11-024	419-18-040	NEW-E	82-09-048
388-81-052	NEW-P	82-03-020	390-16-036	AMD-P	82-07-093	419-18-040	NEW-P	82-09-076
388-81-052	NEW	82-10-017	390-16-036	AMD	82-11-026	419-24-010	REP-P	82-09-075
388-82-010	AMD-E	82-02-058	390-16-037	NEW	82-05-001	419-24-020	REP-P	82-09-075
388-82-010	AMD-P	82-02-064	390-16-041	AMD-P	82-07-093	419-24-030	REP-P	82-09-075
388-82-010	AMD	82-06-003	390-16-041	AMD	82-11-026	419-32-010	REP-P	82-09-075
388-83-130	AMD-P	82-07-096	390-16-050	AMD-P	82-07-093	419-32-020	REP-P	82-09-075
388-83-130	AMD	82-10-062	390-16-050	AMD	82-11-026	419-32-030	REP-P	82-09-075
388-83-135	AMD-P	82-07-096	390-16-055	AMD-P	82-11-024	419-32-040	REP-P	82-09-075
388-83-135	AMD	82-10-062	390-16-060	AMD-P	82-07-093	419-32-050	REP-P	82-09-075
388-83-140	AMD-P	82-07-096	390-16-060	AMD	82-11-026	419-32-060	REP-P	82-09-075
388-83-140	AMD	82-10-062	390-16-062	REP-P	82-11-024	419-48-010	REP-P	82-09-076
388-86-005	AMD-P	82-07-096	390-16-115	AMD-P	82-11-024	419-48-020	REP-P	82-09-076
388-86-005	AMD	82-10-062	390-16-150	AMD-P	82-11-024	419-48-030	REP-P	82-09-076
388-86-098	AMD-P	82-07-096	390-16-155	AMD-P	82-11-024	419-48-040	REP-P	82-09-076
388-86-098	AMD	82-10-062	390-16-206	AMD-P	82-11-024	419-48-051	REP-P	82-09-076
388-87-005	AMD-P	82-07-096	390-16-207	AMD-P	82-11-024	419-48-052	REP-P	82-09-076
388-87-005	AMD	82-10-062	390-16-230	AMD-P	82-11-024	419-48-053	REP-P	82-09-076
388-92-005	AMD-P	82-07-096	390-16-300	REP-P	82-11-024	419-48-054	REP-P	82-09-076
388-92-005	AMD	82-10-062	390-20-013	NEW-P	82-11-024	419-48-055	REP-P	82-09-076
388-92-025	AMD-P	82-07-096	390-20-107	NEW-P	82-11-024	419-48-060	REP-P	82-09-076
388-92-025	AMD	82-10-062	390-20-140	AMD-P	82-11-024	419-48-070	REP-P	82-09-076
388-92-043	NEW-P	82-03-020	390-37-300	REP-P	82-11-024	419-48-080	REP-P	82-09-076
388-92-043	NEW	82-10-017	390-37-305	REP-P	82-11-024	419-48-090	REP-P	82-09-076
388-92-045	AMD-P	82-07-096	390-37-312	REP-P	82-11-024	419-48-100	REP-P	82-09-076
388-92-045	AMD	82-10-062	390-37-320	REP-P	82-11-024	419-48-110	REP-P	82-09-076
388-96-110	AMD-E	82-06-027	392-139-005	AMD-P	82-05-026	419-48-120	REP-P	82-09-076
388-96-110	AMD-P	82-06-028	392-139-005	AMD	82-07-085	419-48-130	REP-P	82-09-076
388-96-110	AMD	82-09-033	392-139-021	AMD-P	82-02-089	419-48-140	REP-P	82-09-076
388-96-113	AMD-P	82-07-042	392-139-021	AMD-E	82-02-090	419-48-150	REP-P	82-09-076
388-96-113	AMD	82-11-065	392-139-021	AMD	82-05-025	419-52-010	NEW-E	82-02-075
388-96-122	AMD-P	82-07-042	392-140	AMD-C	82-07-028	419-52-010	NEW-P	82-04-044
388-96-122	AMD	82-11-065	392-140-010	AMD-E	82-04-050	419-52-010	NEW	82-08-023
388-96-553	AMD-P	82-07-042	392-140-010	AMD-P	82-04-061	419-52-020	NEW-E	82-02-075
388-96-553	AMD	82-11-065	392-140-010	AMD	82-07-058	419-52-020	NEW-P	82-04-044
388-96-585	AMD-P	82-07-042	392-140-011	AMD-E	82-04-050	419-52-020	NEW	82-08-023
388-96-585	AMD	82-11-065	392-140-011	AMD-P	82-04-061	419-52-030	NEW-E	82-02-075
388-96-719	AMD	82-04-073	392-140-011	AMD	82-07-058	419-52-030	NEW-P	82-04-044
388-96-719	AMD-E	82-09-050	392-140-014	AMD-E	82-04-050	419-52-030	NEW	82-08-023
388-96-719	AMD-P	82-09-051	392-140-014	AMD-P	82-04-061	434-16-010	REP	82-05-014
388-96-719	AMD	82-12-068	392-140-014	AMD	82-07-058	434-16-020	REP	82-05-014
388-96-720	NEW-P	82-07-042	392-140-015	AMD-E	82-04-050	434-16-030	REP	82-05-014
388-96-720	NEW	82-11-065	392-140-015	AMD-P	82-04-061	434-16-040	REP	82-05-014
388-96-722	AMD-P	82-07-042	392-140-015	AMD	82-07-058	434-16-050	REP	82-05-014
388-96-722	AMD	82-11-065	392-140-016	AMD-E	82-04-050	434-16-060	REP	82-05-014
388-96-735	AMD-P	82-07-042	392-140-016	AMD-P	82-04-061	434-16-070	REP	82-05-014
388-96-735	AMD	82-11-065	392-140-016	AMD	82-07-058	434-16-080	REP	82-05-014
388-96-769	AMD-P	82-07-042	392-140-018	AMD-E	82-04-050	434-16-090	REP	82-05-014
388-96-769	AMD	82-11-065	392-140-018	AMD-P	82-04-061	434-50-010	NEW-P	82-12-072
388-96-902	NEW-P	82-07-042	392-140-018	AMD	82-07-058	434-50-015	NEW-P	82-12-072
388-96-902	NEW	82-11-065	392-140-019	AMD-E	82-04-050	434-50-020	NEW-P	82-12-072
388-99-020	AMD-P	82-07-096	392-140-019	AMD-P	82-04-061	434-50-025	NEW-P	82-12-072
388-99-020	AMD-E	82-08-039	392-140-019	AMD	82-07-058	434-50-030	NEW-P	82-12-072
388-99-020	AMD	82-10-062	392-140-020	AMD-E	82-04-050	434-50-035	NEW-P	82-12-072
388-99-035	AMD-P	82-03-020	392-140-020	AMD-P	82-04-061	434-50-040	NEW-P	82-12-072
388-99-035	AMD-P	82-07-096	392-140-020	AMD	82-07-058	434-50-045	NEW-P	82-12-072
388-99-035	AMD	82-10-017	419-14-010	REP-E	82-09-047	434-50-050	NEW-P	82-12-072
388-99-035	AMD	82-10-062	419-14-010	REP-P	82-09-075	434-50-055	NEW-P	82-12-072
388-99-035	AMD	82-11-034	419-14-020	NEW-E	82-09-047	434-91-010	NEW-P	82-09-061
388-99-055	AMD-P	82-11-066	419-14-020	NEW-P	82-09-075	434-91-010	NEW	82-12-022
388-100-025	AMD-P	82-07-096	419-14-030	NEW-E	82-09-047	434-91-020	NEW-P	82-09-061
388-100-025	AMD	82-10-062	419-14-030	NEW-P	82-09-075	434-91-020	NEW	82-12-022
388-100-030	AMD-E	82-10-033	419-14-040	NEW-E	82-09-047	434-91-030	NEW-P	82-09-061
388-100-030	AMD-P	82-10-048	419-14-040	NEW-P	82-09-075	434-91-030	NEW	82-12-022
388-100-035	AMD	82-04-071	419-14-050	NEW-E	82-09-047	434-91-040	NEW-P	82-09-061
388-320-220	AMD-P	82-03-050	419-14-050	NEW-P	82-09-075	434-91-040	NEW	82-12-022
388-320-220	AMD-C	82-06-049	419-14-060	NEW-E	82-09-047	434-91-050	NEW-P	82-09-061
390-05-300	NEW-E	82-11-025	419-14-060	NEW-P	82-09-075	434-91-050	NEW	82-12-022
390-05-300	NEW-P	82-11-080	419-14-070	NEW-E	82-09-047	434-91-060	NEW-P	82-09-061
390-05-305	NEW-E	82-11-025	419-14-070	NEW-P	82-09-075	434-91-060	NEW	82-12-022
390-05-305	NEW-P	82-11-080	419-14-080	NEW-E	82-11-019	434-91-070	NEW-P	82-09-061
390-12-010	AMD	82-05-001	419-18-010	REP-E	82-09-048	434-91-070	NEW	82-12-022
390-14-030	AMD	82-05-001	419-18-010	REP-P	82-09-076	434-91-080	NEW-P	82-09-061

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434-91-080	NEW	82-12-022	458-40-19000	AMD-P	82-10-055	458-61-620	NEW-P	82-09-074
434-91-090	NEW-P	82-09-061	458-40-19001	AMD-P	82-10-055	458-61-630	NEW-P	82-09-074
434-91-090	NEW	82-12-022	458-40-19002	AMD-P	82-10-055	458-61-640	NEW-P	82-09-074
434-91-100	NEW-P	82-09-061	458-40-19003	AMD-P	82-10-055	458-61-650	NEW-P	82-09-074
434-91-100	NEW	82-12-022	458-40-19004	AMD-P	82-10-055	458-61-660	NEW-P	82-09-074
434-91-110	NEW-P	82-09-061	458-40-19300	AMD-P	82-04-067	458-61-670	NEW-P	82-09-074
434-91-110	NEW	82-12-022	458-40-19300	AMD	82-07-086	458-61-680	NEW-P	82-09-074
434-91-120	NEW-P	82-09-061	458-53-070	AMD-P	82-05-029	460-16A-108	NEW-P	82-12-071
434-91-120	NEW	82-12-022	458-53-070	AMD	82-08-061	460-44A-010	REP-P	82-12-025
434-91-130	NEW-P	82-09-061	458-53-100	AMD-P	82-05-029	460-44A-010	REP-E	82-12-026
434-91-130	NEW	82-12-022	458-53-100	AMD	82-08-061	460-44A-020	REP-P	82-12-025
434-91-140	NEW-P	82-09-061	458-53-150	AMD-P	82-05-029	460-44A-020	REP-E	82-12-026
434-91-140	NEW	82-12-022	458-53-150	AMD	82-08-061	460-44A-030	REP-P	82-12-025
434-91-150	NEW-P	82-09-061	458-60-002	REP-P	82-09-074	460-44A-030	REP-E	82-12-026
434-91-150	NEW	82-12-022	458-60-010	REP-P	82-09-074	460-44A-041	REP-P	82-12-025
434-91-160	NEW-P	82-09-061	458-60-020	REP-P	82-09-074	460-44A-041	REP-E	82-12-026
434-91-160	NEW	82-12-022	458-60-030	REP-P	82-09-074	460-44A-045	REP-P	82-12-025
434-91-170	NEW	82-12-022	458-60-040	REP-P	82-09-074	460-44A-045	REP-E	82-12-026
440-44	NEW-C	82-12-028	458-60-045	REP-P	82-09-074	460-44A-500	NEW-P	82-12-025
440-44-001	NEW-E	82-08-078	458-60-046	REP-P	82-09-074	460-44A-500	NEW-E	82-12-026
440-44-001	NEW-P	82-08-080	458-60-048	REP-P	82-09-074	460-44A-501	NEW-P	82-12-025
440-44-002	NEW-E	82-08-078	458-61-010	NEW-P	82-09-074	460-44A-501	NEW-E	82-12-026
440-44-002	NEW-P	82-08-080	458-61-020	NEW-P	82-09-074	460-44A-502	NEW-P	82-12-025
440-44-010	NEW-E	82-08-078	458-61-030	NEW-P	82-09-074	460-44A-502	NEW-E	82-12-026
440-44-010	NEW-P	82-08-080	458-61-040	NEW-P	82-09-074	460-44A-503	NEW-P	82-12-025
440-44-015	NEW-E	82-08-078	458-61-050	NEW-P	82-09-074	460-44A-503	NEW-E	82-12-026
440-44-015	NEW-P	82-08-080	458-61-060	NEW-P	82-09-074	460-44A-506	NEW-P	82-12-025
440-44-020	NEW-E	82-08-078	458-61-070	NEW-P	82-09-074	460-44A-506	NEW-E	82-12-026
440-44-020	NEW-P	82-08-080	458-61-080	NEW-P	82-09-074	460-46A-010	NEW-P	82-12-070
440-44-023	NEW-E	82-08-078	458-61-090	NEW-P	82-09-074	460-46A-020	NEW-P	82-12-070
440-44-023	NEW-P	82-08-080	458-61-100	NEW-P	82-09-074	460-46A-025	NEW-P	82-12-070
440-44-025	NEW-E	82-08-078	458-61-110	NEW-P	82-09-074	460-46A-030	NEW-P	82-12-070
440-44-025	NEW-P	82-08-080	458-61-120	NEW-P	82-09-074	460-46A-040	NEW-P	82-12-070
440-44-030	NEW-E	82-08-078	458-61-130	NEW-P	82-09-074	460-46A-050	NEW-P	82-12-070
440-44-030	NEW-P	82-08-080	458-61-140	NEW-P	82-09-074	460-46A-060	NEW-P	82-12-070
440-44-035	NEW-E	82-08-078	458-61-200	NEW-P	82-09-074	460-46A-070	NEW-P	82-12-070
440-44-035	NEW-P	82-08-080	458-61-210	NEW-P	82-09-074	460-46A-080	NEW-P	82-12-070
440-44-040	NEW-E	82-08-078	458-61-220	NEW-P	82-09-074	460-46A-085	NEW-P	82-12-070
440-44-040	NEW-P	82-08-080	458-61-230	NEW-P	82-09-074	460-46A-090	NEW-P	82-12-070
440-44-045	NEW-E	82-08-078	458-61-240	NEW-P	82-09-074	460-46A-095	NEW-P	82-12-070
440-44-045	NEW-P	82-08-080	458-61-250	NEW-P	82-09-074	460-46A-100	NEW-P	82-12-070
440-44-045	NEW-E	82-08-078	458-61-260	NEW-P	82-09-074	460-46A-105	NEW-P	82-12-070
440-44-045	NEW-P	82-08-080	458-61-270	NEW-P	82-09-074	460-46A-110	NEW-P	82-12-070
440-44-055	NEW-E	82-08-078	458-61-280	NEW-P	82-09-074	460-46A-120	NEW-P	82-12-070
440-44-055	NEW-P	82-08-080	458-61-290	NEW-P	82-09-074	460-46A-145	NEW-P	82-12-070
440-44-065	NEW-E	82-08-078	458-61-300	NEW-P	82-09-074	460-46A-150	NEW-P	82-12-070
440-44-065	NEW-P	82-08-080	458-61-310	NEW-P	82-09-074	460-46A-155	NEW-P	82-12-070
440-44-070	NEW-E	82-08-078	458-61-320	NEW-P	82-09-074	460-46A-160	NEW-P	82-12-070
440-44-070	NEW-P	82-08-080	458-61-330	NEW-P	82-09-074	460-46A-165	NEW-P	82-12-070
440-44-075	NEW-E	82-08-078	458-61-340	NEW-P	82-09-074	463-30-020	AMD-E	82-04-036
440-44-075	NEW-P	82-08-080	458-61-350	NEW-P	82-09-074	463-30-020	AMD-P	82-04-056
440-44-080	NEW-E	82-08-078	458-61-360	NEW-P	82-09-074	463-30-020	AMD	82-10-027
440-44-080	NEW-P	82-08-080	458-61-370	NEW-P	82-09-074	463-30-030	AMD-E	82-04-036
440-44-085	NEW-P	82-08-081	458-61-380	NEW-P	82-09-074	463-30-030	AMD-P	82-04-056
440-44-085	NEW-C	82-12-029	458-61-390	NEW-P	82-09-074	463-30-030	AMD	82-10-027
446-50-080	AMD-E	82-04-037	458-61-400	NEW-P	82-09-074	463-30-040	AMD-E	82-04-036
446-50-080	AMD-P	82-04-038	458-61-410	NEW-P	82-09-074	463-30-040	AMD-P	82-04-056
446-50-080	AMD	82-07-100	458-61-420	NEW-P	82-09-074	463-30-040	REP	82-10-027
458-19-550	AMD	82-06-006	458-61-430	NEW-P	82-09-074	463-30-320	AMD-E	82-04-036
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458-20-103	AMD-P	82-09-073	458-61-450	NEW-P	82-09-074	463-30-320	AMD	82-10-027
458-20-103	AMD	82-12-021	458-61-460	NEW-P	82-09-074	463-39-115	AMD-P	82-11-067
458-20-119	AMD-E	82-10-029	458-61-470	NEW-P	82-09-074	468-62-010	REP-P	82-09-057
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458-20-237	AMD	82-06-020	458-61-490	NEW-P	82-09-074	468-62-030	REP-P	82-09-057
458-20-237	AMD-E	82-10-030	458-61-500	NEW-P	82-09-074	468-62-040	REP-P	82-09-057
458-20-244	AMD-E	82-10-028	458-61-510	NEW-P	82-09-074	468-62-050	REP-P	82-09-057
458-40-18600	AMD-P	82-10-055	458-61-520	NEW-P	82-09-074	468-62-060	REP-P	82-09-057
458-40-18670	NEW-P	82-10-055	458-61-530	NEW-P	82-09-074	468-300-010	AMD-P	82-04-045
458-40-18671	NEW-P	82-10-055	458-61-540	NEW-P	82-09-074	468-300-010	AMD	82-07-063
458-40-18672	NEW-P	82-10-055	458-61-550	NEW-P	82-09-074	468-300-020	AMD-P	82-04-045
458-40-18673	NEW-P	82-10-055	458-61-560	NEW-P	82-09-074	468-300-020	AMD	82-07-063
458-40-18674	NEW-P	82-10-055	458-61-570	NEW-P	82-09-074	468-300-030	AMD-P	82-04-045
458-40-18675	NEW-P	82-10-055	458-61-580	NEW-P	82-09-074	468-300-030	AMD	82-07-063
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