

Washington State Register

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1981 - 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

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

³No 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.

Reviser's note: The following amendments to chapter 296-81 WAC were adopted by the Department of Labor and Industries in Order 82-18 and were filed in the code reviser's office on May 20, 1982. Through a clerical error they were omitted from publication in WSR 82-12-005, and are therefore set forth in this issue of the Register. Pursuant to RCW 34.04.040(2), the effective date of these amendments is June 19, 1982.

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 an order effective 11/11/63)

WAC 296-81-005 NATIONAL ELEVATOR CODES ADOPTED. (1) American Standard Safety Code for Elevators, Dumbwaiters and Escalators A 17.1 1960 shall apply to all ~~((new installations))~~ elevators, dumbwaiters, and escalators installed between November 1, 1963, and December 29, 1967.

(2) American Standard Safety Code Rules for Moving Walks A.S.A. 17.1.13 1962~~((This))~~ shall apply to all ~~((installations))~~ moving walks installed between November 1, 1963, and December 29, 1967.

(3) ~~((Safety Standards for Belt Manlifts adopted by department of labor and industries, safety division and was effective December 1, 1962. [Chapter 296-82 WAC.] This for new installations.~~

~~((4)))~~ Part X of A.S.A. A17.1 1960 Maintenance shall apply to ~~((existing))~~ installations in existence on November 1, 1963.

AMENDATORY SECTION (Amending Order 70-11, filed 9/18/70)

WAC 296-81-006 NATIONAL ELEVATOR CODE ADOPTED—1967. USAS STANDARD A 17.1-1965 "Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks" (Revision and Consolidation of A17.1-1-1960, A17.1a-1963, and A17.1-13-1962) plus Supplement USAS-A17.1a-1967, USAS A17.1b-1968, USAS A17.1c-1969 (excluding Appendix E) and ANSI A17.1d-1970 shall apply to all elevators, dumbwaiters, escalators, and moving walks installed from December 30, 1967, through February 24, 1972.

AMENDATORY SECTION (Amending Order 72-2, filed 2/25/72)

WAC 296-81-007 NATIONAL ELEVATOR CODE ADOPTED. (1) The American National Standard Safety Code for elevators, dumbwaiters, escalators and moving walks, American National Standards Institute A17.1, as amended or revised through the year 1971, are hereby adopted as the standards for compliance in this state for elevators, dumbwaiters, escalators, and moving walks ~~((and by this reference such standards are incorporated herein as though fully set forth. A full, complete and accurate copy of the American National Standards Institute A17.1 for elevators, dumbwaiters, escalators and moving walks will be at all times available in the offices of the Elevator Section of the Division of Building and Construction Safety Inspection Services, of the Department of Labor and Industries at Olympia and available during business hours at such office for public inspection and review))~~ installed from February 25, 1972, through June 30, 1982.

(2) The American National Standard Safety Code for elevators, dumbwaiters, escalators, and moving walks, ANSI A17.1, 1981 edition, is hereby adopted as the standard for elevators, dumbwaiters, escalators, and moving walks installed on or after July 1, 1982.

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

WAC 296-81-008 NATIONAL ELEVATOR CODE SUPPLEMENT ADOPTED. The American National Standard Supplement to Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, A17.1-1971, ANSI A17.1a-1972 is hereby adopted as additional standards for compliance in this state for elevators, dumbwaiters, escalators, and moving walks installed from February 25, 1972, through June 30, 1982, and by this reference such standards are incorporated herein as though fully set forth. Copies of this supplement may be obtained from The American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.

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

WAC 296-81-260 PHOTO ELECTRIC OR ELECTRIC EYE DEVICES. An elevator((s)) equipped with a photo electric or electric eye device((s)) for re-opening of the car and hoistway doors shall be provided with a means that will automatically bypass the light ray ~~((in case of its failure or if the doors become inoperative due to smoke or other abnormal conditions within 20 seconds after normal door opening time. PROVIDED, That))~~ if obstruction of the light ray for approximately 20 seconds has prevented the doors from closing. The light ray shall not be reestablished until the doors have fully closed. Upon a sufficient showing of need by a hospital or a nursing home, the department may authorize an automatic bypass means that will cause the doors to close within ~~((a time period of up to))~~ 35 seconds after the expiration of the normal door open time.

NEW SECTION

WAC 296-81-990 ADVISORY BOARD. (1) There is created an advisory board on conveyances. The board shall be composed of five persons appointed by the director of labor and industries or his or her designee with the advice of the chief of the elevator section. The first board members shall serve the following terms:

- (a) One member shall serve for one year;
- (b) One member shall serve for two years;
- (c) One member shall serve for three years; and
- (d) Two members shall serve for four years.

After the first terms, all members shall serve for four years.

(2) The board shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. The board members shall serve without per diem or travel expenses.

(3) The purposes of the board are to advise the department on adoption of codes and rules that apply to conveyances; methods for enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the industry and to owners and users of conveyances.

(4) The chief of the elevator section shall act as secretary for the board.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 296-81-002 FOREWORD.
- (2) WAC 296-81-003 WAIVER AND VARIANCE.

WSR 82-13-001
PROPOSED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
 [Filed June 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning fireworks, chapter 212-17 WAC;

that such agency will at 10:00 a.m., Thursday, August 12, 1982, in the General Administration Building, Large Conference Room, 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., Thursday, August 26, 1982, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 70.77.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 12, 1982, and/or orally at 10:00 a.m., Thursday, August 12, 1982, General Administration Building, Large Conference Room, Olympia, Washington 98504.

Dated: June 3, 1982

By: Thomas R. Brace

Director, Division of State Fire Marshal

STATEMENT OF PURPOSE

The purpose of this rule is to provide procedural guidelines and details to implement the State Fireworks Law, chapter 70.77 RCW. The authority to prescribe rules and regulations related to fireworks is contained in RCW 70.77.250.

The rule establishes licensing procedures for the manufacture, storage, sale and use of fireworks. The rule replaces chapter 212-16 WAC. Repeal of the former rule and adoption of an amended version was made necessary by substantial changes in the State Fireworks Law by chapter 230, Laws of 1982.

Agency personnel responsible for drafting, implementation, and enforcement of this rule include Tom Brace, Director, Division of State Fire Marshal, or his staff, located in the Insurance Building, MS/A-21, Olympia, WA 98504, telephone: (206) 753-3605.

This rule is proposed by the State Fire Marshal, charged with the administration and enforcement of the State Fireworks Law, and authorized to prescribe rules relating to fireworks.

This rule updates the State Fire Marshal requirements to be consistent with the statutory changes in the State Fireworks Law.

Implementing this rule will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

This rule is not made necessary either by a change in federal law or state court action.

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 magalium, 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 SECTIONWAC 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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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 WHOLESALER—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-cancellable 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. Licenses 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:

- Making only customized fireworks not for general sale.
- 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.
- 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 nonsparking 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 "FIREWORKS—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.¹

Net Weight of Fireworks ²	Distance from Passenger Railways and Public Highways ^{3,4,5}		Distance from Inhabited Buildings ^{3,4,5}	
	Class C Fireworks	Class B Fireworks ⁵	Class C Fireworks	Class B Fireworks ⁵
	Feet	Feet	Feet	Feet
Pounds				
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

Net Weight of Fireworks ²	Distance from Passenger Railways and Public Highways ^{3,4,5}		Distance from Inhabited Buildings ^{3,4,5}	
	Class C Fireworks	Class B Fireworks ⁵	Class C Fireworks	Class B Fireworks ⁵
Pounds	Feet	Feet	Feet	Feet
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 ¹	Distance of Magazines and Storage Buildings from Process Buildings and Nonprocess Buildings ^{2,5}		Distance Between Process Buildings and Between Process and Nonprocess Buildings ²	
	Class C Fireworks ³	Class B Fireworks ⁴	Class C Fireworks ³	Class B Fireworks ⁴
Pounds	Feet	Feet	Feet	Feet
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
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
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

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
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 82-13-002
PROPOSED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
 [Filed June 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal intends to adopt, amend, or repeal rules concerning fireworks, chapter 212-16 WAC;

that such agency will at 10:00 a.m., Thursday, August 12, 1982, in the General Administration Building, Large Conference Room, Olympia, Washington 98504, 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 70.77.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 12, 1982, and/or orally at 10:00 a.m., Thursday, August 12, 1982, General Administration Building, Large Conference Room, Olympia, Washington 98504.

Dated: June 3, 1982

By: Thomas R. Brace

Director, Division of State Fire Marshal

STATEMENT OF PURPOSE

Chapter 212-16 WAC was adopted June 1, 1962, to implement chapter 228, Laws of 1961, and chapter 70-.77 RCW, the State Fireworks Law, which was the subject of extensive review by chapter 230, Laws of 1982.

The rule contained details and procedural requirements to implement the original law. It is being repealed and replaced with a similar rule, chapter 212-17 WAC, which conforms to the new provisions of the amended law.

Agency personnel responsible for drafting, implementation and enforcement of the fireworks rules include Tom Brace, Director, Division of State Fire Marshal, or his staff, located in the Insurance Building, MS/AQ-21, Olympia, WA 98504, telephone: (206) 753-3605.

Repeal of this rule is being proposed by the Office of State Fire Marshal, charged by law with the administration and enforcement of the State Fireworks Law.

Repeal of this rule and the subsequent adoption of a replacement rule does not substantially alter the role of the State Fire Marshal or change the scope of the fireworks regulation.

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 WHOLESALER—GENERAL.
- (31) WAC 212-16-180 FIREWORKS WHOLESALER—LICENSING.
- (32) WAC 212-16-185 FIREWORKS WHOLESALER—INVESTIGATION.
- (33) WAC 212-16-190 FIREWORKS WHOLESALER—LOCAL ORDINANCES.
- (34) WAC 212-16-195 FIREWORKS WHOLESALER—LICENSE LIMITATIONS.
- (35) WAC 212-16-200 FIREWORKS WHOLESALER—CLASSIFICATION.
- (36) WAC 212-16-205 FIREWORKS WHOLESALER—RECORDS AND REPORTS.
- (37) WAC 212-16-210 FIREWORKS WHOLESALER—IMPORTING.
- (38) WAC 212-16-215 FIREWORKS WHOLESALER—RESTRICTIONS.
- (39) WAC 212-16-220 FIREWORKS WHOLESALER—BILLS OF LADING.
- (40) WAC 212-16-225 FIREWORKS WHOLESALER—SALESMEN AND EMPLOYEES.
- (41) WAC 212-16-230 FIREWORKS WHOLESALER—EXITS.
- (42) WAC 212-16-235 FIREWORKS WHOLESALER—PERSONNEL.
- (43) WAC 212-16-240 FIREWORKS WHOLESALER—FIRE DRILLS.
- (44) WAC 212-16-245 FIREWORKS WHOLESALER—SMOKING AND FIRE.
- (45) WAC 212-16-250 FIREWORKS WHOLESALER—NO SMOKING SIGNS.
- (46) WAC 212-16-255 FIREWORKS WHOLESALER—VISITORS.
- (47) WAC 212-16-260 FIREWORKS WHOLESALER—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.
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- (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.
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- (79) WAC 212-16-470 CLASSIFICATION, REGISTRATION AND LABELING—TESTS.
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- (82) WAC 212-16-485 CLASSIFICATION, REGISTRATION AND LABELING—LABELING.
- (83) WAC 212-16-490 CLASSIFICATION, REGISTRATION AND LABELING—IMPORTS.
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- (85) WAC 212-16-510 SEAL OF REGISTRATION—DESCRIPTION.
- (86) WAC 212-16-515 SEAL OF REGISTRATION—UNLAWFUL USE.
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- (90) WAC 212-16-535 SEAL OF REGISTRATION—REGISTRATION NUMBER.
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- (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.
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- (96) WAC 212-16-575 APPLICATION, STATE LICENSE—GENERAL LICENSES.
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- (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.
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- (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 82-13-003
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1822—Filed June 3, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to assistance from other agencies and organizations, amending WAC 388-28-578.

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 this rule is in conflict with WAC 388-28-482. No one will be disadvantaged by this emergency amendment.

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

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED June 2, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 891, filed 12/27/73)

WAC 388-28-578 ASSISTANCE FROM OTHER AGENCIES AND ORGANIZATIONS. (1) Assistance from other agencies and organizations shall not be deducted in determining the amount of assistance to

be paid by the department provided that no duplication shall exist between such other assistance and that provided by the department. To assure nonduplication, aid from other agencies will be considered in relation to:

(a) The different purposes for which such aid is granted, ((or))

(b) The provision of goods and services not included in the department's standards((-)), and

~~((2)) (c) ((This section shall apply to loans and grants, such as scholarships, obtained and used under))~~ Conditions that preclude ((their)) its use for current living costs.

(2) If the assistance is available to meet need, the assistance shall be exempted up to the difference between the need standard and the payment standard.

WSR 82-13-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 3, 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 assistance from other agencies and organizations, amending WAC 388-28-578.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

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

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 10:00 a.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 RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 28, 1982, and/or orally at 10:00

a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 2, 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 388-28-578.

The Purpose of the Rule or Rule Change: To bring this section into conformity with WAC 388-28-482.

The Reason These Rules are Necessary: To eliminate a conflict in rules.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Assistance from other organizations will be exempt up to the difference between the need standard and the payment standard.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

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

AMENDATORY SECTION (Amending Order 891, filed 12/27/73)

WAC 388-28-578 ASSISTANCE FROM OTHER AGENCIES AND ORGANIZATIONS. (1) Assistance from other agencies and organizations shall not be deducted in determining the amount of assistance to be paid by the department provided that no duplication shall exist between such other assistance and that provided by the department. To assure nonduplication, aid from other agencies will be considered in relation to:

(a) The different purposes for which such aid is granted, ((or))

(b) The provision of goods and services not included in the department's standards((-)), and

~~((2)) (c) ((This section shall apply to loans and grants, such as scholarships, obtained and used under))~~ Conditions that preclude ((their)) its use for current living costs.

(2) If the assistance is available to meet need, the assistance shall be exempted up to the difference between the need standard and the payment standard.

WSR 82-13-005
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 3, 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 mandatory monthly reporting, new WAC 388-37-055.

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 10:00 a.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 RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 28, 1982, and/or orally at 10:00 a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 2, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding: New WAC 388-37-055.

The Purpose of the Rule or Rule Change: To require recipients of general assistance to submit a monthly status report as a condition of eligibility.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

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

NEW SECTION

WAC 388-37-055 MANDATORY MONTHLY REPORTING.

(1) As a condition of continuing eligibility for general assistance, the recipient must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (2) of this section, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

(4) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department must notify the recipient according to chapter 388-33 WAC.

WSR 82-13-006

NOTICE OF PUBLIC MEETINGS

STATE BOARD OF EDUCATION

[Memorandum—June 3, 1982]

A special meeting of the State Board of Education will be held Monday, June 14, 1982 convening at 1:00 p.m. in rooms 321-322, Terminal Building, Sea Tac International Airport, Seattle, Washington.

The only item of business will be a report of the personnel subcommittee of the board regarding employment of the secretary to the board.

WSR 82-13-007

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-55—Filed June 3, 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 June 3, 1982.

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

NEW SECTION

WAC 220-28-086N0D 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 Sunnyside Dam and Wapato Dam from noon June 4, 1982 to noon June 6, 1982.

(2) 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 220-28-086N0C YAKIMA RIVER (82-53)

WSR 82-13-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-56—Filed June 3, 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 regulations.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Chehalis River is closed to protect chinook salmon.

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

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

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

APPROVED AND ADOPTED June 3, 1982.

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

NEW SECTION

WAC 220-28-072B0B CHEHALIS RIVER - CLOSED AREA Effective immediately until 11:59 p.m. July 31, 1982, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Chehalis River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-072B0A CLOSED AREA (82-18)

WSR 82-13-009
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 1823—Filed June 4, 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 waterworks operator's certification, amending chapter 248-55 WAC.

This action is taken pursuant to Notice Nos. WSR 82-08-082 and 82-12-030 filed with the code reviser on April 7, 1982 and May 26, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 201, 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 June 4, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1343, filed 9/22/78)

WAC 248-55-110 RENEWAL OF CERTIFICATES. (1) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a ((five dollar)) renewal fee and satisfactory evidence presented to the board that the operator has demonstrated continued professional growth in the field. The accumulation of three college credits or continuing education units every three years is considered satisfactory evidence of professional growth.

(2) The secretary shall notify operators ((who fail)) failing to renew ((their)) the operator certificate before the end of the certificate year that ((their)) the certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall become invalid. The secretary shall notify the holders of invalid certificates with a written notice.

(3) An operator ((who has failed)) failing to renew the certificate pursuant to the provisions of this section may reapply for certification. The board may require the operator to meet the requirements established for new applicants.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-55-100 FEES.

WSR 82-13-010
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Order 1824—Filed June 4, 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 nursing home licensing fees, new WAC 440-44-085.

This action is taken pursuant to Notice Nos. WSR 82-08-081 and 82-12-029 filed with the code reviser on April 7, 1982 and May 26, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 201, 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 June 4, 1982.

By David A. Hogan
Director, Division of Administration

NEW SECTION

WAC 440-44-085 NURSING HOME FEES. The nursing home licensure fee shall be twelve dollars per bed per year.

WSR 82-13-011
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Order 1825—Filed June 4, 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 Fees—General, new chapter 440-44 WAC.

This action is taken pursuant to Notice Nos. WSR 82-08-080 and 82-12-028 filed with the code reviser on April 7, 1982 and May 26, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 201, 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 June 4, 1982.

By David A. Hogan
Director, Division of Administration

Title 440 WAC
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chapter 440-44 WAC
FEES

NEW SECTION

WAC 440-44-001 PURPOSE AND AUTHORITY. Chapter 440-44 WAC establishes fees for all license activities of the department of social and health services. Chapter 440-44 WAC is adopted under authority of RCW 43.20A. (Chapter 201, Section 2, Laws of 1982).

Pursuant to this authority, the secretary is required to establish fees for obtaining a license. The term "license" is defined as the "exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forebear certain activities."

Pursuant to this authority, fees may be waived when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state. No fees may be charged to municipal corporations for licensing of emergency medical care and transportation services under chapter 18.73 RCW.

NEW SECTION

WAC 440-44-002 WAIVER OF FEES. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

NEW SECTION

WAC 440-44-010 FEE PAYMENT AND REFUNDS. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the

annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

NEW SECTION

WAC 440-44-015 DENIAL, REVOCATION, SUSPENSION, AND REINSTATEMENT. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

NEW SECTION

WAC 440-44-020 ALCOHOL AND DRUG AGENCY CERTIFICATION FEES.

Alcohol and/or Drug Residential Services Certification: \$26 Per Licensed Bed Per Year

Alcohol and/or Drug Nonresidential Services Certification:		Fee Per Year
Large agencies	3,000 or more clients served per year	\$ 1,125
Medium-sized agencies	1,000-3,000 clients served per year	\$ 750
Small agencies	0-1,000 clients served per year	\$ 375

NEW SECTION

WAC 440-44-023 AMBULANCES AND FIRST AID VEHICLES LICENSING AND INSPECTION FEES. The following annual fees shall be assessed for inspection and licensing of ambulances and first aid vehicles:

(1) Ambulance vehicles - Forty-five dollars.

(2) First aid vehicles - Twenty-five dollars.

Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees.

NEW SECTION

WAC 440-44-025 DAY CARE CENTERS AND MINI-DAY CARE CENTERS LICENSE FEES. The fee shall be forty-eight dollars per year plus four dollars per year for each unit of licensed capacity in excess of twelve children.

NEW SECTION

WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

(a) An application processing fee in the amount of five hundred dollars shall not be refundable, and

(b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ 3,499	\$ 0
3,500 to 4,999	25
5,000 to 10,999	75
11,000 to 14,999	135
15,000 to 19,999	200
20,000 to 24,999	270
25,000 to 29,999	345
30,000 to 34,999	430
35,000 to 39,999	520
40,000 to 54,999	620
55,000 to 69,999	730
70,000 to 84,999	850
85,000 to 99,999	985
100,000 to 129,999	1,150
130,000 to 159,999	1,290
160,000 to 204,999	1,465
205,000 to 249,999	1,660
250,000 to 399,999	1,875
400,000 to 549,999	2,110
550,000 to 699,999	2,370
700,000 to 849,999	2,655
850,000 to 999,999	2,970
1,000,000 to 1,299,999	3,315
1,300,000 to 1,599,999	3,695
1,600,000 to 1,999,999	4,115
2,000,000 to 2,499,999	4,575
2,500,000 to 2,999,999	5,080
3,000,000 to 3,999,999	5,635
4,000,000 to 4,999,999	6,245
5,000,000 to 7,499,999	6,915
7,500,000 to 9,999,999	7,655
10,000,000 to 14,999,999	8,470
15,000,000 to 19,999,999	9,815
20,000,000 to 29,999,999	10,845
30,000,000 to 39,999,999	11,975
40,000,000 to 49,999,999	13,220
50,000,000 to 64,999,999	14,590
65,000,000 to 79,999,999	16,095
80,000,000 to 99,999,999	17,750
100,000,000 and over	19,500

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred and fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted

and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280(2)(b) or (e), any review fees paid by the applicant shall be refunded, in full, by the department.

NEW SECTION

WAC 440-44-035 HEALTH FACILITY CONSTRUCTION REVIEW FEES. An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 0 to \$ 499	\$ 30
500 to 999	50
1,000 to 1,999	75
2,000 to 2,999	100
3,000 to 4,999	150
5,000 to 9,999	200
10,000 to 19,999	250
20,000 to 29,999	325
30,000 to 39,999	400
40,000 to 49,999	475
50,000 to 64,999	550
65,000 to 79,999	625
80,000 to 99,999	700
100,000 to 124,999	775
125,000 to 149,999	850
150,000 to 199,999	950
200,000 to 249,999	1,050
250,000 to 324,999	1,150
325,000 to 449,999	1,350
450,000 to 574,999	1,550
575,000 to 699,999	1,750
700,000 to 849,999	2,000
850,000 to 999,999	2,250
1,000,000 to 1,249,999	2,500
1,250,000 to 2,499,999	2,750
2,500,000 to 2,999,999	3,000
3,000,000 to 3,499,999	3,300
3,500,000 to 4,999,999	3,600
5,000,000 to 6,999,999	4,000
7,000,000 to 9,999,999	4,500
10,000,000 to 14,999,999	5,000
15,000,000 to 19,999,999	5,500
20,000,000 to 29,999,999	6,000
30,000,000 to 39,999,999	6,500
40,000,000 and over	7,000

(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions, expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding Homes.

(b) Chapter 18.46 RCW, Maternity Homes, and chapter 248-29 WAC, Childbirth Centers.

(c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing Homes.

(d) Chapter 71.12 RCW, Private Establishments, and chapter 248-22 WAC, Licensing Regulations for Private Psychiatric and Alcoholism Hospitals and Minimum Licensing Standards for Alcoholism Treatment Facilities.

(e) Chapter 71.12 RCW, Private Establishments, and chapter 248-23 WAC, Residential Treatment Facilities for Psychiatrically Impaired Children and Youth.

(f) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-21 WAC, Hospice Care Center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

(a) All architectural-engineering designs, plans, drawings, and specifications.

(b) All fixed and/or installed equipment in the project.

(c) Contractor supervision, inspection, and overhead.

NEW SECTION

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING FEES. (1) Hospitals: The annual fee shall be thirteen dollars and fifty cents for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal and intensive care infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-one dollars and fifty cents for each bed space within the licensed bed capacity of the private

psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be sixteen dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be twenty dollars and fifty cents for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be five dollars for each bed space within the licensed bed capacity of the boarding home. The licensed bed capacity of a boarding home shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of beds set-up in a boarding home shall not exceed the boarding home's licensed bed capacity.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The

number of beds set-up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Nonhospital facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be three hundred twenty dollars.

(8) Child birth centers: The annual fee shall be three hundred fifty dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set-up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

NEW SECTION

WAC 440-44-045 LARGE ON-SITE SEWAGE DISPOSAL SYSTEM PROJECT REVIEW FEES. (1) The fee for review of a new system preliminary engineering report shall be three hundred dollars.

(2) The fee for review of new system plans and specifications shall be five hundred dollars.

(3) The fee for review of repair or replacement of an existing system shall be one hundred fifty dollars for the engineering report and two hundred fifty dollars for plans and specifications.

NEW SECTION

WAC 440-44-065 SHELLFISH PROGRAM CERTIFICATION FEES. (1) Annual certificate fees shall be:

<u>Type of Operation</u>	<u>Annual Fee</u>
Reshipper	\$ 75
Repacker	\$125
Shellstock Shipper	\$125
Shucker-Packer	\$125

(2) Type of operations are defined as follows:

(a) "Reshipper" shall mean shippers who transship shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.)

(b) "Repacker" shall mean shippers, other than the original shucker, who pack shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.

(c) "Shellstock shipper" shall mean shippers who grow, harvest, buy or sell shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(d) "Shucker-packer" shall mean shippers who shuck and pack shellfish. A shucker-packer may act as a shellstock dealer.

NEW SECTION

WAC 440-44-070 SWIMMING POOL PROJECTS, PUBLIC AND SEMIPUBLIC PLAN REVIEW FEES. (1) The fee for review of plans for new public swimming pools with a volume equal to or greater than one hundred twenty-five thousand gallons at overflow shall be five hundred dollars.

(2) The fee for review of plans for new public swimming pools with a volume of less than one hundred twenty-five thousand gallons at overflow shall be three hundred dollars.

(3) The fee for review of plans for new semipublic pools shall be one hundred fifty dollars.

(4) The fee for review of plans for repair or modification of existing pools in accordance with subsection (1), (2), or (3) of this section shall be one-half of the fee for review of new projects.

NEW SECTION

WAC 440-44-075 TRANSIENT ACCOMMODATIONS LICENSING AND INSPECTION FEES. Through December 31, 1982, the inspection fees shall be:

Size of Facility (No. of Rooms)	Inspection Fee
3-24	\$ 15
25-49	\$ 25
50-74	\$ 35
75-99	\$ 50
100-199	\$ 75
200 or more	\$100

For licensing periods starting on or after January 1, 1983, the annual license fee including the cost of inspections shall be:

Size of Facility (No. of Rooms)	License Fee
3-24	\$ 70
25-49	\$110
50-74	\$150
75-99	\$200
100 or more	\$250

NEW SECTION

WAC 440-44-080 WATERWORKS OPERATOR CERTIFICATION FEES. (1) The initial certification fee is twenty dollars per classification.

(2) The annual renewal fee is ten dollars per classification.

(3) The fee for application for reciprocity shall be forty dollars per classification.

NEW SECTION

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal:

(1) For dentists, veterinarians, and podiatrists: Forty dollars plus ten dollars per tube, not to exceed two hundred forty dollars.

(2) For industrial, research, or other nonhealing arts: Forty dollars plus ten dollars per tube, not to exceed two hundred forty dollars.

(3) For all others: One hundred dollars plus sixty dollars per tube, not to exceed eight hundred eighty dollars.

NEW SECTION

WAC 440-44-055 RADIOACTIVE MATERIALS LICENSE FEES. (1) The following annual fees are required for a radioactive materials license:

(a) For type A specific licenses, of broad scope, five thousand seven hundred fifty dollars.

(b) For priority 1 specific licenses in the following categories, three thousand five hundred dollars:

(i) Industrial radiographers, both temporary job-site or in-house operations.

(ii) Medical license - Possession of 200 millicuries or more of any single isotope.

(iii) Large medical institutions and large human-use programs, including mobile nuclear medicine facilities. A large medical institution is one having a complex and active nuclear medicine program, including use of a Mo 99-Tc 99m generator administering 200 millicuries or greater, and unsealed and sealed therapy sources.

(iv) Large laboratory license \geq 200 millicuries of any one isotope (unsealed).

(v) Industrial laundries (nuclear) and facilities for waste processing.

(vi) Nuclear pharmacies.

(c) For priority 2 specific licenses in the following categories, five hundred seventy-five dollars:

(i) Colleges, universities or vocational-technical programs with specific licenses other than those of broad scope, type A.

(ii) Small medical institutions (in vivo 30-200 millicuries unsealed) or private practice licensees (in vivo) or brachytherapy sources.

(iii) Decontamination licenses.

(iv) Industrial or laboratory licensees using unsealed radioactive materials of less than 200 millicuries but more than 10 millicuries.

(v) Industrial well loggers (except those granted unlimited reciprocity - see priority 5).

(vi) Teletherapy not incorporated into or licensed concurrent with other medical licenses.

(vii) Irradiators.

(d) For priority 3 specific licenses in the following categories, one hundred fifteen dollars:

(i) Industrial or laboratory licenses with portable gauges, soil moisture density gauges or more than three fixed gauges.

(ii) Small medical laboratories (in vivo 30 millicuries).

(iii) In vitro laboratories (using not more than 10 millicuries).

(e) For priority 4 specific licenses in the following categories, seventy-five dollars:

(i) Medical laboratories using radioactive materials in vitro (10 millicuries or less) and private physicians using radium on a rental, case-by-case basis or medical licensees with ophthalmic applicator only.

(ii) Gas chromatographs, licensees with less than four fixed gauges.

(iii) Other sealed sources, emergency services sources in local areas.

(iv) Industrial licenses authorizing installation, servicing, maintenance, etc., of devices containing radioactive materials.

(v) Licensees performing and analyzing leak or wipe tests.

(vi) Licensees with inactive programs but maintaining license for future use.

(vii) Accelerator shielding only.

(f) For general license (forms, i.e., RHP 15): Fifty dollars.

(g) For operation of a radioactive waste treatment or disposal site: Eleven thousand five hundred dollars.

(2) A facility with more than one radioactive materials license fee shall be assessed only one fee, based on the highest possible fee described in WAC 440-44-055.

WSR 82-13-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-57—Filed June 4, 1982]

I, Rolland A. Schmitt, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 needed to conform state regulations with the recommendations of the Pacific Fisheries Management Council.

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

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

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

APPROVED AND ADOPTED June 4, 1982.

By William R. Wilkerson
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-56-18000H BAG LIMIT CODES.
Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice:

CODE F - In waters having this code designation the bag limit in any one day is two salmon. Chinook salmon must be not less than 24 inches in length, coho must be not less than 16 inches in length, and there is no minimum size limit for other salmon. The possession limit of fresh salmon shall not exceed the equivalent of two daily bag limits. Additional salmon may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS—SALMON. *Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken by angling for personal use from the following areas except during the seasons in this section, and in the quantities, sizes and for the species designated in the bag limit codes provided for in WAC 220-56-180.*

(1) *Pacific Ocean coastal waters: All waters west of the Bonilla-Tatoosh line, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line running true north and south through Buoy 10 - bag limit F - open as follows:*

(a) *Open immediately north of a line running true west from Leadbetter Point for all species except coho, and open for all species effective 12:01 A.M. June 12, 1982.*

(b) *Open south of a line running true west from Leadbetter Point for all species effective 12:01 A.M. June 12, 1982.*

(2) *Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty and downstream from river mouths as defined in WAC 220-56-105) bag limit F - open immediately for all species except coho, and open for all species effective 12:01 a.m. June 12, 1982.*

(3) *Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) - bag limit F - open immediately for all species except coho, and open for all species effective 12:01 A.M. June 12, 1982.*

WSR 82-13-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-58—Filed June 4, 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 the Chehalis River is closed to protect chinook salmon.

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

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

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

APPROVED AND ADOPTED June 4, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-28-072B0C CHEHALIS RIVER - CLOSED AREA. Effective immediately until 11:59 p.m. July 31, 1982, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess food fish for commercial purposes from the waters of the Chehalis River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-072B0B CHEHALIS RIVER - CLOSED AREA (82-56)

WSR 82-13-014

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 71—Filed June 7, 1982]

I, Duane Berentson, Secretary of Transportation, do promulgate and adopt at Room 1D-9, Highway Administration Building, Olympia, Washington 98504, the annexed rules relating to chapter 468-62 WAC, "highway illumination". Adoption of rule to repeal WAC 468-62-010 through 468-62-060.

This action is taken pursuant to Notice No. WSR 82-09-057 filed with the code reviser on April 19, 1982. Such rule shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 47.01.101(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 June 7, 1982.

By V. W. Korf
Deputy Secretary

REPEALER

The following sections of chapter 468-62 of the Washington Administrative Code are repealed:

- (1) WAC 468-62-010 INTERSTATE HIGHWAYS.
- (2) WAC 468-62-020 FREEWAYS (OTHER THAN INTERSTATE).
- (3) WAC 468-62-030 FOUR-LANE HIGHWAYS.
- (4) WAC 468-62-040 TWO-LANE HIGHWAYS.
- (5) WAC 468-62-050 OTHER CONDITIONS JUSTIFYING ILLUMINATION.
- (6) WAC 468-62-060 ILLUMINATION BY OTHERS.

WSR 82-13-015

ADOPTED RULES

DEPARTMENT OF

GENERAL ADMINISTRATION

(Division of Savings and Loan Associations)

[Order 82-4—Filed June 7, 1982]

I, R. H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to examination and supervision costs, adding new sections WAC 419-14-020, 419-14-030, 419-14-040, 419-14-050, 419-14-060 and 419-14-070, and repealing WAC 419-14-010 and chapters 419-24 and 419-32 WAC.

This action is taken pursuant to Notice No. WSR 82-09-075 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 30.28.020 (WAC 419-14-020 through 419-14-040), RCW 33.08.110 (WAC 419-14-050 through 419-14-060) and RCW 33.12.060(2)(f) (WAC 419-14-070) 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 4, 1982.

By R. H. "Bob" Lewis
Supervisor of the
Division of Savings
and Loan Associations

NEW SECTION

WAC 419-14-020 **COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD.** The requirement of RCW 33.28.020 that the supervisor collect from each savings and loan association the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the association, and (2) a semiannual asset charge.

NEW SECTION

WAC 419-14-030 **HOURLY CHARGE FOR EXAMINATIONS.** The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) for division personnel classified as examiner I, \$16.88 per hour;
- (2) for division personnel classified as examiner II, \$21.88 per hour; and
- (3) for division personnel classified as examiner III or above, \$24.75 per hour.

NEW SECTION

WAC 419-14-040 **SEMIANNUAL ASSET CHARGE.** The semiannual asset charge will be assessed at a rate of three and one-half cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

NEW SECTION

WAC 419-14-050 **INVESTIGATION FEE FOR NEW CHARTER APPLICATION.** The investigation fee required by RCW 33.08.060 for submission in connection with applications to charter a new savings and loan association shall be two thousand five hundred dollars. In the event the actual costs of the investigation conducted with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual costs submitted shall be refunded, provided that in no event shall more than one thousand five hundred dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-060 **BRANCH APPLICATION FEE.** The fee required by RCW 33.08.110 to be submitted in connection with an application to establish

a branch office of an association shall be five hundred dollars. In the event the actual costs of the investigation with respect to a particular application are less than the amount of the fee, such difference between the fee and the actual cost submitted shall be refunded, provided that in no event shall more than three hundred fifty dollars be refunded. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

NEW SECTION

WAC 419-14-070 **LOANS TO DIRECTORS, OFFICERS, OR EMPLOYEES—MAXIMUM AMOUNT.** The total value of loans made or obligations acquired under the authority of RCW 33.12.060(2)(f) for any director, officer, or employee of an association shall not exceed twenty-five thousand dollars, unless the prior written approval of the supervisor has been obtained in accordance with the provisions of this section.

Requests to the supervisor for permission to exceed the maximum loan limit shall be made at least ten days in advance of the date upon which it is anticipated that funds will be disbursed, if the loan is approved. Such requests must be accompanied by a certified copy of the authorizing resolution, which shall set forth with specificity the reasons that the board of directors believes that exceeding the loan limitation established in this section is in the best interest of the association in each instance. The authorizing resolution shall also set forth the directors' evaluation of the quality of the security for the loan, and the ability of the debtor to repay the loan in accordance with its terms.

REPEALER

The following section and chapters of the Washington Administrative Code are repealed:

(1) WAC 419-14-010 EXAMINATION AND SUPERVISION FEES.

(2) Chapter 419-24 NOTIFICATION BY SUPERVISOR OF APPLICATIONS FOR OFFICES.
WAC 419-24-010 PURPOSE
WAC 419-24-020 DEFINITIONS
WAC 419-24-030 OPERATIONS AND PROCEDURES

(3) Chapter 419-32 REGULATIONS ON MOBILE HOME LENDING BY SAVINGS AND LOAN ASSOCIATIONS.

WAC 419-32-010 DEFINITIONS
WAC 419-32-020 FLOORING LOANS
WAC 419-32-030 FLOORING LOANS – DEALER APPLICATION
WAC 419-32-040 REGISTER OF LOANS ORIGINATED BY DEALERS REQUIRED
WAC 419-32-050 FLOOR PLAN INVENTORIES
WAC 419-32-060 FLOORING PLANS

WSR 82-13-016
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 82-5—Filed June 7, 1982]

I, R. H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to examination and supervision costs, adding new sections WAC 419-18-020, 419-18-030 and 419-18-040 and repealing WAC 419-18-010 and chapter 419-48 WAC.

This action is taken pursuant to Notice No. WSR 82-09-076 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 31.12.320 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 4, 1982.

By R. H. "Bob" Lewis
 Supervisor of the
 Division of Savings
 and Loan Associations

NEW SECTION

WAC 419-18-020 COLLECTION OF EXAMINATION AND SUPERVISION COSTS—COLLECTION METHOD. The requirement of RCW 31.12.320 that the supervisor collect from each credit union the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The fee shall consist of two elements: (1) an hourly charge for the number of hours spent by division personnel in conducting an examination of the credit union, and (2) a semiannual asset charge.

NEW SECTION

WAC 419-18-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) for division personnel classified as examiner I, \$16.88 per hour;
- (2) for division personnel classified as examiner II, \$21.88 per hour; and
- (3) for division personnel classified as examiner III or above, \$24.75 per hour.

NEW SECTION

WAC 419-18-040 SEMIANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three and one-quarter cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates. Those credit unions the total assets of which are less than two hundred thousand dollars as of a particular assessment date shall not be required to pay an asset charge for the semiannual period immediately preceding such assessment date.

REPEALER

The following section and chapter of the Washington Administrative Code are repealed:

(1) WAC 419-18-010 EXAMINATION AND SUPERVISION FEES.

(2) Chapter 419-48 REGULATIONS ON EXERCISE OF FEDERAL CREDIT UNION POWERS.

WAC 419-48-010 GRANT OF FEDERAL CREDIT UNION POWERS TO STATE CHARTERED CREDIT UNIONS.

WAC 419-48-020 APPLICATION TO EXERCISE FEDERAL CREDIT UNION POWERS

WAC 419-48-030 SUPERVISOR ACTION ON APPLICATION

WAC 419-48-040 APPLICABILITY OF FEDERAL STATUTES, REGULATIONS AND CASE LAW

WAC 419-48-051 LOANS TO MEMBERS

WAC 419-48-052 SELF-REPLENISHING LINE OF CREDIT

WAC 419-48-053 LOANS TO OTHER CREDIT UNIONS

WAC 419-48-054 LOANS TO CREDIT UNION ORGANIZATIONS

WAC 419-48-055 PARTICIPATION LOANS

WAC 419-48-060 RECEIPT OF PAYMENTS ON SHARES FROM MEMBERS AND NON-MEMBER GOVERNMENTAL UNITS

WAC 419-48-070 INVESTMENTS

WAC 419-48-080 DEPOSITS

WAC 419-48-090 BORROWING BY A CREDIT UNION

WAC 419-48-100 LEVYING OF LATE CHARGES

WAC 419-48-110 LIEN ON SHARES AND DIVIDENDS

WAC 419-48-120 CHECK SELLING AND CASHING

WAC 419-48-130 PURCHASE OF OBLIGATIONS

WAC 419-48-140 SALE AND PURCHASE OF ASSETS

WAC 419-48-150 OTHER FEDERAL CREDIT UNION POWERS

WSR 82-13-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-60—Filed June 7, 1982]

I, Rolland A. Schmitten, director of the 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 necessary to conform state regulations with the recommendations of the Pacific Fisheries Management Council.

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

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

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

APPROVED AND ADOPTED June 7, 1982.

By Rolland A. Schmitten
 Director

NEW SECTION

WAC 220-24-02000M **LAWFUL ACTS - TROLL FISHERY** Notwithstanding the provisions of WAC 220-24-020, effective immediately it is unlawful to take, fish for or possess any salmon for commercial purposes taken with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except for the following provisions:

(1) Effective 12:01 a.m. July 1, 1982, until further notice, it is lawful to take, fish for and possess salmon south of Leadbetter Point.

(2) Effective 12:01 a.m., July 15, 1982, until further notice, it is lawful to take, fish for and possess salmon in all of the above mentioned waters.

(3) The minimum size limit of chinook salmon is 28 inches and the minimum size limit of coho salmon is 16 inches.

WSR 82-13-018
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed June 8, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 314-52-005 Purpose and application of rules.
- Amd WAC 314-52-010 Mandatory statements.
- Amd WAC 314-52-015 General.
- Amd WAC 314-52-020 Use of insignia of Liquor Control Board prohibited.
- Amd WAC 314-52-030 Liquor advertising prohibited in school publications.
- Amd WAC 314-52-040 Contests, competitive events, premiums and coupons.
- Amd WAC 314-52-070 Outdoor advertising.
- Amd WAC 314-52-080 Novelty advertising.
- New WAC 314-52-085 Programs and program folders.
- Amd WAC 314-52-090 Advertising sponsored jointly by retailers and manufacturers, importers, or wholesalers, prohibited.
- Amd WAC 314-52-110 Advertising by retail licensees.
- Amd WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises.
- Amd WAC 314-52-115 Advertising by clubs—Signs.
- Rep WAC 314-52-060 Picture screen advertising prohibited.
- Rep WAC 314-52-111 Advertising by retail licensees—On premises.
- Rep WAC 314-52-112 Advertising by retail licensees—Off premises.
- Rep WAC 314-52-120 Advertising by holders of special occasion class G or J retail licenses;

that such agency will at 9:30 a.m., Wednesday, July 28, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

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 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 28, 1982, and/or orally at 9:30 a.m., Wednesday, July 28, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: June 8, 1982
 By: Robert D. Hannah
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-52-005 Purpose and Application of Rules.

Description of Purpose: The purpose of amending WAC 314-52-005(2) and (3) is to clarify language as to what is required for application of liquor advertising rules by the Washington State Liquor Control Board without changing those requirements; these are "house-keeping" changes. Purpose for amending WAC 314-52-005(4) is to establish requirements for submission to the Board Advertising Coordinator of advertising materials intended for placement in state stores, and provides that

advertising affixed to the product package in a manner acceptable to the board and in conformance with WAC 314-52-040 is not prohibited under this rule.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-010(4) Mandatory Statements.

Description of Purpose: To require retailers to differentiate at point-of-sale between beer under and over 4 percent by weight.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-015 General.

Description of Purpose: The purpose of the amendment to WAC 314-52-015 is to define institutional and educational liquor advertising in the first paragraph and to consolidate a list of types of liquor advertising which is prohibited while repealing prohibitions against certain types of liquor advertising. WAC 314-52-015(7), (9), (10), (14) and (16) are repealed as redundant and/or already covered by other sub-paragraphs, or obsolete. WAC 314-52-015(17) is moved up to become sub-paragraph (2) to emphasize its importance as a prohibited practice.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-020 Use of Insignia of Liquor Control Board Prohibited.

Description of Purpose: The purpose of the amendment to WAC 314-52-020 is to remove the prohibition of any reference to devices used by the Liquor Control Board in liquor advertising.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-030 Liquor Advertising Prohibited in School Publications.

Description of Purpose: The purpose of the amendment to WAC 314-52-030 is to permit institutional liquor advertising, as defined in WAC 314-52-015 to be carried in school publications upon approval of the Board Advertising Coordinator.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-040 Contests, Competitive Events, Premiums, and Coupons.

Description of Purpose: The purpose of the amendment to WAC 314-52-040 is to specify conditions under which liquor advertising may offer premiums, etc., to consumers. The liquor advertising may or may not require proof of purchase of the advertised product.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-070 Outdoor Advertising.

Description of Purpose: The purpose of the amendment to WAC 314-52-070 is to clarify subparagraph (1) without changing content; to amend sub (3) is to add agents of licensees to those required to submit outdoor advertising and, further, to repeal the present requirements that readerboard messages be approved prior to display; to amend sub (5) is to prohibit outdoor liquor

advertising near schools, churches or playfields where such institutions object.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-080 Novelty Advertising.

Description of Purpose: The purpose of the amendment to WAC 314-52-080 is to remove from the definition of novelty advertising matches, calendars, score cards and program folders.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-085 Programs and Program Folders.

Description of Purpose: The purpose of WAC 314-52-085 is to define programs and program folders, and establish that no manufacturer, importer, wholesaler or their agent may furnish program folders or program cards to retail liquor licensees, but provides that liquor manufacturers, importers, wholesalers or their agents, may buy advertising in the folder or card at a rate identical to that offered non-liquor advertisers, and provided no inducement is offered or accepted for the retailer to carry a particular brand of liquor as a condition of the advertising placement.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-090 Advertising Sponsored Jointly by Retailers and Manufacturers, Importers, or Wholesalers, Prohibited.

Description of Purpose: The amendment to WAC 314-52-090 permits retail licensees, on their own free initiative, to name the brands of liquor they offer for sale or service, provided no inducements to secure the mention has been offered by a manufacturer, importer, wholesalers, or their agent, or accepted by the retailer or his agent.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-110 Advertising by Retail Licensees.

Description of Purpose: The purpose of repealing WAC 314-52-110(3) and (4) is to remove the prohibition against the proscribed conduct.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-113 Brand Signs and Point-of-Sale Displays on Retail Licensed Premises.

Description of Purpose: The purpose of the amendment to WAC 314-52-113 is to permit liquor licensees to retain advertising of brands they do not sell on their licensed premises as part of the decor. It also adds matches, score cards and calendars to the list of items defined as point-of-sale materials having no residual value to the retail liquor licensee.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-52-115 Advertising by Clubs—Signs.

Description of Purpose: The amendment to WAC 314-52-115 is to establish that a club licensee may advertise that its restaurant is open to the public at certain hours, provided such advertising specifies liquor is not available during the time the restaurant is open to the public for food service.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Summary of Rules: WAC 314-52-005, presently establishes that the purpose of the board's liquor advertising rules is to provide reasonable liquor advertising rules as to the kind, character and location of liquor advertising. The amended rule adds sub (4) to establish which advertising by suppliers may be permitted in state stores. Advertising in state stores is not provided for by these rules at present. This rule does not deal with advertising by the board itself, which is prohibited by RCW 66.08-.060; WAC 314-52-010(4), present rule establishes mandatory statements for liquor advertising. This is a new sub paragraph; WAC 314-52-015, presently sets out a list of statements, designs and illustrations which may not be contained in liquor advertising. The amended version supplies a definition for institutional and educational types of liquor advertising in the introductory paragraph for the guidance of liquor licensees. The listed prohibitions are shortened, consolidated and rearranged to eliminate redundant prohibition and to repeal prohibitions viewed as obsolete and unnecessary to the protection of the public; WAC 314-52-020, presently prohibits use of board insignia or any other device; or any reference to the board in liquor advertising. The amended version would prohibit only use of board insignia or any reference to the Liquor Control Board; WAC 314-52-030, presently prohibits liquor advertising in school "programs", which has been interpreted in varying manners over the years. Enforcement has been uneven. As presently written, Olympia Brewing Company for instance would be prohibited from buying an advertisement in the Tumwater High School Annual to congratulate the graduating class, because the "brewery" in its company name is construed as liquor advertising without definition; WAC 314-52-040, presently prohibits liquor advertising to offer a premium, etc., to consumers with a requirement for proof of purchase of the advertised product in order to receive the premium; WAC 314-52-070, the present rule establishes regulations for outdoor advertising; WAC 314-52-080, defines liquor novelty advertising items and establishes conditions under which these items may be sold to retail liquor licensees by non-retail liquor licensees; WAC 314-52-085, see Description of Purpose above, this is a new rule; WAC 314-52-090, prohibits the name of the manufacturer, importer, or wholesaler appearing in advertising with the name of the retail liquor licensee, except as provided separately for retail off-premises sales of beer and wine; WAC 314-52-110(3), to be repealed, presently prohibits radio and TV shows which originate from liquor licensed premises from mentioning liquor; WAC 314-52-113, defines point-of-sale materials and regulates their use; and WAC 314-52-115, prohibits clubs from advertising their public food service.

Reasons Supporting Proposed Action: WAC 314-52-005, amendment is to permit institutional and educational liquor advertising in state stores; will provide the state store customer with product information about liquor without promoting sale of liquor, at no cost to the state; WAC 314-52-010(4), recent legislation permits beer over 4 percent to be sold in private sector. Many suppliers offer malt beverages in identical, unmarked cans at under and over 4 percent. Rule requires manufacturer, importer or wholesaler to supply the point-of-sale material. Purpose is to aid consumer in avoiding purchase of high-proof beer, unless such purchase is desired, to prevent unwitting overconsumption of alcohol due to higher proof in identical packages. If proposed federal rules are approved by congress, requiring all packages to list all content, this rule would then become moot and would be repealed; WAC 314-52-015, adds definitions of institutional and educational advertising; will enable liquor licensees to review their advertising programs for compliance. Shortening and consolidating the prohibited forms of liquor advertising will facilitate understanding and compliance among those regulated; WAC 314-52-020, the amendment is for the following reasons. Brand codes are useful identifiers to those advertisers and consumers, but are considered to be a "device" of the board; after staff review, no threat to the public can be found in permitting use of brand codes; WAC 314-52-030, the amendment would permit liquor licensees whose trade name includes a reference to some form of liquor such as brewery or tavern to support local schools with institutional advertising upon approval of the Board Advertising Coordinator, eliminating the potential for discriminator regulation against businesses whose trade name includes a reference to liquor as opposed to other liquor licensees, such as restaurants, whose trade name does not include a direct reference to liquor. It will permit liquor licensees, through institutional advertising placement, to be good corporate neighbors within their communities; WAC 314-52-040, the amendment is for the following reasons. Washington liquor prices are among the highest in the nation. At the same time, cost conscience consumers seek coupons and rebates in their daily shopping on everything from dog food to automobiles. In Washington such coupons and rebates have not been permitted for liquor. Amending the rule to permit this would permit consumers to realize a savings from their selected alcohol beverage purchase at no reduction in state revenues from liquor sales; WAC 314-52-070, the reason for the amendment to WAC 314-52-070(1) is to clarify the rule without any substantive change; a "housekeeping" change. Reason for amending WAC 314-52-070(3) is to add agents of licensees to those required to submit outdoor advertising to the Board Advertising Coordinator; and further, to repeal the present requirement that reader board messages be approved prior to display. Reason for amending WAC 314-52-070(5) is to prohibit outdoor liquor advertising near schools, churches or playfields where administrators of such institutions object. Reason for deleting WAC 314-52-070(7) is that its provisions are superseded by other amendments to the advertising code and it is rendered obsolete; WAC 314-52-080, the

amendment is for the following reasons. Program folders and program cards are to be moved to a new section of the advertising code and regulated separately and specifically to eliminate confusion in this area. Matches, calendars and score cards are to be moved to WAC 314-52-113 which defines and regulates point-of-sale advertising, because staff believes that including these items under novelty advertising is too literal an interpretation of RCW 66.28.010, upon which the novelty advertising rule is based; WAC 314-52-085, the new section is adopted for the following reasons. An absence of specific language in this area of regulation has created attempts to interpret what is permissible from fragments of existing rules, and interpretation thus has not been consistent, resulting in some retail liquor licensees having more leeway in this area than others in extremely similar, if not identical, circumstances involving program folders and program cards. This new rule would clarify exactly what is and is not permitted for all retail liquor licensees involved with program folders and program cards; WAC 314-52-090, the amendment will permit all liquor retailers to name the liquor products they offer for sale or service as long as it is their own choice to do so, and not due to the result of inducements from a manufacturer, importer or wholesaler; WAC 314-52-110(3), the restriction is no longer considered to be necessary to protect the public; WAC 314-52-113, the amendment is for the following reasons. No harm arises to consumers by having out-of-date liquor point-of-sale materials used as decor on retail liquor licensed premises. Point-of-sale material by definition has no residual value to the retail licensee and would otherwise be simply destroyed. Matches, calendars and score cards would now be defined as point-of-sale items, not having any monetary value to the retail licensee, and establishes in rule form that provision of these items to retailers by manufacturers, importers, wholesalers or their agents is permissible, and does not contravene the purpose and intent of RCW 66.28.010; and WAC 314-52-115, this amendment is for the following reasons. To prohibit accurate advertising of the fact that food is available to the public so long as the advertisement does not state or imply that liquor may be sold or served to the public under the non-public license, is unnecessary. Board liquor advertising rules are meant to regulate the advertising of liquor, not food.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: Bill Burkett, Public Information Officer, 1025 East Union Avenue, Olympia, WA 98504, 753-6259, Scan 234-6259.

Person or Organization Proposing Rule: These rule changes were proposed by the board.

Agency Comments: None.

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

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-005 PURPOSE AND APPLICATION OF RULES. (1) **PREAMBLE:** The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in ~~((conformity))~~ conformance with these ~~((regulations))~~ rules: PROVIDED, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board ~~((does not require approval of advertising material prior to publication, but it))~~ holds each producer, manufacturer, bottler, importer, wholesaler, or retailer of liquor responsible for complying with the advertising ~~((laws and regulations))~~ rules of the Washington State Liquor Control Board ~~((and))~~ in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to ~~((the))~~ publication ~~((to))~~ for an advisory opinion by the Advertising Coordinator of the Washington State Liquor Control Board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, wholesalers, or retailers of liquor, or their agents. (EXCEPTION TO FOREGOING: WAC 314-52-070(3) requires that all outdoor signs advertising sale of liquor by a retail licensee must be submitted by the licensee for board approval prior to installation.)

(4) Liquor advertising materials intended for placement in retail outlets of the Washington State Liquor Control Board shall be presented to the Advertising Coordinator of the Washington State Liquor Control Board for prior approval before placement, and shall be refused such placement if such advertising is found by the coordinator to exceed the definition of institutional or educational advertising as defined in WAC 314-52-015, or if the advertising is viewed as inappropriate for placement in a state-operated retail outlet: PROVIDED HOWEVER, That advertising on, or attached to, the product package in a manner acceptable to the board merchandising committee under the provisions of WAC 314-52-040 shall not be prohibited under this rule.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-010 MANDATORY STATEMENTS. (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or wholesaler shall contain the following information:

(a) The name and address of the manufacturer or wholesaler responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or wholesaler shall contain the following information:

(a) The name and address of the manufacturer, importer or wholesaler responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

(4) Alcoholic content of beer. Retail licensees who choose to offer beer for sale at both less than four percent by weight and more than four percent by weight, alcoholic content, packaged in identical packages, shall be required to separate the two strengths of beer in their displays, and shall be required to identify by point-of-sale advertising which is the higher strength and which is the lower strength beer. Manufacturers, importers and wholesalers of such beer shall supply such shelf tickets free of charge to retail licensees: PROVIDED, HOWEVER, That no promotion of the higher alcoholic content shall be included in such advertising.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-015 GENERAL. Institutional advertising shall mean advertising which promotes company or brand name identification, but does not directly solicit purchase or consumption of liquor. Educational advertising shall mean factual information on liquor, its manufacture, history, consumption and methods of ascertaining the quality of various types of liquors such as German wines, French cognacs, or other classifiable types of product. All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement, picture, or illustration ~~((that is disparaging of a competitor's product))~~ which promotes overconsumption.

(3) Any statement, picture, illustration, design, device, or representation which is undignified, obscene ~~((or))~~, indecent, or in bad taste.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

~~(7) ((Any statement that is inconsistent with any statement on the label of the product.~~

~~(8))~~ Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

~~((9) Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.~~

~~(10) Any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American Flag, any state flag, or any emblem, seal, or insignia or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government organization, family, or individual with whom such flag, seal, coat of arms, crest or insignia is associated.~~

~~((11))~~ (8) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

~~((12))~~ (9) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of

the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

~~((13) Any picture or illustration of a man or woman which is immodest, undignified or in bad taste.~~

~~(14) Reference to any brand, type or package not actually on sale in the state of Washington.~~

~~(15))~~ (10) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

~~((16) The words "new," "now," "now available," or words of similar import, in connection with price change, package modification or any other change, or new listings, more than six months after such change.~~

~~(17) Any statement, picture, or illustration which promotes overconsumption:))~~

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED. No liquor advertising shall use any insignia ((or other device)) that may be in use by the Washington State Liquor Control Board, nor shall any such advertising refer to the Washington State Liquor Control Board.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-030 LIQUOR ADVERTISING PROHIBITED IN SCHOOL ((PROGRAMS)) PUBLICATIONS. No liquor advertising shall be carried in any ((programs for events or activities in connection)) publication connected or affiliated with any elementary or secondary schools; nor shall any liquor advertising be connected with such ((events)) schools when broadcast over radio or television: PROVIDED, That institutional advertising, as defined in WAC 314-52-015, may be carried, if the board advertising coordinator interposes no objection.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-040 CONTESTS, COMPETITIVE EVENTS, PREMIUMS AND COUPONS. ((No)) Liquor advertisements ((shall contain any offer of a prize, premium award to a consumer upon the completion of any contest or competitive event, or coupon, in which there is a requirement to purchase the advertised product)) may offer consumers premiums or prizes, upon completion of any coupon, contest, or competitive event, which may or may not require proof of purchase of the advertised product: PROVIDED HOWEVER, That contests or sweepstakes that offer prizes or premiums to consumers through a game of chance or random drawing, shall not require proof of purchase, and must comply with the requirements of RCW 9.46.020(14) regarding lotteries: AND PROVIDED FURTHER, That no liquor advertisements by manufacturers, importers, or wholesalers may offer any premium or prize redeemable through a Washington state liquor store or any retail liquor outlet licensed by the state of Washington.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-070 OUTDOOR ADVERTISING. (1) "Outdoor advertising" as used in these regulations shall include any form of outdoor advertisement of liquor or the service of liquor which is visible to the general public ((from a public thoroughfare)): PROVIDED, HOWEVER, That advertisements visible through windows or affixed to exterior walls of a licensed premises, although visible to the general public, shall be governed as otherwise provided in these regulations.

(2) "Signs" as used in these regulations shall include all visual forms of advertising liquor or the service of liquor whether illuminated or nonilluminated, single-faced or multiple faced, stationary or revolving: PROVIDED, HOWEVER, That "point-of-sale" signs and material shall be defined and governed as otherwise provided in WAC 314-52-113.

(3) Sketches, in triplicate, of all outdoor signs advertising the sale of liquor by a retail licensee, shall be submitted by the licensee ~~((or))~~, applicant ~~((for board consideration))~~, or their agent, to the board advertising coordinator prior to installation: PROVIDED, HOWEVER,

That outdoor readerboard messages and/or interior signs visible through a window of a premises (~~will~~) shall be in conformance with WAC 314-52-015 and (~~will be submitted to the local Liquor Control Board enforcement officer for approval prior to display. In the event any outdoor signs or outdoor readerboard messages are installed without prior approval, the board reserves the right to require immediate removal regardless of any expense involved~~) need not be submitted to the board.

(4) Outdoor signs and other outdoor advertising matter shall be designed, installed and used in a manner not offensive to the public.

(5) No outdoor advertising of liquor shall be placed in proximity to schools, churches, or playfields used primarily by minors, (~~or other public institutions~~) where administrative body of said schools, churches, playfields, object to such placement, nor any place which the board in its discretion finds contrary to the public interest (~~(-PROVIDED, HOWEVER, That exceptions approved under the provisions of RCW 66.24.010(9), shall apply here)~~).

(6) (~~Liquor advertising may be displayed on the inside and outside of public conveyances affording transportation or service to the general public:~~) Signs bearing the room name and/or the words "bar," "cocktails," "lounge," may be placed in the vicinity of the principal entrances to the premises. No such signs or advertisements shall be installed at or near doorways designed for exit purposes only.

(~~(7) No signs or other advertising matter advertising any brands of liquor shall be erected or placed on the outside of any building in which liquor is sold at retail, except that where the licensed premises (other than Class H) occupies a part or all of the first floor of a multi-storied building, then a billboard or poster-type ad for spirituous liquor may be placed on the roof of said building upon prior approval of the board and subject to local ordinance: PROVIDED, HOWEVER, That nothing in this section shall prohibit a brewery or winery from brand advertising on buildings on the brewery or winery premises:~~)

AMENDATORY SECTION (Amending Order 76, Resolution 85, filed 1/28/81)

WAC 314-52-080 NOVELTY ADVERTISING. (1) Novelty advertising items shall include, but shall not be limited to, (~~matches;~~) trays, (~~score cards;~~) lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, (~~calendars;~~) wearing apparel, mugs, glasses, knives, lamp shades, (~~program folders, program cards;~~) or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide without charge, directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept without charge any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee. The purchase by retail licensees of such items shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

(4) A manufacturer, importer, or wholesaler who sells novelty advertising items to retail licensees shall keep on file the originals or copies of all sales slips, invoices, and other memoranda covering all purchases of novelty advertising items from the supplier or manufacturer of such items and shall also keep on file a copy of all invoices, sales slips, or memoranda reflecting the sales to licensees or other disbursement of all novelty advertising items. Such records shall be maintained in a manner satisfactory to the board and must be preserved in the office of the manufacturer, importer, or wholesaler for a period of at least two years after each purchase or sale. Any manufacturer which does not maintain a principal office within the state shall, when requested, furnish the above required records at a designated location within the state for review by the board.

NEW SECTION

WAC 314-52-085 PROGRAMS AND PROGRAM FOLDERS. Programs and program folders, for the purpose of this section, shall mean brochures for use at sporting arenas which have, as a part of

their operations, whether directly or indirectly, a retail licensed premises. No manufacturer, importer, wholesaler, or their agent, shall provide, without cost, directly or indirectly, programs or program folders for retail licensees: **PROVIDED, HOWEVER,** That sporting arenas as described above, or their agents may accept bona fide liquor advertising from manufacturers, importers, wholesalers or their agents, for publication in the program or program folder of the sporting arena: **PROVIDED, FURTHER,** That such advertising is paid for by said manufacturer, importer, wholesaler or their agent at the published advertising rate for all program or program folder advertisers, including nonliquor advertisers: **AND ALSO PROVIDED,** That such advertising shall carry with it no express or implied offer on the part of the manufacturer, importer, wholesaler or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-090 ADVERTISING SPONSORED JOINTLY BY RETAILERS AND MANUFACTURERS, IMPORTERS, OR WHOLESALERS, PROHIBITED. (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or wholesaler (~~(-nor shall the name of the manufacturer, importer or wholesaler or the brand name of liquor appear in or as a part of, or supplementary to, the advertising of any retail licensee: PROVIDED, That a retail licensee may advertise brands of beer and wine under the conditions of WAC 314-52-112 and WAC 314-52-113).~~). The brand name of liquor may appear in or as a part of advertising by a retail licensee: **PROVIDED, That such advertising is upon the retail licensee's free initiative and no moneys or moneys' worth has been offered the retail licensee as an inducement to secure such mention by any manufacturer, importer, or wholesaler or their agent, or solicited by the retail licensee or his agent.**

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-110 ADVERTISING BY RETAIL LICENSEES. (~~All regulations heretofore listed shall also apply to advertising by retail licensees insofar as they are relevant.~~)

(1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee: **PROVIDED, HOWEVER,** That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements: **AND PROVIDED FURTHER,** That advertisements by public Class H licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) Beer, wine or spirituous liquor shall not be advertised, offered for sale or sold at less than cost, or as a loss leader, as defined in, or other than as provided in the Unfair Practices Act, chapter 19.90 RCW.

(~~(3) Radio and television programs originating from licensed premises, such as dance music, speeches, conventions, reunions, awards banquets, or similar programs, shall contain no reference to liquor or the service of liquor.~~)

(~~(4) No retail licensee shall permit the use of any sound amplifying device, public address system or loud speaker in or about the licensed premises for broadcasting music, entertainment or advertising to the outside of the licensed premises. Where conditions warrant, the broadcasting of soft background music may be permitted upon prior approval of the board.~~)

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-113 BRAND SIGNS AND POINT-OF-SALE DISPLAYS ON RETAIL LICENSED PREMISES. (~~Under the limitations imposed by RCW 66.28.010, WAC 314-52-090 and 314-~~

~~12-140;)~~ Manufacturers, importers or wholesalers may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or wholesalers (~~such signs and material shall be removed from the licensed premises when sale of the brand is discontinued by the retail licensee, or in the event of a discontinuance of business by the retail licensee~~).

(2) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or wholesaler-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers, matches, scorecards, calendars, and other such brand advertising material for display at the point of sale.

AMENDATORY SECTION (Amending Order 73, Resolution 82, filed 7/18/80)

WAC 314-52-115 ADVERTISING BY CLUBS—SIGNS. (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public (~~restaurant, a~~) Class H premises (~~open to the public~~), a tavern open to the public, or that social functions(;) at which club liquor may be consumed, are open to the public: **PROVIDED, HOWEVER,** Circularizing membership shall not be considered advertising, and where clubs ~~provide lunch or dinner to the public, this may be advertised: PROVIDED FURTHER, Such advertising must specify no liquor service is available.~~

(2) Outdoor signs as defined in WAC 314-52-070 shall make no direct or indirect reference to the sale or service of liquor.

(3) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media: **PROVIDED,** Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(4) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of WAC 314-52-115(3) above.

(5) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

(6) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: **PROVIDED,** That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

~~((7) Club dining rooms may display and advertise wines under the conditions prescribed by WAC 314-52-111(3),(4) and (5).))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) **WAC 314-52-060 PICTURE SCREEN ADVERTISING PROHIBITED.**
- (2) **WAC 314-52-111 ADVERTISING BY RETAIL LICENSEES—ON PREMISES.**
- (3) **WAC 314-52-112 ADVERTISING BY RETAIL LICENSEES—OFF PREMISES.**
- (4) **WAC 314-52-120 ADVERTISING BY HOLDERS OF SPECIAL OCCASION CLASS G OR J RETAIL LICENSES.**

WSR 82-13-019

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed June 8, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

New	WAC 314-18-010	Banquet permits—Authorized.
New	WAC 314-18-020	Definitions.
New	WAC 314-18-030	Applicants—Retail liquor licensees ineligible—Exceptions.
New	WAC 314-18-040	Issuance fee—Restrictions.
New	WAC 314-18-050	Sale of liquor—Not authorized.
New	WAC 314-18-060	Liquor to be served and consumed—Restrictions.
New	WAC 314-18-070	Responsibilities of permittee.
New	WAC 314-18-080	Hours of operation—Inspection of premises.
New	WAC 314-18-090	Misrepresentation of application—Consequences.
New	WAC 314-18-100	Penalties;

that such agency will at 9:30 a.m., Wednesday, August 4, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

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 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 4, 1982, and/or orally at 9:30 a.m., Wednesday, August 4, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: June 8, 1982

By: Robert D. Hannah
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-18-010 Banquet Permits—Authorized.

Description of Purpose: WAC 314-18-010, the purpose of this rule is to provide a reference to the statutory authority under which the board may issue banquet permits.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-020 Definitions.

Description of Purpose: WAC 314-18-020, provides for a definition of terms relating to the use, applicant eligibility for, and issuance of, banquet permits.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-030 Applicants—Retail Liquor Licensees Ineligible—Exceptions.

Description of Purpose: WAC 314-18-030, to specify the qualifications for applicant eligibility for banquet permits.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-040 Issuance Fees—Restrictions.

Description of Purpose: WAC 314-18-040, the purpose of this rule is to set forth who, within the board's organizational framework, issues banquet permits and to provide the fee and issuance criteria for the permits.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-050 Sale of Liquor—Not Authorized.

Description of Purpose: WAC 314-18-050, the purpose of this rule is to prohibit the sale of liquor in any manner whatsoever, under a banquet permit.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-060 Liquor to be Served and Consumed—Restrictions.

Description of Purpose: WAC 314-18-060, the purpose of this rule is to specify what liquor can and cannot be served or consumed under a banquet permit and the required source from which the liquor must be obtained.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-070 Responsibilities of Permittee.

Description of Purpose: WAC 314-18-070, the purpose of this rule is to set forth specific responsibilities of the permittee in the general areas of service of liquor to minors or to intoxicated persons. The rule also prohibits disorderly conduct and requires that the banquet permit be posted at the function.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-080 Hours of Operation—Inspection of Premises.

Description of Purpose: WAC 314-18-080, the purpose of this rule is to set forth the hours that liquor may be served/consumed at a banquet permit function and to authorize inspection of the function by the board or any peace officer.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-090 Misrepresentation on Application—Consequences.

Description of Purpose: WAC 314-18-090, the purpose of this rule is to specify the consequences of an applicant making a misrepresentation of fact in connection with the obtaining of a banquet permit.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-18-100 Penalties.

Description of Purpose: WAC 314-18-100, the purpose of this new rule is to set forth the penalties which will be imposed should a banquet permittee violate any of the rules in chapter 314-18 WAC.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Summary of Rule: WAC 314-18-010, establishes that the board may issue banquet permits in accord with all the provisions of chapter 314-18 WAC.

Reasons Supporting Proposed Action: This entire chapter (chapter 314-18 WAC) encompasses rules developed to regulate the issuance and controlled use of banquet permits. Banquet permits were provided for in the original Liquor Act (the Steele Act) in 1933. Since that time the agency has dealt with their use and issuance on a case by case basis. During the last fiscal year, the board issued 27,300 permits. The scope of banquet permit use, and the number of issuances is now such that rules are necessary to establish uniform regulation and control of the issuance and use of banquet permits.

Summary of Rule: WAC 314-18-020, defines the terms "permit" to mean a banquet permit as authorized by RCW 66.20.010(3) and "banquet" as any function for members and guests only held on a specific date at a specific place where those attending have a common purpose or interest, either business or social. Additionally, a banquet does not require that food be served, and there is no limit on the number of such functions that can be held by a single person or organization. Finally, the area within which no banquet permit is required is spelled out.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above.

Summary of Rule: WAC 314-18-030, specifies that retail liquor licensees are ineligible to obtain banquet permits except under certain specific circumstances. It also authorizes the use of banquet permits on chartered buses, boats, planes, or passenger cars of trains. It also provides that banquet permits are not required for functions held by individuals that are of a personal, noncommercial type and which would normally be held in the individual's home but for space considerations. Such a function must be held in a non-liquor licensed premises and the individual hosting it, for his own personal invitees, can make no charge for anything provided at the function.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above.

Summary of Rule: WAC 314-18-040, provides issuance criteria for banquet permits held out of doors based on location and issuance criteria for banquet permits to schools, colleges and universities. The rule restricts issuance of permits at certain locations, provides restrictions on advertising and advance ticket sales, and imposes special conditions on issuance of permits for functions in cocktail lounges and taprooms. Also established is a fee of \$10.00 per permit.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above. Also, the prior fee for banquet permits was \$5.00. However, it costs the state more than \$5.00 just to issue the permit, not including periodic inspection of permit functions. The increase in fee was thus necessary to offset increased costs.

Summary of Rule: WAC 314-18-050, provides that liquor may not be sold under a banquet permit for cash,

credit, checks, scrip, or in any manner whatsoever. Liquor cannot be raffled off or offered as a prize under a banquet permit. However, "package" deals whereby a charge is made for the function but no separate or additional charges made for liquor is permissible.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above. The sale of liquor requires, by statute, a license. Sale therefore cannot be allowed under a banquet permit. This rule is necessary to spell out that restriction.

Summary of Rule: WAC 314-18-060, provides that the only liquor permitted to be served and consumed at a banquet permit function is that liquor provided by the function sponsor or brought by the attendees and which was purchased from an authorized source under Title 66 RCW. Licensees and/or caterers cannot pay for or advance moneys to purchase liquor for an event. However, they may transport prepaid liquor purchased by the applicant to the place where the permit was issued.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above. It is contrary to law under present state statutes and board rules to purchase liquor except from an authorized source under Title 66 RCW. This rule makes it clear that any liquor improperly purchased cannot be consumed at a banquet permit function.

Summary of Rule: WAC 314-18-070, provides that no banquet permittee, or his/her employee shall knowingly serve liquor to or permit the consumption of liquor by a person under 21 years of age. Nor shall the permittee knowingly permit any disorderly conduct or consumption of liquor by an apparently intoxicated person. The rule also requires that the banquet permit must be conspicuously posted at all times during the permit function.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above. Consistency in application of law is the objective with this rule. By statute a person must be over 21 to purchase or consume liquor. Further, it is a violation of law for a retail licensee to serve liquor to an apparently intoxicated person or permit any person to be disorderly on licensed premises. It is felt that, since these restrictions apply to licensees, they should also be equally applicable to persons holding a banquet permit function.

Summary of Rule: WAC 314-18-080, provides that a banquet permit may be issued for any day with the authorized hours of service and consumption being 6 a.m. to 2 a.m. except on New Year's Day when the hour of closing may be extended to 3 a.m. Further, any banquet permit function is declared open to inspection by any peace officer or liquor enforcement officer to the same extent as a licensed premises is under WAC 314-12-120.

Reasons Supporting Proposed Action: See reasons specified under WAC 314-18-010 above. The restrictions of this rule are applicable to retail licensees, and it was felt that they should also apply to banquet permittees in the interest of consistency and to avoid giving a permittee an unfair advantage over a licensee.

Summary of Rule: WAC 314-18-090, provides that a misrepresentation of fact by a banquet permit applicant on the application shall be sufficient cause to deny the permit or to revoke it if it is discovered after the permit is issued but before the event has been held. Further, if the permit has been issued and the event for which the permit was issued is in progress when the misrepresentation is discovered, this shall constitute sufficient cause to terminate the permit.

Reasons Supporting Proposed Action: With the board's almost 50 years experience in dealing with banquet permits and the high volume of permits that are issued, it has been demonstrated that there are certain individuals and groups who attempt to use the banquet permit for purposes other than what the permit is intended for. It is necessary that the board have the means to deal with those persons and groups who misrepresent facts on banquet permit applications.

Summary of Rule: WAC 314-18-100, in addition to the general penalties provided for violation of board regulations (see RCW 66.44.175 and 66.44.180) the board may, in its discretion, cancel or terminate a permit and/or hold the applicant and/or permit premises ineligible for future banquet permits.

Reasons Supporting Proposed Action: This rule provides the board with an effective means of dealing with banquet permittees who violate the requirements of chapter 314-18 WAC.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: Ray Hensel, Supervisor/Licensing, 753-6259, Scan 234-6259; Bob Obenland, Chief/Enforcement, 753-6270, Scan 234-6270; and Gary Gilbert, Assistant Chief/Enforcement, 753-6274, Scan 234-6274; all located at Capitol Plaza Building, Olympia, WA 98504. Lowell Hanson, Supervisor/Stores and Agencies; and Harry Teer, Assistant Supervisor/Stores and Agencies, 4401 East Marginal Way S, Seattle, 98134, 464-6860, Scan 576-6860.

Person or Organization Proposing Rule: These rule changes were proposed by the board.

Agency Comments: Adoption of rules covering banquet permits will provide consistency in issuance and the legal tools with which to control and regulate abuse of them.

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

Chapter 314-18 WAC

BANQUET PERMITS

WAC	
314-18-010	BANQUET PERMITS—AUTHORIZED.
314-18-020	DEFINITIONS.
314-18-030	APPLICANTS—RETAIL LIQUOR LICENSEES INELIGIBLE—EXCEPTIONS.
314-18-040	ISSUANCE FEE—RESTRICTIONS.
314-18-050	SALE OF LIQUOR—NOT AUTHORIZED.
314-18-060	LIQUOR TO BE SERVED AND CONSUMED—RESTRICTIONS
314-18-070	RESPONSIBILITIES OF PERMITTEE.
314-18-080	HOURS OF OPERATION—INSPECTION OF PREMISES.
314-18-090	MISREPRESENTATION OF APPLICATION—CONSEQUENCES.

314-18-100 PENALTIES.

NEW SECTION

WAC 314-18-010 BANQUET PERMITS—AUTHORIZED. Pursuant to the provisions of RCW 66.20.010, the board may issue banquet permits in accordance with the following rules.

NEW SECTION

WAC 314-18-020 DEFINITIONS. In this regulation unless the context otherwise requires:

(1) "Permit" shall mean a banquet permit authorized by RCW 66.20.010 (3).

(2) "Banquet" as used in these rules:

(a) Shall mean any event not open to the general public to be held or conducted at a specific place upon a specific date where the persons in attendance will have some common purpose or interest, either business or social or a combination thereof, for attending;

(b) Shall not mean or refer to an event of affair requiring the presence or service of food as might be construed in the more formal sense of that term; nor is there any implication that such events are limited to any specific number of times that they may be held or conducted: PROVIDED, That the applicants are qualified and the events are conducted in conformance with these regulations;

(c) It is not intended to refer to be applicable to an event, affair, or occasion held in the privacy of a person's home.

NEW SECTION

WAC 314-18-030 APPLICANTS—RETAIL LIQUOR LICENSEES INELIGIBLE—EXCEPTIONS. (1) Any person twenty-one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: PROVIDED, HOWEVER, That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, RCW 66.04.010(23), RCW 66.04.010(26), RCW 66.24.480, RCW 66.24.481, and RCW 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, non-commercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(d) That those persons attending the function are the personal invitees of the individual holding it.

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

NEW SECTION

WAC 314-18-040 ISSUANCE FEE—RESTRICTIONS. (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars (\$10.00).

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State Parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and County Parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial Parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All Other Outdoor Areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary or high school is furnished with the application.

(5) Banquet permits will not be issued:

(a) For use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(b) For functions held in a tavern.

(6) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(7) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(8) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of class A, C, D, or H licensed premises, including hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

NEW SECTION

WAC 314-18-050 SALE OF LIQUOR—NOT AUTHORIZED.

(1) A banquet permit does not authorize the sale of liquor for cash, credit, check, scrip, or in any manner whatever: PROVIDED, HOWEVER, That the cost of the occasion to those attending, if any, may be included in the total price for the banquet, in which event, to assure participants receiving an equal share, an allocation based upon a distribution of tickets exchangeable for drinks as a part of the package price is permissible.

(2) The prohibition provided for in subsection (1) hereof extends to the sale of mixers, ice, or "set-ups" if the prices charged therefor are unrelated to the cost of such goods and/or services and approximate what the charge for a drink containing liquor would be.

(3) Liquor cannot be raffled off or offered as a prize at an event for which a banquet permit has been issued. (Such disposition would constitute a "sale" of liquor as that term is defined in RCW 66.04.010(27)).

NEW SECTION

WAC 314-18-060 LIQUOR TO BE SERVED AND CONSUMED—RESTRICTIONS. (1) Class H discount liquor or military discount liquor cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee shall buy or accept delivery of liquor from any manufacturer, brewer, wholesaler, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

NEW SECTION

WAC 314-18-070 RESPONSIBILITIES OF PERMITTEE. (1)

No banquet permittee, or employee thereof, shall knowingly permit the service to or consumption of liquor by any person under the age of twenty-one years who is present at the event for which a banquet permit has been issued.

(2) No banquet permittee, or employee thereof, shall knowingly permit any disorderly conduct to occur or serve or permit the consumption of liquor by an apparently intoxicated person(s) on the premises for which a banquet permit has been issued.

(3) The banquet permit shall be posted in a conspicuous place at the premises for which the permit was issued during all times said permit is in use.

NEW SECTION

WAC 314-18-080 HOURS OF OPERATION—INSPECTION OF PREMISES. (1) Banquet permits may be issued for any day and may authorize the service and consumption of liquor between the hours of 6:00 a.m. and 2:00 a.m. of the following day, except on New Year's Day, when the hour of closing may be extended to 3:00 a.m.

(2) Any premises where a banquet permit has been granted shall be open to inspection by any peace officer or enforcement officer of the board to the same extent as provided for in WAC 314-12-120.

NEW SECTION

WAC 314-18-090 MISREPRESENTATION ON APPLICATION—CONSEQUENCES. A misrepresentation of fact found to have been made by an applicant for any banquet permit shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or for the cancellation of said permit if the event for which the permit has been granted has not yet been held, or for the immediate termination of the permit if the event for which the permit has been issued is in progress.

NEW SECTION

WAC 314-18-100 PENALTIES. In addition to the general penalties provided by law (RCW 66.44.175 and RCW 66.44.180) for the violation of board regulations, the board, upon a finding that a banquet permittee has violated any of the regulations of this chapter, may, in its discretion:

(1) Cancel or terminate the permit.

(2) Hold the applicant and/or the premises for which the banquet permit was issued ineligible for future banquet permits.

WSR 82-13-020
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed June 8, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 314-16-110	Liquor purchases by class H licensees.
Amd	WAC 314-16-160	Records—Purchases—Reports.
Amd	WAC 314-20-070	Bad order claims—Replacement of overaged beer—Procedures.
Amd	WAC 314-24-210	Return of wine by retailer—Replacement—Conditions.
Amd	WAC 314-27-010	Liquor purchases by class CCI licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers.
New	WAC 314-70-010	Sale by class H licensee of liquor stock after discontinuance of business.
New	WAC 314-70-020	Disposition by a governmental agency of

lawfully seized liquors, except those which are required.

New WAC 314-70-030 Purchases by class H licensee of certain liquor stocks.

New WAC 314-70-040 Procedures for board purchase of liquor from governmental agencies;

that such agency will at 2:00 p.m., Wednesday, August 4, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

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 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 4, 1982, and/or orally at 2:00 p.m., Wednesday, August 4, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: June 8, 1982

By: Robert D. Hannah
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-110 Liquor Purchases by Class H Licensees.

Description of Purpose: WAC 314-16-110, the purpose of this rule change is to provide for stocking the premises prior to issuance of a class H license, and for the class H licensee who is permanently going out of business to purchase the open bottles of liquor for his personal use.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-16-160 Records—Purchases—Reports.

Description of Purpose: WAC 314-16-160, the purpose of this rule amendment is to provide for a miscellaneous changing of terms; allow liquor licensees to store/keep purchase invoices off-premises; require all classes of licensees, save for special occasion, to keep books and records that clearly reflect the financial condition of the business; provide an avenue for microfilm, microfiche and automatic data processing record retention; and to allow retail licensees to buy wine from other than a state liquor outlet or a licensed wine wholesaler.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-20-070 Bad Order Claims—Replacement of Overaged Beer—Procedures.

Description of Purpose: WAC 314-20-070, to provide for a cash refund from a beer wholesaler to a beer retailer where an identical replacement beer is not available when an original beer is not in salable condition; to provide for a return to the supplier of beer received different from that which was ordered; and to provide that beer seized by a governmental agency when a licensee is going out of business may be returned to the supplier and the supplier may make a cash refund therefor.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-24-210 Return of Wine by Retailer—Replacement—Conditions.

Description of Purpose: WAC 314-24-210, to provide for a cash refund from a wine wholesaler to a wine retailer where an identical replacement wine is not available when an original wine is not in salable condition; to provide for a return to the supplier of wine received different from that which was ordered; and to provide that wine seized by a governmental agency when a licensee is going out of business may be returned to the supplier and the supplier may make a cash refund therefor.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-27-010 Liquor Purchases by Class CCI Licensees—Reports—Payment of Markup and Taxes—Sales by In-State Beer and Wine Suppliers.

Description of Purpose: WAC 314-27-010, to provide for sales of liquor to class CCI licensees and provide for collection of tax at a later time.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-70-010, Sale by Class H Licensee of Liquor Stock After Discontinuance of Business.

Description of Purpose: WAC 314-70-010, to allow a class H licensee who is permanently going out of business to sell his unopened liquor stock to another class H licensee.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-70-020 Disposition by a Governmental Agency of Lawfully Seized Liquors, Except Those Required to be Delivered to the Board Under RCW 66.32.090.

Description of Purpose: WAC 314-70-020, to allow a governmental agency to dispose of lawfully seized liquor.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-70-030 Purchases by Class H Licensee of Certain Liquor Stocks.

Description of Purpose: WAC 314-70-030, to allow a new class H licensee, where a transfer of license is involved, to purchase from the outgoing licensee.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Title: WAC 314-70-040 Procedures for Board Purchase of Liquor from Governmental Agencies.

Description of Purpose: WAC 314-70-040, to provide rules for purchase by the board of liquor from other governmental agencies.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Summary of Rule: WAC 314-16-110, the rule is amended in regard to the 15 percent discount applying to the price fixed by the board, together with all taxes, to be in conformance with RCW 66.24.440 and to provide that prior to license delivery, a new class H licensee or

transferee, with board authorization, may be sold class H discount liquor for the purpose of stocking the premises. Also allows the licensee to remove from the premises bottles or other containers containing liquor in accordance with the provisions in chapter 314-70 WAC or to return it to a state liquor store or agency. Also provides that a class H licensee who is permanently discontinuing business may remove opened bottles of liquor from the premises for his personal use upon payment to the board an amount to be determined by the board in lieu of the class H discount and tax exemptions in effect at that time.

Reasons Supporting Proposed Action: WAC 314-16-110, pre-stocking of a class H premises with board approval will help to facilitate that an orderly initial acquisition of stock from the board is made on the part of the licensee. Also, in the case of a licensee going out of business, it is recognized he has a big personal investment in the opened bottles of liquor, and he is the only practical person who could purchase the liquor for his own personal use. The change to the rule provides for this.

Summary of Rule: WAC 314-16-160, amendment summary to this rule is as follows: WAC 314-16-160(1), changing the term "sales slips" to "purchase invoices"; providing the minimum information that must be shown on purchase invoices; bringing the rule into alignment with federal regulations by changing the term "checking" to "copying"; and deleting the requirement that licensees are required to keep purchase invoices physically on the premises for two years; WAC 314-16-160(4), provides that under chapter 314-70 WAC, a retail licensee may buy wine from a source other than a state outlet or licensed wine wholesaler; WAC 314-16-160(5), expanding the general record keeping requirements presently required of class H licensees to all classes of licensees except special occasion licensees. All licensees will be required to keep books and records that clearly reflect the financial transactions and financial condition of the business; WAC 314-16-160(6), provides provisions which allow licensees to microfilm/microfiche any and all records, documents and reports with board approval; WAC 314-16-160(7), provides provisions which allow licensees to keep records within an automatic data processing system; and WAC 314-16-160(8), rewording to make grammatically correct and changing "checking" to "copying" as was done in WAC 314-16-160(1) bringing the rule into alignment with federal regulations.

Reasons Supporting Proposed Action: WAC 314-16-160, justification for rule amendment is as follows: WAC 314-16-160(1): Changing "sales slips" to "purchase invoices" to avoid confusion and misunderstanding; adding to the rule the minimum information that must be shown on the purchase invoice to assist the board and its licensees in proper record keeping; changing the term "checking" to "copying" to align the rule with federal regulation (ATF Reg. 194.242); and deleting the requirement to keep purchase invoices on the licensed premises for two years. This is a significant and

positive change which will allow licensees to store purchase invoices with their accounts, bookkeepers, at corporate headquarters, in their home office, etc. All other financial records of the licensee may presently be kept off the premises and this brings consistency to licensee record keeping. All records will now be readily available for inspection and copying. WAC 314-16-160(4), the change to WAC 314-16-160(4) is to make it in conformance with chapter 314-70 WAC, which allows a retail licensee to purchase wine from a governmental agency under board supervision. It is for when a licensed establishment has gone out of business and the wine stock has been seized by a governmental agency. WAC 314-16-160(5), requires all licensees to keep books and records which clearly reflect the financial condition of the business. This will aid in the audit of licensee records. To reconstruct business records from scraps of paper tossed in paper bags and cardboard boxes is an impossible task at best. The IRS requires that any business keep adequate books and records. WAC 314-16-160(6), adding provisions for microfilming records. The present rule has no such provision and many businesses do keep records utilizing this method. This brings the rule in line with practice. The language of this amendment is similar to federal regulation (ATF 194.243); WAC 314-16-160(7), adding provisions for keeping records in an automatic data processing system. The present rule has no such provision and many businesses do keep records utilizing this method. This brings the rule in line with practice. The language of this amendment is similar to federal regulation (IRS); and WAC 314-16-160(8), language in paragraph (8) was formerly in paragraph (5). It was moved as a part of the syntax process in amending the rule. Further there was slight rewording to ensure grammatical correction and the term "checking" was changed to "copying" as was done in paragraph (1) to align the language with federal regulations.

Summary of Rule: WAC 314-20-070, the rule provides for an orderly manner in which to return beer to a retailer and/or a governmental agency who has seized beer from a retailer who is going out of business to the supplier and provides for the conditions under which replacement stock and/or cash refund may be made.

Reasons Supporting Proposed Action: WAC 314-20-070, the changes in the rule are being made to address and provide a solution to the practical problems that arise wherein beer needs to be returned to the supplier for credit and/or cash refund. This rule change makes such provisions.

Summary of Rule: WAC 314-24-210, the rule provides for an orderly manner in which to return wine by a retailer and/or a governmental agency who has seized wine from a retailer who is going out of business to the supplier and provides for the conditions under which replacement stock and/or cash refund may be made.

Reasons Supporting Proposed Action: WAC 314-24-210, the changes in the rule are being made to address and provide a solution to the practical problems that arise wherein wines need to be returned to the supplier

for credit and/or cash refund. This rule change makes such provisions.

Summary of Rule: WAC 314-27-010, employees of the board or licensed importers/wholesalers may sell liquor to class CCI licensees upon presentation of a special permit. Such sales are considered exports and as such will not be subject to collection of state liquor taxes at the time of sale. The taxes will be collected later under a reporting system.

Reasons Supporting Proposed Action: WAC 314-27-010, to establish a procedure for sale of liquor to class CCI licensees and a method for collecting applicable taxes.

Summary of Rule: WAC 314-70-010, the class H licensee who is permanently going out of business may, after obtaining approval of the board, and under the supervision of a representative of the board, dispose of his salable, unopened liquor stock to the board at a computed price except in the case of a transfer of license where he may sell to the incoming class H licensee.

Reasons Supporting Proposed Action: WAC 314-70-010, currently there is no provision for a class H licensee who is transferring his license to dispose of his liquor stocks by sale to the incoming class H licensee. This creates a financial hardship on the part of the licensee who is going out of business and the incoming licensee. This rule will eliminate that hardship.

Summary of Rule: WAC 314-70-020, a governmental agency which has lawfully seized liquor from a class H licensee may, after obtaining approval of the board, sell salable, unopened seized liquor to the board or a wholesaler from whom it was purchased, or may export the liquor from the state. It also makes provision for a governmental agency to sell lawfully seized opened bottles of liquor back to the licensee from whom seized for the licensee's personal use.

Reasons Supporting Proposed Action: WAC 314-70-020, there are occasions when governmental agencies will seize liquor from a class H licensee, and currently there is no provision for the governmental agency to in turn sell the liquor so seized. This rule makes provision for disposing of such liquor.

Summary of Rule: WAC 314-70-030, the rule allows, in the case of a class H licensee going out of business and transferring his license, for the incoming class H licensee to purchase the liquor stock.

Reasons Supporting Proposed Action: WAC 314-70-030, this rule is necessary to compliment previous rules, WAC 314-70-010 and 314-70-020.

Summary of Rule: WAC 314-70-040, the rule provides procedures to be followed where a governmental agency has seized liquor and wishes to sell it to the Liquor Control Board.

Reasons Supporting Proposed Action: WAC 314-70-040, when a governmental agency seizes liquor within the state, they wish to sell it within the state for a fair price. WAC 314-70-040 provides for sale of such liquor to the board. It is recognized that the governmental agency seizing the liquor should be afforded a procedure to sell the same.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: Jim Hoing, Controller, 753-6290, Scan 234-6290; Ray Hensel, Supervisor of Licensing, 753-6259, Scan 234-6259; Bob Obenland, Chief Enforcement Officer, 753-6270, Scan 234-6270; and Gary Gilbert, Assistant Chief Enforcement Officer, 753-6274, Scan 234-6274, all located at Capitol Plaza Building, Olympia, WA 98504.

Person or Organization Proposing Rule: These rule changes were proposed by the board.

Agency Comments: WAC 314-16-110, these changes to the rule will provide for the solution to the problems which are experienced by class H licensees; WAC 314-16-160, this revision of the rule is necessary to complement the provisions of new chapter 314-70 WAC, and to make the rule workable under the current state of record keeping technology; WAC 314-20-070, this will allow a method by which governmental agencies can dispose of liquors (beer) seized by them, as well as allow brewery retailers to realize credit and/or cash refund for items not initially ordered and/or items not in a salable condition; WAC 314-24-210, this will allow a method by which governmental agencies can dispose of liquors (wine) seized by them, as well as allow winery retailers to realize credit and/or cash refund for items not initially ordered and/or items not in a salable condition; WAC 314-27-010, this rule should make for a more workable system of collecting tax on sales of liquor to CCI licensees; WAC 314-70-010, this rule will allow the board to supervise the orderly disposition of salable liquor stock from a class H licensee going out of business and transferring his license to the incoming class H licensee or to the board; WAC 314-70-020, this rule affords a vehicle for the orderly disposition of liquor seized by a governmental agency; WAC 314-70-030, this will allow the orderly disposition of the liquor stocks from one class H licensee to the next when a class H licensee is transferring his license; and WAC 314-70-040, this rule will provide the detailed procedures under which the board may buy this liquor and the prices they will pay for same. This will help provide the orderly disposition of liquor seized by governmental agencies.

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

AMENDATORY SECTION (Amending Order 50, filed 11/30/76, effective 12/31/76)

WAC 314-16-110 LIQUOR PURCHASES BY CLASS H LICENSEES. ~~((RULE 26:))~~ (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board, together with all taxes, to any Class H licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee; PROVIDED, HOWEVER, That prior to license delivery, a new licensee or transferee may, with board authorization, be sold Class H discount liquor for the purpose of stocking the premises. The employee shall at the time of selling any spirituous liquor to a Class H licensee make a record of the liquor so sold, together with the name of the Class H licensee making the purchase.

(2) Every Class H licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter 314-70 WAC or to return it to a state liquor store or agency, nor shall he dispose or allow to be

disposed the liquor contained therein in any manner except as authorized by his license. The possession of any bottle or other container purchased from the board at a discount by any person other than the Class H licensee who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the Class H licensee unlawfully permitted the removal thereof from his licensed premises; PROVIDED, That a Class H licensee who permanently discontinues business, other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the Class H discount and tax exemption in effect at that time.

(3) No Class H licensee shall keep in or on the licensed premises any spirituous liquor in any bottle or other container other than the bottle or container in which it was purchased from the board at a discount: PROVIDED, HOWEVER, That notwithstanding any other provision of Title 314 WAC, a Class H licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a Class H licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount except as provided in subsection (2) hereof.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every Class H licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted.

AMENDATORY SECTION (Amending Order 24, filed 6/28/73)

WAC 314-16-160 RECORDS—PURCHASES—REPORTS. (1) The originals or copies of all ~~((sales slips;))~~ purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept ((on file in the retail premises of the licensee purchasing the same)) for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and ~~((checking))~~ copying. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and ~~((checking))~~ copying.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: PROVIDED, That in individual and particular cases, upon consent of the board first had and obtained, in writing, a retail licensee may pay cash prior to delivery of liquor purchased.

(3) No retail licensee shall purchase beer from a beer wholesaler at a price differing from the price for the package or container of beer as shown in the price posting filed in accordance with WAC 314-20-100.

(4) ~~((No))~~ A retail licensee shall only purchase wine ((except)) from a state liquor store((s)) or agency or from a duly licensed wine wholesaler except as provided in chapter 314-70 WAC. No wine shall be purchased from a wine wholesaler at a price differing from the price for the container of wine as shown in the price posting filed in accordance with WAC 314-24-190. No retail licensee may return wine to a wine wholesaler except in accordance with the provisions of WAC 314-24-210.

(5) Each ~~((Class H))~~ retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. ((All Class H licensees, in addition to the requirements of subsection (1) above, shall at all times:

(a) Maintain records of all purchases for the premises including liquor, food and supplies. The purchases, supported by supplier invoices or signed vouchers, are to be segregated as to type and recorded;

(b) Maintain records of all sales on the premises from all sources including liquor, food, miscellaneous items, and service. Individual sales are to be recorded on sales slips or cash register tape in such a

manner as to indicate the source of revenue and the records are to be filed for future audit purposes. Sales, segregated as to source of revenue, are to be recorded:

(c) ~~The records described in subdivisions (a) and (b) shall be preserved for a period of two years.~~

(d) ~~Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board; and~~

(e) ~~Each Class H licensee shall upon request make available to the board, and/or its accredited representatives, his books and records relative to purchases, sales, and inventories of liquor, food and supplies.))~~

(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:

(a) Records proposed to be reproduced.

(b) Reproduction process.

(c) Manner of preserving the reproduction.

(d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.

(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.

(8) All Class H licensees in addition to the requirements of subsection (1) above shall at all times:

(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.

(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.

(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b).

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.

(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and records relative to purchases, sales and inventories of liquor, food and supplies.

AMENDATORY SECTION (Amending Order 49, filed 8/26/76, effective 9/26/76)

WAC 314-20-070 BAD ORDER CLAIMS—REPLACEMENT OF OVERAGED BEER—PROCEDURES ((RULE 46)). Bad order claims shall be made, adjusted and record thereof preserved as follows:

(1) No bad order claim shall be allowed except by a brewer or beer importer;

(2) No bad order claim shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) No bad order claim shall be accepted unless the same is made by the retailer in quadruplicate upon forms furnished by the board;

(4) After the claim has been made out in quadruplicate, one copy (blue) shall be torn from the book and retained by the retailer; one copy (yellow) shall be torn from the book and retained by the wholesaler in those cases where the wholesaler acts as agent of the brewer in

accepting the claim; the original and one copy (pink) shall be torn from the book and forwarded to, or retained by, the brewer or beer importer for action upon the claim;

(5) At the time of making the final adjustment of the claim, the brewer or beer importer shall mail to the board the pink copy, endorsing thereon the action taken by the brewer or beer importer, together with a certification that in his opinion the claim was valid to the amount allowed;

(6) All adjustments of bad order claims shall be made by check issued by the brewer or beer importer and payable to the retailer, bearing the bad order claim number or numbers for which adjustment is made;

(7) All documentary evidence relating to the claim shall be preserved by the retailer and brewer or beer importer for two years after the date of submission of the claim;

(8) No brewer or beer importer shall allow, or shall any retailer make claim for, a bad order claim unless the container or the beer is in fact defective;

(9) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with ~~((a like))~~ an identical quantity, type and brand of beer; PROVIDED, FURTHER, That if the brand of beer is not presently in the beer wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained;

(10) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer wholesaler and either replaced with that beer which was ordered or a cash refund may be made upon the approval of the board first being obtained: PROVIDED, That the error in delivery shall be discovered and corrected within seven days of the date the delivery was made;

(11) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection (9) of this regulation, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board((:));

~~((++))~~ (12) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that written consent of the board is first had and obtained;

~~((+2))~~ (13) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-210 RETURN OF WINE BY RETAILER—REPLACEMENT—CONDITIONS ((RULE 83)). No wine shall be returned by any retail licensee to any wine wholesaler ~~((or domestic winery))~~ except as herein provided.

(1) Wine which is not in a salable condition ~~((and which requires reconditioning))~~ may be returned by a retail licensee to the wine wholesaler from whom purchased, provided it is immediately replaced by the wine wholesaler with ~~((a like))~~ an identical quantity, type and brand of wine; PROVIDED, That if the brand of wine is not presently in the wine wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained.

(a) Every wine wholesaler shall ~~((within ten days after the close of each month, furnish to the board, upon forms prescribed and furnished by the board;))~~ maintain on the licensed premises for a period of two years complete records of all refunds and exchanges made under this section including an inventory of unsalable wine returned to such wholesaler by any retail licensee.

(b) Such unsalable wine which requires reconditioning shall be returned by the wine wholesaler to the domestic winery which manufactured or produced the same, or to the importer who imported such wine. When wine which has been returned to a domestic winery by any person for reconditioning has been assembled at the winery, a complete inventory in duplicate of unsalable wine shall be filed with the board by the winery with a request that inspection be made of the returned wine before the reconditioning process is started. When wine has been returned by the wholesaler to the importer who imported such wine, a complete inventory of said wine shall be filed in duplicate with the

board by the importer with a request that inspection be made of the returned wine before the wine is destroyed or returned to the out-of-state manufacturer.

(c) Except as provided herein, no other adjustment, by way of a cash refund or otherwise, shall be made by the winery or wine wholesaler.

(2) Wine may be returned by a retail licensee or by a governmental agency who has seized the same to the wine wholesaler selling such wine ~~((or to the domestic winery manufacturing or producing the same))~~ in the event the retailer goes out of the business of selling wine at retail, and in such case a cash refund may be made upon return of the wine, provided that written consent of the board is first had and obtained.

(3) Wine different from that ordered which has been delivered in error to a retail licensee may be returned to a wine wholesaler and either replaced with that wine which was ordered or a cash refund may be made upon the approval of the board first being obtained: PROVIDED, That the error in delivery shall be discovered and corrected within seven days of the date the delivery was made.

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 42, filed 11/6/75)

WAC 314-27-010 LIQUOR PURCHASES BY CLASS CCI LICENSEES—REPORTS—PAYMENT OF MARKUP AND TAXES—SALES BY IN-STATE BEER AND WINE SUPPLIERS. ((RULE 83-6:)) (1) Any employee authorized by the board and/or any licensed importer and/or wholesaler may sell liquor to the holder of a class CCI license upon presentation of a special permit issued by the board to such licensee.

(2) Sales of liquor by the board to such properly licensed interstate commercial common passenger carriers shall be treated as sales for export from the state and, as such, will not be subject to collection of the state liquor taxes at the time of purchase by the licensee.

~~((2))~~ (3) Every federally licensed interstate commercial common passenger carrier, holding a Class CCI-1 or a Class CCI-2 license pursuant to chapter 245, Laws of 1975 1st ex. sess., shall, on or before the fifteenth day of each month, make a report to the board, upon forms approved by the board, of all spirituous liquor, beer and wine served or sold at retail for passenger consumption by such common carrier within or over the territorial limits of the state of Washington during the preceding calendar month.

At the time of filing the report prescribed herein, such common carrier shall pay to the board the board's markup on spirituous liquor, and state liquor taxes as applicable, on such spirituous liquor, beer and wine so served or sold, in an amount to approximate the revenue that would have been realized from such markup and taxes had such alcoholic beverages been purchased for use in the state.

~~((3))~~ (4) Holders of Class CCI-3 or Class CCI-4 licenses as provided in said chapter 245, Laws of 1975 1st ex. sess., are not authorized to serve or sell at retail spirituous liquor, beer or wine for passenger consumption within or over the territorial limits of the state, and are not subject to the provisions of subsection ((4)) (3) of this regulation.

(5) Licensed beer and wine importers and wholesalers who sell beer or wine to such properly licensed interstate commercial common passenger carriers shall treat such sales as exports from the state. Such importers and wholesalers who have paid the taxes imposed by RCW 66.24.290 or RCW 66.24.210 on beer or wine so sold may claim refund of the taxes under procedures set forth in WAC 314-20-010 or WAC 314-24-110, as applicable.

NEW SECTION

WAC 314-70-010 SALE BY CLASS H LICENSEE OF LIQUOR STOCK AFTER DISCONTINUANCE OF BUSINESS. Notwithstanding any other provision of Title 66 RCW or chapter 314 WAC, a class H licensee who permanently discontinues business for any reason shall dispose of the salable unopened liquor remaining in stock by sale to the board of the items originally purchased from the board. The board will pay the total amount listed in the official price list then in effect, less the class H discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the

board. Combined percentages will be rounded up to a whole percent. Provided, however, that in the case of a transfer of license a class H licensee, after obtaining the approval of the board and under the supervision of a representative of the board, may sell the entire inventory of liquor to the incoming licensee at a negotiated price.

NEW SECTION

WAC 314-70-020 DISPOSITION BY A GOVERNMENTAL AGENCY OF LAWFULLY SEIZED LIQUORS, EXCEPT THOSE WHICH ARE REQUIRED TO BE DELIVERED TO THE BOARD UNDER RCW 66.32.090. Notwithstanding any other provision of Title 66 RCW or chapter 314 WAC, governmental agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquors (except those which are required to be delivered to the board under RCW 66.32.090) as follows:

(1) The governmental agency may sell spirituous unopened salable liquor, and/or wine and beer previously purchased from the board, to the board as per procedure in WAC 314-70-040.

(2) The governmental agency may sell opened containers of liquor back to the class H licensee from whom seized, if the licensee is going out of business, for the personal use of the licensee at a negotiated price after payment by the licensee to the board of an amount to be determined by the board in lieu of the class H discount and tax exemption in effect at that time. Provided, that if the licensee has not so purchased the opened bottles of liquor within the period of redemption, they shall be destroyed.

(3) The governmental agency may sell unopened beer and/or wine to the wholesaler selling the same as per procedure in WAC 314-24-210 and WAC 314-20-070 at a negotiated price. Copies of inventory and bill of sale shall be furnished the board.

(4) The governmental agency may sell unopened salable wine to appropriately licensed retailers at a negotiated price. Copies of the inventory and bill of sale shall be furnished the board.

(5) The governmental agency may ship the liquor out of the state of Washington.

NEW SECTION

WAC 314-70-030 PURCHASES BY CLASS H LICENSEE OF CERTAIN LIQUOR STOCKS. Notwithstanding any other provision of Title 66 RCW or chapter 314 WAC, a class H licensee in conjunction with a transfer of license may purchase, and place into its regular stock, salable liquor as provided in WAC 314-70-010. Such liquor shall be treated for purposes of Title 66 RCW and chapter 314 WAC as if it had been purchased from the board pursuant to RCW 66.24.440.

NEW SECTION

WAC 314-70-040 PROCEDURES FOR BOARD PURCHASE OF LIQUOR FROM GOVERNMENTAL AGENCIES. The board may purchase from governmental agencies lawfully seized salable unopened liquor. Such purchases are subject to the following conditions:

(1) The governmental agency shall provide the board with a listing of the liquor and shall make the liquor available for examination and review.

(2) The board will issue a purchase order for the liquor.

(3) When the governmental agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the total amount listed in the official board price list then in effect, less the class H discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the board. Combined percentages will be rounded up to a whole percent.

(4) When the governmental agency is a federal agency, or when the governmental agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed 90 percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty.

(5) After receipt of the board purchase order, the governmental agency who is selling the liquor will invoice the board as per the prices listed on the purchase order.

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 82-13-021
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed June 8, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning suggestive, lewd and/or obscene conduct on licensed premises, WAC 314-16-125;

that such agency will at 10:00 a.m., Thursday, August 12, 1982, in the City Hall, Council Chambers, 8th and Plum, Olympia, Washington 98501, 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 66.08.030 and 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 12, 1982, and/or orally at 10:00 a.m., Thursday, August 12, 1982, City Hall, Council Chambers, 8th and Plum, Olympia, Washington 98501.

Dated: June 8, 1982

By: Robert D. Hannah
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-125 Suggestive, Lewd and/or Obscene Conduct on Licensed Premises.

Description of Purpose: The board's rules, recently amended, now prohibit dancer-entertainers from "table dancing" for patrons unless such entertainers are at least six feet away from the nearest patron. The proposed amendment would provide an exemption for traditional ethnic dances, such as "belly dancing" performed in restaurant, hotel, or club licensed premises.

Statutory Authority: RCW 66.08.030 and 66.98.070 and Title 34 RCW.

Summary of Rule: The amendment would provide that subsection (7) of WAC 314-16-125 would not apply to performances of traditional ethnic dancing such as belly dancing, flamenco dancing, Hawaiian or Tahitian dancing, etc., performed in restaurant, hotel or club licensed premises providing that certain conditions are met and thereafter complied with. The conditions necessary for qualifying for the exemption include: A written request by the licensee outlining in detail the type of ethnic dancing to be performed, where in the licensed premises and when it would take place and a description of the costume(s). Board approval in writing to such request is requisite; that the dancers qualifying for the exemption are to be compensated by the licensee; the licensee would be required to keep a list and detailed information, available for inspection, concerning all traditional ethnic dancers employed at the licensed premises. Such information would include the dancer's true name, the dancer's address, social security number and terms of the employment agreement; and such data would have to be signed by both the licensee and the dancer; any commonly followed practice of patrons rewarding, paying or tipping the dancer by placing compensation in or

on any part of the performer's costume would be prohibited; that a person performing as a traditional ethnic dancer at a licensed premises cannot act as an employee in any other capacity (i.e. waitress, hostess, etc.) at that licensed premise; and that the dance performances would be performed for the enjoyment of the general audience and not for patrons individually.

Reasons Supporting Proposed Action: The type of offensive conduct involved in "table dancing" performances for individual patrons which the board had found caused the most infractions of the lewd conduct rule, and which led to the amendment of WAC 314-16-125 by the adoption of subsection (7) thereof was never, insofar as the board is aware, present or associated with performances by traditional ethnic dancers at liquor licensed establishments. This being so, it would be appropriate to consider an exemption for artistic performances by bona fide traditional ethnic dancers at liquor licensed premises.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of the Rule: Ray Hensel, Supervisor of Licenses, 753-6259, Scan 234-6259; and Bob Obenland, Chief of Enforcement, 753-6270, Scan 234-6270, 1025 East Union Avenue, Olympia, WA 98504.

Persons or Organization Proposing Rule: This rule change was proposed by the board.

Agency Comments: None.

This rule amendment was not made necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 83, Resolution No. 92, filed 11/18/81)

WAC 314-16-125 SUGGESTIVE, LEWD AND/OR OBSCENE CONDUCT ON LICENSED PREMISES. The following acts or conduct on licensed premises are prohibited:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to subsection (5) herein, to permit entertainers whose breast and/or buttocks are exposed to view to perform elsewhere on the licensed premises except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) Subject to subsection (5) herein, to permit any dancer-entertainer to perform on the licensed premises except when removed at least six feet from the nearest patron. This subsection shall not be applied to performances of traditional ethnic dancing such as belly dancing, flamenco dancing, Hawaiian, or Tahitian dancing, etc., performed in restaurant, hotel, or club licensed premises, provided that the following conditions are met:

(a) That the licensee shall have applied for and received written approval of the board for such activity.

(b) That the dancers shall be compensated by the licensee:

(i) The compensation shall be at a rate not less than the minimum wage provided by state law.

(ii) The licensee shall keep and have available for inspection by the board, or any peace officer, at all reasonable times, a list of all traditional ethnic dancers employed at the licensed premises. Such list shall be retained for a period of thirty days after termination of employment and shall designate the following information with respect to each entertainer:

(A) True name and professional or stage name, if any;

(B) Residence address and phone number;

(C) Social security number; and

(D) Terms of the agreement of employment.

(iii) Any commonly followed practice of patrons rewarding, paying or tipping the dancer by placing compensation in or on any part of the performer's costume is prohibited.

(iv) That a person employed as a traditional ethnic dancer at a licensed premises shall not act as an employee in any other capacity (i.e. waitress, cocktail waitress, etc.) at that licensed premises.

(c) The dance performances authorized by this subsection shall be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(8) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(9) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(10) To permit the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(11) Nothing in this rule is intended to modify the provisions of RCW 66.28.080 concerning city or county dancing or music permits.

(12) Notwithstanding any of the provisions of this rule, no licensee shall employ, use the services of, or permit upon his licensed premises, any entertainment or person whose attire or conduct is in violation of any city or county ordinance.

(13) The occurrence of any of the above acts or conduct, whether permitted on the part of a licensee or his employees or agents or any other persons under the control or direction of the licensee or his employees or agents, shall constitute good and sufficient cause for cancellation of license privileges.

(14) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

WSR 82-13-022

NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION

[Memorandum—June 4, 1982]

The State Hospital Commission will meet in Seattle at the Seattle Hyatt, SeaTac, on Thursday, June 24, 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 July 22, August 12 and August 26, 1982 at the Hyatt House, SeaTac.

WSR 82-13-023

EMERGENCY RULES DEPARTMENT OF LICENSING

[Order P.L. 400—Filed June 8, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Highways-Licenses Building, Olympia, Washington 98504, the annexed rules relating to regulation of auctioneers and auctioneers trainees.

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 the need to implement rules regulating license fees for auctioneers pursuant to chapter 205, Laws of 1982, effective June 10, 1982 so that the department may charge a licensing fee on the effective date. There was no time to implement a formal rule-making process between passage of chapter 18.11 RCW and its effective date.

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

This rule is promulgated pursuant to RCW 18.11.030 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 June 8, 1982.

By John Gonzalez
Director

NEW SECTION

WAC 308-11-300 AUCTIONEER'S LICENSING FEE. The initial license fee shall be \$150.00. The fee shall be submitted with the application within 90 days after June 10, 1982.

NEW SECTION

WAC 308-11-310 AUCTIONEER TRAINEES LICENSING FEE. The initial license fee for an auctioneer trainee's license shall be \$25.00. The fee shall be submitted with the application within 90 days after June 10, 1982.

WSR 82-13-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-59—Filed June 8, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is necessary for the conservation of brood stock needed for the Leavenworth hatchery complex.

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 8, 1982.

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

NEW SECTION

WAC 220-57-29000C ICICLE RIVER *Notwithstanding the provisions of WAC 220-57-290, effective 12:01 a.m. June 11, 1982 until further notice, it is unlawful to take, fish for or possess foodfish for personal use from the waters of the Icicle River.*

WSR 82-13-025
ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
 [Order FM 82-5—Filed June 8, 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 Nursing homes—Standards for fire protection, chapter 212-32 WAC.

This action is taken pursuant to Notice No. WSR 82-09-001 filed with the code reviser on April 8, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.51.140 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 June 8, 1982.

By Thomas R. Brace
 Director

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-32-045 CONSTRUCTION REQUIREMENTS. New construction or major remodeling shall comply with the Group I, Division 1 requirements of the 1976 Uniform Building Code, or to Group I, Division 2, if occupancy is limited to ambulatory patients. **EXCEPTION:** ((Single-story)) Nursing homes housing not more than fifteen ambulatory or mobile nonambulatory developmentally disabled persons shall conform to the Lodging and Rooming House Section of the 1976 Life Safety Code, National Fire Protection Association publication #101, and the "R" (residential) Occupancy Section of the 1976 Uniform Building Code. If any of the residents are other than ambulatory, the building shall also be equipped with an automatic sprinkler system throughout. If occupancy is limited to ambulatory persons, direct means of egress to the outside, such as doors or emergency escape windows, shall be provided from each sleeping room, and an automatic fire detection system, including smoke detectors in each sleeping room and all public areas, may be substituted in lieu of sprinkler protection.

WSR 82-13-026
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 14
 [June 7, 1982]

OFFICES AND OFFICERS—STATE—DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LICENSES—FEES—FEE FOR LICENSE ISSUED PURSUANT TO RCW 70.98.080

The Department of Social and Health Services, in its capacity as the state radiation control agency under chapter 70.98 RCW, is authorized by § 2, chapter 201, Laws of 1982 to establish and impose license fees in connection with licenses issued pursuant to RCW 70.98.080.

Requested by:
 Honorable Alan J. Gibbs
 Secretary
 Department of Social and Health
 Services
 Olympia, Washington 98504

WSR 82-13-027
RULES OF COURT
STATE SUPREME COURT
[June 8, 1982]

IN THE MATTER OF THE
ADOPTION OF AMENDMENTS
TO GENERAL RULE 1

NO. 25700-A-335
ORDER

The Court having adopted the Discipline Rules for Judges (DRJ) by Order dated May 6, 1982, and having determined that Part I of General Rule 1 should be amended to reflect the addition of these Rules; Now, therefore, it is hereby

ORDERED:

That the title of the Rules is to be inserted into Part I of General Rule 1 immediately following the Code of Judicial Conduct.

DATED at Olympia, Washington, this 8th day of June, 1982.

	Robert F. Brachtenbach
Hugh J. Rosellini	William H. Williams
Charles F. Stafford	Fred H. Dore
Robert F. Utter	Carolyn R. Dimmick
James M. Dolliver	Vernon R. Pearson

WSR 82-13-028
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed June 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning chapter 314-18 WAC banquet permits and WAC 314-18-030 Applicants—Retail liquor licensees ineligible—Exceptions;

that such agency will at 9:30 a.m., Wednesday, August 4, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

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 66.08.030 and 66.98.070 and Title 34 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 4, 1982, and/or orally at 9:30 a.m., Wednesday, August 4, 1982, Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: June 9, 1982
By: Robert D. Hannah
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-18-030 Applicants—Retail Liquor Licensees Ineligible—Exceptions.

Description of Purpose: To specify the qualifications for applicant eligibility for banquet permits.

Statutory Authority: RCW 66.08.030 and 66.98.070 and chapter 34.04 RCW.

Summary of Rule: Specifies that retail liquor licensees are ineligible to obtain banquet permits except under certain specific circumstances. It also authorizes the use of banquet permits on chartered buses, boats, planes, or passenger cars of trains. It also provides that banquet permits are not required for functions held by individuals that are of a personal, noncommercial type and which would normally be held in the individual's home but for space considerations. Such a function must be held in a non-liquor licensed premises and the individual hosting it, for his own personal invitees, can make no charge for anything provided at the function. Banquet permits are also not required for wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

Reasons Supporting Proposed Action: This entire chapter (chapter 314-18 WAC) encompasses rules developed to regulate the issuance and controlled use of banquet permits. Banquet permits were provided for in the original Liquor Act (the Steele Act) in 1933. Since that time the agency has dealt with their use and issuance on a case-by-case basis. During the last fiscal year, the board issued 27,300 permits. The scope of banquet permit use, and the number of issuances is now such that rules are necessary to establish uniform regulation and control of the issuance and use of banquet permits.

The Following Agency Personnel are Responsible for Drafting, Implementation and Enforcement of this Rule: Ray Hensel, Supervisor of Licensing, 753-6259, Scan 234-6259; Bob Obenland, Chief/Enforcement, 753-6270, Scan 234-6270; Gary Gilbert, Assistant Chief/Enforcement, 753-6274, Scan 234-6274; Capitol Plaza Building, Olympia, WA 98504; Lowell Hanson, Supervisor/Stores and Agencies, 464-6860, Scan 576-6860; and Harry Teer, Assistant Supervisor/Stores and Agencies, 464-6860, Scan 576-6860, 4401 East Marginal Way, S. Seattle, 98134.

Persons or Organization Proposing Rule: This rule change was proposed by the board.

Agency Comments: Adoption of rules covering banquet permits will provide consistency in issuance and the legal tools with which to control and regulate abuse of them.

This rule was not made necessary as a result of federal law or federal or state court action.

Chapter 314-18 WAC
BANQUET PERMITS

WAC
314-18-030 APPLICANTS—RETAIL LIQUOR LICENSEES
INELIGIBLE—EXCEPTIONS.

NEW SECTION

WAC 314-18-030 APPLICANTS—RETAIL LIQUOR LI-
CENSEES INELIGIBLE—EXCEPTIONS. (1) Any person twenty-

one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: PROVIDED, HOWEVER, That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) A banquet permit is not required for wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

(5) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, RCW 66.04.010(23), RCW 66.04.010(26), RCW 66.24.480, RCW 66.24.481, and RCW 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, non-commercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(d) That those persons attending the function are the personal invitees of the individual holding it.

WSR 82-13-029
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—June 8, 1982]

The June 1982 meeting of the Board of Trustees of Community College District No. 1, Peninsula College, has been changed by action of the board from June 16, 1982, to June 23, 1982.

WSR 82-13-030
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order 674-DOL—Filed June 9, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of the UCC-1 standard financing statement form and the UCC-11R form instructions; the amendment and adoption of uniform procedures for filing with and obtaining information from, UCC filing officers; and repeal of the administrative rule providing for a UCC amendment fee.

This action is taken pursuant to Notice No. WSR 82-08-075A filed with the code reviser on April 7, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 62A.9-409(1) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 9, 1982.

By Jack Nelson
 for John Gonzalez
 Director

PLEASE TYPE FORM:
 This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.
 LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

DEBTOR(S) (or assignor(s))
 (last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
 (if any)

SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
 (if applicable)
 (last name first, and address(es))

CHECK IF APPLICABLE:
 Products of collateral are also covered. Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

NUMBER OF ADDITIONAL SHEETS PRESENTED: _____
 For Informational Purposes Only:
 Check Box if Filing Covers Consumer Goods

This FINANCING STATEMENT covers the following types or items of property:

RETURN ACKNOWLEDGMENT COPY TO: _____

FILE WITH:
 UNIFORM COMMERCIAL CODE DIVISION
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504

FOR OFFICE USE ONLY Images to be filmed

This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)

(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or

(b) which is proceeds of the original collateral described above in which a security interest was perfected, or

(c) as to which the filing has lapsed, or

(d) acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete only if box (d) is checked:
 Original filing number _____
 Filing office where filed _____
 Former name of debtor(s) _____

0. **USE IF APPLICABLE:**

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-1

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

PLEASE TYPE FORM. This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

- LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))
2. FOR OFFICE USE ONLY
TRADE NAME: (if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)
4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

5. CHECK IF APPLICABLE:
Products of collateral are also covered.
Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:
For Informational Purposes Only: Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:
FILE WITH: UNIFORM COMMERCIAL CODE DIVISION, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FOR OFFICE USE ONLY Images to be filmed

9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)
(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or
(b) which is proceeds of the original collateral described above in which a security interest was perfected, or
(c) as to which the filing has lapsed, or
(d) acquired after a change of name, identity, or corporate structure of the debtor(s).
Complete fully if box (d) is checked. complete as applicable for (a), (b), and (c):
Original filing number
Filing office where filed
Former name of debtor(s)

10. USE IF APPLICABLE:
TYPE NAME(S) OF DEBTOR(S) (or assignor(s))
TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))
SIGNATURE(S) OF DEBTOR(S) (or assignor(s))
SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))
WASHINGTON UCC - 1
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

COPY 2 FILING OFFICER NUMERIC

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Piles 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
 COPY 4 - DEBTOR
 COPY 5 - SECURED PARTY

Ply 1 will have a 5 inch carbon behind it.
 Ply 2 will have a carbon behind it which must end at the bottom of box 9.
 Piles 3 and 4 will each have a full sheet carbon behind them.
 Instructions will appear on the back of copy 5.

<div style="position: absolute; top: 10px; left: 10px;">┌</div> <div style="position: absolute; top: 10px; right: 10px;">┐</div> <div style="position: absolute; bottom: 10px; left: 10px;">└</div> <div style="position: absolute; bottom: 10px; right: 10px;">┘</div>	
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<div style="position: absolute; top: 10px; left: 10px;">┌</div> <div style="position: absolute; top: 10px; right: 10px;">┐</div> <div style="position: absolute; bottom: 10px; left: 10px;">└</div> <div style="position: absolute; bottom: 10px; right: 10px;">┘</div>	<p>FOR OFFICE USE ONLY</p>
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TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
 P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1

INSTRUCTIONS UCC-1

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1. Proper filing fees must accompany each form.

5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

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AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R form prescribed by the department of licensing:

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION

1 FOR OFFICE USE ONLY	2A DEBTOR (last name first and address)
3 PARTY requesting Certificate of Information (name and address)	2B Previous address(es) of debtor (if applicable)
[] []	4 DATE _____ SIGNATURE OF REQUESTOR _____

- Department of Licensing, please furnish INFORMATION certificate showing whether there is on file any presently effective financing statement or statement of assignment for the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.
- Department of Licensing, please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements or statements of assignment for the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$8.00 fee is enclosed.
- Department of Licensing, please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ with those specifically requested file numbers listed below. The \$8.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY(IES)

- 1 THE ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING AS OF _____ AT _____
- 2 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT FROM _____ TO _____ WHICH NAME THE ABOVE DEBTOR AND ARE ON FILE IN THE DEPARTMENT OF LICENSING. THIS SEARCH REQUEST DOES NOT REFLECT FILINGS WHICH MAY HAVE BEEN ACTIVE ON _____ 19 ____ BUT HAVE EXPIRED OR HAVE BEEN TERMINATED SINCE THAT DATE.
- 3 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING.
- 4 THE ATTACHED PAGES ARE TRUE AND EXACT COPIES OF THE FINANCING STATEMENTS OR STATEMENTS OF ASSIGNMENT

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address or addresses cited in your Request for Information. Have you cited all names, trade names, business entities, or addresses past or present associated with this debtor inquiry? If not, you may wish to submit additional requests.

DATE _____ SIGNATURE OF FILING OFFICER _____

Forward to UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON WASHINGTON UCC 11R

<p><u>Note:</u> All information will be the same on ples 2 and 3 as is on ply 1 except the ply legend at the bottom, which will be as follows: COPY 2 - FILING OFFICER COPY 3 - REQUESTING PARTY Ples 1 and 2 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 3.</p>	
<div style="display: flex; justify-content: space-between; width: 100%;"> ┌ ┐ </div> <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 20px;"> └ ┘ </div>	

INSTRUCTIONS UCC-11R

1. PLEASE TYPE THIS FORM.
2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.
3. Indicate the type of search requested in Box 5.
4. The fee for a certificate of information request (~~(submitted on a standard form)~~) is \$4.00. ~~((The fee is \$5.00 if any other form is used.))~~ The fee for a certificate of information and copy request is \$8.00. Proper filing fees must accompany each form.
5. DO NOT WRITE IN BOX ((2)) 1 OR BOX 6.
6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

NEW SECTION

WAC 308-400-052 NONSTANDARD FORM. (1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, 308-400-044, and 308-400-046. All other forms will be considered nonstandard forms to which the nonstandard form filing fees apply.

(2) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee.

NEW SECTION

WAC 308-400-054 POWER OF ATTORNEY. (1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, an acknowledged copy of the document granting the power of attorney to the signer must accompany the statement.

NEW SECTION

WAC 308-400-056 RETURN OF ACKNOWLEDGMENT. When a document is accepted for filing, the department of licensing shall deposit the acknowledgment in the mails with reasonable promptness for return to the secured party or the person designated by the secured party to receive the acknowledgment.

NEW SECTION

WAC 308-400-058 TERMINATION IF PARTIAL ASSIGNMENT. If a partial assignment of the security interest perfected by a financing statement has been made, signatures of both the secured party and the assignee are required to terminate the financing statement.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-060 REJECTION OF ((FILING)) DOCUMENTS. Any ((filing)) document rejected for any reason by any filing officer shall be ((returned)) deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection.

NEW SECTION

WAC 308-400-062 INCOMPATIBLE ACTIONS. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-070 REQUEST FOR CERTIFICATE OF INFORMATION. A separate written request for information (see WAC 308-400-048. Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name will be considered an individual debtor.

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

NEW SECTION

WAC 308-400-092 OVERPAYMENT OF FEES. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

(1) the overpayment is in an amount of four dollars or more; or

(2) the department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-400-090 AMENDMENT FEES.

WSR 82-13-031

PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of

Public Instruction intends to adopt, amend, or repeal rules concerning purpose, WAC 392-136-005;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 28, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 28A.58.097.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Conference Room A, Tumwater, WA.

Dated: June 9, 1982

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-136 WAC Finance—Conversion of Accumulated Sick Leave.

Rule Section(s): WAC 392-136-005 Purpose.

Statutory Authority: RCW 28A.58.097.

Purpose of the Rule(s): Sets the purpose of the chapter.

Summary of the New Rule(s) and or Amendments: Reflects codification of session law.

Reasons Which Support the Proposed Action(s): Updates regulation.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Legal Services, 753-2298; Enforcement: Chas. A. McNurlin, Financial Services, 753-6742; and Implementation: Perry Keithley, Financial Services, 753-1717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Does not change public policy.

AMENDATORY SECTION (Amending Order 80-23, filed 8/28/80)

WAC 392-136-005 PURPOSE. The purpose of this chapter is to implement ~~((sections 5 and 6, chapter 182, Laws of 1980))~~ RCW 28A.58.097 which provides for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes or to interpret the provisions of RCW 28A.58.100(2).

WSR 82-13-032

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning State Board of Education—Election of Members, chapter 392-109 WAC;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 28, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 28A.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Conference Room A, Tumwater, WA.

Dated: June 9, 1982

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-109 WAC State Board of Education—Election of Members.

Rule Section(s): WAC 392-109-040, 392-109-065 and 392-109-072.

Statutory Authority: RCW 28A.04.020.

Purpose of the Rule(s): To provide election procedure for members of State Board of Education.

Summary of the New Rule(s) and/or Amendments: WAC 392-109-040 and 392-109-065 are amended to reflect increase in number of elected board members from fourteen to sixteen. New WAC 392-109-072 establishes term of office for members elected from new congressional district.

Reasons Which Support the Proposed Action(s): To reflect increase in size of board caused by new congressional district.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting and Implementation: Ralph E. Julnes, Legal Services, 753-2298; and Enforcement: Frank B. Brouillet, Superintendent of Public Instruction, 753-6717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Is necessary to implement public policy.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-040 PURPOSE. The state board of education consists of ~~((fourteen))~~ sixteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing definitions and procedures which implement the statutory election process set forth in RCW 28A.04.020 and the statutes which follow.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-065 CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the ~~((fourteen))~~ sixteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW 28A.04.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.04.040.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate: Provided, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted: Provided further, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted.

NEW SECTION

WAC 392-109-072 CANDIDATES FOR NEW CONGRESSIONAL DISTRICT POSITIONS—FIRST ELECTIONS—TERM OF OFFICE. Pursuant to RCW 28A.04.030, at the first election to the two positions in a new congressional district, one position shall be elected to serve a six year term and the other shall serve a three year term. Candidates filing for election to a new congressional district position for the first such election shall indicate on the declaration and affidavit of candidacy form required by WAC 392-109-070 the initial term of office sought as either six years or three years.

WSR 82-13-033
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed June 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning conversion of sick leave upon retirement or death, WAC 392-136-020;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 28, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 28A.58.100(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Conference Room A, Tumwater, WA.

Dated: June 9, 1982

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-136 WAC Finance—Conversion of Accumulated Sick Leave.

Rule Section(s): WAC 392-136-020 Conversion of Sick Leave Upon Retirement or Death.

Statutory Authority: RCW 28A.58.100(2).

Purpose of the Rule(s): Relates to computation of eligible sick leave.

Summary of the New Rule(s) and/or Amendments: Eliminates provision effective only to September 1, 1982.

Reasons Which Support the Proposed Action(s): Eliminates obsolete provision.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Legal Services, 753-2298; Enforcement: Chas. A. McNurlin, Financial Services, 753-6742; and Implementation: Perry Keithley, Financial Services, 753-1717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Eliminates obsolete provision from SPI regulations.

AMENDATORY SECTION (Amending Order 80-23, filed 8/28/80)

WAC 392-136-020 CONVERSION OF SICK LEAVE UPON RETIREMENT OR DEATH. (1) Eligible employees: Each person who is employed by a school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section: Provided, That "vested out-of-service" employees who terminate employment but leave funds on deposit with a state retirement system shall not be considered to have retired or to be an eligible employee for the purposes of this section.

(2) Eligible sick leave days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

~~((4))~~ Notwithstanding any other provision of this section to the contrary, any school district or educational service district may elect to

~~delay payments due pursuant to this section until September 1, 1981. Provided, that each eligible employee whose payment is delayed shall also be paid interest on the amount due at the rate of eight percent per year.-)~~

~~((5))~~ (4) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

~~((6))~~ (5) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 82-13-034
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning definitions, WAC 392-129-010;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Wednesday, July 28, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Conference Room A, Tumwater, WA.

Dated: June 9, 1982

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-129 WAC Finance—Emergency School Closure.

Rule Section(s): WAC 392-129-010.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To define terms related to unforeseen emergencies in schools.

Summary of the New Rule(s) and/or Amendments: The amendment to WAC 392-129-010 defines "vacation day" to include inservice days if used as such.

Reasons Which Support the Proposed Action(s): Cancellation of an inservice day may result in contract costs and inconvenience to school districts.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Legal Services, 753-2298; Enforcement: Chas.

A. McNurlin, Financial Services, 753-6742; and Implementation: Perry Keithley, Financial Services, 753-1717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Eliminates the need to cancel inservice days in order to comply with statute and SPI regulations.

AMENDATORY SECTION (Amending Order 81-26, filed 10/8/81)

WAC 392-129-010 DEFINITIONS. As used in this chapter, the term:

(1) "Unforeseen conditions" shall mean a natural event, including but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (a) is beyond the control of both a school district board of directors and its employees and (b) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: Provided, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within a school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(3) A "vacation day" shall mean a day other than (a) a school day, (b) a school holiday as defined in RCW 28A.02.061, and (c) an inservice day for employees of the district that was scheduled prior to the unforeseen school closure and is actually used for that purpose.

(4) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth and (b) the use of scheduled vacation days: Provided, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforeseen conditions shall have in fact been made up.

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 82-13-035
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed June 9, 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 amending of WAC 308-124-005, 308-124A-040 and 308-124B-010; adding new section 308-124B-140; amending 308-124C-020 and 308-124C-030; adding new section 308-124C-050; amending 308-124D-010 and 308-124D-100; adding new section 308-124E-011; amending 308-124F-030, 308-124H-020, 308-124H-030, 308-124H-055 and 308-124H-060; and repealing 308-124E-010;

that such agency will at 10:00 a.m., Thursday, July 29, 1982, in the OB-2 Auditorium, Social and Health Services, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, July 29, 1982, in the OB-2 Auditorium, Social and Health Services, Olympia, Washington.

WAC 308-124-005 is promulgated pursuant to RCW 18.85.040, 18.85.071 and 46.01.150; WAC 308-124A-040 is promulgated pursuant to RCW 18.85.090(1) and 18.85.040; WAC 308-124B-010 is promulgated pursuant to RCW 18.85.040; WAC 308-124B-140 is promulgated pursuant to RCW 18.85.040, 18.85.180 and 18.85.310; WAC 308-124C-020 is promulgated pursuant to RCW 18.85.310 and 18.85.040; WAC 308-124C-030 is promulgated pursuant to RCW 18.85.040, 18.85.310, 18.85.230(19) and 18.85.230(20); WAC 308-124C-050 is promulgated pursuant to RCW 18.85.040, 18.85.155, 18.85.230(11) and 18.85.230(25); WAC 308-124D-010 is promulgated pursuant to RCW 18.85.040 and 18.85.310; WAC 308-124D-100 is promulgated pursuant to RCW 18.85.040; WAC 308-124E-011 is promulgated pursuant to RCW 18.85.040 and 18.85.310; WAC 308-124F-030 is promulgated pursuant to RCW 18.85.010(1), 18.85.040 and 18.85.230(25); WAC 308-124F-020 is promulgated pursuant to RCW 18.85.040, 18.85.090 and 18.85.095; WAC 308-124H-030 is promulgated pursuant to RCW 18.85.010(9), 18.85.040, 18.85.090 and 18.85.095; WAC 308-124H-060 is promulgated pursuant to RCW 18.85.040, 18.85.090 and 18.85.095; and WAC 308-124H-055 is promulgated pursuant to RCW 18.85.040, 18.85.090 and 18.85.095 and is intended to administratively implement those statutes.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 29, 1982, and/or orally at 10:00 a.m., Thursday, July 29, 1982, OB-2 Auditorium, Social and Health Services, Olympia, Washington.

Dated: June 9, 1982
 By: John Gonzalez
 Director

STATEMENT OF PURPOSE

Title: Amendment to WAC 308-124-005 Organizational; Amendment to WAC 308-124A-040 Unsuccessful Broker Applicants—Loss of Waiver Privilege; amendment to WAC 308-124B-010 Prevention of the Same or Deceptively Similar Real Estate Firm Name; new section WAC 308-124B-140 Multiple Business Usage of Office; amendment to WAC 308-124C-020 Required Records; amendment to WAC 308-124C-030 Accuracy and Accessibility of Records; new section WAC 308-124C-050 Advertising and Records of Transactions for Licensee's Own Account; amendment to WAC 308-124D-010 Checks—Payee Requirements; amendment to WAC 308-124D-100 Payment of Earned Commissions; new section WAC 308-124E-011 Administration of Funds Held in Trust; amendment to WAC 308-124F-030 Misuse of Broker's License—Prohibited; amendment to WAC 308-124H-020 Administration; amendment to WAC 308-124H-030 Filing of Courses; amendment to WAC 308-124H-055 Real Estate Education Requirements; amendment to WAC 308-124H-060 Teachers and/or Instructors; and repealing WAC 308-124E-010 Administration of Trust Accounts.

Statutory Authority: The statutory authority for the proposed amendment to WAC 308-124-005 is RCW 18.85.040, 18.85.071 and 46.01.150; the statutory authority for the proposed amendment to WAC 308-124A-040 is RCW 18.85.090(1) and 18.85.040; the statutory authority for the proposed amendment to WAC 308-124B-010 is RCW 18.85.040; the statutory authority for the proposed new section WAC 308-124B-140 is RCW 18.85.040, 18.85.180 and 18.85.310; the statutory authority for the proposed amendment to WAC 308-124C-020 is RCW 18.85.310 and 18.85.040; the statutory authority for the proposed amendment to WAC 308-124C-030 is RCW 18.85.040, 18.85.310, 18.85.230(19) and 18.85.230(20); the statutory authority for the proposed new section WAC 308-124C-050 is RCW 18.85.040, 18.85.155, 18.85.230(11) and 18.85.230(25); the statutory authority for the proposed amendment to WAC 308-124D-010 is RCW 18.85.040 and 18.85.310; the statutory authority for the proposed amendment to WAC 308-124D-100 is RCW 18.85.040; the statutory authority for the proposed new section WAC 308-124E-011 is RCW 18.85.040 and 18.85.310; the statutory authority for the proposed amendment to WAC 308-124F-030 is RCW 18.85.010(1), 18.85.040 and 18.85.230(25); the statutory authority for the proposed amendment to WAC 308-124F-020 is RCW 18.85.040, 18.85.090 and 18.85.095; the statutory authority for the proposed amendment to WAC 308-124H-030 is RCW 18.85.010(9), 18.85.040, 18.85.090 and 18.85.095; the statutory authority for the proposed amendment to WAC 308-124H-060 is RCW 18.85.040, 18.85.090 and 18.85.095; and the statutory authority for the proposed amendment to WAC 308-124H-055 is RCW 18.85.040, 18.85.090 and 18.85.095.

Summary of Proposed New Rules and Amendments to Rules: Amendment to WAC 308-124-005, this rule describes the structure, functions, and locations of the real estate division and commission; amendment to

WAC 308-124A-040, RCW 18.85.090(1) permits the director to waive the requirement that a broker applicant have two years' experience as a full time real estate salesman prior to taking the broker's exam. This rule prescribes that a broker applicant loses the waiver privilege if he or she fails to pass the exam unless the director, based upon the recommendation of the real estate commission, determines to allow the waiver again; amendment to WAC 308-124B-010, this rule allows the director to prevent a firm from using a name which is deceptively similar to another currently licensed, operating firm if the public interests are endangered. A franchise is excepted and may be licensed using the franchisor's name in conjunction with the firm name and location; amendment to WAC 308-124B-140, this rule states that licensees may conduct compatible business activities at their place of brokerage business. Also, two or more brokers may work at the same office location. In each of these situations, the broker must take prescribed steps to assure that such arrangements do not deceive the public; amendment to WAC 308-124C-020, this rule prescribes the minimum real estate records which a broker must maintain; amendment to WAC 308-124C-030, this rule prescribes standards pertaining to the accuracy, accessibility and retention of real estate records maintained by brokers; new section WAC 308-124C-050, the proposed rule permits real estate licensees to advertise for their own account without showing the name of a broker, unless the licensee works for a broker who requires otherwise. Regardless of how a licensee advertises, a broker is required to maintain the minimum records; amendment to WAC 308-124D-010, this rule requires that all checks received in connection with enumerated real estate transactions shall be made payable to the real estate broker as licensed, unless the principals to the transaction agree in writing that the deposit be paid to the lessor, the seller or an escrow agent. The broker shall retain a copy of the agreement; amendment to WAC 308-124D-100, this rule requires that a broker immediately pay an associate broker, branch manager or salesperson the commissions they have earned as soon as the transaction closes, is completed or is terminated and the broker receives the commission funds. This requirement is subject to four exceptions: Clearance of checks; written agreement between broker and employee; broker out of town for up to seven days; and in the case of rental or installment commissions; new section WAC 308-124E-011, this rule establishes various standards relating to how a broker must handle funds which he holds in trust for principals to a real estate transaction; amendment to WAC 308-124F-030, this rule states that the broker shall be the responsible party for all real estate broker activities. He shall not participate in a sham whereby someone else actually directs the brokerage activities of the licensees in the firm. Additionally, the rule requires that the broker exercise adequate supervision over the activities of individuals licensed to him; amendment to WAC 308-124H-020, this rule prescribes the standards by which the real estate commission evaluates the qualifications of real estate education

school administrators, limits the use of the words "college" or "university" to those schools which are accredited as such, prohibits the use of a school for recruiting purposes, and permits automatic approval of certain courses offered by national institutions; amendment to WAC 308-124H-030, this rule specifies the process for applying to have a real estate course approved. It further sets forth two requirements which must be satisfied in order to secure approval of the course; amendment to WAC 308-124H-060, this rule sets forth the requirement that courses shall be taught by a qualified teacher or instructor. It further states the standards which will be used to determine that a person is qualified; and amendment to WAC 308-124H-055, this rule requires applicants for second renewal of a salesperson's license to submit proof of 30 clock hours of education in real estate fundamentals. Applicants for a broker's license must submit proof of an additional 90 clock hours of education.

Reasons Supporting Action: Amendment to WAC 308-124-005, this amendment corrects the address of the division's Spokane office, deletes a redundant statement of the address of the Olympia office, and makes minor stylistic changes; amendment to WAC 308-124A-040, the proposed changes are not intended to change the substantive content of the existing rule. The changes are stylistic; amendment to WAC 308-124B-010, the previous rule stated that the franchisee may be licensed using the name of the franchisor in conjunction with the firm name or location of the franchisee. The "or" should be changed to "and". Both the name and location are required for the license. The franchisee name identifies the particular franchisee for control purposes. The location is required data on all licenses issued. See RCW 18.85.200. Other changes are stylistic rather than substantive in nature; new section WAC 308-124B-140, this rule is intended to permit brokers to use innovative ways of doing business that provide broader service to the public or reduce operating costs. The rule also serves notice that the broker must take care that the public is not deceived in the process; amendment to WAC 308-124C-020, the proposed rule permits the use of a cash receipts journal and a cash disbursements journal as a new alternative for satisfying the minimum records requirement. This provides the broker with an additional authorized means of maintaining his records. The proposed rule specifies that the client's ledger shall contain a separate ledger sheet for each item listed. This facilitates Department of Licensing audits aimed at monitoring broker accountability for client's funds. The remaining changes are intended to be stylistic rather than substantive; amendment to WAC 308-124C-030, the current rule warns that the three year record retention period differs from the statute of limitation. The current rule focuses on a six year statute of limitation. However, several statutes of limitation are applicable. Therefore, reference to a specific period of six years is deleted. The words "brokerage firm" and "and licensed" serve to emphasize more clearly that in the case of a real estate corporation, both the corporation and the broker designated on the corporate license have responsibility to comply with this rule; new section

WAC 308-124C-050, RCW 18.85.110 exempts licensees from processing personal transactions through a broker's office. Thus, it is not necessary to advertise in the name of a broker. However, a licensee is not exempt from RCW 18.85.230(11) if the broker requires that the licensee run transactions involving personally owned property through the broker's office. Further, RCW 18.85.230 is applicable to any licensee regardless of whether the transaction was for his own account or in his capacity as a broker. RCW 18.85.155 and 18.85.230(25) require a broker to supervise the activities of his licensees. In order for the real estate division to regulate this conduct, it is necessary that records be available for inspection. Therefore, this rule requires that the broker maintain the required minimum records and follow the required operational procedures for brokerage activities even though the property involved belongs to the broker or one of his licensees; amendment to WAC 308-124D-010, the current rule seems to distinguish between payments to lessors and sellers and payments to escrow agents. When lessors and sellers are involved, the rule uses the imperative verb "shall be paid". When escrow agents are involved, the rule uses the present perfect tense verb "has been paid" and the present tense verb and adjective "is payable", which seems to imply a future payment. This use of different verb structures has no operative significance in the regulatory process. Hence, the proposed rule uses the imperative verb for all payees. The amended rule also specifies that the evidence of the agreement between the principals concerning the payee shall be in the form of a copy of the agreement; amendment to WAC 308-124D-100, this rule is intended to protect associate brokers, branch managers and salespersons. Under RCW 18.85.230(22) these licensees shall not be compensated for their services by the principals in a real estate transaction. Instead, the law requires that the compensation be paid to the broker who then distributes a portion to the licensee who earned the commission. Thus, this rule assures that the payment procedure imposed by the licensing law does not cause undue delay in the receipt of compensation by a licensee. The proposed amendment adds branch managers to the categories of protected licensees. This merely formalizes current practice. The amendment further specifies that the funds covered under this rule are only those amounts due the licensees as earned commissions. This is because the rationale underlying the rule arises from the disability imposed on licensees by RCW 18.85.230(22). The amended rule is written to more clearly state that the commission becomes immediately due upon the happening of two conditions. First, the transaction must close or be completed or the parties must terminate efforts to close. Second, the broker must receive the commission funds before he has a duty to disburse them to another licensee. Exception to the immediate payment rule is expanded to include installment payments. This is for the convenience of the broker. He is only required to disburse commissions to other licensees as he receives the funds. However, the rule prohibits the broker from encumbering the installment payments without the other licensee's consent. Other changes are

merely stylistic; new section WAC 308-124E-011, this rule incorporates almost all of existing WAC 308-124E-010 and a number of new provisions. The significant new features are: WAC 308-124E-010 provides that funds held in trust can be placed in an interest bearing trust bank account under certain conditions. The new rule elaborates on the old rule by making specific reference to funds generated from three sources: Real estate and business opportunity transactions, income property managed by the broker, and damage or security deposits received from tenants of residential income properties managed by the broker. This change is designed to allow parties to a real estate transaction to take advantage of today's high interest rates. Additionally, where a broker manages income property, the new rule permits the owner to direct the broker to hold the funds in a dividend earning investment account. This additional option is allowed in this situation because only one party is involved. Since the funds belong entirely to this one party, he should be allowed to choose a riskier option. The proposed rule provides that a broker may use alternative records or procedures from those specified in the law, provided advance approval is received. This will accommodate new record keeping systems that are developing under the impetus of data processing technology. The proposed rule requires that all checks, funds or monies received by the broker shall be identified by date received, amount, source and purpose. This is to facilitate the auditor's review of compliance with the "first banking day" requirement for deposit of checks received and to provide a record of checks made out to a payee other than the broker in accordance with a written agreement by the principals. The proposed rule streamlines posting of credits and debits to clients' ledgers. In particular, it allows use of chart of accounts coding. The current rule requires that a separate check shall be drawn on the real estate trust account for each commission earned. The proposed rule allows an exception in property management situations. It permits a single check to be drawn covering a number of fees and commissions if the check is supported by accounting information allowing the auditor to trace the commission back to individual clients. This exception is intended to eliminate the significant administrative burden which would be created by strict enforcement of the general rule; amendment to WAC 308-124F-030, a real estate broker is responsible for management of the firm's brokerage activities. Under RCW 18.85.120, he or she must obtain a license to perform as a real estate broker as defined in RCW 18.85.010(1). RCW 18.85.230(2) holds the broker responsible for violating any of the provisions of chapter 18.85 RCW and rules promulgated pursuant thereto. In conclusion, the statute fixes accountability in the broker with respect to the management of the firm's brokerage activities. He shall not neglect this responsibility; nor shall he allow some other person to assume these responsibilities in his place. The proposed rule clarifies the existing rule by limiting the phrase "full management . . . responsibility" to management of brokerage activities. Thus, a broker is responsible under chapter 18.85 RCW for brokerage management, but not

other general management aspects of the firm. (However, as an officer or owner of a firm, a broker may be responsible under other law for general management.) Additionally, a broker shall be accountable under chapter 18.85 RCW if he allows other individuals to manage brokerage activities in his place. The broker has a specific duty to supervise subordinate licensees. RCW 18.85.155 and 18.85.230(25) place the responsibility for the conduct of licensees on the broker. The proposed rule clarifies the existing rule by indicating that the duty to supervise as used in this rule refers specifically to supervision of subordinate licensees; amendment to WAC 308-124H-020, the current rule requires that school administrators have experience in educational administration and the specific area of real estate to be taught. This is too restrictive. The essential qualification of a school administrator is administrative experience, not subject matter experience. The proposed rule places the emphasis on administration. Other changes are stylistic only; amendment to WAC 308-124H-030, the current rule directs an applicant to contact the director. The proposed rule directs the applicant to contact the real estate administrator. The current rule requires that a course use at least one textbook in general circulation or other instructional material. The proposed rule adds the qualification that if other instructional materials are used in lieu of a text, then these must be approved by the commission. The remaining changes are stylistic rather than substantive; amendment to WAC 308-124H-060, evidence of competency to act as a teacher or instructor is changed as follows: Current Rule: 2 years teaching experience; Proposed Rule: 1 year of teaching experience OR Current Rule: 2 years specific real estate experience and 8 hours of instructor training; Proposed Rule: 24 hours of instructor training and 2 years of specific real estate experience or equivalent courses of study. The current rule permits an individual with teaching experience, but no experience in real estate, to become an instructor. The proposed rule would require both experience in instruction and the subject matter. The current rule is limited to experience in real estate practice. The proposed rule would also allow study in real estate as a means of satisfying the requirement. The current rule requires only eight hours of instructor training in combination with the specific real estate experience. The proposed rule allows the substitution of 24 hours of instructor training for one year of teaching experience. In conclusion, the amendment is desirable because it requires individuals to possess both teaching and subject matter experience in order to teach real estate courses; and amendment to WAC 308-124H-055, the proposed rule specifies that salespersons shall satisfy the 30 clock hour requirement by means of a course on real estate fundamentals. The objective is to ensure salespersons receive standardized survey-type training rather than specialized instruction. The public will be better served by a real estate education program which provides entry-level licensees with uniform and broadly-based training in all the fundamental activities they will be required to perform, rather than in-depth training in a few areas.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Mr. John Gonzalez, Director, Department of Licensing, 4th Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6915 Scan, 753-6915 Comm; Ms. Joan Baird, Assistant Director, Business and Professions, 3rd Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6974 Scan, 753-6974 Comm; and Mr. Robert A. Salerno, Acting Administrator, Real Estate Division, 6th Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6681 Scan, 753-6681 Comm.

Proponents and Opponents: These proposed amendments and new rules are proposed by the Department of Licensing.

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 RE 128, filed 2/10/81)

WAC 308-124-005 ORGANIZATION. The principal location of the real estate division ((of real estate)) is ((located)) on the sixth floor, highway-licenses building, 12th and Franklin Street, Olympia, Washington 98504. The division maintains a Seattle office at 320 north 85th street, Seattle, Washington 98103. The division maintains a Spokane office at ((25-South-Ferrall)) east 11530 sprague avenue, Spokane, Washington ((99202)) 99206.

The real estate division of the business and professions administration of the department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salesmen and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for ((from the public may be directed to the real estate commission, Olympia, Washington.)) information regarding real estate licenses, the real estate commission, or the real estate division, may be ((obtained by)) sent in writing to the administrator, real estate division, department of licensing, p.o. box 247, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order RE 114, filed 7/2/75)

WAC 308-124A-040 UNSUCCESSFUL BROKER APPLICANTS—LOSS OF WAIVER PRIVILEGE. Whenever any applicant for a broker's license receives((, on the basis of the applicant's qualifications,)) a waiver from the requirement of two years of actual experience as a full time real estate salesman based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, ((such)) the applicant ((loses)) shall lose the privilege of ((such)) the waiver and must satisfy the ((above)) requirement as provided in RCW 18.85.090: ((PROVIDED, HOWEVER, THAT THE)) However, the director may ((in addition)) again waive this requirement, upon the recommendation of the real estate commission((, which recommendation)). The commission's recommendation shall be based upon the applicant's affirmative showing that it is reasonably likely that the applicant will pass the next examination, including in such showing circumstances accounting for the failure to pass the earlier examination.

AMENDATORY SECTION (Amending Order RE 114, filed 7/2/75)

WAC 308-124B-010 PREVENTION OF THE SAME OR DECEPTIVELY SIMILAR REAL ESTATE FIRM NAMES. The director may prevent a real estate firm from using the same name or a name deceptively similar to that of ((a)) another currently licensed, operating real estate firm ((which is licensed and operating under the

same name or similar name) if he or she determines that the interests of the public are thereby endangered (~~(-PROVIDED, That)~~). However, a bona fide franchisee may be licensed using the name of the franchisor (~~(in conjunction with an identification as to)~~) with the firm name (~~(or)~~) and location (~~(of the use)~~) of the franchisee (~~(name)~~).

NEW SECTION

WAC 308-124B-140 MULTIPLE BUSINESS USAGE OF OFFICE. (1) A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, compatible business activity, such as insurance, construction, or investments. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

(2) Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firm results.

AMENDATORY SECTION (Amending Order RE 114, filed 7/2/75)

WAC 308-124C-020 REQUIRED RECORDS. The minimum real estate records the real estate broker shall be required to keep are as follows:

(1) Bank ((F)) trust ((A)) account ((R)) records.

(a) Duplicate receipt book or cash receipts journal recording all receipts,

(b) Pre-numbered checks with check register, cash disbursements journal or check stubs,

(c) Validated duplicate bank deposit slips,

(d) ((Client's ledger containing an individual ledger sheet for each real estate or business opportunity transaction, rental contract or mortgage collection account:)) Client's accounting ledger summarizing all monies received and all monies disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account.

(e) In conjunction with (d) above separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor.

(f) Reconciled bank statements and cancelled checks for all trust bank accounts ((for the broker's trust account:)).

(2) Other records.

(a) A transaction folder ((shall be maintained to contain)) containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account.

(b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm.

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 RE 120, filed 9/20/77)

WAC 308-124C-030 ACCURACY AND ACCESSIBILITY OF RECORDS. All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three (3) years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period ((in the state of Washington is six years)).

In the case of a corporate ((broker)) brokerage firm, the responsibility imposed by this section shall apply to both the corporation and the natural person designated and licensed to act as broker for the

corporation. Prior to issuing a new license indicating a change of designated broker for a corporate licensee, the licensee must submit evidence that the requirements have been satisfied. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities.

(2) An audit performed at the request of, and at the expense of, the licensee by the audit staff of the real estate division. The incoming designated broker shall not be deemed responsible for any discrepancy identified during such an audit.

NEW SECTION

WAC 308-124C-050 ADVERTISING AND RECORDS OF TRANSACTIONS FOR LICENSEE'S OWN ACCOUNT. (1) Real estate brokers and salespersons may purchase and sell real property for their own account, individually or in joint ventures with others, and may offer personally owned properties for sale or rent without advertising in the name of the broker as licensed. However, a broker may properly require as a condition of licensure to that broker that licensees advertise their personally owned properties only by showing the name of the broker as licensed.

(2) Brokers shall maintain the required minimum real estate records and shall follow required operational procedures for all real estate brokerage activities by the broker or persons licensed to the broker, regardless of whether a transaction is for the account of the broker or persons licensed to the broker or in their capacities as licensees.

AMENDATORY SECTION (Amending Order 114, filed 7/2/75)

WAC 308-124D-010 CHECKS—PAYEE REQUIREMENTS. All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by clients shall be made payable to the real estate broker as licensed, unless it is mutually agreed in writing by the principals ((evidence of which is retained by the broker:)) that the deposit shall be paid to the lessor, ((or)) the seller or ((has been paid to or is payable to)) an escrow agent named in the agreement. The broker shall retain a copy of the written agreement.

AMENDATORY SECTION (Amending Order 114, filed 7/2/75)

WAC 308-124D-100 PAYMENT OF EARNED COMMISSIONS. ((A salesman or associate broker must be paid immediately upon receipt of funds by the broker when sale is closed except that:)) The broker shall immediately pay to a salesperson, associate broker or branch manager the commissions they have earned not later than the time at which the transaction is closed, completed or terminated and the broker receives the commission funds except that:

(1) Reasonable ((F)) time ((shall)) may be allowed for checks received by the broker to clear,

(2) A ((salesman or)) salesperson, associate broker or branch manager and a broker may have a written agreement ((to pay)) providing for payment at another date,

(3) Whenever a broker is out of the city for a short length of time, payment shall be made immediately upon the broker's return, but in no event shall payment be delayed longer than ((a period of)) seven days ((:)),

(4) Rental or installment commissions received on a monthly basis may be paid once a month ((-PROVIDED, That)). However, under no circumstances shall a broker pledge, encumber, borrow on, or take advancement on commissions due or to be due salespersons, associate brokers or ((salesmen)) branch managers without written approval of ((such)) the salespersons, associate brokers or ((salesmen)) branch managers to whom the commissions are owed.

NEW SECTION

WAC 308-124E-011 ADMINISTRATION OF FUNDS HELD IN TRUST. Any real estate broker who received funds or moneys from any principal or any party to a real estate transaction, property management agreement, or collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a Washington state banking institution approved by the

Banking Division, Department of General Administration, State of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts shall be non-interest-bearing, demand deposit accounts, except as follows:

(a) Interest-bearing trust bank accounts containing funds pertaining to an individual real estate or business opportunity transaction may be established by the broker if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established by the broker when directed by written management agreement or directive signed by the owner, provided that all interest or earnings shall accrue to the owner.

(c) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner (landlord), if the broker is by written agreement designated as "representative of the "landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

(2) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker must be approved in advance by the real estate division, department of licensing.

(3) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the broker's behalf.

(4) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the brokers' real estate trust bank account not later than the first banking day following receipt thereof, except

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event, and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, contracts or mortgages owned exclusively by the real estate broker or the broker's real estate firm.

(5) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(6) All deposits to the trust bank account shall be documented by a duplicate deposit slip, validated by bank imprint or attached deposit receipt, identifying the source of funds and transaction to which it applies.

(7) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered (e.g., "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit.") The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate by a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(8) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients (the sum of credit balances of all individual client's ledger sheets).

(9) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statements and the trust account check register or bank control account.

(10) All disbursement of trust funds shall be made by check, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(11) Voided checks written on the trust bank account shall be permanently defaced, and shall be retained.

(12) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies. Property management activities shall not be considered "transactions" for this purpose. Therefore a single check may be drawn in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed," or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) In advance of the closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and the seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release, and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear;

(c) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(d) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker must be paid from the regular business bank account of the broker;

(e) For bank charges of any nature, including bank services, checks or other items. Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the broker's regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the broker's business bank account; or

(f) Of funds received as a damage or security deposit on a lease or rental contract for property managed by the broker to the landlord or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons (tenant, landlord, or assigns) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

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 RE 114, filed 7/2/75)

WAC 308-124F-030 MISUSE OF BROKER'S LICENSE—PROHIBITED. A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management ~~((and supervisory))~~ responsibility for all real estate brokerage activities of the business or he does not exercise adequate supervision over the activities of his licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW. A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person.

AMENDATORY SECTION (Amending Order RE 129, filed 2/10/81)

WAC 308-124H-020 ADMINISTRATION. (1) Each application from a private school, individual or agency seeking approval or consideration of courses shall designate one person responsible for administration of the real estate school. ~~((Such person))~~ The school administrator shall file with the real estate administrator ~~((;))~~ evidence showing previous experience in ~~((educational administration or supervision or other activities related to education, and possessing experience in the area of real estate which that person or his instructors proposes to offer or teach;))~~ administration of educational institutions, courses or programs, or previous experience in administration of business activities related to education or to the field of real estate in which instruction will be offered. In the case of a public community college, university, or vocational technical school, the head of the real estate department shall be conclusively presumed to meet the foregoing requirements.

(2) Any school, individual or agency requesting approval or consideration of courses shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" ~~((;))~~ unless it, in fact, meets the standards and qualifications of and has been approved by the state agency having jurisdiction.

(3) No person operating a school, or acting as an instructor in an approved school shall in any way whatsoever use the school or course, directly or indirectly, to recruit real estate sales staff. Schools shall not use the trade name of any real estate brokerage firm, or any part thereof, nor shall classes be conducted in the offices of any real estate brokerage firm. The intent of this sub-paragraph is to ensure that no real estate broker or brokerage firm shall gain an unfair advantage over his or her colleagues by conducting a school for salespeople.

(4) Real estate educational courses offered by national institutions with uniform scope and quality of representation may be approved regardless of the course location and instructors used.

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 RE 129, filed 2/10/81)

WAC 308-124H-030 FILING OF COURSES. Each proprietary school, individual, association or agency seeking approval of courses, ~~((must))~~ shall apply to the administrator on a prescribed form ~~((provided by the director)).~~ Courses ~~((must))~~ shall meet the following requirements:

(1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.

(2) Each course must add to the practical knowledge of the real estate ~~((profession))~~ practitioner.

(3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.

(4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts

and earnest money agreements. General sales motivation courses will not qualify.

(5) Each course must require a comprehensive examination or examination(s) and a final grade.

(6) Each course must require a minimum of thirty hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study.

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 125, filed 10/23/78)

WAC 308-124H-055 BROKER REAL ESTATE EDUCATION REQUIREMENTS. ~~((After April 1, 1979, applications for the broker's examination will be required to have ninety clock hours of real estate education which shall be in addition to the thirty clock hours for salesperson renewal;))~~ (1) Applicants for second renewal of a salesperson license shall furnish proof of completion of thirty clock hours of education in real estate fundamentals approved by the director. Proof of completion of thirty clock hours of a different real estate education course may be accepted upon showing by the applicant that the applicant has education, instruction or experience equivalent to the course in real estate fundamentals.

(2) Applicants for a real estate broker examination shall furnish proof of completion of an additional ninety clock hours of real estate education courses approved by the director.

(3) The director may liberally construe the real estate education course requirements for purposes of administering reciprocal licensing agreements with regulatory agencies of other jurisdictions.

(4) This amendment shall take effect on July 1, 1983.

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 RE 129, filed 2/10/81)

WAC 308-124H-060 TEACHERS AND/OR INSTRUCTORS. Each course of instruction herein being considered for approval shall be under the supervision of a qualified teacher ~~((and/))~~ or instructor who shall be present in the classroom at all sessions; provided, that if the instructional methods include use of pre-recorded audio and visual instructional materials, presentation shall be under the supervision of a monitor who shall be present in the classroom at all sessions and a qualified teacher ~~((and/))~~ or instructor who shall at the minimum be available by telephone to respond to specific questions from students during the time the school is open for instructional purposes.

~~((Any))~~ Each teacher or instructor shall ~~((must demonstrate competency))~~ be competent in the field of real estate they propose to teach and in techniques of instruction. ~~((Such-))~~ Competency shall be ~~((demonstrated))~~ evidenced by ~~((any-of))~~ the following experience or education:

(1) Two years of ~~((teaching))~~ experience ~~((or other specialized experience))~~ in the area of real estate which that person proposes to teach, or completion of equivalent courses of study in that area of real estate, if approved by the director; ~~((or))~~ and

(2) ~~((Two-years))~~ One year of teaching experience ~~((in the area of real estate which that person proposes to teach; and evidence of satisfactory completion of eight hours of training in teaching techniques as))~~ approved by the director or twenty-four hours in training in teaching techniques approved by the director.

~~((All persons seeking to qualify as a teacher or instructor after April 1, 1979, must have met the qualifications of subsection (1) or (2) of this section;))~~

(3) This amendment shall take effect on January 1, 1983.

REPEALER

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

WAC 308-124E-010 Administration of Trust Accounts.

WSR 82-13-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed June 9, 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, amending WAC 248-14-065.

It is the intention of the secretary to adopt these rules on an emergency basis effective July 4, 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 10:00 a.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 RCW 18.51.070.

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 10:00 a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 9, 1982

By: David A. Hogan
 Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amend WAC 248-14-065.

The Purpose of this Amendment: To conform with chapter 440-44 WAC.

This Amendment is Necessary: To avoid conflicting WAC.

Statutory Authority: RCW 18.51.070.

Summary of the Amendment: License fees for nursing homes would be paid as required in chapter 440-44 WAC.

Person Responsible for Drafting, Implementing and Enforcing this Rule: Sharon Morrison, Program Integrity Manager, Bureau of Nursing Home Affairs, Mailstop OB-31, Phone: 753-1643.

The Persons or Organizations (if other than DSHS) who Prepared These Rules: None.

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

AMENDATORY SECTION (Amending Order 1768, filed 2/18/82)

WAC 248-14-065 LICENSE EXPIRATION DATES AND LICENSE FEES. ((The department shall issue nursing home licenses initially and reissue nursing home licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so as to cause approximately one-twelfth of the total number of nursing home licenses to expire on the last day of each month, but)) No license issued pursuant to this chapter shall exceed thirty-six months in duration. ((Prior to the issuance or renewal of the license, the licensee shall pay a license fee of one hundred dollars per year plus two dollars per bed per year. PROVIDED, That, when the annual license renewal date of a previously licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of issuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay the full licensing fee established by the department for the facility at the time of application for the license. If there is failure to comply with the provisions of chapter 18.51 RCW or this chapter, the department may, in the department's discretion, issue a provisional license to permit the operation of the nursing home for a period of time to be determined by the department, but not to exceed thirty-six months)) License fees shall be paid as required in chapter 440-44 WAC.

WSR 82-13-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed June 9, 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 homes, amending chapter 248-14 WAC.

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

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-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 10:00 a.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 RCW 74.42.620.

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 10:00 a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 9, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 248-14 WAC.

The Purpose of These Amendments: To revise chapter 248-14 WAC to eliminate those paper compliance items not required by state statute; to conform with SHB 852; and to update and clarify regulations.

These Amendments are Necessary: To implement SHB 852.

Statutory Authority: RCW 74.42.620.

Summary of Rule Changes: Amends WAC 248-14-001 Definitions; 248-14-230 Food and Food Service; 248-14-235 Administrator; 248-14-240 Personnel; 248-14-245 Staff Development; 248-14-247 Resident's Rights; 248-14-250 Physician Services; 248-14-260 Nursing Services; 248-14-264 Specialized Rehabilitative and Habilitative Services; 248-14-270 Health Record Service; 248-14-285 Pharmaceutical Services; 248-14-510 Sanitation and Infection Control; 248-14-520 Housekeeping; 248-14-530 Pest Control; 248-14-540 Safety; 248-14-550 Patient Rooms and Areas; and 248-14-560 Equipment. Repeals WAC 248-14-115 Communication; and 248-14-401 Assessments.

Persons Responsible for Drafting, Implementing and Enforcing this Rule: Sharon Morrison, Program Integrity Manager, Bureau of Nursing Home Affairs, MS OB-31, Phone: 754-1643.

The Persons or Organizations (if other than DSHS) who Prepare These Rules: None.

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

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" - an employee (~~who is~~) responsible for the development, implementation, and maintenance of a program for residents (~~which is~~) intended to provide activities to meet (~~their~~) the residents' needs and interests.

(3) "Alterations" - physical, mechanical, or electrical changes made to existing facilities except for painting or repair. (~~An exemption may be granted when the proposed alteration will serve to correct deficiencies or will upgrade the facility in order to provide better care and will not create any additional deficiencies.~~)

(4) "Ambulatory person" - a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" - the doctor (~~who is~~) responsible for a particular person's total medical care.

(6) "Authorized practitioner" - a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic

physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

~~((6))~~ (7) "Bathing facility" - a bathtub or shower.

~~((7))~~ (8) "Berm" - a bank of earth piled against a wall.

~~((8))~~ (9) "Citation" - the (~~deficiency~~) finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey or complaint investigation.

~~((9))~~ (10) "Department" - the state department of social and health services.

~~((10))~~ (11) "Dialysis" - the process of separating crystalloids and colloids in solution by means of (~~their~~) the crystalloids and colloids unequal diffusion through a natural or artificial, (~~semi-permeable~~) semipermeable membrane.

(a) "Acute dialysis" - hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Hemodialysis" - dialysis of the blood by means of an "artificial kidney" through which blood is circulated on one side of a (~~semi-permeable~~) semipermeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the salt solution.

(c) "Maintenance dialysis" - recurrent hemodialysis or peritoneal dialysis in the long-term treatment of a person with chronic, irreversible renal failure of such severity that other medical management will not support life.

(d) "Peritoneal dialysis" - dialysis of the blood by inserting a tube into a person's abdomen and instilling a sterile salt solution into the peritoneal cavity. Accumulated toxic products diffuse out of the blood through the (~~semi-permeable~~) semipermeable membrane of the peritoneum into the salt solution. After a period of time for diffusion, the solution is allowed to drain from the peritoneal cavity.

(e) "Self-dialysis" - carrying out dialysis on oneself, assuming primary responsibility for the dialysis procedure whether or not one has assistance.

(f) "Self-dialysis training" - a program of patient education (~~in which~~) where a patient is taught how to perform self-dialysis safely and effectively and to care for dialysis equipment and supplies.

~~((11))~~ (12) "Dialysis room" - a room (~~in which~~) where a patient undergoes dialysis.

(13) "Dietetic service supervisor" - a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American dietetic association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

(14) "Dietitian" - a person who:

(a) Is eligible for registration by the commission on dietetic registration of the American dietetic association, or

(b) Has a baccalaureate, or advanced degree from an accredited college or university with a major in foods, nutrition, food service management, or related sciences; evidence of qualifying work experience or training, and participates annually in continuing dietetic education.

~~((12))~~ (15) "Drug":

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or any supplement to any of (~~them~~) the listed publications.

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man.

(c) "Drug administration" - the direct application of a drug by injection, inhalation, ingestion or any other means to the body of a patient.

(d) "Drug dispensing" - an act entailing the interpretation of an order for a drug or biological and, pursuant to (~~that~~) the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit.

(e) "Legend drug" - a drug bearing the legend, "Caution, federal law prohibits dispensing without a prescription."

~~((13))~~ (16) "Drug facility" - a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((14))~~ (17) "Facilities" - a room or area and/or equipment to serve one or more specific functions.

~~((15))~~ (18) "Grade" - the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ~~((10))~~ ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of ~~((18))~~ eighteen feet from the building.

~~((16))~~ (19) "Immediate supervision" - on-site supervision of one or more persons.

~~((17))~~ (20) "Kidney center" - a health care facility (~~(which is)~~) designed, equipped, staffed, organized, and administered to provide the following services:

(a) Medical, social and psychological evaluation, and selection of persons eligible for maintenance dialysis or kidney transplantation by a formal review body.

(b) Dialysis.

(c) Kidney transplantation for patients with chronic renal failure, either directly or by appropriate referral where this form of therapy is medically indicated.

(d) Training program for physicians, nurses, technicians, and members of other disciplines involved in the care and treatment of persons with chronic renal failure (~~(who receive)~~) receiving dialysis.

(e) Self-dialysis training program for patients.

(f) Evaluation of situations or facilities and assistance in planning necessary alterations and installations to ensure safe and adequate facilities for maintenance dialysis.

(g) An organized system (~~(by which)~~) where patients undergoing dialysis at home or in a nursing home or other satellite facility procure the supplies and equipment necessary to safe and efficient administration of dialysis.

(h) Continued medical management and surveillance of care of patients receiving maintenance dialysis at home or in a nursing home or other satellite facility by means of outpatient clinic services and a continuing program of review, consultation, and training.

(i) An in-hospital dialysis program (~~(which can provide)~~) providing the full gamut of services for diagnosis and treatment of persons with chronic renal disease. The in-hospital services may be provided by means of an association or affiliation with an in-hospital dialysis program.

~~((18))~~ (21) "Lavatory" - a handwashing sink.

~~((19))~~ (22) "Licensed nurse" - either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" - a person duly licensed under the provisions of the licensed practical nurse act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" - a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((20))~~ (23) "New construction" shall include any of the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home.

(b) Additions to (~~(existing))~~ buildings (~~(to be))~~ used as a nursing home.

(c) Conversions of existing buildings including previously licensed nursing homes.

(d) Alterations.

~~((21))~~ (24) "Nursing care" - services designed to maintain or promote achievement of optimal independent function and health status (~~(which are)~~) planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

~~((22))~~ (25) "Nursing home" - any home, place or institution (~~(which operates))~~ operating or (~~(maintains))~~ maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nothing in this definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170.

~~((23))~~ (26) "Nursing services" - an organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((24))~~ (27) "Outpatient service" is any service provided to a non-resident of the nursing home.

~~((25))~~ (28) "Patient" - a person (~~(who is)~~) receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance or palliative health related services under professional direction.

(a) "In-patient" - a resident (~~(who is)~~) receiving services with board and room in a nursing home on a continuous ~~((24-hour))~~ twenty-four hour a day basis.

(b) "Out-patient" - a nonresident (~~(who is))~~ of the nursing home receiving services at a nursing home (~~(which is))~~ not providing (~~(him/her))~~ him or her these services with room and board on a continuous ~~((24-hour))~~ twenty-four hour a day basis.

(c) "Patients requiring skilled nursing care" - (~~(those))~~ residents whose conditions, needs, and/or services are of such complexity and sophistication so as to require the continuous or frequent observation and intervention of a licensed physician and/or a registered nurse or authorized practitioner. These patients require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive total plan of care involving interdisciplinary planning input and coordination. Patient needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for (~~(those))~~ patients whose condition is unstable and/or complex.

(d) "Patients requiring intermediate nursing care" - (~~(those))~~ residents whose physiological and psychological conditions and needs are relatively stable, but (~~(who))~~ require individually planned health programs under the direction of a registered nurse for supervision, assistance, protection and restoration. The primary needs of these residents are for interdisciplinary (~~(programs/attention))~~ programs or attention, designed to foster optimum independent function and prevent deterioration and disability and which may be provided by nonprofessional persons.

(e) "Patients requiring care for mental retardation or related conditions" - residents (~~(who are))~~ found eligible by the division of developmental disabilities and (~~(who require))~~ requiring health care services in accord with (~~(subparagraph))~~ subsection (28)(c) or (d) of this (~~(subsection))~~ section, and (~~(who))~~ are in need of a comprehensive (~~(habilitative/developmental))~~ habilitative and/or developmental program (~~(which is))~~ incorporated into a ~~((24-hour))~~ twenty-four hour overall program plan.

~~((26))~~ (29) "Peninsular (or island) bathtub" - a bathtub (~~(which has))~~ having sufficient clearances around both sides and one end to accommodate patients, equipment, and attendants.

~~((27))~~ (30) "Pharmacist" - a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((28))~~ (31) "Pharmacy" - a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((29))~~ (32) "Physician's assistant" - a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.71A or 18.57A RCW.

~~((30))~~ (33) "Practitioner" - a physician under chapter 18.71 RCW; an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW; a dentist under chapter 18.32 RCW; a podiatrist under chapter 18.22 RCW; a registered nurse under chapter 18.88 RCW when authorized by the board of nursing; an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or a pharmacist under chapter 18.64 RCW.

~~((31))~~ (34) "Resident" - means an in-patient.

~~((32))~~ (35) "Residential care unit" - a separate, physical, and functional unit (~~(which includes))~~ including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120(2)(a).

~~((33))~~ (36) "Respiratory isolation" - a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei (~~(that are))~~ coughed, sneezed, or breathed into the environment.

~~((34))~~ (37) "Responsible party" ~~((is that))~~ - a legally responsible person to whom the rights of a client have legally devolved.

~~((35))~~ (38) "Supervision" - the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((36))~~ (39) "Toilet fixture" - a bowl shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((37))~~ (40) "Toilet room" - a room containing at least one toilet fixture.

~~((38))~~ (41) "Unit-dose" - the ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((39))~~ (42) "Unit-dose drug distribution system" - a system of drug dispensing and control ~~((that is))~~ characterized by the dispensing of the majority of drugs in unit doses and for most drugs, not more than a forty-eight hour supply of doses is available at the residential care unit at any time.

~~((40))~~ (43) "Usable floor space" - excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-230 FOOD AND FOOD SERVICE. (1) All food service facilities and practices shall be in compliance with chapter 248-84 WAC, rules and regulations of the state board of health governing food services sanitation.

(2) Food served shall be consistent with the physiological and ~~((socio-cultural))~~ sociocultural needs of residents. Menus shall be planned ~~((that consider))~~ considering likes and dislikes, are well-balanced, palatable, properly prepared, and are sufficient in quality and quantity to meet the dietary allowances of the food and nutrition board of the national research council.

~~((a))~~ Required dietary allowances must be adjusted for age, sex, and activity level.

~~((b))~~ (a) Food shall be prepared by methods ~~((that conserve))~~ conserving nutritive value, consistency, appearance, and palatability. The food shall be served in such a manner ~~((that it may))~~ to be attractive and at temperatures ~~((that are))~~ safe and acceptable to residents.

~~((c))~~ (b) Diets ~~((including nutrient concentrates))~~ shall be provided as ordered by the physician; except, ~~((that nutrient concentrates and))~~ diet modifications may be used as an interim measure when ordered by a registered nurse. Supplementary fluids and special nourishments shall be provided as required.

~~((d))~~ (c) Tube feedings must be of uniform consistency and quality. Facility prepared tube feedings must be made from a written recipe. The diets must be prepared, stored, distributed, and served in such a manner so as to maintain uniformity and to prevent contamination.

~~((e))~~ (d) A minimum of three meals in each twenty-four hour period shall be provided. The time interval between the evening meal and breakfast shall not be more than fourteen hours. The time interval between meals shall not be less than four hours. Nourishments or snacks shall be served as required to meet the recommended dietary allowances or the physician's prescription. Evening nourishments shall be offered when not medically contraindicated.

~~((f))~~ (e) Table service, outside of the patient's room, shall be available to all ~~((those who can eat))~~ patients capable of eating at a table. Table service shall be provided in a manner ~~((that will))~~ to best serve the social and nutritive needs of the residents.

(3) Dated menus for general and modified diets shall be planned at least ~~((two))~~ three weeks in advance. Menus shall provide a variety of foods at each meal with daily and weekly variation and adjustment for seasonal change. The current dated general menu, including substitutions, must be posted in the food service area and in a place easily visible to residents and visitors. Dated menus ~~((records))~~, dated records of foods ~~((purchased and))~~ received, a record of the number of meals served, ~~((records of protein foods purchased))~~ and standardized recipes ~~((adjusted to an appropriate yield))~~ shall be retained ~~((and available))~~ for at least ~~((one year))~~ two months for review by the department.

(4) There shall be a ~~((food))~~ dietetic service supervisor ~~((who shall have))~~ having overall responsibility for the dietary service. ~~((This person must have completed or be enrolled in a food service supervisory course approved by the department. A food service supervisor who is enrolled in a food service supervisory course must have a set date for course completion and be under the guidance of the consulting dietitian.))~~

(5) ~~((Consultation by a qualified dietitian, such as a member of, or a person eligible for membership in the American Dietetic Association,~~

~~as approved by the department, shall be provided under contract. The consultant's visits are at times and durations which allow for, but are not limited to. A continuing))~~ When the dietetic service supervisor is not a dietitian, services of a dietitian shall be provided. Services include nutrition assessment, liaison with medical and nursing staff and administrator, ~~((patient counseling))~~ inservice~~((;))~~ guidance to the ~~((food))~~ dietetic service supervisor and dietetic staff, ~~((development of effective policies and procedures, planning, and/or review))~~ and approval of regular and therapeutic menus.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-235 ADMINISTRATOR. (1) There shall be a licensed administrator available either full or part time, who plans, organizes, directs, and is responsible for the overall management of the nursing home.

(a) An organizational chart of the facility showing major operating programs, staff divisions, supervisory and administrative personnel, and their lines of authority, responsibility, and communication is kept current. The person ~~((who has))~~ having the authority and responsibility to act on behalf of the administrator in ~~((his/her))~~ his or her absence, is designated and available during normal business hours.

(b) Appropriate personnel are trained and assisted to do purchase, supply, and property control functions.

(c) Recommendations by consultants are submitted in writing to the administrator and are considered.

(2) Only those individuals shall be admitted whose needs can be met. Needs may be met by the facility, the facility cooperating with community resources, or with other providers of care affiliated or under contract with the facility.

(3) The administrator shall ensure:

(a) ~~((That))~~ The health related services are delivered as necessary, by appropriately qualified staff and consultants, and in accord with facility policies and procedures and accepted standards of practice.

(b) The enforcement of rules and regulations relative to safety and accident prevention and to the protection of personal and property rights.

~~((c))~~ ~~That there shall be an operative electrical signaling system with a call button or cord provided at the bedside of each resident and call buttons or cords for all toilets and bathrooms. Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions:~~

~~((d))~~ Public awareness of facility policies and services provided.)

(4) ~~((The administrator or his designee shall report))~~ Every case or suspected case of a reportable disease, as defined in chapter 248-100 WAC, shall be reported to the local health officer.

(5) Physical plant alterations or changes in physical plant utilization ~~((which effect))~~ effecting compliance with other regulations are submitted to the department for prior approval.

(6) A copy of each citation for a violation of nursing home regulations shall be prominently posted until the violation is corrected as determined by the department.

(7) All cases of suspected abuse or neglect shall be reported to the department or the law enforcement agency. The procedure for the reporting of patient abuse shall be kept prominently posted in the nursing home.

(8) Any event that requires or may require the evacuation of all or part of the nursing home's residents shall be reported immediately to the department.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-240 PERSONNEL. Personnel sufficient in numbers and qualifications shall be available to meet the requirements of this chapter.

~~((1))~~ Relief duty and vacation replacements for each service area shall be available as necessary.

~~((2))~~ A current personnel record shall be maintained for each employee. These records shall be kept on file in the facility and contain as a minimum:

(a) Completed application, including education, experience, and references.

(b) Evidence of current licensure or certification for all personnel who require such to practice.

(c) Records and reports of conditions that will limit job performance.

~~((d))~~ (1) At least annual written evaluations of work performance which have been reviewed with the employee are maintained.

~~((3))~~ (2) ~~((If consultants or pool personnel are utilized, evidence of appropriate licensure and/or certification are obtained prior to or at the time of their assignment to duties and are kept on file))~~ All staff, including consultants and pool personnel are appropriately licensed or certified at the time of their assignment to duties.

~~((4))~~ (3) Any employee ~~((who gives))~~ giving direct patient care or treatment shall be at least eighteen years of age unless the employee is enrolled in or has successfully completed a bonafide nurse or nurse aide training program.

~~((5))~~ (4) No employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever.

~~((6))~~ (5) Each employee shall have an employment and annually thereafter a tuberculin skin test by the Mantoux method. Positive reactors shall have a chest x-ray within ninety days. A record of test results, x-rays, or exemptions to such will be kept in the facility.

Exemptions:

(a) Positive reactors shall have an annual screening in the form of a chest x-ray.

(b) Positive reactors ~~((whose))~~ with chest x-rays ~~((shows))~~ showing no sign of active disease at least two years after the first documented positive skin test shall be exempted from further annual testing.

(c) Positive reactors ~~((who have))~~ having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

~~((7) In all matters relating to employment, the employer shall comply with the provisions of chapter 49.60 RCW, Law Against Discrimination, as presently enacted or hereafter amended.)~~

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-245 STAFF DEVELOPMENT. The staff development program shall be under the direction of a designee who is a member of the professional staff and shall assure that:

(1) Each employee receives a formal orientation to the facility; ~~((its))~~ the facility's policies; the employee's duties and responsibilities, as outlined in the job description.

(2) Inservice education, including emergency care and disaster preparedness, is provided to all personnel for development and improvement of skills on an ongoing basis.

~~((3) Records are kept of the content, dates and attendance for all staff development activities.)~~

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-247 RESIDENTS' RIGHTS. Written policies and procedures shall be implemented regarding the following rights for each resident:

(1) Information.

(a) Each resident or his or her legally delegated representative shall be fully informed, before or at the time of admission, of his or her rights and responsibilities and of all rules governing resident conduct.

(b) If policies on residents' rights and responsibilities and rules governing conduct are amended, each resident shall be informed of the changes.

(c) Each resident or responsible party shall acknowledge in writing receipt of the information and any amendments to ~~((it))~~ the information.

(d) Each resident shall be fully informed in writing of all services available in the home and of the charges for these services, including any other services not paid for by Medicaid or not included in the home's basic rate per day.

(2) Medical condition and treatment - Each resident or responsible party shall:

(a) Be fully informed by a physician, or ~~((his/her))~~ his or her designee, of his or her health and medical condition unless the physician documents ~~((that))~~ informing the resident is medically contraindicated and the resident does not request information;

(b) Be given the opportunity and be encouraged to participate in planning his or her total care and medical treatment;

(c) Be given a qualified opportunity to refuse treatment; and

(d) Each resident shall provide an informed written consent before participating in experimental research and treatment.

(3) Transfer and discharge. Each resident shall be transferred or discharged only for:

(a) Medical reasons; his or her welfare or ~~((that))~~ the welfare of the other residents; or nonpayment except as prohibited by the Medicaid program.

(b) Internal transfers are conducted, except in emergencies, with prior notification of the patient and responsible person, and consistent with facility policies.

(4) Exercising rights. Each resident shall be:

(a) Encouraged and assisted to exercise his or her rights as a resident and as a citizen; and

(b) Encouraged to submit complaints or recommendations concerning the policies and services of the home to staff or to outside representatives of the resident's choice or both, free from restraint, interference, coercion, discrimination, or reprisal.

(5) Financial affairs. Each resident shall be offered management of his or her personal financial affairs. If a resident requests assistance from the nursing home in managing his or her personal financial affairs:

(a) The request shall be in writing; and

(b) Recordkeeping requirements of RCW 74.42.130 shall be met.

(6) Privacy.

(a) Each resident shall be treated with consideration, respect, and full recognition of his or her dignity and individuality.

(b) Each resident shall be given privacy during treatment and care of personal needs.

(c) Each resident's records, including information in an automatic data bank, shall be treated confidentially.

(d) Each resident shall give written consent before information may be released from his or her record to someone not otherwise authorized by law to receive ~~((it))~~ said information.

(e) If both husband and wife are residents of the nursing home, ~~((they))~~ the husband and wife shall be permitted to share a room, if mutually requested, unless medically contraindicated and documented.

(7) Work. No resident may be required to perform services for the home, except as appropriately goal-related in the plan of care.

(8) Freedom of association and correspondence. Each resident shall:

(a) Communicate, associate, and meet privately with individuals of his or her choice, unless this infringes upon the rights of another resident; and

(b) Send and receive personal mail unopened.

(9) Activities. Each resident shall be encouraged to participate in social, religious, and community group activities.

(10) Personal possessions. Each resident may elect to retain and use his or her personal possessions and clothing as space and regulations permit. Methods shall be established and implemented for safeguarding personal property.

(11) Delegation of rights and responsibilities.

(a) The nursing home shall have written policies and procedures ~~((that provide that))~~ providing the rights and responsibilities of a resident are delegated to the resident's legal guardian on his or her behalf if the resident is adjudicated incompetent under state law (Chapter 11.88 RCW).

(b) The facility shall have written policies and procedures to initiate recommendation of guardianship proceedings when the patient appears to be incapable of understanding his or her rights and responsibilities.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-250 PHYSICIAN SERVICES. (1) Patients in need of nursing home care shall be under the care of an attending physician. ~~((The))~~ An alternate physician who has agreed to be responsible in the attending physician's absence, shall be identified ~~((upon admission and his/her name recorded in the personal health record)).~~

(2) Medical care shall be promptly provided when necessary to meet identified patient needs.

(3) The patient shall be seen by the attending physician on or immediately prior to admission and as required by federal regulations.

(4) Medical information prior to or upon admission shall include:

(a) A history and physical ~~((which reflects))~~ reflecting the patient's current health status with attention to special physical and ~~((psychosocial))~~ psychosocial limitations and needs.

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and precautions and limitations related to activities.

(c) ~~((A statement of rehabilitation potential and))~~ Plans for continuing care and discharge.

(5) Overall patient's progress and plans of care shall be reviewed and/or revised during a visit by the attending physician or a certified registered nurse or physician assistant within the individual scope of

practice in consultation with professional personnel. In facilities certified for Medicare or Medicaid, the certified registered nurse or physician assistant may not visit in lieu of the required physician visit. Patient needs shall be documented. Each need or problem (or symptom) shall have a current plan of treatment.

(6) Self-administration of medications is ordered when appropriate.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-260 NURSING SERVICES. (1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) Nursing services shall be under the direction of a full-time registered nurse.

(b) When any patient requires skilled nursing care, there shall be a registered nurse on duty a minimum of sixteen continuous hours per day.

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, there shall be at least one licensed nurse on duty eight hours every day and additional licensed staff on any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with the trained support staff's education, experience, and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

(a) History and continuing assessments.

(b) Current comprehensive written care plans reviewed as needed but at least quarterly.

(c) Nursing orders.

(d) Ongoing documentation of delivery of appropriate services.

(e) Progress notes evaluating problems, approaches, goals, and resident responses.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter 11.92 RCW, except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A physician's order for proper treatment which would resolve the emergency situation and eliminate the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic physical impairments. The intervention must be related to a specific problem identified in the ~~((treatment))~~ care plan. The plan shall be designed to diminish or eliminate the use of restraints as appropriate.

(b) Any patient physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake, and socialization as independently as possible.

~~((c)) Appropriate individualized safety measures shall be identified in the treatment plan and implemented.~~

~~((d))~~ (c) A restraint may be used as a time-out device within the context of a planned behavior modification program only in a certified IMR:

(i) When the program is approved by the human rights committee,

(ii) During conditioning sessions,

(iii) In the presence of a qualified trainer, and

(iv) For periods of less than one hour.

(4) Resident call lights shall be responded to promptly.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-264 SPECIALIZED REHABILITATIVE AND HABILITATIVE SERVICES. (1) Specialized rehabilitative and habilitative services are provided or arranged for with qualified outside resources for each resident ~~((whose))~~ with a comprehensive plan of care ~~((requires))~~ requiring the provision of these services.

(2) The specialized personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform related duties.

(3) These services shall be designed to maintain and improve the resident's ability to function independently, prevent, as much as possible, advancement of progressive disabilities; and restore maximum function.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-270 HEALTH RECORD SERVICE. There shall be a defined health record service ~~((in which))~~ where records are kept in accordance with recognized principles of health record management. All records, policies, and procedures shall be available to authorized representatives of the department for review.

(1) The health record system shall be centralized and:

(a) Have a designated individual exercising responsibility for the system ~~((who shall have))~~ with appropriate training and experience in health record management. This person may require consultation from a qualified health record practitioner such as a registered record administrator or accredited record technician.

~~((b)) Include a system of record identification and filing which assures access to records.~~

~~((c))~~ (b) Include mechanisms to safeguard records from alteration, loss or destruction, and preserve the confidentiality of each record.

(2) The health record shall:

(a) Be documented promptly and legibly by persons making the observation or providing the service, ~~((to include the))~~ with signature and date ~~((and authentication))~~ of each entry. ~~((All entries shall be written legibly in ink, typewritten, or on a computer terminal.))~~ Dictated reports shall be promptly transcribed and included in the record.

(b) Be developed and maintained for each resident ~~((who receives))~~ receiving care or treatment in the facility.

(c) Contain information obtained upon admission ~~((which shall include))~~ including identifying and sociological data, ~~((an inventory of personal belongings, a medical history, a report of a physical examination and diagnoses by a physician))~~ diagnosis, and medical information as identified in WAC 248-14-250(4)(a).

(d) Contain information about the resident's daily care ~~((which shall include))~~ including all plans, treatments, medications, observations, teaching, examinations, physician's orders, allergic responses, consents, authorizations, releases, diagnostic reports, and revisions of assessments.

~~((e)) Contain a summary upon discharge which includes diagnoses, treatments, and prognosis, by the person responsible for the total plan of care, instructions given to the person, a record of any referrals directed toward continuity of care.~~

~~((f))~~ (e) Contain appropriate information if the patient has died ~~((which shall include))~~ including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others, and the disposition of the body and personal effects.

(3) At the time of discharge, the facility provides those responsible for the patient's postdischarge care with an appropriate summary of information about the discharged patient to ensure the optimal continuity of care.

(4) Health records shall be retained in the nursing home for the time period required by RCW 18.51.300.

~~((a))~~ If a nursing home ceases operation, ~~((it))~~ the nursing home shall make arrangements prior to cessation, as approved by the department, for preservation of the health records.

~~((b)) In event of transfer of ownership of the nursing home, health records, registers, indexes, and reports shall remain with the nursing home and shall be retained and preserved by the new owner in accordance with state statutes and regulations.))~~

(5) A chronological census register shall be maintained, ~~((which includes))~~ including all admissions, discharges, deaths and transfers, noting the receiving facility. A daily census shall be kept of ~~((those))~~ the residents ~~((who are))~~ not on leave. A record of cumulative patient days shall be kept on a monthly basis.

(a) A new health record shall be opened when a resident returns to the nursing home from any treatment facility after a stay in excess of seventy-two hours except for IMR facilities. Current information from the treatment facility shall accompany the resident on return to the nursing home.

(b) Social leaves in excess of twenty-four hours must be noted in the census, but a new health record need not be opened when the resident returns to the nursing home. See WAC 388-88-115.

(6) A master patient index shall be maintained ~~((which has))~~ having a reference for each resident including the health record number, if applicable, full name, date of birth, admission date(s), and discharge date(s).

(7) Nursing homes ~~((which provide))~~ providing outpatient services pursuant to WAC 248-14-295 shall maintain and file records of such services pursuant to that section.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-285 PHARMACEUTICAL SERVICES. (1) Administration of pharmaceutical services.

(a) There shall be provision for timely delivery of drugs and biologicals.

(b) ~~((There shall be a Pharmaceutical Services Committee which ensures that written policies and procedures for))~~ Safe and effective drug therapy, distribution, control, and use ~~((are developed and followed in practice))~~ shall be ensured.

(c) If drugs are maintained for emergency use, a system for ~~((their))~~ drug control and accountability shall be established.

(d) ~~((There shall be procedures for reporting and reviewing))~~ Medication errors and adverse drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug.

(2) A staff pharmacist or consultant pharmacist shall be responsible for coordinating pharmaceutical services ~~((which includes))~~ including:

(a) Provision of pharmaceutical services evaluations and recommendations to the administrative staff.

(b) On-site reviews to ensure ~~((that))~~ drug handling and utilization procedures are carried out in conformance with recognized standards of practice.

(c) Regular reviews of each resident's therapy to screen for potential or existing drug therapy problems and documenting recommendations.

(d) Provision of drug information to the staff and physicians as needed.

(e) Planning and participation in the staff development program.

(f) Consultation with other departments regarding resident care services.

(3) Security and storage of drugs.

(a) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security.

(b) Drugs shall be stored in locked cabinets, rooms, or carts accessible only to personnel authorized to administer or dispense drugs.

(c) Outdated, unapproved, contaminated, deteriorated, adulterated, or recalled drugs shall not be available for use.

(d) If a supplemental dose kit within a unit dose drug distribution system is provided, ~~((it))~~ the supplemental dose kit must comply with WAC 360-13-030.

(4) Drugs shall be clearly labeled to ensure the right medication is administered to the right resident.

(5) Records of drug disposition shall provide accurate documentation of drug:

(a) Administration;

(b) Destruction;

(c) Release;

(d) Retention;

(e) Return to the pharmacy.

(6) Special requirements for Schedule II and III Controlled Substances:

(a) Storage shall be separately keyed except in unit dose drug distribution systems.

(b) Except in unit dose drug distribution systems, there shall be a bound book(s) with consecutively numbered pages, ~~((in which))~~ where a complete record of receipt and disposition is maintained.

(c) Discrepancies between count of drugs and the record shall be documented and reported immediately to the supervisor. Discrepancies ~~((which have))~~ not ~~((been))~~ resolved shall be reported to the pharmacist and the Washington state board of pharmacy.

(7) Drug administration.

(a) Staff shall follow ~~((written))~~ procedures ~~((which provide))~~ providing for the safe handling and administration of drugs to residents as ordered.

(i) Only licensed nurses administer drugs.

(ii) The resident shall be identified prior to administration.

(b) All drugs shall be identified up to the point of administration.

(c) Drugs shall be prepared for administration immediately prior to ~~((their))~~ the drugs administration and administered by the same person ~~((who prepares them))~~ preparing the drugs.

(d) Drug administration shall be documented as soon as possible after the act of administration and shall include:

(i) Verification of administration.

(ii) Reasons for ordered doses not taken.

(iii) Reasons for administration of and response to drugs given on an as needed basis (PRN).

(e) Drug orders shall be time limited and received only by a licensed nurse, pharmacist, or physician and administered only on the written

or verbal order of a practitioner. Verbal orders shall be signed by the prescribing practitioner in a timely manner.

(f) The self-administration of medication shall be encouraged and the program shall provide evidence of:

(i) Assessment of the resident's capabilities.

(ii) Instructions for administration.

(iii) Monitoring of progress and compliance with orders.

(iv) Safe storage of drugs.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-510 SANITATION AND INFECTION CONTROL. (1) ~~((A person is designated for monitoring))~~ The incidence of infection and the implementation of infection control ~~((policies and procedures))~~ methods shall be monitored.

(2) The facility shall provide areas, equipment, and supplies to properly implement ~~((facility policies and procedures))~~ an infection control program.

~~((3))~~ All single-service supplies and equipment shall be used once and discarded.

~~((4))~~ (3) All disposable and single service supplies and equipment shall be used as specified by the manufacturer.

~~((5))~~ (4) Patient care equipment, furniture, and utensils shall be cleaned, disinfected, or sterilized, according to use.

~~((6))~~ (5) Chemicals and equipment used for cleaning, disinfecting, and sterilization shall be used in accordance with manufacturer's directions.

~~((7))~~ (6) Linen.

(a) Linen and personal clothing shall be handled in a manner ~~((that prevents))~~ preventing cross-contamination.

(b) Soiled linen and personal clothing shall be processed in a manner ~~((that renders them))~~ rendering linen and clothing clean and sanitary.

(i) The ~~((time/temperature))~~ time and/or temperature of at least one hot water cycle to disinfect linen shall be fifteen minutes at ~~((+40))~~ one hundred forty degrees ~~((F-))~~ Fahrenheit or five minutes at ~~((+60))~~ one hundred sixty degrees ~~((F))~~ Fahrenheit.

(ii) Chemical or hot water disinfection of personal clothing shall be provided.

(c) Clean linen and personal clothing shall be transported in a manner ~~((that prevents))~~ to prevent contamination.

(d) Clean linen and personal clothing shall be stored in a manner ~~((that prevents))~~ to prevent contamination.

~~((8))~~ (7) The methods of storage, transport, and disposal of garbage and refuse shall ensure a clean environment.

~~((9))~~ (8) The methods of storage, transport, and disposal of infectious wastes shall ensure a sanitary environment.

~~((+0))~~ (9) All bathtubs and therapy tanks shall be cleaned and disinfected between patient use.

~~((+1))~~ (10) Hand cleaning supplies and drying ~~((equipment/material))~~ equipment and/or material shall be readily available at each sink.

~~((+2))~~ (11) If bathing facilities are used for storage, provisions are made to render the bathing facilities clean and sanitary prior to patient use.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-520 HOUSEKEEPING. ~~((+))~~ A designated person is responsible for the housekeeping program.

~~((2))~~ Procedures shall itemize areas to be cleaned and sanitized and frequency of service.

~~((3))~~ (1) Housekeeping supplies, and equipment shall be provided and available for use.

~~((4))~~ (2) The facility shall be clean ~~((and)),~~ sanitary, and free of objectionable odor.

~~((5))~~ If carpets are used, a comprehensive carpet care procedure must be developed and followed. The written procedure for the carpeting shall assure that:

(a) All carpeting in patient areas is kept clean and free of objectionable odors.

(b) Carpets contaminated with infectious discharge or waste shall be cleaned and disinfected.)

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-530 PEST CONTROL. (1) Effective rodent and insect control ~~((procedures))~~ methods shall be implemented.

~~((2))~~ All foundation openings shall be effectively closed or screened.

~~(3))~~ (2) Pest control chemicals shall be used in accordance with manufacturer's specifications, and approved for use by the environmental protection agency, or the food and drug administration, or the United States department of agriculture.

~~((4) All building openings used for ventilation shall be screened.))~~

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-540 SAFETY. (1) A safe environment for all residents, personnel, and public shall be maintained.

(2) Hot water at patient lavatories, baths, and showers shall be maintained at temperature of ~~((+10))~~ one hundred ten degrees ~~((F-))~~ Fahrenheit, plus or minus ~~((+0))~~ ten degrees ~~((F-))~~ Fahrenheit, except in special training programs ~~((when-))~~:

~~((a) The use of the hot water taps is supervised, and~~

~~(b) The purpose is to train residents, and~~

~~(c) Is part of the resident record.))~~

(3) Signs shall be used to designate areas of hazard.

(4) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information shall be available to facility staff.

(5) Poisons and other nonmedicinal chemical agents ~~((whose))~~ in containers carry a warning label shall be stored in a separate locked storage when not in use by staff. This storage shall be apart from drugs used for medicinal purposes.

(6) Equipment and supplies shall be stored in a manner ~~((that does))~~ to not jeopardize the safety of patients, staff, and the public.

~~((7) Any mobile drug storage cabinet shall be a closed cabinet with locks to prevent access to drugs when the cabinet is unattended by a person qualified to dispense medications.~~

~~((8))~~ (7) Handrails shall be provided in all corridors and stairwells: Except ~~((that))~~ this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or ~~((those))~~ patients with related conditions.

~~((9))~~ (8) Portable electric appliances used for heating and cooking shall be used or stored in designated areas.

~~((+0))~~ (9) Electrical outlets are available for the number of electrical appliances in use.

(10) Pets shall be restricted from areas where food is prepared, treatments are being performed, or when patients object to the presence of pets.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-550 PATIENT ROOMS AND AREAS. (1) All lockable toilets and bathrooms shall have readily available a means of unlocking from the outside. Locks shall be operable from the inside by a single effort.

(2) The maximum approved bed capacity of each patient room shall not be exceeded.

(a) The maximum number of beds per room shall not exceed ~~((the following))~~ six. This shall be reduced to a maximum of:

~~((6 beds by July 1, 1981))~~

5 beds by July 1, 1983, and

4 beds by July 1, 1985

(b) Patient rooms shall be arranged to allow not less than three feet between beds.

(3) ~~((Dining/day))~~ Dining and/or day rooms shall be available to all patients.

(4) The utility rooms shall maintain separated clean and soiled functions.

(5) Storage.

(a) Stored equipment shall be accessible as necessary to meet patient needs.

(b) Equipment in patient rooms not used on a daily basis shall be stored in storage areas.

(c) Clean and sterile items shall be stored separately from soiled items.

(d) There shall be, for each patient, separated, enclosed, storage facilities for patient clothing and personal belongings.

AMENDATORY SECTION (Amending Order 1675, filed 7/1/81)

WAC 248-14-560 EQUIPMENT. (1) Maintenance.

~~((fa) A person shall be designated responsible for preventive and emergency maintenance.~~

~~((b))~~ (a) Electrical, mechanical, structural, and plumbing equipment and systems shall be maintained on a routine basis so as to render the equipment and systems in an operable condition.

~~((c))~~ (b) Floors, walls, ceilings, and equipment surfaces must be maintained in a cleanable condition.

~~((d))~~ (c) Temperatures in living areas shall be maintained at comfortable levels.

~~((e))~~ (d) The water supply shall be maintained potable and not cross-connected.

(i) Water pressure at all taps shall be at a pressure of not less than 15 p.s.i.

(ii) Hot and cold water shall be available at all bathing, shower, and lavatory fixtures.

(2) The electrical call system shall be operative and accessible to unattended patients in bed, at bedside, and in ~~((toilet/bathing))~~ toilet and/or bathing areas, unless the patient is physically or mentally unable to use the device properly or unless the resident is in a normalization program in an IMR.

(3) Ventilation in all rooms and areas shall control smoke and odors and prevent condensation.

(4) Linen.

(a) A supply of clean bed linen and blankets of proper size, ~~((washclothes))~~ washcloths, and towels shall be provided for each patient.

(b) Worn and damaged linen shall be repaired or replaced.

(c) There shall be an available supply of clean linen ~~((such that))~~ so linen needs can be met without delay.

(5) Lighting.

(a) Lighting shall be adequate for the functions being conducted in each area of the facility.

(b) All lights shall be provided with a shatter-resistant, noncombustible shield.

(c) Emergency lighting facilities or equipment shall be available.

(6) Patient furniture and equipment needs shall be determined at the time of admission and routinely thereafter to ensure patient comfort. Justification for deviation from the normal environment provided by the facility needs to be documented in the patient's health record. Each patient shall have:

(a) A bed with a firm, protected mattress.

(b) A bedside cabinet with a drawer for storage of small personal articles and a separate drawer or enclosed compartment for storage of patient care utensils.

(c) Comfortable seating ~~((that provides))~~ to provide for proper body alignment and support.

(d) A reading light.

(7) A telephone shall be accessible for patient use.

(8) Multibed rooms shall have flame-retardant cubicle curtains.

REPEALER (Amending Order 1675, filed 7/1/81)

The following sections of Washington Administrative Code are repealed:

(1) WAC 248-14-115 COMMUNICATION.

(2) WAC 248-14-401 ASSESSMENTS.

WSR 82-13-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 9, 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 care, amending chapter 388-88 WAC.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services

Mailstop OB-33C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 14, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.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 RCW 74.42.620.

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 10:00 a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 9, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding: Amendments to the following sections: WAC 388-88-001; 388-88-010; 388-88-050; 388-88-075; 388-88-080; 388-88-081; 388-88-082; 388-88-083; 388-88-100; 388-88-101; 388-88-102; and 388-88-115; new section WAC 388-88-119; and repealing WAC 388-88-007; 388-88-045; 388-88-051; 388-88-065; 388-88-086; 388-88-088; and 388-88-117.

Purpose of the Rule or Rule Changes: To incorporate current hearing regulations; conform to new interpretations by the Department of Social and Health Services in the area of reclassification action in nursing homes; and update and provide clarification of the regulations.

Statutory Authority: Chapter 74.42 RCW and RCW 74.09.120 and 74.08.090.

Summary of the Rule or Rule Changes: Responsibilities of relocation by CSO offices would conform to Bureau of Aging and Adult Services Decision Packages 8-1 and 8-4 which were approved for implementation by the governor; updates the regulations; implements old and new laws of chapter 74.42 RCW as passed by the 1980 and 1981 legislative sessions; and repeals all sections related to IMRs since they are now located under Division of Developmental Disabilities regulations.

Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Garlien Are'valo, Patient Review Program Manager, Bureau of Nursing Home Affairs, Department of Social and Health Services, MS OB-31, Phone: 753-3486.

The Persons or Organizations (if other than DSHS) who Prepared These Rules: None.

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

Agency Comments/Recommendations: DSHS, Division of Social and Health Services agrees that updating of these nursing home licensure rules and regulations is long overdue.

The proposed regulations have been sent to the Nursing Home Advisory Council and the State Board of Health for review as mandated by statute RCW 18.51.070.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-88-001 NURSING HOME CARE. (1) The department has the administrative and legal responsibility to purchase nursing home and nursing home based (out-patient services, WAC 248-14-295) care for eligible persons. The department has the responsibility to assure to the state that adequate care, service, and protection are provided through licensing ((and)), certification ((procedures)) and utilization control activities.

(2) Each Title ((#9)) XIX nursing home will be certified as a skilled nursing facility, intermediate care facility, skilled nursing and intermediate care facility, and/or institution for the mentally retarded and ((those)) residents with related conditions (IMR).

(3) A contract for the provision of care to medical ((recipient-patients)) assistance clients at an ICF facility will be for ICF care only. Except as provided in WAC 388-88-001(4) ((and 388-88-007;)) contracts for the provision of care at all other facilities will be dual (ICF/SNF). Medical assistance ((recipients who are)) clients classified as requiring either intermediate level or skilled nursing care must be provided care only in a facility so certified.

((#3)) (4) ((When)) A hospital may ((elects)) elect to provide skilled nursing facility and/or intermediate care facility services to medical assistance ((recipients, the department will consider the hospital as such a provider)) clients. The hospital ((will be surveyed ((and)) must be certified, and all rules and regulations relating to skilled nursing facilities and/or intermediate care facilities shall apply((including certificate of need and/or section 1122)).

((#4)) In order to qualify for a SNF only contract, a facility must meet department criteria regarding location, patient-classification ratios, ICF availability, average length of stay, staffing, and provision of rehabilitative services. The department will review all such requests and respond in writing within thirty days of receipt of a properly completed application:))

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 342, filed 3/20/69)

WAC 388-88-010 NAME OF NURSING HOME. The department will recognize only the official name of a nursing home as shown on the nursing home license application or subsequent written notification of a name change.

AMENDATORY SECTION (Amending Order 1571, filed 12/8/80)

WAC 388-88-050 ADEQUATE NURSING HOME CARE. (1) Care and services rendered must be justified as essential to ((patient)) client health care needs, with the overall goal of restoration, maintenance at the highest possible level of independence, and/or ((terminal)) supportive care. The nursing home is obligated to provide adequate nursing home care ((which includes;)) as defined in chapter 248-14 WAC and federal regulations. Adequate care and services include but ((is)) are not necessarily limited to:

(a) ((Medical supervision)) Physician services,
(b) Nursing care and supervision, including provision of twenty-four hour RN staffing when deemed necessary by the provider or the department,

(c) ((Administration of medications and treatments)) Personal hygiene; baths, shampoos, nail care, shaves, oral care, and skin care,

((#d)) Medically justified consultant services where defined in chapter 388-86 WAC;

((#e)) (d) ((Patient)) Health record ((system)) for each resident,

((#f)) (e) Meeting medically related ((social and emotional)) psychosocial needs, ordered by the physician when appropriate,

((#g)) (f) Nutritionally adequate and varied diet,

((#h)) (g) Safe and comfortable environment,

~~((f))~~ ~~(h)~~ Safeguarding the ~~((patient's))~~ resident's rights and personal possessions.

(2) The nursing home is obligated to provide items and supplies ~~((which are))~~ routinely and relatively uniformly used for all ~~((patients))~~ residents, and ~~((which are))~~ essential for the provision of adequate health care services. Such items include but are not limited to:

(a) ~~((Patient))~~ Resident gowns,
(b) Pitchers, basins, bedpans, urinals, commodes, and elevated toilet seats,

(c) ~~((Bedpans, urinals))~~ Materials used for care of incontinent residents, such as pads,

(d) Soaps, lotions, shampoos, toothpaste, mouthwash, and powder,
(e) Alcohol sponges, applicators, tongue depressors, thermometers, band-aids, facial tissue, swabs, and dressings for occasional and emergency use,

(f) Appropriate equipment used for protective support or restraints,
~~((f))~~ (g) Approved nonlegend stock drugs and solutions, such as antiseptics, laxatives, anti-diarrheal medications, aspirin or equivalent pain relievers, artificial salt or sweeteners,

~~((g))~~ (h) Physician ordered dietary supplements,
~~((h))~~ (i) Linen and nonpersonal laundry(-);
(j) Clintest tape or tablets, quiac tests, mineral oil, vaseline or other lubricants,

(k) Medication supplies including gloves, hypodermic syringes, and needles,

(l) Supplies for specimen collections, simple irrigations, and enemas,
~~((3))~~ Reusable equipment to be available for periodic use includes:

~~((a))~~ (m) Ice bags, hotwater bottles,
~~((b))~~ (n) Bedrails, ~~((canes, crutches))~~ footstools, traction equipment,

~~((c))~~ (o) Walkers, wheelchairs, ~~((traction equipment))~~ canes, crutches,

~~((d))~~ (p) Emergency tray and aspirator, ~~((and oxygen tank,~~
(q) ~~((Other durable medical))~~ Equipment for administration of oxygen.

(3) Medically justified services provided for in chapter 388-86 WAC:

(a) Specialty consultation,
(b) Laboratory services including specimen bottles, tubes, needles, and syringes,

(c) X-ray services,
(d) Prescription services,

(e) Eye glasses and examinations,
(f) Physical therapy,

(g) Respiratory therapy and oxygen services.

(4) Surgical appliances, prosthetic devices, and aides to mobility required for the exclusive use of an individual ((patient)) resident are available to the ((recipient)) resident directly ((through)) according to WAC 388-86-100.

(5) ((Nonreusable supplies required in excess of those routinely and relatively uniformly used for all patients may be individually ordered per patient need when authorized by a department nursing care consultant. These items may include medically justified suction catheters, enterostomy supplies, urinary catheters and drainage equipment. Billings shall be on department Medical Vendor Invoice (525-101) and will include the signature of the nursing care consultant. Reimbursement is made to the original vendor of approved items.)) Supplies not usually provided for nursing home residents may be individually ordered according to WAC 388-86-005(2). These items may include medically justified patient care supplies. Requests for such supplies must be authorized by the nursing care consultant. These supplies may be categorized as nonreusable (one-time use) or disposable (time-limited use), items which can be reused with proper handling and precautions by the same clients, but not between clients.

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-075 NURSING HOME CONTRACT—NON-COMPLIANCE. (1) When a home is in violation of the terms of the contract, the department may temporarily suspend the referral of ~~((patients))~~ clients to the home. Whenever referral is suspended under this section, the home will immediately be notified by phone and confirmed in writing of the suspension and of the basis for the department's action. Suspension may continue until the department determines the infraction has been satisfactorily corrected.

(2) ~~((Failure of a home to provide staffing commensurate with the terms of the contract shall necessitate the suspension of))~~ Referral of ~~((recipients who require the level of nursing care not provided by the~~

~~home))~~ clients is suspended when a home fails to provide staffing commensurate with the terms of the contract. A home, unable to provide the level of care for which a ~~((recipient))~~ client is classified, shall not accept or retain ~~((those recipients))~~ clients whose unique needs cannot be met. ~~((See WAC 388-88-100(2).))~~ Violations ~~((which create))~~ creating a health or safety hazard to individual ~~((patients))~~ residents shall constitute grounds for termination of the contract by the department (chapter 18.51 RCW).

~~((3))~~ ~~The occupancy of each patient room in any licensed nursing home is designated by the licensing authority and the occupancy of each room must be limited to the number of patients for which the room is licensed. The location of any recipient in such a manner as to exceed the licensed capacity of any patient room constitutes violation of the contract for skilled and/or intermediate nursing home care whether or not the total licensed capacity of the facility has been reached. The location of a recipient in any area of the home which has not been licensed is also such violation.~~

~~((4))~~ (3) When the department terminates a contract, the home will be notified in writing of the contract termination and the basis for the department's action. The department will assist in the movement of medical assistance ~~((patients))~~ clients needing continued nursing care.

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-080 CLASSIFICATION OF ~~((PATIENTS))~~ CLIENTS. (1) Level of care determinations in skilled nursing and intermediate care facilities are made by the nursing care consultants in accordance with ~~((their best))~~ the nursing care consultants' professional judgment and in accord with WAC 388-88-081 and 388-88-083.

(2) In making classification ~~((decisions))~~ recommendations for nursing home placement, the department's personnel shall utilize the guidelines for skilled and intermediate nursing home care in WAC 388-88-081 and 388-88-083.

(3) The classification of ~~((the))~~ each individual nursing home ~~((patient))~~ client shall periodically be reviewed by the nursing care consultant ~~((for the purposes of))~~ to assure appropriate use of Medicaid services by:

(a) Assessing client(s) care needs and adequacy of services provided.

~~((a))~~ (b) Determining the need for continued stay.

~~((b))~~ (c) Identifying the level of care required to meet the nursing care needs of the ((patient)) client.

(4) Classification changes shall be made in accordance with the needs of the ~~((recipients))~~ clients and in accord with appeal and relocation procedures outlined in WAC 388-88-101.

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-081 SKILLED NURSING CARE ~~((PATIENTS))~~ RESIDENTS. ~~((Patients who require))~~ Clients requiring skilled nursing home care are ~~((those))~~ clients whose condition, needs, and/or services are of such complexity and sophistication so as to require ~~((the))~~ frequent or continuous ~~((or frequent))~~ observation and intervention of a ~~((licensed physician and))~~ registered nurse and the supervision of a licensed physician. These ~~((patients))~~ residents require on-going assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive total plan of care involving multidisciplinary input and coordination. ~~((Patient))~~ Resident needs include on-going evaluations, care plan revisions, and the teaching necessary to provide for those whose condition is unstable and/or complex.

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-082 MINIMUM LICENSED PERSONNEL REQUIREMENTS FOR SKILLED NURSING FACILITIES. The facility shall meet all federal staffing requirements ~~((and:))~~ as defined in WAC 248-14.

~~((1))~~ A registered nurse shall be employed as director of nursing services (DNS) who shall direct all nursing care given in the home. The DNS shall be employed full time (minimum 8-hour day, 40-hour week) on day duty, and shall be relieved by a registered nurse.

(2) A registered nurse or licensed practical nurse shall be on afternoon and night duty; at least one of the two shifts shall be covered by a registered nurse. Sufficient licensed nursing staff shall be provided to meet necessary nursing care needs.

(3) The licensed administrator may not serve as such, in name or fact, for more than one facility unless prior written approval is granted by the department.)

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-083 INTERMEDIATE NURSING CARE ((FACILITY PATIENTS)) RESIDENTS. Residents ((who require)) requiring intermediate nursing care are those whose physiological and/or psychological functioning is stable, but require ((on-going)) individually planned ((programs)) treatment and services under the daily direction of a ((licensed physician and licensed)) registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and ((includes supervision, assistance, protection, and restoration)) the supervision of a licensed physician. ((This)) The program is directed toward maintenance of maximum independence and return to the community whenever possible. ((The treatment regimen is established and requires the residents active participation)) The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

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 1257, filed 12/21/77)

WAC 388-88-100 TRANSFER ((OF RECIPIENT)) OR RELOCATION. (1) The department is responsible for ensuring that individual medical ((care recipient's)) assistance client's needs are identified and met, as provided by state and federal regulations. ((t)) The department is therefore responsible for ensuring ((that)) each ((medical care recipient)) client is ((placed)) authorized to receive care in a facility ((which is)) certified ((as)) and capable of meeting the needs of the ((recipient)) individual client and for ensuring ((that)) necessary transfers are accomplished ((with a minimum of trauma to the recipient)) to provide appropriate continuity of care.

(2) Each medical ((care recipient)) assistance client admitted to a facility is transferred or discharged only for medical reasons, or for his or her welfare or ((that)) the welfare of other ((patients)) clients, or for nonpayment for his or her stay. ((This)) The determination shall be made by the department based on an assessment of the ((patient)) client, consultation with the provider, and a review of relevant records. ((See WAC 388-88-075(2).))

(3) ((If the services being provided to a medical recipient are not commensurate with the recipient's needs.)) The department is responsible for initiating and facilitating ((recipient)) client relocation if the services being provided are not commensurate with the client's needs. See WAC 388-88-075. This includes the following:

(a) ((A circumstance under which the department would enforce immediate movement of a medical recipient from a nursing home is in the event of)) Revocation or suspension of the nursing home license.

((b)) (i) ((Recipients and their)) Clients or next ((of kin, guardian or responsible party)) friend will be notified by letter from the department that ((30)) thirty days after the mailing date of the letter, the facility will no longer be allowed to operate as a nursing home ((and that they)).

(ii) The client, therefore, will be required to relocate: PROVIDED, That nothing in this section shall require ((that)) a pretransfer notice be given when the secretary or ((his/her)) his or her designee determines ((that)) an immediate threat to health and/or safety exists ((or that)).

(iii) Moves may be accomplished sooner at the request of the ((patient)) client or with the ((patient's)) client's consent.

((c)) (b) Decertification, termination or nonrenewal of contract actions require stop payment of Title XIX funds.

(i) The decisions do not affect the ((facility's)) provider's right to operate as a nursing home, but rather, ((its)) the provider's eligibility to receive federal funds. ((When termination of federal funds is contemplated, recipients))

(ii) Clients must be informed in writing of provider's discontinued eligibility for Title XIX funds.

((d)) (c) ((For reclassification)) Reclassifications requiring relocation ((;)) are based on review and assessment by the designated representative of the department (WAC 388-88-080) ((will occur.))

(i) The attending physician is informed of the classification determination and given an opportunity to provide additional information.

(ii) Prior to implementation of a change in the level of care, which will result in a ((change in the services required and provided or a)) transfer, ((the medical care recipient and next of kin, guardian or responsible party shall be informed)) the client or next friend shall be informed of relocation in writing. Written notification shall be ((30))

thirty days prior to the effective date of the change pursuant to WAC 388-88-101.

(iii) The client will be informed of his or her right to request a fair hearing.

(4) A provider is responsible for initiating transfer or relocation of a client under the following circumstances:

((e)) (a) A ((facility)) provider may request ((that)) a ((recipient)) client be transferred or relocated ((or discharged)) only for medical reasons, or for his or her welfare or ((that)) the welfare of other ((patients)) residents or for nonpayment of his or her stay. See WAC 388-88-075(2).

(i) The ((facility)) provider shall send a request in writing for relocation or discharge of a medical ((care recipient)) assistance client to the department. ((This)) The request shall include the reason for the relocation or discharge.

(ii) The department shall approve or deny the request for relocation or discharge based on an on-site visit with the ((patient)) client and a review of ((his/her)) his or her records, within ((30)) thirty days following receipt of the request.

(iii) The facility administrator shall be informed of the department approval or denial of the request in writing.

(iv) If the ((facility's)) provider's request is approved, the department shall notify ((in writing,)) the ((medical care recipient or the recipient's next of kin or guardian, or responsible party,)) assistance client and next friend in writing of the decision pursuant to WAC 388-88-101. The client and next friend will be informed of the right to request a fair hearing.

(v) The ((medical care recipient)) client and the department will be allowed ((30)) thirty days from the date ((that)) the ((recipient)) client is notified by the department ((in order)) to facilitate discharge planning and accomplish relocation ((or discharge and minimize transfer trauma)).

(vi) Arrangements for relocation will be the responsibility of the client or next friend.

(vii) The provider must notify the community services office and the nursing care consultant of the relocation arrangements.

(b) Closure of a nursing home.

(i) When a nursing home provider decides to cease operation, the provider must notify the bureau of nursing home affairs in writing, giving thirty days notice.

(ii) The nursing home provider is responsible for written notification to all residents.

(iii) The department may assist residents in transfer and relocation appropriate to the individual care needs.

((f)) (5) The medical ((care recipient)) assistance client has ((an unlimited)) a right to ((request)) seek relocation and to select the nursing home ((he/she)) he or she desires for placement. If this selection is available and appropriate to the client's medical care ((recipient's)) needs, relocation shall be arranged by the client or next friend.

((f)) The medical care recipient or the recipient's next of kin, guardian or responsible party must request such a move in writing.

(ii) Arrangements for relocation will be the responsibility of the department placement personnel.)

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

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

WAC 388-88-101 ((MEDICAL CARE RECIPIENT)) RESIDENTS' RIGHTS((RELOCATION)). (1) Except in ((those)) cases specified in WAC 388-88-101(3), the medical ((care recipient)) assistance client or next friend or the ((next of kin,)) guardian ((or responsible party)) of the ((recipient who)) client, if the client has been adjudicated to be incompetent ((;)), must be informed in writing ((30)) ninety days prior to the relocation or reclassification ((to ensure orderly transfer or discharge)). Such notice must include:

(a) The reasons for the proposed change and/or transfer;

(b) A right to a conference with departmental representatives and any other individuals the ((recipient)) client wishes to speak to within ((30)) thirty days of receipt of such notice;

(c) The right to request a fair hearing within ((30)) ninety days of receipt of the notice to contest the department's decision;

(d) The method by which a fair hearing may be obtained;

(e) The right to be represented at the fair hearing by an authorized representative;

(f) The existence ~~((and locations))~~ of any legal services available in the community ~~((that are available))~~.

(2) A fair hearing request form shall be sent with the notice of relocation and/or reclassification.

(a) ~~((If))~~ The ~~((recipient))~~ client must ~~((requests))~~ request a fair hearing within ~~((the 30 day time period, the department shall not change the level of care or transfer the patient pending the fair hearing decision and the exhaustion of appeal rights))~~ thirty days of receipt of the reclassification notice in order to have the current level of care continued. Any proposed change and/or transfer shall be delayed pending the outcome of the appeal process.

(b) If the secretary or ~~((his/her))~~ his or her designee finds ~~((that))~~ a change in the level of care is not appropriate, no further action shall be taken to change the level of care or transfer the patient, unless there is a change in the situation or circumstances at which time the request may be resubmitted.

(c) If the secretary or ~~((his/her))~~ his or her designee affirms the determination to change the ~~((recipient's))~~ level of care and/or transfer, and no judicial review is filed within ~~((30))~~ thirty days of the receipt of notice of determination, the department shall proceed with the planned action.

~~((If the secretary or his/her designee affirms the determination to change the recipient's level of care and/or transfer and a request for judicial review has been filed, any proposed change and/or transfer shall be delayed pending the outcome of the appeal process:))~~ Medical assistance clients assessed as no longer requiring nursing home care who refuse to transfer to another level of care will be ineligible for medicaid nursing home payment thirty days following the effective date of determination or thirty days following the fair hearing decision affirming the department's determination of not in need of nursing care.

(3) Advance notice is not required when:

(a) ~~((If))~~ The medical ~~((care recipient))~~ assistance client or the ~~((recipient's))~~ next ~~((of kin, guardian or responsible party;))~~ friend requests a transfer in writing and waives the right to a period of notice.

(b) ~~((In the event of))~~ An immediate threat to the ~~((medical care recipient's))~~ client's life or health, or that of others is present.

~~((If))~~ (c) ~~((Advance notice and planning to mitigate transfer trauma does not include a right to fair hearing for medical care recipients when))~~ The department judges ~~((that))~~ the facility where ~~((they))~~ the client resides is no longer able to provide Title XIX services due to:

~~((a))~~ (i) Termination of ~~((its))~~ provider's contract;

~~((b))~~ (ii) Decertification of the provider facility;

~~((c))~~ (iii) Nonrenewal of ~~((its))~~ provider's contract;

~~((d))~~ (iv) Revocation of ~~((its))~~ provider's license;

~~((e))~~ (v) Emergency license suspension.

AMENDATORY SECTION (Amending Order 1257, filed 12/21/77)

~~WAC 388-88-102 ((MITIGATION OF TRANSFER TRAUMA))~~ DISCHARGE PLANNING. A suitable discharge and transfer plan must be prepared ~~((by the department))~~ for each medical care ~~((care recipient who is to be transferred or discharged))~~ assistance client. ~~((Transfer))~~ Discharge or transfer shall be dependent on the ~~((best interests of the patient))~~ client care needs, services provided, and the best ~~((available means of mitigating any traumatic effects of transfer))~~ resources available to provide an appropriate continuum of care. The plan shall include the location of available beds at the appropriate level of care ~~((which is))~~ consistent with the needs of the ~~((recipient))~~ client. ~~((It))~~ The plan shall include provisions for ~~((mitigating))~~ continuity of care and mitigation of potential transfer trauma:

(1) Coordination ~~((of communication between the staffs of the old and new facilities))~~ and active participation by the client and/or client's next friend in the transfer preparation program;

(2) Pre-transfer visit to the new facility, when the ~~((recipient's))~~ client's condition permits, ~~((to the new facility, familiarizing))~~ to familiarize the ~~((recipient))~~ client with new surroundings, and other ~~((patients))~~ residents;

(3) ~~((Coordination of active participation by the recipient's relatives in the transfer preparation program;))~~

~~((If))~~ Coordination and ~~((counseling sessions with members of the old and the new facility to discuss expectations and apprehensions about the new facility and provide further counseling on request))~~

communication of essential information concerning the client shall be provided in writing from:

~~((a))~~ Hospital to nursing home;

~~((b))~~ Nursing home to hospital;

~~((c))~~ One nursing home to another;

~~((d))~~ Any other alternatives to nursing home care.

~~((4))~~ The department will assume responsibility for assisting with relocation and post-transfer follow up in the following circumstances:

~~((a))~~ Reclassification requiring relocation;

~~((b))~~ Decertification actions;

~~((c))~~ Involuntary termination or nonrenewal of contract;

~~((d))~~ Revocation or suspension of nursing home license.

~~((5))~~ Post-transfer follow-up by the Department to monitor the immediate effects of the change including visits to recipients during the first month of stay in the new facility;

~~((6))~~ The department shall consider all pertinent aspects of an individual's history and current status which may impact on his/her susceptibility to transfer trauma:)

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 1237, filed 8/31/77)

WAC 388-88-115 DISCHARGE OR LEAVE OF NURSING HOME PATIENT. (1) A certified nursing home or hospital having a nursing home contract with the department shall send immediate written notification of the date of discharge or death of a client to the ~~((ESSO))~~ community services office (CSO) ~~((immediate written notification of the date of discharge or death of a patient)).~~

(2) ~~((The facility shall also notify the ESSO of social absences exceeding 24 hours. Social absences over 36 hours require ESSO approval of the patient care plan.~~

~~((3))~~ Discharge and readmission notification is necessary for all ~~((recipients who are))~~ medical assistance clients) admitted as hospital inpatients.

~~((3))~~ The provider shall also notify the CSO of social absences exceeding twenty-four hours. Social absences over thirty-six hours require CSO approval of the resident care plan.

(4) The department will not reimburse providers for the reservation of a bed for a single social absence exceeding seven days, unless written permission is received by the provider from the ~~((ESSO))~~ CSO. The department will reimburse providers for absences not to exceed a total per calendar year of eighteen days.

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 388-88-119 PROVIDER REPORT OF A DISTURBANCE. (1) The provider will report to the local law enforcement agency any person including a client or next friend threatening bodily harm or causing a disturbance of such magnitude the individual's welfare and safety is threatened.

(2) Any event that requires or may require the evacuation of all or part of the nursing home's residents shall be reported immediately to the department.

REPEALER

The following sections of Washington Administrative Code are repealed:

- | | |
|--------------------|---|
| (1) WAC 388-88-007 | IMR FACILITIES. |
| (2) WAC 388-88-045 | CLOSURE OF NURSING HOME. |
| (3) WAC 388-88-051 | ADDITIONAL SERVICES REQUIRED FOR IMR RESIDENTS. |
| (4) WAC 388-88-065 | CONTINUITY OF PATIENT CARE. |
| (5) WAC 388-88-086 | MINIMUM STAFFING REQUIREMENTS—IMR. |
| (6) WAC 388-88-088 | CLASSIFICATION OF IMR CLIENTS. |
| (7) WAC 388-88-117 | SOCIAL LEAVE FOR IMR CLIENTS. |

WSR 82-13-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
 [Filed June 9, 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:

New WAC 440-44-057 License fees for radioactive materials.
 Rep WAC 440-44-055 Radioactive materials license fees.

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 10:00 a.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 201, 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 28, 1982, and/or orally at 10:00 a.m., Wednesday, July 28, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 9, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

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

Regarding: Amending WAC 440-44-055 Radioactive Materials License Fees.

The Purpose of the Rule Change: To establish a more equitable fee schedule for distributing program costs among users of radioactive materials.

The Reason(s) These Rules are Necessary: To recover funds expended on the licensing of radioactive facilities.

Statutory Authority: SSB 4418.

Summary of the Rule Change: The fee schedule has been changed from 6 to 47 categories and is based on public health significance and the level of effort required to regulate.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: T. R. Strong, Head, Radiation Control Section, Environmental Health Programs, Mailstop: LF-13, Phone: 3-3468.

The Person or Organization (if other than DSHS) who Proposed These Rules: Result of public hearings on fees for radioactive materials.

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

NEW SECTION

WAC 440-44-057 LICENSE FEES FOR RADIOACTIVE MATERIALS. (1) The fee for each radioactive materials license is the lowest fee category which describes all activities subject to the conditions of the license. If no single fee category describes all activities granted under a single license, then more than one license shall be required. When multiple licenses are required by the department, each license is subject to the applicable license fee.

(2) Unique or specialized licensed activities.

(a) For operation of a radioactive waste treatment facility: Annual fee of eleven thousand five hundred dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand five hundred fifty dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of two thousand five hundred fifty dollars.

(d) For operation of a nuclear laundry, fixed base: Annual fee of two thousand five hundred fifty dollars.

(e) For operation of a nuclear laundry, portable operation: Annual fee of five hundred seventy-five dollars.

(f) For manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of two thousand five hundred fifty dollars.

(g) For licenses authorizing decontamination services or waste brokerage: Annual fee of one thousand fifty dollars.

(h) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of three hundred dollars.

(i) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of three hundred dollars.

(j) For civil defense licenses: Annual fee of one hundred dollars.

(k) For operation of a radioactive waste disposal facility: Annual fee of eleven thousand five hundred dollars.

(3) Medical licenses.

(a) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of four thousand seven hundred fifty dollars.

(b) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand five hundred fifty dollars.

(c) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of one thousand three hundred seventy-five dollars.

(d) For licenses authorizing one or more of groups II-VI, as defined in WAC 402-22-200 Schedule A:

(i) For licenses authorizing group II or III: Annual fee of one thousand one hundred seventy-five dollars.

(ii) For licenses authorizing group IV or V: Annual fee of eight hundred fifty dollars.

(iii) For licenses authorizing group II and III: Annual fee of one thousand five hundred seventy-five dollars.

(iv) For licenses authorizing group IV and V: Annual fee of one thousand two hundred fifty dollars.

(v) For licenses authorizing group II or III and group IV or V: Annual fee of one thousand four hundred dollars.

(vi) For licenses authorizing any three of groups II, III, IV or V: Annual fee of two thousand dollars.

(vii) For licenses authorizing groups II through V: Annual fee of two thousand five hundred fifty dollars.

(viii) For licenses authorizing group VI: Annual fee of five hundred seventy-five dollars.

(ix) For licenses authorizing group VI in addition to other group(s): Add two hundred dollars for each group authorized.

(e) For licenses authorizing brachytherapy or teletherapy: Annual fee of five hundred seventy-five dollars.

(f) For licenses authorizing medical or veterinarian possession of greater than 200 millicuries total possession of radioactive material: Annual fee of one thousand three hundred seventy-five dollars.

(g) For licenses authorizing medical or veterinarian possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of five hundred seventy-five dollars.

(h) For licenses authorizing medical or veterinarian possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of two hundred twenty-five dollars.

(i) For licenses authorizing group I as defined in WAC 402-22-200 Schedule A or in vitro uses of radioactive materials: Annual fee of one hundred fifty dollars.

(j) For licenses authorizing possession of special nuclear material or depleted uranium: Annual fee of one hundred fifty dollars.

(4) Industrial radiography licenses.

For licenses authorizing radiographic exposure devices: Annual fee consisting of one thousand fifty dollars plus one hundred fifty dollars per licensed exposure device.

(5) College (academic) licenses.

(a) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of four thousand seven hundred fifty dollars.

(b) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand five hundred fifty dollars.

(c) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope less than or equal to 0.1 curie: Annual fee of one thousand three hundred seventy-five dollars.

(d) For licenses authorizing maximum possession of greater than 100 millicuries of any single unsealed isotope: Annual fee of five hundred seventy-five dollars.

(e) Licenses authorizing maximum possession of 1 to 100 millicuries for any single unsealed isotope: Annual fee of four hundred twenty-five dollars.

(f) For licenses authorizing maximum possession of less than 1 millicurie of any single unsealed isotope: Annual fee of two hundred twenty-five dollars.

(g) For licenses authorizing possession of special nuclear material or sealed sources: Annual fee of one hundred fifty dollars.

(6) Industrial and laboratory licenses.

(a) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of four thousand seven hundred fifty dollars.

(b) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of two thousand five hundred fifty dollars.

(c) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope less than or equal to 0.1 curie: Annual fee of one thousand three hundred seventy-five dollars.

(d) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand fifty dollars.

(e) For licenses authorizing well-logging activities not including the use of tracers: Annual fee of four hundred twenty-five dollars.

(f) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand fifty dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of four hundred twenty-five dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to

1 millicurie of any other single isotope: Annual fee of one hundred fifty dollars.

(g) For licenses authorizing possession of portable sealed sources in the following groups:

(i) Authorized possession of three or more portable gauges: Annual fee of four hundred twenty-five dollars.

(ii) Authorized possession of one or two portable gauges: Annual fee of three hundred dollars.

(iii) Authorized possession of any other portable sealed source, including special nuclear material: Annual fee of four hundred twenty-five dollars.

(h) For licenses authorizing possession of any nonportable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of four hundred twenty-five dollars.

(i) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of one hundred fifty dollars.

(j) For licenses authorizing maximum possession of any nonportable sealed source greater than 100 curies: Annual fee of one thousand fifty dollars.

(k) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 1,000 kilograms of source material: Annual fee of two thousand five hundred fifty dollars.

(l) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or less than or equal to 1,000 kilograms of special nuclear material: Annual fee of three hundred dollars.

(7) General licenses.

(a) For in vitro registrants (requiring filing of form RHF-15): Annual fee of fifty dollars.

(b) For depleted uranium registrants (requiring filing of form RHF-20): Annual fee of fifty dollars.

(c) For reciprocal recognition of out-of-state licenses: Fee equal to fifty percent of the fee that would be charged for an in-state license as described in subsection (2) through (6) of this section based upon the actual amount of radioactive material or number of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington, for up to one hundred eighty days of the twelve-month period following payment of the fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 440-44-055 RADIOACTIVE MATERIALS LICENSE FEES.

WSR 82-13-040

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 82-61—Filed June 9, 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 fishing rules.

This action is taken pursuant to Notice No. WSR 82-09-082 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 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 9, 1982.

By Gary C. Alexander
for Rolland A. Schmitt
Director

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-055 DEFINITIONS—HOOK AND LINE—ANGLING. "Hook and line" and "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one ((+)) line with one ((+)) lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than one ((+)) lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-56-100 DEFINITIONS—PERSONAL-USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed fish" is defined as salmon or other food fish which has been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except ((for provision noted below)) as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

~~((NOTE: In freshwater, or from shore, piers and jetties in saltwater, angling shall also be defined as the use of not more than one lure with not more than two natural baits, with one single hook per natural bait.))~~

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait", unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chehalis River - U.P. Railway Bridge in Aberdeen.

Chinook River - The tide gates at the Highway 101 Bridge.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Germany Creek - Highway 4 Bridge.

Hoquiam River - Highway 101 Bridge.

Humptulips River - Highway 109 Bridge.

Johns River - Highway 105 Bridge.

Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.

Methow River - Highway 97 Bridge.

Mill Creek - Highway 4 Bridge.

Naselle River - Highway 101 Bridge.

North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.

Niawiakum River - Highway 101 Bridge.

North River - Highway 105 Bridge.

Palix River - Highway 101 Bridge.

Puyallup River - 11th Street Bridge.

Samish River – The Samish Island Bridge (Bayview–Edison Road).

Sammamish River – Kenmore Highway Bridge.

Skagit River (North Fork) – A line projected from the white monument on the easterly end of Ika Island to the terminus of the jetty with McGlinn Island.

Skagit River (South Fork) – A line projected from the flashing red four-second navigational light true north to its intersection with the old jetty shown on U.S.C.G.S. chart No. 6450.

Skamokawa Creek – Highway 4 Bridge.

Snohomish River – (~~Greater~~) Burlington Northern Railway Bridges crossing main river and sloughs.

South Nemah River – Lynn Point 117 degrees true to the opposite shore.

Tucannon River – State Highway 261 Bridge.

Washougal River – A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

~~((Wenatchee River – Lowermost Burlington Northern Railroad Bridge immediately downstream from Highway 97.))~~

White Salmon River – Highway 14 Bridge.

Little White Salmon River – At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River – Highway 101 Bridge.

Yakima River – Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line (~~when~~) while angling (for food fish) in freshwater (~~or from shore, piers, jetties, or docks in saltwater~~).

(b) It is lawful to use two (~~lines with one~~) lures per line (~~or one line with two lures per line~~) while angling (~~for food fish~~) in marine waters for food fish other than salmon (the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound).

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands, and Puget Sound.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) and (4) of this section.

(3) It shall be lawful, while angling for food fish in saltwater from shore, piers, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole.

All other provisions of this section shall apply.

(4) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(5) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

NEW SECTION

WAC 220-56-116 SALMON—LAWFUL GEAR. It is unlawful to use barbed fishing hooks while angling for salmon in Punch Card Areas 5 through 13. (Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured.)

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-56-145 POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION. (1) It shall be unlawful to possess in the field for any purpose any salmon (~~or other food fish or shellfish~~) in such a condition that its size (~~weight, or sex~~) cannot be determined (~~if a size, weight, or sex restriction is prescribed for said species~~).

(2) It shall be unlawful to possess in the field for any purpose any shellfish or food fish other than salmon in such a condition that its size could not be determined, if a size restriction is prescribed for said species.

(3) It shall be unlawful to possess in the field for any purpose any salmon, other food fish or shellfish in such a condition that its weight or sex cannot be determined, if a weight or sex restriction is prescribed for said species.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((2) Code B: Same as Bag Limit A.))~~

~~((3))~~ (2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon.

Additional salmon may be possessed in a frozen or processed form.

~~((4)) Code D: Same as Bag Limit C).~~

~~((5))~~ (3) Code F: In waters having this code designation, the bag limit in any one day is ~~((three))~~ two salmon, ~~((not more than two of which shall be chinook or coho in the aggregate)).~~ Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and no minimum size on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((6))~~ (4) Code H: In waters having this code designation, the bag limit in any one day is three salmon, not more than two of which may be chinook salmon. Chinook salmon must be not less than ~~((20))~~ 22 inches in length ~~((but))~~ during the period October 16 through June 30, and they must not be less than 26 inches in length during other times of the year. There is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

~~((7))~~ (5) Code I: In waters having this code designation, the bag limit in any one day is eight salmon, not less than 6 inches in length or an aggregate daily catch of eight salmon and other fish not exceeding 6 pounds and one fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound (including Hood Canal), ~~((Gulf))~~ Strait of Georgia, San Juan Islands and Strait of Juan de Fuca east of the mouth of the Sekiu River – bag limit H – open entire year except for special provisions in WAC 220-56-195. In Punch Card Areas 5, 6, and 7 it shall be unlawful to retain or possess chinook salmon greater than 30 inches in length during the period April 15 through June 15.

(2) Strait of Juan de Fuca from the Sekiu River to a line from Tatoosh Island Light to Bonilla Point – open entire year. Bag and size limits shall conform with Pacific Ocean regulations during those times salmon angling is permitted in adjacent coastal ocean waters. During those periods when the ocean salmon angling season is closed, the bag limit shall conform with regulations of adjacent waters of the Strait of Juan de Fuca (Area 5—Sekiu), but size limits shall remain unchanged from those which were in effect when the ocean season was last open.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 – bag limit F – open on the Saturday ~~((nearest to May 1 through October 31))~~ preceding Memorial Day through Labor Day.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty) – bag limit F – open to salmon angling coincidentally with the season in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided.

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) – bag limit F – open entire year.

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

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-56-195 CLOSED AREAS—SALT-WATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated: ~~((It shall be unlawful to take, fish for or possess salmon from:))~~

(1) Skagit Bay (=): Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, ((and)) northerly of the State Highway 532 Bridge between Camano Island and the mainland ((from April 16 through June 15)) and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(2) Port Susan: Those waters of Port Susan lying north of a true east-west line passing through Tulare Point (located approximately 2.25 miles south of Kayak Point) shall be closed to salmon angling April 15 through June 30.

(3) Bellingham Bay: Those waters of Portage Bay and Bellingham Bay north of a line from Point Francis to Post Point shall be closed to salmon angling April 15 through June 15.

(4) Commencement Bay: Those waters of Commencement Bay southeasterly of a line extending from the foot of McCarver Street (marked by the partially burned Top of Ocean Restaurant) to Browns Point shall be closed to salmon angling April 15 through June 15.

(5) Carr Inlet: Those waters of Carr Inlet northerly of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove shall be closed to salmon angling April 15 through July 31.

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 81-13, filed 2/17/81)

WAC 220-56-285 SHAD AND STURGEON—AREAS AND SEASONS. It is lawful the entire year to take, fish for and possess sturgeon and shad for personal use by angling, unless otherwise provided, and except in the following closed waters: ~~((in those))~~ (1) Waters lying one mile downstream ((from a point one mile)) below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in Chapter 220-57 WAC, except as provided in (2) and (3) of this section. ((that in the Snake River it is lawful to take fish for or possess sturgeon or shad by angling in Snake River)), (2) Waters lying ((downstream from a point)) 400 feet ((below any dam, rock or obstruction)) downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the taking, fishing for, or possession of sturgeon, EXCEPT when fishing with hand-casted hook and line gear from the mainland shore in those water lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island and thence to the Oregon angling boundary marker on Bradford Island (located approximately 600 feet downstream from the fish ladder entrance).

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

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-56-300 STURGEON—AREA—BONNEVILLE DAM. It shall be ~~((lawful))~~ unlawful to take, fish for and possess sturgeon ((by angling from within 600 feet of the spillway at Bonneville Dam of the Washington shore. Provided, That it shall be unlawful to use powered drone boats within the area lying upstream from the downstream powerline crossing between the Washington shore and Bradford Island, thence on a direct line through the most westerly steel mooring dolphin in the navigation channel to the Oregon shore)) in those waters of the Columbia River from the upstream line of Bonneville Dam downstream to the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream of the dam, EXCEPT when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island and thence to the Oregon angling boundary marker on Bradford Island (located approximately 600 feet downstream from the fish ladder entrance).

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 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 ~~((15))~~ 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 81-13, filed 2/17/81)

WAC 220-57-137 CARBON RIVER. Bag limit ~~((B))~~ A - October 1 through November 30: Downstream from old bridge abutments near the east end of Bridge Street in Orting to confluence with Puyallup River. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-138 CHAMBERS CREEK. Bag limit ~~((B))~~ A - October 1 through November 30: Downstream from a set of markers 400 feet below the Boise-Cascade dam (immediately upstream from the Boise-Cascade West Tacoma Mill).

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-150 CLALLAM RIVER. Bag limit ~~((D))~~ C - July 1 through November 30: Downstream from the confluence of Boulder Creek, located approximately one mile upstream of the uppermost Highway 12 Bridge.

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 ~~((11-16))~~ 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 to a boundary marker east of the mouth of Abernathy Creek.

(6) Bag limit A – August 16 through March 15: Waters downstream from the Megler-Astoria Bridge to a line projected true north and south through Buoy 10, except that on or after August 16 and through September 30, size and bag limit regulations shall conform with the most recent ocean fishing regulations when the ocean was last open.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-175 COWLITZ RIVER. (1) Special bag limit – April 1 through July 31: Downstream from the cross river cable below the Cowlitz Salmon Hatchery Barrier Dam to the mouth. Bag limit is six salmon per day ~~((over))~~ not less than 10 inches in length, only three of which may exceed 24 inches in length.

(2) That portion of the Cowlitz River downstream ~~((of a line drawn perpendicular to the river from the~~

~~lowermost Cowlitz Salmon Hatchery property boundary))~~ from the mouth of Mill Creek is open to ~~((night-time fishing from))~~ salmon angling 24 hours per day during the period April 1 to July 31.

~~((2))~~ (3) Bag limit A – August 1 through March 31: Downstream from markers 400 feet below the barrier dam.

During the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of boundary markers at Toutle River mouth must be released.

(4) Salmon angling from boats is prohibited the entire year in ~~((those))~~ designated open waters between the barrier dam and the mouth of Mill Creek.

~~((3))~~ (5) Bag limit C – November 1 through December 31: From the confluence of the Muddy Fork and Ohanapecosh Rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-180 CURLEY CREEK (KITSAP COUNTY). Bag limit ~~((D))~~ C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-185 DEEP CREEK (CLALLAM COUNTY). Bag limit ~~((D))~~ C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-57-190 DESCHUTES RIVER. Bag limit ~~((B))~~ A – July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls. Female chinook salmon must be released.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-195 DEWATTO CREEK. Bag limit ~~((D))~~ C – July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-205 DOSEWALLIPS RIVER. Bag limit ~~((B))~~ A – October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-210 DUCKABUSH RIVER. Bag limit ~~((B))~~ A – October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-215 DUNGENESS RIVER. Bag limit ((B)) A - October 15 through December 31: Downstream from markers at former Taylor Bridge site approximately one mile below the state salmon hatchery rack. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-225 EAST TWIN RIVER. Bag limit ((D)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-240 ELWHA RIVER. Bag limit ((B)) A - October 15 through December 31: Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-265 HAMMA HAMMA RIVER. Bag limit ((B)) A - October 15 through January 31: Downstream from the Highway 101 Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-275 HOKO RIVER. Bag limit ((D)) C - July 1 through November 30: Downstream from the Ozette Highway Bridge.

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)) Bag limit F - [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 81-13, filed 2/17/81)

WAC 220-57-325 LYRE RIVER. Bag limit ((D)) C - July 1 through November 30.

NEW SECTION

WAC 220-57-326 MCALLISTER CREEK. Bag limit A - October 1 through November 30: Downstream from the downstream side of the Olympia-Steilacoom Road Bridge.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-330 MORSE CREEK (CLALLAM COUNTY). Bag limit ((D)) C - October 1 through December 31.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-345 NISQUALLY RIVER. Bag limit ((B)) A - July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-350 NOOKSACK RIVER. (1) Bag limit ((B)) A - July 1 through March 31: Downstream from the confluence of North and South Forks to Lummi Indian Reservation boundary.

(2) Bag limit ((D)) C - September 1 through October 31: (North Fork) downstream from Maple Creek to mouth of North Fork.

(3) The entire Nooksack River is closed to the taking of pink salmon in odd-numbered years.

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 81-13, filed 2/17/81)

WAC 220-57-370 PUYALLUP RIVER. Bag limit ((B)) A - July 1 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-375 PYSHT RIVER. Bag limit ((D)) C - July 1 through November 30: Downstream from the confluence of Green Creek.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-410 SAMMAMISH RIVER (SLOUGH). Bag limit ((B)) A - October 15 through December 31: Upstream of the Kenmore Highway Bridge. All sockeye salmon must be released.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-420 SEKIU RIVER. Bag limit ((~~Ⓟ~~)) C - July 1 through November 30: Downstream from the confluence of the north and south forks.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-430 SKOKOMISH RIVER. Bag limit ((~~Ⓟ~~)) A - July 1 through January 31: Downstream from the mouth of Vance Creek.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-435 SKYKOMISH RIVER. Bag limit ((~~Ⓟ~~)) A - July 1 through December 31: Downstream from the confluence of North and South Forks. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-450 SNOHOMISH RIVER. Bag limit ((~~Ⓟ~~)) A - July 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie Rivers. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-455 SNOQUALMIE RIVER. Bag limit ((~~Ⓟ~~)) A - July 1 through December 31. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-465 STILLAGUAMISH RIVER. Bag limit ((~~Ⓟ~~)) A - July 1 through January 31: Downstream from confluence of North and South forks. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-470 TAHUYA RIVER. Bag limit ((~~Ⓟ~~)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-475 TOLT RIVER. Bag limit ((~~Ⓟ~~)) C - July 1 through November 30 ((=)): Downstream from the forks.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-490 UNION RIVER. Bag limit ((~~Ⓟ~~)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81)

WAC 220-57-500 WEST TWIN RIVER. Bag limit ((~~Ⓟ~~)) C - July 1 through November 30.

AMENDATORY SECTION (Amending Order 78-8, filed 4/1/78)

WAC 220-57A-030 CAPITOL LAKE. Bag limit ((~~Ⓟ~~)) A - July 1 through November 30: Downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. Female chinook salmon must be released. Percival Cove shall be defined as those waters of Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-145 SAMMAMISH LAKE. Bag limit ((~~Ⓟ~~)) A - August 16 through December 31: Waters within 1/4 mile of the mouth of Issaquah Creek are closed to salmon angling at all times. Closed to the taking of sockeye salmon.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-175 LAKE WASHINGTON. (1) Waters north of the Evergreen Point Floating Bridge - bag limit ((~~Ⓟ~~)) A - August 16 through December 31.

(2) Waters south of the Evergreen Point Floating Bridge - bag limit ((~~Ⓟ~~)) A - October 15 through December 31.

NOTE: Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

(3) It is unlawful to take, fish for or possess sockeye salmon in Lake Washington the entire year.

AMENDATORY SECTION (Amending Order 81-13, filed 4/1/81)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). (1) Bag limit ((~~Ⓟ~~)) A - August 16 through December 31: West of University Bridge, to eastern end of the north wingwall of the ((~~Chittenden~~)) Chittenden Locks. Waters between the University Bridge and the concrete abutment ends of the north wingwall of the ((~~Chittenden~~)) Chittenden Locks and the Railroad Bridge west of the Locks are closed to salmon angling at all times.

(2) It shall be unlawful to take, fish for or possess sockeye salmon the entire 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-260 Bottomfish—Lawful Gear (80-12).

WSR 82-13-041
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed June 9, 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 rules.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Friday, June 11, 1982, in the Department of Fisheries Conference Room.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter in Notice No. WSR 82-10-078 filed with the code reviser's office on May 5, 1982.

Dated: June 9, 1982
By: Rolland A. Schmitten
Director

WSR 82-13-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1817—Filed June 10, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-70-013 Authorization of foster care placement.
Amd WAC 388-70-024 Payment of foster care—Effective date.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 118, Laws of 1982 which become effective on this date.

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

This rule is promulgated pursuant to RCW 74.12.340 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED June 10, 1982.

By David A. Hogan
Director, Division of Administration

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 82-13-043

ADOPTED RULES COMMITTEE FOR DEFERRED COMPENSATION

[Order 82-3—Filed June 11, 1982]

Be it resolved by the Committee for Deferred Compensation, acting at Department of Transportation, Materials Lab Building, Tumwater, Washington, that it does promulgate and adopt the annexed rules relating to state employees deferred compensation plan, Title 154 WAC.

This action is taken pursuant to Notice No. WSR 82-12-027 filed with the code reviser on May 26, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

This rule is promulgated under the general rule-making authority of the Committee for Deferred Compensation as authorized in RCW 41.04.260.

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 9, 1982.

By C. H. Shay
Analyst

Chapter 154-01 WAC
PLAN ESTABLISHED

NEW SECTION

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

Chapter 154-04 WAC
DEFINITIONS

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

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

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

WAC 154-04-100 EMPLOYEE. "Employee" means any person who is employed by and receives any

type of compensation from the employer for whom services are rendered, and who is a full-time, permanent part-time working half-time or more, or career seasonal employee of the employer, whether or not covered by civil service; an elected or appointed official of the executive branch of the government, including any full-time member of a board, commission, or committee; a justice of the supreme court or a judge of the court of appeals or of a superior court; or a member of the state legislature.

NEW SECTION

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

Chapter 154-08 WAC
ADMINISTRATION

NEW SECTION

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

NEW SECTION

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

NEW SECTION

WAC 154-08-030 COMMITTEE ACTION FAIR AND REASONABLE. Every action taken by the committee shall be presumed to be fair and reasonable exercise of the authority vested in or the duties imposed upon it. The committee and its individual members shall be deemed to have exercised reasonable care, diligence and prudence and to have acted impartially as to all persons interested, unless the contrary be proven by affirmative evidence.

NEW SECTION

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

NEW SECTION

WAC 154-08-050 DEFERRED COMPENSATION REVOLVING FUND. All deferred compensation hereunder shall be paid into the deferred compensation revolving fund. All costs of administration and staffing of the plan, expenses of the committee, and such other amounts determined by the committee and permitted by law, shall be paid as necessary out of the deferred compensation revolving fund. Amounts in the deferred compensation revolving fund may be invested pursuant to RCW 41.04.250 as directed by the committee. All benefits payable to participants or their respective beneficiary or beneficiaries shall be paid from the deferred compensation revolving fund unless otherwise paid.

Chapter 154-12 WAC
PARTICIPATION IN THE PLAN

NEW SECTION

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

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

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

NEW SECTION

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

NEW SECTION

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable

year as has not theretofore been used under WAC 154-12-020 or 154-12-030; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

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

NEW SECTION

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

NEW SECTION

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

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

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

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

NEW SECTION

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

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

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

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

Chapter 154-16 WAC BENEFITS ON RETIREMENT

NEW SECTION

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

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

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

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

NEW SECTION

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

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

NEW SECTION

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

NEW SECTION

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

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

Chapter 154-24 WAC UNFORESEEABLE EMERGENCY

NEW SECTION

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

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

Chapter 154-28 WAC LEAVE OF ABSENCE

NEW SECTION

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

Chapter 154-32 WAC
AMENDMENT OR TERMINATION OF PLAN

NEW SECTION

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

NEW SECTION

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

Chapter 154-36 WAC
RELATIONSHIP TO OTHER PLANS

NEW SECTION

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

Chapter 154-40 WAC
TRANSFER IN LIEU OF BENEFITS

NEW SECTION

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

Chapter 154-44 WAC
NONASSIGNABILITY CLAUSE

NEW SECTION

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

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

Chapter 154-48 WAC
ASSETS

NEW SECTION

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

Chapter 154-52 WAC
PARTICIPATION BY COMMITTEE MEMBERS

NEW SECTION

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

Chapter 154-56 WAC
EMPLOYER PARTICIPATION

NEW SECTION

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

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

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

Chapter 154-60 WAC
INVESTMENT RESPONSIBILITY

NEW SECTION

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

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

Chapter 154-64 WAC
COMMITTEE POWERS

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

participant and the participant's beneficiary or beneficiaries, consents to be bound thereby.

NEW SECTION

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

Chapter 154-68 WAC
APPLICABLE LAW

NEW SECTION

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

NEW SECTION

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

WSR 82-13-044
PROPOSED RULES
ENERGY OFFICE
[Filed June 11, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Energy Office intends to adopt, amend, or repeal rules concerning Public Disclosure Act Rules, chapter 194-10 WAC and Washington State Environmental Policy Act Rules, chapter 194-12 WAC;

that such agency will at 10 a.m., Thursday, July 28, 1982, in the Conference Room, Washington State Energy Office, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, July 28, 1982, in the Conference Room, Washington State Energy Office, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.21F.045(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to time of hearing on July 28, and/or orally at hearing 10 a.m., Thursday, July 28, 1982, Conference Room, Washington State Energy Office, Olympia, Washington.

Dated: June 9, 1982
By: Richard H. Watson
Acting Director

STATEMENT OF PURPOSE

Purpose and Implementation: The purpose for amending these rules is to update them in terms of agency organization, location, statutes, and procedures.

Adopting Agency: Washington State Energy Office. Statutory Authority: RCW 43.21F.045(12).

Summary of Rules and Reasons Therefore: These rules' amendments are necessary to reflect the changes since 1977 in agency statutes organization, location, procedures, and closure of its field office.

Agency Personnel Responsible for Amending: Richard H. Watson, Acting Director, Washington State Energy Office, 400 East Union, Olympia, Washington 98504, 754-0701; Implementation: Dave Sjoding, Assistant Director, Washington State Energy Office, 400 East Union, Olympia, Washington 98504, 754-0704; and Enforcement: Personnel listed above and subordinates.

Proponent: The proposed rules' amendments were initiated by the State Energy Office. No opponents are known.

Agency Comment: The rules' amendments are proposed to reflect current information in chapters 194-10 and 194-12 WAC.

Federal Law or Court Order: Is not applicable.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-020 DEFINITIONS. "Person" includes an individual, partnership joint venture, public or private corporation, association, federal, state or local government entity or agency however constituted.

"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"Washington State Energy Office" means the state agency created pursuant to ((chapter 108, Laws of 1975-1976 2nd ex. sess. [chapter 43.21F RCW])) chapter 43.21F RCW. It shall hereinafter be referred to as "office." Where appropriate, the term "office" also refers to the staff and employees of the Washington State Energy Office.

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

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-030 DESCRIPTION OF ((CENTRAL AND FIELD)) ORGANIZATION. The Washington State Energy Office is ((a general government agency authorized to serve as the official state agency responsible for coordination of energy-related activities. The office is)) located at ((1000 S. Cherry Street)) 400 E. Union, Olympia, Washington, 98504. There are no field offices. The agency is organized into four divisions/groups as follows: Administration division, conservation division, resource development and energy management division, and the energy policy development group. The director is appointed by the governor. The energy office advisory committee is appointed pursuant to RCW 43.21F.085.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-040 ((OPERATIONS AND)) PROCEDURES. ((Pursuant to chapter 108, Laws of 1975-1976 2nd ex. sess. [chapter 43.21F RCW], the Energy Office has the responsibility for collection of energy data, analysis of energy data and energy resources, development of contingency plans in cases of energy shortages and emergencies, and advice and support of other state agencies on energy-related matters. The office is advised by the Energy Advisory Council, created

and appointed by the Governor.)) The energy office has instituted an "Office Policies and Procedures Manual" to govern agency administrative practices and procedures.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-050 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 194-10-020 are deemed to be available except as provided by chapter 42.17 RCW or ((chapter 108, Laws of 1975-1976 2nd ex. sess. [chapter 43.21F RCW])) RCW 43.21F.060(1).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-060 EXEMPTIONS. ((Pursuant to section 6(1), chapter 108, Laws of 1975-1976 2nd ex. sess. [chapter 43.21F RCW], any proprietary information obtained from any person which is requested to be kept confidential by the person providing the information is exempt from the provisions of this chapter.)) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 194-10-090 is exempt under the provisions of chapter 42.17 RCW and other applicable laws. In addition, pursuant to chapter 42.17 RCW, the agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is a reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interests. In each case, the justification shall be explained fully in writing. Notwithstanding any other provision of law to the contrary, proprietary information obtained under RCW 43.21F.060(1) shall be confidential and maintained as such if so requested by the person providing the information. However, the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information is authorized.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-090 REQUESTS FOR PUBLIC RECORDS. Public records may be inspected or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form in substantial compliance with the provisions of WAC 194-10-100. The form shall be available from the office and shall be presented to the Public Records Officer or to any member of the office staff if the Public Records Officer is not available. The request shall include the following information:

- (a) The name of the person requesting the record,
(b) The time of day and calendar date on which the request was made,
(c) The nature of the request,
(d) If the requested matter is indexed, an appropriate index reference,
(e) If the requested matter is not identifiable by reference to a current index, an appropriate description of the matter requested.

(2) In all cases in which a member of the public is making a request, ((if it)) it shall be the obligation of the Public Records Officer or staff to assist the member of the public in appropriately identifying the matter requested.

(3) Staff members shall make ((an honest effort)) all reasonable efforts to respond to the request within two working days after its receipt.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-100 ADOPTION OF FORM. The office ((hereby adopts the following)) has adopted state Form S.F. 276 for use by all persons requesting inspection and/or copies of public records(:

Name of Organization, if Applicable
Mailing Address of Applicant Phone Number
Date Request Made at Washington State Energy Office Time of Day of Request Made

Nature of Request:

Identification Reference on Current Index (Please Describe):

Description of Record, or Matter, Requested if Not Identifiable by Reference to the Washington State Energy Office Current Index:

Said Records Have Not Been Requested to Provide Access to Lists of Individuals for Commercial Purposes:

Signature Signature (please print)

Request: Approved By Date Public Records Officer

Denied Date

Reasons for Denial:

Referred to By Date Public Records Officer)

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-120 REVIEW OF DENIALS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting to the Public Records Officer a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer shall refer it to the director of the office. The director or his designee shall consider the matter and either affirm or reverse such denial. Consultation will be made with the Attorney General's Office regarding the matter under review. The ((request)) request shall be returned with a final decision within two business days of the date of filing the request for review.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the request for review with a decision or until the close of the second business day following date of filing the request for review, whichever occurs first.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-130 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made in the Washington State Energy Office at ((1000 S. Cherry Street)) 400 E. Union, Olympia. Public records and a facility for their inspection will be provided by the Public Records Officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the office or, if copying facilities are not available, the office will arrange to have copies made subject to the provisions of WAC ((194-10-100)) 194-10-110.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-140 RECORDS INDEX. ((The)) A current index ((and document log)) of records of the Washington State Energy Office may be examined at the Washington State Energy Office at ((1000 S. Cherry Street)) 400 E. Union, Olympia, during office hours defined in WAC 194-10-080.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120, requiring each state agency to adopt rules implementing the State Environmental Policy Act.

This chapter is also promulgated to comply with WAC 197-10-020(1).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-060 EXEMPTIONS. In addition to those exemptions identified by WAC 197-10-170, any action taken pursuant to ((a declaration of an "energy supply alert" as defined in chapter 108, Laws of 1975-1976, 2nd ex. sess., and an "energy emergency" as defined in RCW 43.06.200)) chapter 43.21G RCW (Energy Supply Emergencies Alert), shall be exempt from the procedural requirements of this chapter. This is in accordance with RCW 43.21G.040(6).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-070 DESIGNATION OF RESPONSIBLE OFFICIAL. The ((ultimately)) responsible official is the Director of the State Energy Office. Normally, ((the operational responsibility shall be delegated by)) the director ((to the Deputy Director, who may)) will delegate duties and functions assigned under this chapter.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-080 ((DESIGNATION)) COPIES OF PUBLIC INFORMATION ((CENTER)). ((1)) The SEPA Public Information Center shall be located at the Washington State Energy Office, 1000 S. Cherry Street, Olympia, Washington 98504.

((2)) The following documents shall be maintained at the SEPA Public Information Center:

((a)) Copies of all declarations of non-significance filed by the agency, for a period of one year;

((b)) Copies of all EIS' prepared by the agency, for a period of three years. Draft EIS' which have been superseded by a final EIS need not be maintained at the center.

((3)) In addition, the Office shall maintain the following registers at its information center, each register including for each proposal its location, a brief (one sentence or phrase) description of the nature of the proposal, the data first listed on the register, and a contact person from whom further information may be obtained:

((a)) A "Proposed Declaration of Non-Significance Register" which shall contain a listing of all current proposed declarations of non-significance;

((b)) An "EIS in Preparation Register" which shall contain a listing of all proposals for which the agency is currently preparing an EIS, and the date by which the EIS is expected to be available;

((c)) An "EIS Available Register" which shall contain a listing of all draft and final EIS' prepared by the agency during the previous six months, including thereon the date by which comments must be received on draft EIS, and the date for any public hearing scheduled for the proposal;

((4)) Each of the registers required by subsection (3) shall be kept current and maintained at the information center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every two weeks to those organizations and individuals who make written request therefor, unless no new proposals have been placed on the registers since the last request, in which event a copy of the register or update shall be mailed when a new proposal is added. The Office may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

((5)) The documents required to be maintained at the information center shall be available for public inspection, and)) Copies of public information shall be provided upon written request. The office may charge for copies in the manner provided by chapter 42.17((;)) RCW, and for the cost of mailing.

WSR 82-13-045
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-22—Filed June 11, 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 the amending of WAC 296-24-12005 water supply, 296-24-13501 color identification and 296-24-14007 sign design and colors. These sections of chapter 296-24 WAC are amended by deleting water supply specifications as these are more within the purview and expertise of community or state public health officials. Subsections dealing with color identification, specifications for accident prevention signs and tags, and fixed and portable tool requirements are proposed for deletion because they are unnecessarily detailed. These amendments reflect OSHA revocations. WAC 296-24-16503 machine construction general and 296-24-16539 inspection and maintenance of wood-working machinery, delete redundant and obsolete subsections; 296-24-960 proximity to overhead power lines, is amended to correct minimum distances from high voltage lines and define a "qualified employee"; 296-32-250 Tools and personal equipment—General, a numbering error is corrected; 296-45-66007 aerial manlift equipment, proposes to delete subsection (26) to eliminate conflicting with federal standards pertaining to interstate commerce; 296-62-07109 minimal acceptable respirator program; 296-62-07302 list of carcinogens; 296-62-07515 control of chemical agents, correct references and spelling; the lead standard is decodified from 296-62-07349 and recodified as 296-62-07521. This section was incorrectly included with carcinogens. Additional amendments to the lead standard implement federal regulations. 296-62-09003 lighting and illumination, establishes minimal levels of illumination; 296-62-09031 hearing protectors; 296-62-09033 hearing protector attenuation; and 296-62-09051 Appendix C, acoustic calibration of audiometers, amended to correct references; 296-62-14515 electrical hazards is amended for clarification purposes; 296-78-71023 lighting, references the occupational health standard for the safety standards for sawmills; 296-79-020 general requirements and 296-79-050 personal protection, amended to correct references; 296-155-66501 updates the minimum repose table to include glacial till; 296-350-080, 296-350-35055 and 296-350-400, amendments in regard to the posting of a corrective notice of redetermination, notice of filing of appeal, notice of hearing; amendments are made to satisfy OSHA requirements agreed upon prior to 18b certification; 296-360-030 filing a complaint of discrimination is amended to delete complaints of discrimination must be received in writing; and new section WAC 296-350-095 settlement agreement, states every settlement agreement in an appeal to the Board of Industrial Insurance Appeals shall contain a statement of the abatement date for the cited condition or a statement that the condition has been abated.

This action is taken pursuant to Notice Nos. WSR 82-08-004 and 82-10-072 filed with the code reviser on March 25, 1982 and May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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 June 11, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-12005 WATER SUPPLY. (1) Potable water.

(a) Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

~~(b) ((Drinking fountain surfaces which become wet during fountain operation shall be constructed of materials impervious to water and not subject to oxidation. The nozzle of the fountain shall be at an angle and so located to prevent the return of water in the jet or bowl to the nozzle orifice. A guard shall be provided over the nozzle to prevent contact with the nozzle by the mouth or nose of persons using the drinking fountain. The drain from the bowl of the fountain shall not have a direct physical connection with a waste pipe, unless it is trapped.~~

~~(c))~~ Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, shall be capable of being closed, and shall be equipped with a tap.

~~((d) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.~~

~~(c))~~(c) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

~~((f))~~ (d) A common drinking cup and other common utensils are prohibited.

~~((g) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.~~

~~NOTE: Drinking water should be made available within 200 feet of any location at any location at which employees are regularly engaged in work.)~~

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or firefighting purposes shall be posted or

otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes.

(b) Construction of nonpotable water systems or systems carrying any other nonpotable substance shall be such as to prevent backflow or backsiphonage into a potable water system.

Nonpotable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing. Nonpotable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms: PROVIDED, That this nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-13501 COLOR IDENTIFICATION. (1) Red. Red shall be the basic color for the identification of:

(a) Fire protection equipment and apparatus, except motorized apparatus, as used on roads. ~~((i) Fire alarm boxes (pull boxes):~~

~~(ii) Fire blanket boxes;~~

~~(iii) Fire buckets or pails;~~

~~(iv) Fire exit signs;~~

~~(v) Fire extinguishers (if painting the extinguisher is impractical or undesirable, color should be used on the housing, wall, or support to identify the location):~~

~~(vi) Fire hose locations (color should be used on the reel, supports, or housing but not on the hose):~~

~~(vii) Fire hydrants (industrial);~~

~~(viii) Fire pumps;~~

~~(ix) Fire sirens;~~

~~(x) Post indicator valves for sprinkler system (it is suggested that if a traffic hazard is involved, the top should be colored red, and the barrel or post yellow and black stripes):~~

~~(xi) Sprinkler piping. (See ANSI Standard Scheme for the Identification of Piping Systems, A13.1-1956.))~~

(b) Danger. Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80°F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944. Danger signs shall be painted red.

(c) Stop. Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

(2) ~~((Orange. Orange shall be used as the basic color for designating dangerous parts of machines or energized~~

~~equipment which may cut, crush, shock, or otherwise injure and to emphasize such hazards when enclosure doors are open or when gear belt, or other guards around moving equipment are open or removed, exposing unguarded hazards:~~

~~(3)) Yellow. Yellow shall be the basic color for designating caution and for marking physical hazards such as: striking against, stumbling, falling, tripping, and "caught in between". Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment. Yellow shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.~~

~~((4) Green. Green shall be used as the basic color for designating "Safety" and the location of first aid equipment (other than firefighting equipment):~~

~~(5) Purple. Purple shall be the basic color for designating radiation hazards. "Radiation" as used in this subdivision refers to radiation types such as X-ray, alpha, beta, gamma, neutron, proton, deuteron, and meson. Yellow should be used in combination with purple for markers such as tags, labels, signs, and floor markers.~~

~~(6) Black, White, or Combinations of Black and White. Black, white, or a combination of these two, shall be the basic colors for the designation of traffic and housekeeping markings. Solid white, solid black, single color striping, alternate stripes of black and white, or black and white checkers should be used in accordance with local conditions.))~~

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-14007 SIGN DESIGN AND COLORS. (1) ~~((Design Features. The colors, proportions, and location of the identification panels on each sign shall be in accordance with this section.))~~ All signs shall be furnished with rounded or blunt corners and shall be free from sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard. ~~((When conditions warrant the use of a sign size not covered in the following tables, the ratio of the depth of the identifying panel (Danger, Caution, etc.) to the width of the sign shall be as established in Tables J-1 to J-4.))~~

(2) Danger Signs.

(a) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C", American National Standard Z53.1-1971.

(b) Standard Proportions shall be as indicated in Table J-1, and format shall be as in Fig. J-1.

(3) Radiation Warning Signs.

(a) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) The standard symbol shall be as in Figure J-3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

(c) Format shall be as in Figure J-2. Sign proportions shall be the same as those for danger signs in Table J-1.

(4) Caution Signs.

(a) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-2, and format shall be as in Figure J-4.

(5) Exit Signs. Exit signs shall be in accordance with WAC 296-24-56531.

(6) Safety Instruction Signs.

(a) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-3, and format shall be as in Figure J-5.

(7) Directional Signs.

(a) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-4, and format shall be as in Figure J-6.

(8) In-Plant Traffic Signs. Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1-1971.

(9) Informational Signs. Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "Notice" signs, which have a white background. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(10) Slow-moving Vehicle Emblem. This emblem (see Fig. J-7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only, on vehicles which by design move slowly (25 M.P.H. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film

pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971).

(11) Symbols. Symbols used on signs shall follow recognized practices, such as in Figure J-8. For radioactive materials, see symbol in Figure J-3.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-16503 MACHINE CONSTRUCTION GENERAL. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

(3) ~~((The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited.~~

~~((4)))~~ Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.

~~((5)))~~ (4) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.

~~((6)))~~ (5) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

~~((7)))~~ (6) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.

~~((8)))~~ (7) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.

~~((9)))~~ (8) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of WAC 296-24-20501 through 296-24-20533.

~~((10)))~~ (9) It is recommended that each power-driven woodworking machine be provided with a disconnect switch that can be locked in the off position.

~~((11)))~~ (10) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

~~((12)))~~ (11) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table,

that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.

~~((13))~~ (12) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular rip saws, according to the kind of saws mounted on the arbors.

~~((14))~~ (13) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.

~~((15))~~ (14) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding and rabbeting.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-16539 INSPECTION AND MAINTENANCE OF WOODWORKING MACHINERY.

(1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(10) ~~((Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.~~

~~(11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.~~

~~(12))~~ The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

~~((13))~~ (11) Whenever veneer slicers or rotary veneer-cutting machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.

~~((14))~~ (12) Operators shall not ride the carriage of a veneer slicer.

WAC 296-24-960 PROXIMITY TO OVERHEAD POWER LINES. (1) General requirements - high voltage lines.

(a) Minimum clearance.

(i) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment ~~((, unless workers are protected in accordance with this section.~~

(ii) The following minimum distances shall be maintained from high voltage lines:

Voltage	Minimum Distance
750 V to 50,000 V	10'
50,000 V to 250,000 V	17'
250,000 V to 550,000 V	20'
550,000 V to 750,000 V	22')

; except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(b) Overhead electric lines. Where overhead electric conductors are encountered in proximity to a work area, the employer shall be responsible for:

(i) Ascertaining the voltage and minimum clearance distance required, and

(ii) Maintaining the minimum clearance distance, and

(iii) Ensuring that the requirements of subsection (1) of this section are complied with.

(c) ~~((Exception. This regulation does not apply to qualified employees. A "qualified employee" is any worker who by reason of his/her training and experience has demonstrated his/her ability to safely perform his/her duties around voltages in excess of 750 volts:))~~
Not Covered: Employees working under chapter 296-32 WAC and chapter 296-45 WAC.

(2) Low voltage lines. When work is being carried out in proximity to energized electrical service conductors operating at 750 volts or less, such work shall be performed in a manner to prevent contact by any worker with the energized conductors.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 296-24-170 COOPERAGE MACHINERY.
- (2) WAC 296-24-17001 DEFINITIONS.
- (3) WAC 296-24-17003 HEADING BOLT SAWING MACHINE.
- (4) WAC 296-24-17005 BOLT, EQUALIZER, STAVE, AND HEADING SAWS (TILTING TABLE STYLE).
- (5) WAC 296-24-17007 BARREL STAVE SAWS (CYLINDRICAL SAWS).
- (6) WAC 296-24-17009 HAND-FED RIPSAWS.
- (7) WAC 296-24-17011 SELF-FEED STAVE AND HEADING EQUALIZER SAWS.
- (8) WAC 296-24-17013 STAVE AND HEADING PLANERS (SINGLE AND DOUBLE HEADS).
- (9) WAC 296-24-17015 STAVE JOINTING MACHINES (WHEEL).
- (10) WAC 296-24-17017 HEADING JOINTER AND DOWELER MACHINE (WHEEL).
- (11) WAC 296-24-17019 HEADING ROUNDER.
- (12) WAC 296-24-17021 POWER WINDLASS MACHINE.
- (13) WAC 296-24-17023 CROZING MACHINE (STATIONARY HEADS).
- (14) WAC 296-24-17025 HEADING-UP MACHINE.
- (15) WAC 296-24-17027 HEAD CHARRING MACHINE.
- (16) WAC 296-24-17029 BILGE TRUSS HOOP RING REMOVING MACHINE.
- (17) WAC 296-24-17031 HOOP ELEVATORS AND CONVEYORS.
- (18) WAC 296-24-17033 BARREL SANDING MACHINE.
- (19) WAC 296-24-17035 HOOP DRIVERS AND TRUSSERS.
- (20) WAC 296-24-17037 HEAD SANDING MACHINE.
- (21) WAC 296-24-17039 HAND JOINTER.
- (22) WAC 296-24-17041 HOOP PUNCHING AND COILING MACHINE.
- (23) WAC 296-24-17043 HOOP RIVETING MACHINE.

(24) WAC 296-24-17045 HOOP FLARING AND EXPANDING MACHINE.

(25) WAC 296-24-17047 INSPECTION AND MAINTENANCE OF COOPERAGE MACHINERY.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-250 TOOLS AND PERSONAL PROTECTIVE EQUIPMENT—GENERAL. (1) Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees.

(a) Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(b) Tools found to be defective shall be taken out of service.

(2) Head Protection. Head protection meeting the requirements of ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B" shall be provided whenever there is exposure to Overhead hazards and/or possible high voltage electrical contact.

(a) Employees working in areas where there is a possible danger of head injury from impact, falling or flying objects, shall be protected by protective helmets. These helmets shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) The employer shall insure that the head protection is used by the employee.

(3) Eye Protection. Protective eye and face equipment shall be required where there is a possibility of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors.

(4) Tent Heaters, Torches and Open Flame. Open flames shall not be used within ground tents or on platforms within aerial tents unless:

(a) The tent covers are constructed of fire resistant materials, and

(b) Ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(5) Portable Power Equipment.

(a) All portable power equipment used in the Telecommunications Industry shall be grounded.

(b) Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(c) Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunication circuits.

(6) Vehicle-mounted Utility Generators. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(a) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(b) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(c) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in subsection (7) of this section.

(7) Portable Lights, Tools and Appliances. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) Lead Work. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in this subsection, without a grounding conductor.

((a)) The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(9) Fire Extinguishers.

(a) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(b) Employees shall be familiar with the location and operation of fire extinguishers.

(c) Any fire extinguishers showing defects shall be removed from service.

(d) Fire extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety once every year.

(e) Each fire extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person performing this service.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-45-66007 AERIAL MANLIFT EQUIPMENT. This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability test. All such equipment shall meet or exceed a safety factor of one and one-half to one (1 and 1/2 to 1) in all working positions, based upon the posted working load.

(b) Structural and mechanical tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The division of industrial safety and health will accept, in lieu of subdivision (b) of this section, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the Division may require that such testing be performed on such equipment before it can be used. If the Division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

(20) Employees shall not belt to trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) ~~((A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.~~

~~((27)))~~ Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

~~((28)))~~ (27) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee

in the elevated aerial structure; Provided, that no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

~~((29)))~~ (28) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

~~((30)))~~ (29) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

~~((31)))~~ (30) The manufacturer's operator's instruction manual shall be kept on the vehicle.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-07109 MINIMAL ACCEPTABLE RESPIRATOR PROGRAM. (1) Standard operating procedures. Written standard operating procedures covering a complete respirator program shall be established and implemented in conformance with subsections (2) through (15) of this section. The employer shall, upon request, submit a copy of the written standard operating procedures to the director.

(2) Program administration. Responsibility and authority for the respirator program shall be assigned to a single person. This program administrator shall have sufficient knowledge of respiratory protection to properly supervise the respirator program.

(3) Physiological and psychological limitations for respirator wearers. The respirator program administrator or his or her designee, using guidelines established by a physician, shall determine whether or not a person may be assigned to a task requiring the use of a respirator. Persons with physical disabilities such as, but not limited to, respiratory impairments, or claustrophobia when wearing a respirator, shall not be assigned to tasks requiring the use of respirators unless it has been determined by a qualified physician that they are physically able to perform the work and use the equipment. All respirator user's medical status should be reviewed annually.

(4) Approved or accepted respirators shall be used. Any modification of an approved respirator that is not authorized by the approving agencies voids the approval.

(5) Respirator selection. Respirators shall be selected on the basis of the hazards to which the worker is exposed. (See WAC 296-62-07113)

(6) Training. Each worker required to wear a respirator shall be given training such that he or she is knowledgeable and proficient with respect to the respirator to be worn. Refresher training shall be given at least annually.

(7) Respirator fit. Each respirator wearer shall be fitted in accordance with WAC 296-62-07113. Each wearer of a respirator equipped with a facepiece shall check the seal of the respirator by appropriate means. This may be done by using procedures recommended by the respirator manufacturer.

(8) Facial hair, contact lenses, and eye and face protective devices. A negative pressure respirator, any self-contained breathing apparatus, or any respirator which is used in an atmosphere immediately dangerous to life or health (IDLH), equipped with a facepiece shall not be worn if facial hair comes between the sealing periphery of the facepiece and the face or if facial hair interferes with valve function. The wearer of a respirator shall not be allowed to wear contact lenses if the risk of eye damage is increased by their use. If a spectacle, goggle, face shield, or welding helmet must be worn with a facepiece, it shall be worn so as not to adversely affect the seal of the facepiece to the face. (See WAC 296-62-07115(3).)

(9) Issue of respirators. The proper type of respirator for each respiratory hazard shall be listed in the written standard operating procedures.

(10) Respirator inspection. The respirator shall be inspected by the wearer prior to each use to ensure that it is in proper working condition. Each respirator stored for emergency or rescue use shall be inspected at least once a month. (See WAC 296-62-07115 and 296-62-07117.)

(11) Monitoring respirator use. Supervisory personnel shall periodically monitor the use of respirators to ensure that they are worn properly. (See WAC 296-62-07115(7).)

(12) Evaluating respiratory hazard. Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained. (See WAC 296-62-07115(8) ((and 296-62-07115(8)))).

(13) Medical and bioassay surveillance. When appropriate, medical surveillance, including bioassay, shall be carried out to determine if respirator wearers are receiving adequate respiratory protection. A physician shall determine the requirements of the surveillance program.

(14) Respirator maintenance. Respirator maintenance shall be performed regularly. Maintenance shall be carried out on a schedule which ensures that each respirator wearer is provided with a respirator that is clean and in good operating condition. Maintenance shall include: (a) Washing, sanitizing, rinsing, and drying, (b) inspection for defects, (c) replacement of worn or deteriorated parts, (d) repair if necessary, and (e) storage to protect against dust, sunlight, excessive heat, extreme cold, excessive moisture, damaging chemicals, and physical damage. (See WAC 296-62-07117.)

(15) Respirator program evaluation. An appraisal of the effectiveness of the respirator program shall be carried out at least annually. Action shall be taken to correct defects found in the program.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-07329 VINYL CHLORIDE. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, repackaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means Chief, Industrial Hygiene Section, Department of Labor and Industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed.

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons. (~~A daily roster shall be made of authorized persons who enter.~~)

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator, except that until December 31, 1975, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until December 31, 1975, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(c) A respiratory protection program meeting the requirements of chapter 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or (B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 1,000 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or (C) Type C supplied air respirator, demand type, with full facepiece.
(v) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(vi) Not over 10 ppm	vinyl chloride up to 25 ppm. (A) Combination type C supplied-air respirator, demand type, with half facepiece, and auxiliary self-contained air supply; or (B) Type C supplied-air respirator, demand type, with half facepiece; or (C) Any chemical cartridge respirator with an organic vapor cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.
(e)(i)	Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and (ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, firefighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride. (f) Where air-purifying respirators are used: (i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and (ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use. (g) Apparatus prescribed for higher concentrations may be used for any lower concentration. (8) Hazardous operations. (a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use: (i) Respiratory protection in accordance with subsections (3) and (6) of this section; and (ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions. (b) Protective garments shall be provided clean and dry for each use. (i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that: (A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;

(B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

(D) Serum glutamic pyruvic transaminase (SGPT), and

(E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY**

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY**

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

**CONTAMINATED WITH VINYL CHLORIDE
CANCER-SUSPECT AGENT**

(d) Containers of polyvinyl chloride shall be legibly labeled:

**POLYVINYL CHLORIDE (OR TRADE NAME)
CONTAINS VINYL
CHLORIDE VINYL CHLORIDE IS A CANCER-
SUSPECT AGENT**

(e) Containers of vinyl chloride shall be legibly labeled either:

**VINYL CHLORIDE EXTREMELY FLAMMABLE
GAS UNDER PRESSURE CANCER-SUSPECT
AGENT (or)**

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring and medical records shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and WAC 296-62-05213 through 296-62-05217. These records shall be provided upon request to the director. Authorized personnel rosters shall also be provided upon request to the assistant director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) ~~((Authorized personnel rosters shall be maintained for not less than 30 years.~~

~~((iii)))~~ Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

AMENDATORY SECTION (Amending Order 81-20, filed 7/27/81)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

**TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)**

Substance	ppm (See note a)	mg/M ³ (See note b)
Abate	—	10
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	10
2-Aminoethanol, see Ethanalamine	—	—
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)— Skin	—	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62- 07347	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
p-Benzoquinone, see Quinone	—	5
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl ace- tate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO ₃)—Skin	—	0.1

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	10
Calcium arsenate See WAC 296-62-07347	—	—
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin ^[R])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Cellulose (paper fiber)	—	10
Chlordane—Skin	—	0.5
Chlorinated camphene—Skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene malonitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)—Skin	—	1
Chlorodiphenyl (54% Chlorine)—Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorhydrin	—	—
Chloroform (Tri-chloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
Chromium Metal & insol. salts	—	1
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
Cobalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
Corundum (Al ₂ O ₃)	—	10
Cotton Dust (raw)	—	1
Crag ^[R] herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton ^[R] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon—skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R]	—	3
2-N Dibutylamino-ethanol—Skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloro-ethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl,1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro-o-cresol—Skin	—	0.2

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Dinitrotoluene—Skin	—	1.5
Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec,octyl phthalate (Di-2-ethylhexyl-phthalate)	—	5
Emery	—	10
Endosulfan (Thiodan ^[R])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	Simple	Asphyxiant
Ethanthiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
2-Ethoxyethylacetate (Cell- osolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec- <i>n</i> -amyl ketone (5- methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3- Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	Simple	Asphyxiant
Ethylene chlorohydrin— Skin	5	16
Ethylenediamine	10	25
C Ethylene glycol dinitrate and/or Nitroglycerin— Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1- Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
Furfuryl alcohol	50	200

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Glass, fibrous or dust (See note e)	—	10
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1- propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite, (Synthetic) Guthion ^[R] , see Azinphosmethyl	—	10
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene— Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ke- tone)	100	410
156 sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	Simple	Asphyxiant
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	10	55
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic com- pounds which are exempt from WAC ((296-62- 07349)) 296-62-07521	—	0.2
Lead arsenate -See WAC 296-62-07347	—	0.15
Limestone	—	10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	10
Mesityl oxide	25	100

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan		
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene—propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy—methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl 2-cyano—acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n—amyl) ketone (2-Heptanone)	100	465
Methyl bromide—Skin	15	60
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclo—hexanone—Skin	100	460
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone		
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007 (See note a)

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	Simple	Asphyxiant
Octachloronaphthalene—Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	10
Pentane	500	1,500
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol—Skin	5	19
p-Phenylene diamine—Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether—Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phenothiazine—skin	—	5
Phosdrin (Mevinphos ^[R])—Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1
Pival ^[R] (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls		
Propane	Simple	Asphyxiant
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	10
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
Sucrose	—	10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenyl-methylnitramine)—Skin	—	1.5
Thallium (soluble compounds)—Skin (as Tl)	—	0.1
Thiram ^R	—	5
Tin (inorganic compounds, except SnH ₄ and SnO ₂) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	10
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W		
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V ₂ O ₅), as V		
Dust	—	0.5
Vinyl acetate	10	30
Vinyl bromide	250	1,100
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.

b) Approximate milligrams of substance per cubic meter of air.

d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.

e) <5-7 μm in diameter.

f) As sampled by method that does not collect vapor.

g) According to analytically determined composition.

h) For control of general room air, biologic monitoring is essential for personnel control.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 µg/M ³	5 µg/M ³	25 µg/M ³	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M ³	0.6 mg/M ³		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.23-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M ³	0.04 mg/M ³		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.
Mercury (Z37.8-1971)	0.05 mg/M ³	0.1 mg/M ³		
Chromic acid and chromates (Z37.7-1973)	0.1 mg/M ³	0.3 mg/M ³		

NOTE: ^a Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+ TABLE 3
PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable)		10mg/M ³ m
		%SiO ₂ +2

+TABLE 3
PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Quartz (total dust)		30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value calculated from the mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M ³
		%SiO ₂
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO ₂)		2.4mg/M ³
		or
For more than 5% SiO ₂		10mg/M ³
		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction		5mg/M ³
Total dust		10mg/M ³
Total Particulates (less than 1% SiO ₂)		10mg/M ³
Respirable fraction		5mg/M ³

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-62-07302 LIST OF CARCINOGENS.
(1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

(a) 4-Nitrobiphenyl - Chemical Abstracts Registry Number 92933.

(b) Alpha-Naphthylamine - Chemical Abstracts Registry Number 134327.

(c) 4,4' Methylene bis - Chemical Abstract Service Registry Number 101144.

(d) Methyl ((chloromethyl)) chloromethyl ether - Chemical Abstracts Service Registry Number 107302.

(e) 3,3'-Dichlorobenzidine (and its salts) - Chemical Abstracts Service Registry Number 91941.

(f) Bis-Chloromethyl ether - Chemical Abstracts Service Registry Number 542881.

(g) Beta-Naphthylamine - Chemical Abstracts Service Registry Number 91598.

(h) Benzidine - Chemical Abstracts Service Registry Number 92875.

(i) 4-Aminodiphenyl - Chemical Abstracts Service Registry Number 92671.

(j) Ethyleneimine - Chemical Abstracts Service Registry Number 151564.

(k) Beta-Propiolactone - Chemical Abstracts Service Registry Number 57578.

(l) 2-Acetylaminofluorene - Chemical Abstracts Service Registry Number 53963.

(m) 4-Dimethylaminoazobenzene - Chemical Abstract Service Registry Number 60117.

(n) N-Nitrosodimethylamine - Chemical Abstracts Service Registry Number 62759.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14515 ELECTRICAL HAZARDS.

(1) Electrical circuits in the confined area which may present a hazard shall be disconnected, locked out and tagged in accordance with WAC 296-62-14513(1)(a). All temporary lights shall be protected against damage and cords shall be heavy duty and kept clear of working spaces and walkways. Only low voltage, battery operated, or ground fault protected equipment shall be used on water-slides of boilers or when electrically conductive liquids are involved.

(2) Electric (~~lighting or~~) supply circuits, lighting, portable tools, and other equipment used where potentially hazardous concentrations of flammable vapors, gases or dusts are present or may develop shall conform to the current National Electric Code requirements.

(3) Portable electric tools shall be grounded or isolation transformers, ground fault interrupters or double insulated tools shall be required.

AMENDATORY/RECODIFICATION SECTION (Amending Order 81-21, filed 8/27/81; decodified and recodified as WAC 296-62-07521)

WAC 296-62-07349 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Methods of compliance.

(a) Engineering and work practice controls. (~~The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.~~)

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Whenever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g}/\text{m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g}/\text{m}^3$.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(³)	3	10

Industry ¹	Compliance Dates ²		
	200 µg/m ³	100 µg/m ³	50 µg/m ³
Secondary lead production . . .	(³)	3	5
Lead-acid battery manufacturing (³)	(³)	2	5
((Nonferrous foundries	(³)	1	5
Lead pigment manufacturing . . .	(³)	3	5
All other industries	(³)	Not	1
		Applicable))	
<u>Automobile manufacture/ solder grinding</u>	(³)	N/A	7
<u>Electronics, gray iron found- ries, ink manufacture, paints and coatings man- ufacture, wall paper man- ufacture, can manufac- ture, and printing</u>	(³)	N/A	1
<u>Lead pigment manufacture, nonferrous foundries, leaded steel manufacture, lead chemical manufac- ture, shipbuilding and ship repair, battery breaking in the collection and pro- cessing of scrap (excluding collection and processing of scrap which is part of a secondary smelting op- eration), secondary lead smelting of copper, and lead casting</u>	(³)	N/A	N/A
<u>All other industries</u>	(³)	N/A	2 1/2

¹ Includes ancillary activities located on the same worksite.

² Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.

³ On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 µg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II

RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume,

and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe covers; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not

leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{ g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $60 \mu\text{g}/100 \text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above $50 \mu\text{g}/100 \text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100\text{ g}$ of whole blood;

(bb) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100\text{ g}$ of whole blood;

(cc) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100\text{ g}$, or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their

bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

**WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING**

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) the employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former

employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206)753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds 200 µg/m³ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than 200 µg/m³ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-62-09003 LIGHTING AND ILLUMINATION. ~~((1) General Level. A level of illumination shall be maintained for the various types of jobs in all shops as indicated below. Where there is no level indicated for the specific operation or industry, use that level which is most similar to the job in question.~~

	Minimum
Footcandles	
Measured	30
Inches Above	
Floor	**
<hr/>	
Assembly:	
— Rough	10
— Medium	20
— Fine	B*
— Extra fine	A*
Automobile Manufacturing:	
— Assembly line	B*
— Frame Assembly	20
— Body Manufacturing	
— Parts	20
— Assembly	20
— Finishing and Inspecting	A*
Bakeries	20
Book Binding:	
— Folding, Assembling, Pasting, etc.	10
— Cutting, Punching and Stitching	20
— Embossing	20
Breweries:	
— Brew House	5
— Boiling, Keg Washing & Filing	10
— Bottling	20
Candy Making:	
— Box Department	20
— Chocolate Department— Husking, Winnowing, Fat Extraction, Crushing, and Refining, Feeding	10
— Bean Cleaning and Sorting, Dipping, Packing, Wrapping	20
— Milling	30
— Cream Making	
— Mixing, Cooking and Molding	20
— Gum Drops and Jellied Forms	20
— Hand Decorating	50
— Hard Candy	
— Mixing, Cooking, Molding	20
— Die Cutting and Sorting	30
— Kiss Making and Wrapping	30
Canning and Preserving	20
Chemical Works:	
— Hand Furnaces, Boiling Tanks, Stationary Driers, Stationary and Gravity Crystallizers	5
— Mechanical Furnaces, Generators and Stills, Mechanical Driers, Evaporators, Filtration, Mechanical Crystallizers, Bleaching	10
— Tanks for Cooking, Extractors, Percolators, Nitratators, Electrolytic Cells	15

	Minimum Footcandles Measured 30 Inches Above Floor **
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	Minimum Footcandles Measured 30 Inches Above Floor **
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Clay Products and Cements:

Grinding, Filter Presses, Kiln Rooms	5
Molding, Pressing, Cleaning and Trimming	10
Enameling	15
Color and Glazing	20

Cleaning and Pressing Industry:

Checking and Sorting	20
Dry and Wet Cleaning and Steaming	10
Inspection and Spotting	A*
Pressing=	
Machine	20
Hand	50
Receiving and Shipping	10
Repair and Alteration	50

Cloth Products:

Cutting, Inspecting, Sewing=	
Light Goods	20
Dark Goods	A*
Pressing, Cloth Treating (Oil Cloth, etc.)=	
Light Goods	10
Dark Goods	20

Coal Tipples and Cleaning Plants:

Breaking, Screening and Cleaning	10
Picking	A*

Construction=Indoor:

General	10
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Elevators=Freight and Passenger

	10
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Engraving

	A*
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Forge Shops and Welding

	10
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Garages=Automobiles:

Storage=Live	10
Storage=Dead	2
Repair Department and Washing	30

Glass Works:

Mix and Furnace Rooms, Pressing and Lehr, Glass Blowing Machines	10
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Grinding, Cutting Glass to Size, Silvering	20
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Fine Grinding, Polishing, Beveling, Etching, and Decorating	50 C*
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Inspection	B* C*
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Glove Manufacturing:

Pressing, Knitting, Sorting=	
Light Goods	10
Dark Goods	20
Cutting, Stitching, Trimming, Inspection=	
Light Goods	20
Dark Goods	A*

Hangars=Airplane:

Storage=Live	10
Repair Department	50

Hat Manufacturing:

Dyeing, Stiffening, Braiding, Cleaning, and Refining=	
Light	20
Dark	30
Forming, Sizing, Pouncing, Flanging, Finishing and Ironing=	
Light	20
Dark	30
Sewing=	
Light	20
Dark	A*

Light	20
Dark	30

Forming, Sizing, Pouncing, Flanging, Finishing and Ironing=	
Light	20
Dark	30

Light	20
Dark	30

Sewing=	
Light	20
Dark	A*

Ice Making=Engine and Compressor Room	10
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Inspection:

Rough	20
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Medium	30
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Fine	B*
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Extra Fine	A*
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Jewelry and Watch Manufacturing

	A*
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Laundries

	20
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Leather Manufacturing

Vats	5
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Cleaning, Tanning and Stretching	10
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Cutting, Fleshing and Stuffing	20
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Finishing and Scarfing	30
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Leather Working:

Pressing, Winding and Glazing=	
Light	20
Dark	A*

Locker Rooms

	10
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Machine Shops:

Rough Bench and Machine Work	20
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Medium Bench and Machine Work, Ordinary Automatic Machines, Rough Grinding, Medium Buffing and Polishing	30
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Fine Bench and Machine Work, Fine Automatic Machines, Medium Grinding, Fine Buffing and Polishing	B*
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Extra Fine Bench and Machine Work=Fine Work	A*
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Meat Packing:

Slaughtering	10
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Cleaning, Cutting, Cooking, Grinding, Canning, Packing	20
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	Minimum Footcandles Measured 30 Inches Above Floor **
Milling—Grain Foods:	
—Cleaning, Grinding and Rolling	10
—Baking or Roasting	20
—Flour Grading	30
Offices:	
—Bookkeeping, Typing and Accounting ..	50
—Business Machines—Power Driven (Transcribing and Tabulating) Cal- culators, Key Punch, Bookkeeping ..	B*
—Conference Room=	
General Meetings	25
Office Activities—See Desk Work	
Corridors and Stairways	5
Desk Work=	
Intermittent Reading and Writ- ing	25
Prolonged Close Work, Computing, Studying, Designing, etc.	50
—Reading Blueprints and Plans	30
—Drafting=	
Prolonged Close Work—Art Draft- ing and Designing in Detail ...	50
Rough Drawing and Sketching ...	30
—Filing and Index References	25
—Lobby	10
—Mail Sorting	25
—Reception Rooms	10
—Stenographic Work	50
—Vault	10
—Packing and Boxing	10
—Paint Mixing	10
Paint Shops:	
—Dipping, Simple Spraying, Firing	10
—Rubbing, Ordinary Hand Painting and Finishing, Art, Stencil and Special Spraying	20
—Fine Hand Painting and Finishing	B*
—Extra Fine Hand Painting and Finish- ing (Automobile Bodies, Piano Cases, etc.)	A*
Paper Box Manufacturing:	
—Light	10
—Dark	20
—Storage	5
Paper Manufacturing:	
—Beaters, Grinding, Calendaring	10
—Finishing, Cutting, Trimming, Paper Making Machines	20
—Plating	10
—Polishing and Burnishing	20

	Minimum Footcandles Measured 30 Inches Above Floor **
Power Plants, Engine Room, Boilers:	
—Boilers, Coal and Ash Handling, Stor- age Battery Rooms	5
—Auxiliary Equipment, Oil Switches and Transformers	10
—Engines, Generators, Blowers, Com- pressors	20
—Switchboards	30
Printing Industries:	
—Type Foundries=	
Matrix Making, Dressing Type	A*
Font Assembly—Sorting	B*
Hand Casting	30
Machine Casting	20
Printing Plants:	
—Presses	30
—Imposing Stones	A* C*
—Proof Reading	A*
Electrotyping:	
—Molding, Finishing, Leveling Molds, Routing, Trimming	B*
—Blocking, Tinning	30
—Electroplating, Washing, Backing	20
Photo Engraving:	
—Etching, Staging	20
—Blocking	30
—Routing, Finishing, Proofing	B*
—Tint Laying	A*
—Receiving and Shipping	10
Rubber Tire and Tube Manufacturing:	
—Stock Preparation=	
Plasticating	20
Milling	20
Calendering	30
Branbury	20
—Fabric Preparation=	
Stock Cutting	30
Bead Building	30
Tube Tubing Machines	20
Tread Tubing Machines	20
—Tire Building=	
Solid Tire	20
Pneumatic Tire	50
—Curing Department=	
Tube Curing	B*
Casing Curing	B*
—Final Inspection=	
Tube	B*
Casing	A*
—Wrapping	20
—Warehouse	5

	Minimum
Footcandles	
Measured 30	
Inches Above	
Floor **	

	Minimum
Footcandles	
Measured 30	
Inches Above	
Floor **	

Mechanical Rubber Goods:

Stock Preparation=	
Plasticating	20
Milling	20
Calendering	30
Branbury	20
Fabric Preparation=	
Stock Cutting	30
Hose Looms	30
Molded Products	B*
Extruded Products	30
Curing	B*
Inspection	A*
Boxing	20
Warehouse	5

Sheet Metal Works:

Miscellaneous Machines, Ordinary	
Bench Work	20
Punches, Presses, Shears, Stamps,	
Spinning, Medium Bench Work	20 C*
Tin Plate Inspection	B* C*

Shoe Manufacturing (Leather):

Cutting and Stitching=	
Cutting Tables	20
Marking, Buttonholing, Skiving,	
Sorting, Vamping and Count-	
ing=	
Light Materials	20
Dark Materials	50
Stitching=	
Light Materials	50
Dark Materials	B*
Making and Finishing=	
Stitchers, Mailers, Sole Layers, Welt	
Beaters and Scarfers, Trimmers,	
Welters, Lasters, Edge Setters,	
Sluggers, Randers, Wheelers,	
Freers, Cleaning, Spraying,	
Buffing, Polishing, Embossing=	
Light Materials	30
Dark Materials	50
Storage, Packing and Shipping	10

Shoe Manufacturing (Rubber):

Washing, Coating, Mill Run Com-	10
pounding	
Varnishing, Vulcanizing, Calendering,	
Upper and Sole Cutting	30
Sole Rolling, Lining, Making and Fin-	
ishing Processes	50

Soap Manufacturing:

Kettle Houses, Cutting, Soap Chip and	10
Powder	
Stamping, Wrapping and Packing, Fill-	
ing and Packing Soap Powder	20

Stairways, Passageways	5
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Stone Crushing and Screening:

Belt Conveyor Tubes, Main Line	
Shafting Spaces, Chute Rooms, In-	
side of Bins	
Primary Breaker Room, Auxiliary	5
Breakers under Bins	
Screens	10

Storage Battery Manufacturing:

Molding of Grids	10
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Store and Stock Rooms:

Rough Bulky Material	5
Medium or Fine Material Requiring	
Care	10

Structural Steel Fabrication	10
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Sugar Grading	30
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Testing:

Rough	20
Fine	30
Extra Fine Instruments, Scales, etc. ..	A*

Textile Mills (Cotton):

Opening, Mixing, Picking, Carding,	
and Drawing	
Slubbing, Roving, Spinning	20
Spooling, Warping on Comb	20
Beaming and Slashing on Comb=	
Grey Goods	20
Denims	B*
Inspection=	
Grey Goods (Hand Turning)	50
Denims (Rapidly Moving)	A*
Automatic Tying-in, Weaving	B*
Drawing-in by Hand	A*
Weaving	25

Silk and Rayon Manufacturing:

Soaking, Fugitive Tinting, and Condi-	
tioning or Setting of Twist	
Winding, Twisting, Rewinding, and	10
Combing, Quilling, Slashing	
Warping (Silk or Cotton System) on	
Creel on Running Ends, on Reel, on	
Beam, on Warp at Beaming	50
Drawing-in=	
On Heddles	A*
On Reed	A*
Weaving=	
On Heddles and Reeds	10
On Warp Back of Harness	20
On Woven Cloth	30

	Minimum Footcandles Measured 30 Inches Above Floor **
Woolen:	
— Carding, Picking, Washing, Combing	15
— Twisting, Dyeing	15
— Drawing-in, Warping	A*
Weaving—	
— Light Goods	25
— Dark Goods	50
— Knitting Machines	20
Tobacco Products:	
— Drying, Stripping, General	10
— Grading and Sorting	A*
Toilets and Washrooms	10
Upholstering—Automobile, Coach Furni- ture	20
Warehouse	5
Welding	30
Woodworking:	
— Rough Sawing and Bench Work	15
— Sizing, Planing, Rough Sanding, Medi- um Machine and Bench Work, Glu- ing, Veneering, Cooperage	20
— Fine Bench and Machine Work, Fine Sanding and Finishing	50

—**Figures represent average level for area with lowest level in area to be 50 percent of the listed value. The levels are exclusive of the levels established for more difficult seeing tasks which follow in Groups A, B and C and which are light levels on the task measurements.

—*Lighting for the more difficult seeing tasks, as indicated by A, B, and C in the foregoing table, are given in the following:

Group A. These seeing tasks involve (a) the discrimination of extremely fine detail under conditions of (b) extremely poor contrast, (c) for long periods of time. To meet these requirements, illumination levels above 100 footcandles are recommended.

To provide illumination of this order, a combination of at least 20 footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light, diffusion, eye protection, and in so far as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group B. This group of visual tasks involves (a) the discrimination of fine detail under conditions of (b) a fair degree of contrast, (c) for long periods of time. Illumination levels from 50 to 100 footcandles are required.

To provide illumination of this order a combination of at least 20 footcandles of general lighting plus specialized supplementary lighting is necessary. The design and

installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light diffusion, eye protection, and in so far as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group C. The seeing tasks of this group require the discrimination of fine detail by utilizing (a) the reflected image of a luminous area or (b) the transmitted light from a luminous area.

The essential requirements are (1) that the luminous area shall be large enough to cover the surface which is being inspected and (2) that the brightness be within the limits necessary to obtain comfortable contrast conditions. This involves the use of sources of large area and relatively low brightness in which the source brightness is the principal factor rather than the footcandles produced at a given point.

(3) Diffusion and Distribution of Artificial and Natural Light. Artificial light sources shall be installed in regard to mounting height, spacing and reflectors or other suitable accessories, as to secure a reasonable uniform distribution of illumination and to avoid glare and sharply defined shadows from overhanging structural parts or persons in normal working positions. Suitable awnings, window shades, diffusive or refractive window glass shall be used where necessary to improve the diffusion and distribution of natural light.) (1) Lighting which is adequately adjusted to provide a margin of safety in production and inspection tasks shall be provided and maintained. The minimum level of task lighting in all shops shall be an average of 10 foot candles measured 30 inches above the floor.

(2) If general lighting is not provided throughout the work place, the employer shall provide illumination which is adequately adjusted to provide visibility of nearby objects which might be potential hazards or to see to operate emergency control equipment. The minimum level of nontask lighting in all shops shall be an average of 3 foot candles measured 30 inches above the floor.

NOTE: This section establishes minimal levels of illumination for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting, ANSI/IES RP7-1979. The minimum levels specified in subsections (1) and (2) of this section represent averages with the lowest level in an area to be no less than fifty percent of the indicated value.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09031 HEARING PROTECTORS.
(1) Employers shall make hearing protectors available to all employees exposed to a time-weighted average of 85 dBA or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

(2) Employers shall ensure that hearing protectors are worn by all employees:

(a) Who are exposed to a time-weighted average of 85 dBA or greater and who have experienced a permanent significant threshold shift; or

(b) Who are required by WAC 296-62-09011(~~((6)(c))~~) (7)(a) to wear personal protective equipment.

(3) Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

(4) The employer shall provide training in the use and care of all hearing protectors provided to employees.

(5) The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09033 HEARING PROTECTOR ATTENUATION. (1) The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used by one of the methods described in WAC 296-62-09053, Appendix D: Methods for Estimating the Adequacy of Hearing Protector Attenuation, or by other methods if approved by the director.

(2) Hearing protectors must attenuate employee exposure at least to a time-weighted average of 90 dBA as required by WAC 296-62-09011(~~((6)(c))~~) (7)(a).

(3) For employees who have experienced a significant threshold shift, hearing protectors must attenuate employee exposures to a time-weighted average of 85 dBA or below.

(4) The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09051 APPENDIX C: ACOUSTIC CALIBRATION OF AUDIOMETERS. Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerance permitted by American National Standard Specifications for Audiometers, S3.6-1969(R1973).

(1) Sound pressure output check.

(a) Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

(b) Set the audiometer's hearing threshold level (HTL) dial to 70 dB.

(c) Measure the sound pressure level of the tones at each test frequency from 500 Hz through 6000 Hz for each earphone.

(d) At each frequency the readout on the sound level meter should correspond to the levels in Table C-1 or Table C-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

(2) Linearity check.

(a) With the earphone in place, set the frequency to 1000 Hz and the HTL dial on the audiometer to 70 dB.

(b) Measure the sound levels in the coupler at each 10(=)dB decrement from 70 dB to 10 dB, noting the sound level meter reading at each setting.

(c) For each 10(=)dB decrement on the audiometer the sound level meter should indicate a corresponding 10 dB decrease.

(d) This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(3) Tolerances.

When any of the measured sound levels deviate from the levels in Table C-1 or Table C-2 by ± 3 dB at any test frequency between 500 and 3000 Hz, 4 dB at 4000 Hz, or 5 dB at 6000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than 10 dB at any test frequency.

Table C-1 - Reference Threshold Levels for Telephonics - TDH-39 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5

TABLE C-2 - Reference Threshold Levels for Telephonics - TDH-49 Earphones

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71023 LIGHTING. (~~((1) Adequacy.~~) Illumination shall be provided and designed to supply

adequate general and local lighting to rooms, buildings and work areas during the time of use:

(2) Effectiveness. Factors upon which the adequacy and effectiveness of illumination will be judged, include the following:

(a) The quantity of light in footcandle intensity shall be sufficient for the work being done.

(b) The quality of the light shall be such that it is free from glare and has correct direction, diffusion and distribution:

(c) Shadows and extreme contrasts shall be avoided or kept to a minimum.

(3) The following table of light footcandles are taken from the General Occupational Health Standards, WAC 296-62-09003, and shall be used as a minimum requirement for mills and related work areas measured thirty inches above the floor**.

Assembly:	
Rough	10
Medium	20
Fine	B*
Extra Fine	A*
Construction—Indoor: General	10
Elevators—Freight and Passenger	10
Forge Shops and Welding	10
Garages—Automotive Equipment:	
Storage—Live	10
Storage—Dead	2
Repair Department and Washing	30
Locker Rooms	10
Machine Shops:	
Rough Bench and Machine Work	20
Medium Bench and Machine Work	30
Fine Bench and Machine Work	B*
Extra Fine Bench and Machine Work	A*
Offices:	
Bookkeeping, Typing and Accounting	50
Business Machines	B*
Conference Rooms:	
General Meetings	25
Desk Work:	
Intermittent Reading and Writing	25
Prolonged close work	50
Corridors and Stairways	5
Reading Blueprints and Plans	30
Drafting:	
Prolonged close work	50
Rough Drawing and Sketching	30
Filing and Indexing	25
Lobby	10
Mail Sorting	25
Reception Rooms	10
Stenographic Work	50
Vault	10
Packing and Boxing	10
Paint Mixing	10
Paints Shops:	
Dipping, Simple Spraying, Firing	10
Rubbing, Ordinary Hand Painting	
—and Finishing, Art, Stencil and	
—Special Spraying	20
Fine Hand Painting and Finishing	B*
Extra Fine Hand Painting and	
—Finishing	A*
Plating	10
Polishing and Burnishing	20
Power Plants, Engine Rooms, Boilers:	
Boilers, Coal and Ash Handling;	
—Storage Battery Rooms	5
Auxiliary Equipment, Oil Switches	
—and Transformers	10
Engines, Generators, Blowers,	
—Compressors	20

Switchboards	30
Receiving and Shipping	10
Sheet Metal Works:	
Miscellaneous Machines, Ordinary	
—Bench Work	20
Punches, Presses, Shears, Stamps,	
—Spinning, Medium Bench Work	20 C*
Stairways, Passageways	5
Store and Stock Rooms:	
Rough Bulky Material	5
Medium or Fine Material Requiring	
—Care	10
Testing:	
Rough	20
Fine	30
Extra Fine Instruments, Scales;	
—etc.	A*
Toilets and Washrooms	10
Warehouse	5
Welding	30
Woodworking:	
Rough Sawing and Bench Work	15
Sizing, Planing, Rough Sanding;	
—Medium Machine and Bench Work;	
—Gluing, Veneering, Cooperate	20
Fine Bench and Machine Work;	
—Fine Sanding and Finishing	50

NOTE: ** Figures represent average level for area with lowest level in area to be fifty percent of the listed value. The levels are exclusive of the levels established for more difficult seeing tasks which follow in Groups A, B and C and which are light levels on the task measurements.

* Lighting for the more difficult seeing tasks, as indicated by A, B and C in the foregoing table, are given in the following:

Group A. These seeing tasks involve (a) the discrimination of extremely fine detail under conditions of (b) extremely poor contrast, (c) for long periods of time. To meet these requirements, illumination levels above one hundred footcandles are recommended.

To provide illumination of this order, a combination of at least twenty footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light, diffusion, eye protection, and insofar as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group B. This group of visual tasks involves (a) the discrimination of fine detail under conditions of (b) a fair degree of contrast, (c) for long periods of time. Illumination levels from fifty to one hundred footcandles are required.

To provide illumination of this order a combination of at least twenty footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light diffusion, eye protection, and insofar as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group C. The seeing tasks of this group require the discrimination of fine detail by utilizing (a) the reflected image of a luminous area or (b) the transmitted light from a luminous area.

The essential requirements are (1) that the luminous area shall be large enough to cover the surface which is being inspected and (2) that the brightness be within the limits necessary to obtain comfortable contrast conditions. This involves the use of sources of large area and relatively low brightness in which the source brightness is the principal factor rather than the footcandles produced at a given point.

~~(4) Diffusion and distribution of artificial and natural light. Artificial light sources shall be installed in regard to mounting height, spacing and reflectors or other suitable accessories, as to secure a reasonable uniform distribution of illumination and to avoid glare and sharply defined shadows from overhanging structural parts or persons in normal working positions. Suitable awnings, window shades, diffusive or refractive window glass shall be used where necessary to improve the diffusion and distribution of natural light.)~~ The lighting and illumination requirements of the General Occupational Health Standards, WAC 296-62-09003, shall apply.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-79-020 GENERAL REQUIREMENTS. (1) Housekeeping. Floors shall be kept reasonably clear of spilled or leaking oil, grease, water, broke, etc., that may cause slipping, tripping or falling. Non-skid type surfacing shall be installed in vehicular or pedestrian traffic areas in which slipping hazards otherwise would exist.

In areas where it is not possible to keep the floor free of materials which cause a slipping hazard, mats, cleats, or other suitable materials which will effectively minimize or eliminate the hazard shall be installed.

(2) Storage of Hoses, Cords, Slings or Similar Items or Equipment. Hoses, cords, slings or similar items or equipment shall be stored in such a manner that they will not create a hazard.

(3) Storage and Transportation of Materials. Materials, objects or equipment shall be stored or transported by use of means or methods which will prevent them from falling, tipping or rolling.

(4) Compressed Gas Cylinders. Compressed gas cylinders shall be stored away from heat sources, combustible materials or other materials which may cause hazardous conditions. Storage facilities shall comply with the requirements of the General Safety and Health Standards, chapter 296-24 WAC. Cylinders shall be secured in a manner which will prevent them from tipping or falling. Acetylene cylinders shall be stored, transported, or used while in the upright position only.

(5) Warning of Obstructions. Open manholes or excavations shall be roped off, barricaded, or adequately safeguarded by an approved method when located in or adjacent to walkways, aisles, or roadways. During periods of darkness or reduced visibility, such areas shall be provided with warning lights or lanterns.

(6) Employees to be Instructed. Employees shall not be permitted to operate any machine or equipment until they have received proper instruction and are familiar with safe operating procedures.

(7) Training Personnel to Handle Emergencies. In each area where hazardous substances may be encountered, personnel shall be trained to cope with emergencies arising from breaks, ruptures, or spills which would create a hazardous condition.

(8) Working Alone. When an employee is assigned to work alone in a remote or isolated area, a system shall be instituted whereby such employee reports by use of radio or telephone to someone periodically or a designated person shall check on his safety at reasonable intervals. All persons involved in working alone shall be advised of the procedures to be followed.

(9) Lifting or Moving Objects. Employees shall be instructed in proper lifting or moving techniques and methods. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.

(10) Reporting Hazards. Any faulty equipment or hazardous condition shall be promptly reported to the person in charge.

(11) ~~(Exists)~~ Exits from Hazardous Areas. Where physically and reasonably possible, there shall be at least two unobstructed exits from any hazardous area. Such exits shall preferably be on opposite walls.

(12) Safe Work Area. Sufficient clearance shall be maintained between machines to allow employees a safe work area.

(13) Protection from Overhead Hazard. Warning signs shall be placed in conspicuous locations below areas where overhead work is being done and shall be removed promptly when work is completed.

(14) Welding Areas Protected. Areas in which welding is being done shall be screened or barricaded to protect persons from flash burns, when practical. If the welding process cannot be isolated, all persons who may be exposed to the hazard of arc flash shall be properly protected.

(15) Testing Safety Devices. Brakes, back stops, anti-runaway devices, overload releases and other safety devices shall be inspected and tested frequently to ~~((insure))~~ ensure that all are operative and maintained in good repair.

(16) Starting and Stopping Devices. Electrically or manually operated power disconnecting devices shall be provided within easy reach of the operator while in his normal operating position. If necessary for safety of the operation, the machine shall be so equipped that retarding or braking action can be applied at the time of or after the source of power is deactivated.

(17) Use of Compressed Air for Cleaning Purposes. Compressed air shall not be used for cleaning purposes if it may endanger other persons in the area or for cleaning clothing while it is being worn.

(18) Coupling High Pressure Air Hoses. Sections of high pressure air hoses shall be properly coupled and have safety chains or equivalent safety device attached between the sections (30 psi or more is high pressure air).

(19) Punch Bars. Open pipes shall not be used as punch bars if the use would create a hazard.

(20) Saw Table Limit Stop or Extension. Employees shall be protected from contact with the front edge of a

circular saw by a limit stop which will prevent the forward swing of the cutting edge from extending beyond the edge of the table or a table extension shall be installed.

(21) Explosive-Actuated Tools. Explosive-actuated tool design, construction, operation and use shall comply with all requirements specified in (~~"Safety Requirements for Explosive-Actuated Fastening Tools,"~~) "Safety requirements for powder actuated fastening systems," adopted by the Department of Labor and Industries. In addition, after using such tools a careful check shall be made in order to ascertain that no cartridges or charges are left where they could enter equipment or be accidentally discharged in any area where they could create a fire or explosion hazard.

(22) Approved Life Buoys. Where work is being performed on docks or adjacent to open water five feet or more in depth U.S. Coast Guard approved life buoys shall be provided. Such life buoys shall have sufficient line attached and be spaced at intervals not exceeding 200 feet.

(23) Ladders Required on Waterfront Docks. Either permanent ladders or portable ladders which are readily available for emergency use shall be provided on all waterfront docks. Such ladders shall extend from the face of the dock to the water line at its lowest elevation. Spacing between ladder installations shall not exceed 400 feet. The dock area immediately adjacent to ladder locations shall be painted with a bright color which contrasts with the surrounding area. A suitable method shall be used to secure the ladders.

(24) Protection from Hot Pipes. All exposed hot pipes within seven feet of the floor or working platform, or within 15" measured horizontally from stairways, ramps or fixed ladders, shall be covered with an insulating material or be guarded in such a manner as to prevent contact.

(25) Prevent Overhang While Removing Materials. Extreme care shall be taken to prevent material from creating an overhang while removing the materials from piles or bins.

(26) Establishments subject to chapter 296-79 WAC shall comply with the following standards of the American National Standards Institute:

(a) (~~(ANSI Z24.22-1957, Method of Measurement of Real-Ear Attenuation of Ear Protectors at threshold;)~~)

(~~(b)~~) ANSI Z33.1-1961, Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying;

(~~(c)~~) (b) ANSI B56.1-1969, Safety Standard for Powered Industrial Trucks.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-050 PERSONAL PROTECTION.

(1) Personal Protective Equipment and Clothing. Personal protective clothing and equipment as required by the General Safety and Health Standards and the General Occupational Health Standards shall be furnished by the employer and worn or used by the employee when needed to eliminate or minimize the degree of hazard involved with any specific operation.

(a) Required Clothing, Caps, etc. Employees shall wear sufficient clothing to protect them from hazards to which they may be exposed while performing their duties. Consideration must be given to temperatures in certain areas in which persons work. Employees whose hair is long enough to be caught in machinery or equipment around which they work shall wear caps, hair nets or other protection which will adequately confine the hair while performing their duties.

Rings or other jewelry which could create a hazard should not be worn by employees while in the performance of their work.

(b) Protective Footwear. Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear. Shoe guards and toe protectors will be supplied by management. Management shall also make safety shoes available for purchase by employees at not more than actual cost to management.

Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs. Calk boots shall be made available at cost.

(2) Working Over or Near Water. (a) Employees working over or near water who are exposed to the danger of drowning shall be provided with and shall wear U.S. Coast Guard approved personal flotation devices.

(b) Prior to and after each use, buoyant work devices shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(3) Protection from Noise. (a) Employees shall be protected from the effects of noise exposures which exceed the noise levels deemed to be safe as defined by the General Occupational Health Standards adopted by the Department of Labor and Industries.

(b) Noise levels which exceed the maximum allowable amount deemed to be safe shall be reduced by feasible administrative or engineering control.

(c) When feasible administrative and engineering controls do not lower the noise levels below the limits deemed to be safe, all persons exposed shall be provided with and shall use proper personal protective equipment.

(d) In all cases where the noise levels in any area exceed the levels deemed to be safe, a (~~(continuous)~~) continuing effective hearing conservation program as defined in (~~(WAC 296-62-0901)~~) chapter 296-62 WAC, General Occupational Health Standards, shall be administered.

(4) Respiratory Protection. (a) Respiratory protective equipment is designed to protect the wearer from inhalation of hazardous atmospheres. Such equipment shall include air purifying respirators, airline respirators, hose masks, self-contained breathing apparatus and combinations thereof.

(b) Where reasonable engineering or operational controls will afford the proper protection, these shall be instituted by the employer in preference to requiring employees to wear respiratory protective equipment. Where control by engineering or operational means is impractical, workers shall be required to wear respiratory protective equipment in hazardous atmospheres.

(c) The Respiratory Protective Devices Manual published by the American Conference of Governmental Industrial Hygienists and the American Industrial Hygiene Association shall be used as a guide for selecting respiratory protective equipment.

(d) Respiratory protective equipment and its use shall be approved by the Department of Labor and Industries. The Department will accept approval by the U.S. Bureau of Mines, U.S. Department of Agriculture, Atomic Energy Commission and the U.S. Department of Defense for the conditions for which the equipment has been approved.

(e) When the use of respiratory protective equipment is required the proper equipment shall be furnished by the employer and it shall be used in the prescribed manner by the employee. The employer shall provide training, maintenance and surveillance to insure this equipment is properly used. (Refer to the General Occupational Health Standards.)

(f) Self-contained breathing apparatus, air supplied masks or other approved respiratory protective equipment compatible with the conditions which may be encountered shall be provided for emergency or rescue purposes in areas throughout the plant where they may be needed. Storage locations shall be clearly identified and persons shall familiarize themselves with the locations.

NOTE: Clays, Silts, Loams or Non-Homogenous Soils Require Shoring and Bracing.

The Presence of Ground Water Requires Special Treatment.

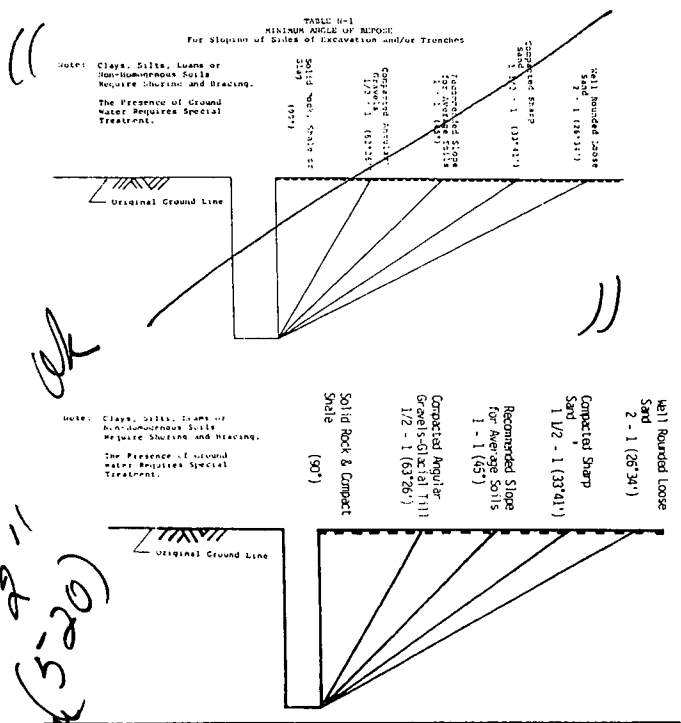
AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-350-080 REASSUMPTION OF JURISDICTION—FINAL DETERMINATION—MAILING. (1) Immediately following the informal conference the presiding officer shall complete a status report of the reassumption of jurisdiction which shall include a summary of findings and conclusions and shall state therein the redetermination and final decision of the department. The presiding officer shall then complete and submit those documents which are necessary for the expeditious processing of these redeterminations and final decisions such that all corrective abatement, relating to the subject matter of the reassumption of jurisdiction, can be issued by the department within fifteen working days of the determination to reassume jurisdiction over the subject matter of the appeal.

(2) Corrective notices issued following reassumption of jurisdiction shall be forwarded by certified mail or personal delivery or service. Upon receipt of a corrective notice of redetermination issued by the department pursuant to RCW 49.17.140(3), the employer shall immediately post the corrective notice of redetermination or a copy thereof in a prominent place at or near each place a violation referred to in the corrective notice of redetermination occurred. The corrective notice of redetermination or a copy thereof shall remain posted as required by this section until the violation(s) have been abated, or for three working days, whichever is longer.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-66501 TABLE N-1.



NEW SECTION

WAC 296-350-095 SETTLEMENT AGREEMENTS. (1) Every settlement agreement in an appeal to the Board of Industrial Insurance Appeals shall contain a statement of the abatement date for the cited condition or a statement that the condition has been abated. If any settlement agreement lacks a statement of abatement date, the Department shall assign an abatement date to the condition which allows the same amount of time for abatement as was allowed by the original abatement date; the amount of time for abatement shall be figured from the date that the Board of Industrial Insurance Appeals issues its order adopting the settlement agreement.

(2) Every settlement agreement shall contain a statement that payment of any penalty has been tendered or a statement of a promise to pay any penalty.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-35055 EXTENSION OF ABATEMENT DATE(S)—HEARINGS. (1) The Assistant Director shall designate personnel of the staff of the Division of Industrial Safety and health to act as hearing

officers at hearings on applications for extension of abatement date(s).

(2) A hearing officer shall be present and preside over the proceedings at all hearings conducted. The hearing officer may be accompanied by an assistant attorney general who shall be able to render legal advice to the hearing officer. The assistant attorney general may, at the hearing officer's request, preside over the proceedings.

(3) Prior to the commencement of the hearing, the hearing officer may confer with the parties attending the hearing concerning the material to be presented for the record in order to determine an orderly method of procedure.

(4) The provisions of chapter 34.04 RCW (~~and chapter 296-08 WAC relating to practice and procedure in contested cases, as now or hereafter amended,~~) are applicable to hearings conducted pursuant to the provisions of this section.

(5) All proceedings relating to a hearing under this section shall be recorded mechanically or otherwise. Copies of transcripts of such recordings will be made available to any parties involved, upon request therefore and payment of the reasonable costs thereof.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-400 POSTING OF NOTICES—POSTING OF CITATION AND NOTICE—AVAILABILITY OF ACT AND APPLICABLE STANDARDS. (1) Definitions. The definitions of WAC 296-350-010 and 296-27-020 shall apply to this section.

(2) Each employer shall post and keep posted a notice or notices (the WISHA Poster, WISHERS No. 1) to be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries, informing employees of the protections and obligations provided for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the Department of Labor and Industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced or covered by other material.

(3) The notice identified in subsection (2) of this section shall be posted in each establishment of the employer as defined in WAC 296-27-020(7).

(4) All notices required to be posted by provisions of the act, provisions of this chapter or the provisions of any other safety and health standard, rule or regulation adopted pursuant to the authority of the act, shall be posted as required by this section, or as required by the act, or as required by the provision of the applicable safety and health standard, rule or regulation.

(5) Unless otherwise specified in this section, the act, or the applicable safety and health standard, rule or regulation, notices or other materials required to be posted, shall be posted in each establishment of the employer, as defined in WAC 296-27-020(7).

(6) Copies of the act, all regulations published in this chapter and all applicable standards shall be available at all regional offices of the Division of Industrial Safety and Health, Department of Labor and Industries. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative on the same day the request is made, or at the earliest time mutually convenient to the employee or his authorized representative and the employer, for review by the requesting employee or authorized representative.

(7) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 12 and 18 of the act. (RCW 49.17.120 and RCW 49.17.180.)

(8) Documents required to be posted include, but shall not be limited to the following:

(a) A copy or copies of an application or applications for a variance or variances from any safety and health standards applied for in accordance with RCW 49.17.080 or RCW 49.17.090 shall be posted at each establishment to which the variance, if granted, will apply. The manner of posting such applications shall be in accordance with subsections (4) and (5) of this section.

(b) Upon receipt of any CITATION AND NOTICE issued by the department pursuant to RCW 49.17.120 or RCW 49.17.130, the employer shall immediately post the CITATION AND NOTICE or a copy thereof in a prominent place at or near each place a violation referred to in the CITATION AND NOTICE occurred. Where, because of the nature of the employer's operations, it is not practicable to post the CITATION AND NOTICE or a copy thereof at or near each place of violation, the CITATION AND NOTICE or a copy thereof shall be posted in the establishment of the employer, as defined in WAC 296-27-020(7).

The posted CITATION AND NOTICE or copy thereof shall be complete and shall not be abstracted, edited or otherwise changed from the original. The posted CITATION AND NOTICE or copy thereof shall be readily visible, and shall not be defaced or covered by other material.

The CITATION AND NOTICE or copy thereof shall remain posted as required by this subsection until the violation(s) has been abated, or for three working days, whichever is longer.

(c) A copy of the Notice of Filing of Appeal pursuant to RCW 49.17.140, the Notice of Conference pursuant to WAC 263-12-090, and the Notice of Hearing pursuant to WAC 263-12-100 shall be posted by the employer at each establishment to which the Notices apply in a conspicuous place or places where notices to employees are customarily posted. The manner of posting such notices shall be in accordance with subsections (4) and (5) of this section.

(d) In the event that a proposed agreement settling an appeal of a citation and notice to the Board if Industrial Insurance Appeals is reached between the employer and the Department without the concurrence of the affected employees or employee groups, a copy of the proposed

agreement shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for 10 days before it is filed with the Board of Industrial Insurance Appeals. The manner of posting shall be in accordance with subsections (4) and (5) of this section.

(e) Notices required to be posted by specific provisions of any safety and health standard or other rule or regulation duly adopted by the director shall be posted according to the standard, rule or regulation requiring such posting. If the provision containing the requirement for posting does not specify the manner of posting, such posting shall conform to the requirements of subsections (4) and (5) of this section.

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

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-030 FILING A COMPLAINT OF DISCRIMINATION. (1) Who may file. A complaint of RCW 49.17.160 discrimination may be filed by the employee him- or herself, or by a representative authorized to do so on his or her behalf.

(2) Nature of filing. No particular form of complaint is required (~~(, but the complaint must be in writing)~~).

(3) Place of filing. The complaint should be filed with the division.

(4) Time for filing. RCW 49.17.160(3) provides that an employee who believes that he or she has been discriminated against in violation of RCW 49.17.160 "may, within thirty days after such violation occurs" file a complaint with the assistant director. A major purpose of the thirty-day period is to allow the assistant director to decline to entertain complaints that have become stale. Accordingly, the division will presume that complaints not filed within thirty days of an alleged violation are untimely. There may be circumstances, however, that justify tolling the thirty-day period on recognized equitable principles or because strongly extenuating circumstances exist, e.g., where the employer has concealed, or misled the employee regarding the grounds for, discharge or other adverse action. In the absence of circumstances justifying a tolling of the thirty-day period, the division shall not accept untimely complaints.

WSR 82-13-046
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-24—Filed June 11, 1982]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 296-54-507(6), danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled

before regular operations begin or work shall be arranged so that employees are exposed to minimum hazards involved.

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 in the Mount St. Helens volcano blast area, most trees are either dead and standing, broken off at various heights or blown down completely. Logging in proximity to the standing defective trees pose all the special hazards common to working around snags and/or danger trees. This chapter requires that all such trees be felled or brought down by other appropriate means whenever such trees are a hazard to personnel. Certain federal rules require some snags must be left standing as wildlife habitat trees. This is a direct conflict with chapter 296-54 WAC. These rules are necessary to ensure that no person working within the surrounding area of these standing snags and/or danger trees is killed or severely injured before the department has the opportunity to adopt permanent 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 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 June 11, 1982.

By Sam Kinville
 Director

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum of two employees who shall work as a team and shall be in visual or hearing contact with another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the

near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchman or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees (~~shall not be~~) are exposed to minimum hazards involved.

NOTE: In the Mount St. Helens Volcano blast area, most trees are either dead and standing, broken off at various heights or blown down completely. Logging in proximity to the standing defective trees pose all the special hazards common to working around snags and/or danger trees. This chapter requires that all such trees be felled or brought down by other appropriate means whenever such trees are a hazard to personnel. The Federal Land Policy and Management Act of 1976 (Public Law 94-579), the Endangered Species Act of 1973 (Public Law 93-205), the Wilderness Act of 1964 (Public Law 88-577) and the Revised Code of Washington 76.04.222, administered by the Washington State Department of Natural Resources under WAC 222-30-020, all require that some snags must be left standing as wildlife habitat trees. This is a direct conflict with chapter 296-54 WAC and can impose additional hazards to personnel working within the surrounding area of these standing snags and/or danger trees.

(a) In the intent of reducing exposure of personnel to a minimum, the following rules shall be adhered to:

(i) Prior to commencement of logging, a plan shall be agreed to between the land owner (U.S.F.S., D.N.R. or private land owner) and the logging contractor or supervisor as to which lone snags or designated snag areas are to be left standing.

(ii) If snag areas or islands are left, the area shall be designated as a "no work area." The perimeter of the affected area shall be flagged and/or marked so as to be clearly distinguishable.

(iii) If lone snags and/or danger trees are left, each one shall be clearly marked.

(iv) Lone snags in work areas shall be limited to fifteen feet in height and shall be of sound enough wood capable of standing through the expected logging period of that respective unit.

(b) No running lines of yarding equipment shall run through or come closer than fifteen feet to a "no work area." No tail or haulback blocks shall be hung on standing snags and/or danger trees. When working in the rigging adjacent to a "no work area," all personnel shall be positioned at least one and one-half times the height of the tallest snag and/or danger tree, in distance, from the "no work area" before a go-ahead signal is given. During cat logging, no equipment shall enter into a "no work area" nor shall any logs be yarded from a "no work area."

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

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 82-13-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-62—Filed June 11, 1982]

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

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is adopted pursuant to the Columbia River Compact.

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

This rule is promulgated pursuant to RCW 75.40.010 and 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 11, 1982.

By: W. R. Wilkerson
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-32-04100F SEASONS AND AREAS - SHAD Notwithstanding the provisions of WAC 220-32-041, (1) It is unlawful to take, fish for or possess shad for commercial purposes with gill nets except from the following areas during the specified times for each area as follows:

(a) A line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light; thence continuing westerly to the white four-second blinker light on the east end of Lady Island, thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge; thence easterly across State Highway 14 Bridge to the mainland and to point of origin from 4:00 A.M. to 10:00 P.M. on the following days:

June 7 through June 11, 1982

June 14 through June 18, 1982

June 21 through June 25, 1982

June 28, through July 2, 1982

Lawful gear is defined in WAC 220-32-023.

(b) The waters of the Grays River from its mouth upstream to fishing boundary markers located at the Leo Reisticka farm and including the waters of Seal Slough; the waters of Deep River from its mouth upstream to the Highway 4 Bridge from 6:00 P.M. May 10 to 6:00 P.M. June 11, 1982.

Lawful gear is single-wall set gill net or drift gill net not exceeding 200 feet in length nor of a depth greater than 20 feet. Web of said gill net must contain meshes of a size not less than 4-1/2 inches nor larger than 6 inches stretch measure and must not exceed a breaking strength of a 30-pound pull.

(c) Those waters of the Columbia River upstream and easterly of a line projected from the flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island, diagonally north to a white equal-interval light on the Washington shore; and including those waters of the Columbia River downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam; and excluding the waters of Camas Slough upstream from a line projected true north from the most western tip of Lady Island to the mainland from 4:00 A.M. to 10:00 P.M. on the following days:

June 7 through June 11, 1982

June 14 through June 18, 1982

Lawful gear is defined in WAC 220-32-023

(d) It is unlawful to retain any fish except shad.

(2) It is lawful for individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties to take, fish for or possess shad

for commercial purposes with dip nets at any time in Columbia River Management and Catch Reporting Areas 1F, 1G and 1H.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-04100E SEASONS AND AREAS - SHAD (82-35)

WSR 82-13-048

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 82-63—Filed June 11, 1982]

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

This action is taken pursuant to Notice No. WSR 82-13-041 filed with the code reviser on June 9, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED June 11, 1982.

By Gary C. Alexander
for Rolland A. Schmitt
Director

AMENDATORY SECTION (Amending Order 81-37, filed 6/8/81)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge to Aberdeen to a line projected from the Standard Oil Dock at a right angle to

the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, through lighted buoy 13 to where it intersects with the shore at Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shore Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285° true to the Island Sands Light approximately 2 miles south of Riddle Spit Light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1,

Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater Light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater Light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank and downstream from a line projected true north across the river from a fishing boundary marker on the section line between Section 27 and 28, Township 14N, Range 9W.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly ~~((of a line projected from Needle Point approximately 285° true to the Island Sands Light approximately 2 miles south of Riddle Spit Light No. 10, and thence due west to the North Beach Peninsula, northerly of a line projected true east-west through Marker 20 between Long Island and the North Beach Peninsula, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly of a line projected true east from a fishing boundary marker at the south entrance to Baldwin Slough on Long Island to a fishing boundary marker on the shore of Stanley Peninsula on the mainland))~~ and westerly of a line projected from Diamond Point to the Island Sands Light, approximately 2 miles south of Riddle Spit Light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel Light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 2M shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands Light, approximately 2 miles south of Riddle Spit Light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

~~((+1))~~ (12) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

~~((+2))~~ (13) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island Light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

~~((+3))~~ (14) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point,

outside and westerly of the mouth of any river or stream flowing to the sea.

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 81-37, filed 6/8/81)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

Area 2A

6:00 p.m. (~~(September 23)~~) October 3 to 6:00 p.m. October ((2)) 8, ((+1981)) 1982.

Areas 2B, 2C and 2D —

6:00 p.m. July ((6)) 7 to 6:00 p.m. ((October 29, +1981)) August 15, 1982
6:00 p.m. October 3 to 6:00 p.m. October 8, 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.

AMENDATORY SECTION (Amending Order 81-37, filed 6/8/81)

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor Fishing Areas:

Area 2A

~~((September 23 to September 25, 1981: 6:00 p.m. Wednesday to 6:00 p.m. Friday: September 27 to October 2, 1981: 6:00 p.m. Sunday to 6:00 p.m. Friday: October 25, 6:00 p.m. to October 29, 1981, 6:00 p.m.:))~~ 6:00 p.m. October 3 to 6:00 p.m. October 8, 1982: Open continuously.

Areas 2B, 2C and 2D

~~((July 6,))~~ 6:00 p.m. July 7 to ((August 14, +1981,)) 6:00 p.m. August 15, 1982: Open continuously.
~~((September 23 to September 25, 1981: 6:00 p.m. Wednesday to 6:00 p.m. Friday: September 27, 6:00 p.m. to October 2, 1981, 6:00 p.m.: 6:00 p.m. Sunday to 6:00 p.m. Friday: October 25, 6:00 p.m. to October 29, 1981, 6:00 p.m.:))~~ 6:00 p.m. October 3 to 6:00 p.m. October 8, 1982: Open continuously.

AMENDATORY SECTION (Amending Order 81-37, filed 6/8/81)

WAC 220-36-024 SALMON FISHING—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor Fishing Areas:

Areas 2A, 2B, 2C and 2D

For the period (~~(September 23))~~ October 3 to October ((2, +1981)) 8, 1982: 5-inch minimum and ((7-inch)) 6-1/2-inch maximum mesh.

(2) Except as provided for in subsection (1) of this section, it is unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

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 81-37, filed 6/8/81)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Area 2G—6:00 p.m. July 6 to ~~((+2:00 midnight November 30, +1981))~~ 6:00 p.m. August 20, 6:00 p.m. September ((+3)) 12 to 6:00 p.m. October 9 and 6:00 p.m. November 1 to 11:59 p.m. November 30, 1982.

Area 2H—6:00 p.m. September ((+3)) 12 to 6:00 p.m. October ((+1)) 9, and 6:00 p.m. November ((4)) 1 to ((+2:00 midnight)) 11:59 p.m. November 30, ((+1981)) 1982.

Area 2J and 2K—6:00 p.m. July 6 to ~~((+2:00 midnight November 30, +1981))~~ 6:00 p.m. August 20, 6:00 p.m. September ((+3)) 12 to 6:00 p.m. October 9 and 6:00 p.m. November 1 to 11:59 p.m. November 30, 1982.

Area 2M—6:00 p.m. September ((+3)) 12 to 6:00 p.m. October 9, and 6:00 p.m. November 1 to 11:59 p.m. November 30, 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.

AMENDATORY SECTION (Amending Order 81-37, filed 6/8/81)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

Area 2G

July 6, 6:00 p.m. to August 20, ~~((1981))~~
 1982, 6:00 p.m.—Open continuously. ~~((August 24 to September 13, 1981—6:00 p.m. Monday to 6:00 p.m. Tuesday.))~~
 September ~~((13))~~ 12 to October ~~((11, 1981))~~ 9, 1982—6:00 p.m. Sunday to 6:00 p.m. ~~((Friday))~~ Saturday.
~~((October 11 to November 4, 1981—6:00 p.m. Sunday, October 11 to 6:00 p.m. Monday, October 12; 6:00 p.m. Thursday, October 15 to 6:00 p.m. Friday, October 16; 6:00 p.m. Sunday, October 18 to 6:00 p.m. Monday, October 19; 6:00 p.m. Sunday, October 25 to 6:00 p.m. Monday, October 26; November 4, 6:00 p.m. to 12:00 midnight November 30, 1981—Open continuously.))~~
 November 1, 6:00 p.m. to 11:59 p.m. November 30, 1982—Open continuously.

Area 2H

September ~~((13))~~ 12 to October ~~((11, 1981))~~ 9, 1982—6:00 p.m. Sunday to 6:00 p.m. ~~((Friday))~~ Saturday.
 November ~~((4))~~ 1, 6:00 p.m. to ~~((12:00 midnight))~~ 11:59 p.m. November 30, ~~((1981))~~ 1982—Open continuously.

Areas 2J and 2K

July 6, 6:00 p.m. to August 20, ~~((1981))~~
 1982, 6:00 p.m.—Open continuously.
~~((August 24 to September 13, 1981—6:00 p.m. Monday to 6:00 p.m. Tuesday.))~~
 September ~~((13))~~ 12 to October ~~((11, 1981))~~ 9, 1982—6:00 p.m. Sunday to 6:00 p.m. Monday and 6:00 p.m. Wednesday to 6:00 p.m. Thursday.
~~((October 11 to November 4, 1981—6:00 p.m. Sunday, October 11 to 6:00 p.m. Monday, October 12; 6:00 p.m. Thursday, October 15 to 6:00 p.m. Friday, October 16; 6:00 p.m. Sunday, October 18 to 6:00 p.m. Monday, October 19; 6:00 p.m. Sunday, October 25 to 6:00 p.m. Monday, October 26; November 4, 6:00 p.m. to 12:00 midnight November 30, 1981—Open continuously.))~~
 November 1, 6:00 p.m. to 11:59 p.m. November 30, 1982—Open continuously.

Area 2M

September ~~((13))~~ 12 to October 9, 1982—6:00 p.m. Sunday to 6:00 p.m. Saturday.
 November 1, 6:00 p.m. to 11:59 p.m. November 30, 1982—Open continuously.

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 81-37, filed 6/8/81)

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size

stretch measure as hereinafter designated in the following Willapa Harbor Fishing Areas:

Areas 2G, 2H, 2J ((and)), 2K and 2 M

For the period September ~~((13))~~ 12 to October ~~((11, 1981))~~ 9, 1982: 5-inch minimum to ~~((7-inch))~~ 6-1/2-inch maximum mesh.

For the period 12:01 a.m. November 19 to ~~((12:00 midnight))~~ 11:59 p.m. November 30, ~~((1981))~~ 1982: 7-1/2-inch minimum mesh.

(2) Except as provided in subsection (1) of this section, it shall be unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

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 82-13-049

ATTORNEY GENERAL OPINION

Cite as: AGO 1982 No. 7

[June 10, 1982]

DISTRICT—PORT—ELECTIONS—ELECTION OF ADDITIONAL PORT COMMISSIONERS UNDER CHAPTER 219, LAWS OF 1982

(1) The "next general election," for the purposes of RCW 53.12.120 as amended by § 1, chapter 219, Laws of 1982 (relating to the means of increasing the number of commissioners in certain port districts), will be the November, 1983 port district general election as provided for in RCW 29.13.020.

(2) In connection with the election of additional port commissioners under RCW 53.12.120, *supra*, as amended, and RCW 53.12.130, a primary election will be in order, in accordance with RCW 53.12.055, in the event that more candidates should file for either of the two, proposed, additional positions.

Requested by:

Honorable Ralph Munro
 Secretary of State
 Legislative Building
 Olympia, Washington 98504

WSR 82-13-050

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1808A—Filed June 14, 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 nursing home accounting and reimbursement system. The change published here in

WAC 388-96-722 is made to implement the regulation intended to be published in WSR 82-11-065. The amended version here published conforms to the proposed version published as a public notice and WSR 82-07-042 prior to public hearing and comment, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 82-07-042 filed with the code reviser on March 16, 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 11, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will reimburse for the necessary and ordinary costs of providing routine nursing and related services to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2) Effective July 1, 1982, the patient care cost area rate will be computed according to this section.

(3)(a) For purposes of this section, patient care consultation refers to medical director, pharmaceutical, occupational therapy, physical therapy, speech therapy, other therapy, and patient activities consultation.

(b) The department shall determine the average per patient day expense weighted by patient days for patient care consultation taken from completed 1981 cost reports.

(c) The department shall determine each contractor's per patient day expense for patient care consultation.

(d) A contractor's reported patient care cost will be reduced by the amount the contractor's patient care consultation expense exceeds the average expense computed as provided in subsection (3)(b) of this section.

(e) As used in this section, "desk-reviewed patient care cost" shall be allowable patient care cost as determined by desk reviews conducted in accordance with WAC 388-96-201, including any reduction in expense for patient care consultation computed in accordance with subsection (3)(d) of this section.

(4) Effective July 1, 1982, through June 30, 1983, only:

(a) If a contractor's weighted patient care rate for 1981 as computed in accordance with departmental regulations and instructions is equal to or greater than the contractor's desk-reviewed 1981 patient care costs, the department shall reimburse the patient care cost center at the desk-reviewed 1981 patient care costs plus any

patient care funds shifted to other cost centers pursuant to WAC 388-96-223, as adjusted for inflation.

(b) If a contractor's patient care rate for 1981 is less than the contractor's desk-reviewed 1981 patient care costs, the department shall reimburse the contractor's patient care cost at the January 1, 1982, reimbursement rate, less one and one-half percent, as adjusted for inflation, plus an allowance from the redistribution pool. The total reimbursement paid to a contractor, including any allowance from the redistribution pool, shall not exceed the contractor's 1981 desk-reviewed patient care costs, as adjusted for inflation. The total of allowances distributed pursuant to subsection (4)(b) of this section shall not exceed the total amount in the redistribution pool. If the total of funds in the redistribution pool is equal to or exceeds the total amount of underfunding for patient care for all contractors, each contractor's allowance shall be the amount the contractor was underfunded for patient care, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this cost area, as adjusted for inflation. If the total of funds in the redistribution pool is less than the total patient care underfunding for all contractors, the allowance distributed to each contractor shall be a percentage of the amount a contractor was underfunded, as defined in subsection (4)(b) of this section, for patient care, if any was experienced by the contractor. The percentage shall be computed by dividing the total of funds in the pool by the total amount of underfunding for all contractors.

(5) To patient care cost area rates determined in accordance with subsections (4)(a) and (b) of this section, a patient care enhancement shall be added. The enhancement shall be distributed among facilities proportionately based upon patient care cost area rates and shall not be adjusted for inflation. The total of enhancements distributed to contractors shall be one million, four hundred thousand dollars.

WSR 82-13-051

PROPOSED RULES

APPLE ADVERTISING COMMISSION

[Filed June 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning increasing the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight;

that such agency will at 9:00 a.m., Tuesday, August 3, 1982, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.24.070(1) and 15.24.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to 9:00 a.m., Tuesday, August 3, 1982, and/or orally at 9:00 a.m., Tuesday, August 3, 1982, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: June 11, 1982
 By: Joseph T. Brownlow
 Secretary-Manager

STATEMENT OF PURPOSE

Title: WAC 24-12-010 Amount of Assessments.
 Description of Purpose: To increase state apple advertising assessment.
 Statutory Authority: RCW 15.24.070(1) and 15.24.090.

Summary of Rule: To increase the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight.

Reasons Supporting the Proposed Action: The revenue presently being raised by the Washington State Apple Advertising Commission is inadequate to accomplish the purposes of the commission, as a result of inflationary increase in costs, increasing production, and need for additional market promotion.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Joseph T. Brownlow, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, Telephone: (509) 662-2123.

Person or Organization Proposing the Rule, and Whether Public, Private, or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether the Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

TEXT OF RULE

AMENDATORY SECTION (Amending Order 9, filed 7/27/81)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of ~~((16 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the 1980 crop of apples, and an assessment of 21))~~ 54.5 cents on each one hundred pounds (100 lbs.) gross billing weight. ~~((applicable to the 1981 and subsequent crops of apples:))~~ Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

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 82-13-052
WITHDRAWAL OF PROPOSED RULES
GRAYS HARBOR COLLEGE
 [Filed June 14, 1982]

Grays Harbor College hereby withdraws Notice No. WSR 82-12-039 filed with the code reviser's office on May 28, 1982, relating to the amendment of WAC 132B-128-100, Tenure and Dismissal Policy.

WSR 82-13-053
PROPOSED RULES
GRAYS HARBOR COLLEGE
 [Filed June 14, 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 amendment to tenure and dismissal policy pertaining to tenured faculty, WAC 132B-128-100.

The formal adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Wednesday, July 28, 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 28, 1982, and/or orally at 7:30 p.m., Wednesday, July 28, 1982, in the Conference Room of the Administration Building on Campus.

Dated: June 11, 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 82-13-054**ADOPTED RULES****GAMBLING COMMISSION**

[Order 121—Filed June 14, 1982]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to adding new sections WAC 230-20-605 types of amusement games authorized and WAC 230-30-065 punchboard/pull tab price per play.

This action is taken pursuant to Notice No. WSR 82-10-003 filed with the code reviser on April 23, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-20-605 and 230-30-065 are promulgated pursuant to RCW 9.46.070(11) and are intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 11, 1982.

By Keith Kisor
Director**NEW SECTION**

WAC 230-20-605 TYPES OF AMUSEMENT GAMES AUTHORIZED. The Commission hereby authorizes the following amusement games to be operated by persons possessing a Special Location Amusement Games License, or bonafide charitable or nonprofit organizations possessing a license issued by the gambling commission or when conducted as authorized by RCW 9.46.030(3) at an authorized location:

(1) FISH POND (DUCK POND). The player "catches" a fish or other object floating in a pond of water by using a pole, hand, net or string. All fish or objects are marked on the bottom indicating the size of

prize the player wins. The player is awarded a prize every time and the player must be allowed to continue playing until a prize is won.

When played at school carnivals, the game may be played without the pond of water and the operator of the game may assist the player by attaching a prize to the pole, hand, net or string.

(2) **HOOP OR RING TOSS.** The player must toss a hoop(s) or ring(s) over a target which may consist of bottles, pegs, blocks, or prizes. The operator must specifically advise the player as to the degree that the hoop(s) or ring(s) must go over the target. All hoops of the same color used at an individual stand must be the same size. All targets used at an individual booth must be the same size or the operator must advise the player by posting signs or using color codes denoting the different sizes.

(3) **DART GAMES.** The target area for all dart games must be of a material capable of being penetrated and retaining a metal tip dart. The target area will be in the rear of the stand and will be at least three feet but not more than fifteen feet from the foul line. Target must be stationary at all times.

(a) **BALLOON (POPAROO) (BALLOON SMASH).** The targets are inflated balloons. The player throws one or more darts to burst a predetermined number of balloons. If the predetermined number of balloons are burst by the dart(s), the player receives the prize indicated.

(b) **DART THROW.** The targets are various sizes and shapes located on the target area. The player must throw dart(s) individually at the target. The player must hit and the dart must stick in a predetermined target to win the prize as designated.

(c) **TIC TAC TOE DART.** The target is a tick tac toe board located in the target area. The player throws darts at the target and wins a designated prize when the thrown darts line up in a row in the target. The darts may line up vertically, horizontally or diagonally to win.

(d) **ADD UM UP DARTS.** The target consists of numbered squares located in the target area. Prizes are awarded based on the total score obtained by the player by throwing and sticking the darts in the numbered squares. All darts stuck on lines will receive a rethrow. The player has the right to add up the score of the darts thrown.

(4) **BALL TOSSES.** In all ball toss games, the balls used at a specific stand must be of the same weight and size. Targets must be of the same weight and size or the operator must color code the targets and advise the player of the difference in targets by posting a sign or providing a duplicate of the target showing the limitations or restrictions readily visible to the player.

(a) **MILK BOTTLE TOSS.** The player tosses or throws ball(s) at simulated milk bottles. The player wins by either tipping over or knocking bottles off the raised platform as designated by the operator. The bottles may be constructed of wood, metal or plastic or a combination of the above three. Operators may vary the number of bottles and balls used in each game. No floating or loose weights in bottles shall be allowed.

(b) **MILK CAN (MEXICAN HAT).** The player tosses a ball(s) into the opening of a milk can or a fiber glassed Mexican Hat turned upside down to win.

(c) **FOOTBALL TOSS (TIRE TOSS).** The player tosses or throws a football(s) through a stationary tire or hoop to win.

(d) **BASKETBALL TOSS/THROW.** The player tosses or throws a basketball(s) through a basketball type hoop to win.

(e) **BUSCHEL BASKETS.** The player tosses a ball(s) into a bushel type basket mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the basket to win. All rim shots will be allowed except the operator may designate the top 6 inches of the basket rim by color and disallow ball(s) striking this area as winning tosses.

(f) **CAT-BALL-TOSS (STAR/DIAMOND TOSS).** The player tosses a ball(s) into a simulated cat's mouth or a round, diamond or star shaped hole to win.

(g) **PING PONG TOSS.** The player tosses ping pong balls into dishes, saucers, cups or ashtrays floating in water. A predetermined number of balls must remain in the dishes, saucers, cups or ashtrays for the player to win. The dishes, saucers, cups or ashtrays must have water covering the bottom of the surface which is facing up.

(h) **FISH BOWL GAME.** The player tosses ping pong balls into a water-filled fish bowl to win.

(i) **VOLLEY BALL TOSS (SOCCER BALL).** The player tosses a volley or soccer ball(s) into a keg type container mounted on a stationary backdrop at a fixed angle. The ball(s) must stay in the keg to win a prize. Rim shots are authorized as stated in Paragraph (e) above for bushel baskets.

(j) **GOBLET BALL (WHIFFLE BALL).** The player tosses a whiffle ball(s) into a target area of glass or plastic goblets. Located in the target area are colored goblets which determine the type of prize the player wins. At least 33 percent of the goblets in the target area must be winners. The ball(s) must stay in the goblet to win a prize.

(k) **BREAK THE PLATE/BOTTLE.** The player tosses or throws a ball(s) at a plate, phonograph record or bottle. The type of prize won is determined by the number of targets broken by the player.

(l) **PUNK RACK.** The targets for this game are rows of dolls or cats on a ledge at the rear of the stand. The dolls or cats must be filled with sawdust, styrofoam, cotton or other like material which provides a firm base for the ball to strike. The hair protruding from the side of the dolls or cats shall not exceed three inches. The prize is determined by how many dolls or cats the player knocks over or off the ledge as posted by the operator.

(m) **TEETH GAME.** The target consists of a large face with wooden teeth. The prize is determined by how many teeth the player knocks down by throwing a ball(s).

(n) **TOILET GAME (DONIKER).** The player tosses or throws a ball or other object through a toilet seat, which is located at the rear of the stand, to win.

(o) **(COKE ROLL)**. The player rolls a ball(s) down an alley with the object of knocking over two coke bottles standing at the end of the alley. The player must tip over both bottles to win. Bottles shall be placed on predetermined spots painted on the surface of the alley.

(p) **ROLLDOWN**. The player rolls ball(s) down an alley with the object of putting the ball(s) in numbered slots at the end of the alley. The scores represented by the balls in each numbered slot are added up at the conclusion of the game. Scores above or below a predetermined score win. The alley surface shall at all times be smooth and free from defects.

(q) **FASCINATION (I GOT IT)**. A group game which involves competition among the players. The target area consists of twenty-five holes and the player tosses or rolls a ball into one of the holes. The object of the game is to get five balls in a row either vertically, horizontally or diagonally. The first player to accomplish this is the winner. Prize size is determined by the number of players participating in each game.

(r) **POKERENO**. The target area consists of twenty five squares with each square given the value of a poker card. The player rolls or tosses five balls to land in the squares. The operator has predetermined winning poker hands and the player wins when balls land in the squares that duplicate the operators selection.

(5) **SHOOTING GAMES**. These games are conducted by the player using a weapon of some type to shoot at a target in the rear of the stand. The safety requirement of the local city or county ordinances must be observed by the operator and player. The target may be stationary or mobile.

(a) **SHORT RANGE (SHOOTING GALLERY)**.

(i) The player is given four (4) rounds to shoot at a spot target 1/4 inches or less in diameter. The player wins when the spot target is completely shot out.

(ii) The player is given five (5) rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. The prize is determined by the number of targets struck by the player.

(iii) The player is given five (5) rounds to shoot one round each at five triangular, round or square targets, 1/2 square inch. Within each target is a bull's eye and the player must hit the bull's eye without touching outer surface of the target. The prize won is determined by the number of bull's eyes correctly hit.

(b) **SHOOT-OUT-THE-STAR (MACHINE GUN)**. The player, using an automatic air pellet gun, is given 100 pellets to shoot at a star shaped target. The player must shoot out all of the target to win. The star cannot be more than one and one quarter inch from point to point.

(c) **WATER RACER**. This group game involves competition with the player winning a prize based on the number of players competing. The player, using a water pistol, shoots the water into a target. The water striking the target causes a balloon to inflate or advances an object to ring a bell. The player bursting the balloon or ringing the bell first is the winner.

(d) **RAPID FIRE**. This group game involves competition among players similar to the Water Racer described in (c) above. The player uses an electronic pistol to shoot

at a target. Hits on the target give the player a score and the first player to reach a predetermined score is the winner.

(e) **CORK GALLERY**. The player uses a cork gun to shoot at targets located on a shelf. The player must knock the target over or off the shelf to win a prize. The prize is determined by the target knocked over or off the shelf or by the number of targets knocked over or off the shelf. The base of each target shall be uniform front and rear.

(6) **COIN PITCHES**. (a) **SPOT PITCH (LUCKY STRIKE)**. The player pitches a coin at colored spots located on a table in the center of the stand. The coin must touch or stay inside of a spot to win a prize.

(b) **PLATE PITCH**. The player pitches a coin onto a glass plate to win a prize as designated.

(c) **GLASS PITCH (BOWL)**. The player pitches a coin into or onto dishes, glasses, etc. If the coin remains in one of the top "Target" glass items then the player wins that item.

(7) **COIN-OPERATED GAMES**. (a) **SKILL CHUTE (BULLDOZER) (PENNY FALL)**. The player inserts a coin or token into a chute aiming the coin or token so that it will fall in front of a continuous sweeper, (bulldozer). If the coin or token is aimed correctly, the sweeper (bulldozer) will push additional tokens or prizes into a hole or chute which sends them to the player. Tokens are exchanged for prizes. If there is a hidden ledge, tip or similar obstruction which inhibits the passage of tokens or prizes into the hole or chute which sends them to the player, then the operator must post a sign to advise the players.

(b) **SKEE BALL**. The player rolls a ball(s) up the mechanical bowling alley into targets. A computer adds up the scores and predetermined scores win.

(c) **DIGGERS**. The player turns a crank on a mechanical crane to pick up a prize. If the player picks up a prize then the player wins that prize. There can be no stops on the digger or, if there are stops, all prizes must be the same. All prizes must be capable of being picked up by the crane.

(8) **MISCELLANEOUS GAMES**. (a) **TIP-EM-UP-BOTTLE**. The player is provided with a pole and a string which has a hoop or ring attached at the end. The player, using the pole with ring, must raise a bottle lying on its side to an upright position to win.

(b) **HI-STRIKER**. The player, using a wooden maul, must strike a lever target which causes a metal weight to rise on a guide line or track and ring a bell. The player must ring the bell a predetermined number of times to win a prize.

(c) **ROPE LADDER**. Player must climb up a rope ladder, which is anchored at both ends by a swivel and ring a bell or buzzer to win a prize.

(d) **WHAC-A-MOLE**. A group game which has a target surface with 5 holes - animated "moles" pop up and down at random. Whac (hit) as many moles as possible with a mallet. First player to hit a predetermined number of moles wins.

(e) **DIP BOWLING GAME**. Player rolls a bowling type ball over hump in track. If ball stays on the back side of hump, the player wins.

Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

(f) SPEEDBALL RADAR GAME. Player gets four balls. Player throws three balls through radar to establish speeds and to estimate at what speed fourth ball will pass through radar. Player wins prize if he accurately estimates speed of the fourth ball. Radar must be mounted and stationary.

(g) HORSE RACE DERBY. A group game. Players advance their horse by shooting or rolling a ball in target area. The faster and more skillful one shoots or rolls his ball, the faster his horse will run. First horse to finish line wins.

(h) Shuffleboard. Player pushes a puck(s) down a shuffleboard alley to knock over poly pins at end of alley. Player wins by knocking down all the pins.

(i) BEAN BAG. The player tosses or throws a bean bag or a simulated bean bag at cans, bottles or other objects on a raised platform. The player wins a prize when he either knocks the object(s) off the raised platform or tips the targets over.

(9) Any additional games or modification of the games authorized above, must be submitted to the Commission in writing. The Director may temporarily approve any additional games or modification of the games subject to final approval by the Commission.

(10) No other games or variations of games may be played.

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

NEW SECTION

WAC 230-30-065 PUNCHBOARD/PULL TAB PRICE PER PLAY TO BE POSTED. (1) No punchboard or pull tab series shall be placed out for public play unless the cost to the player for each punch or pull tab is clearly posted on the flare.

(2) Once placed out for public play, a punchboard or pull tab series flare may not be modified or otherwise changed, except for the deletion of those prizes valued at five dollars or more as required by WAC 230-30-070.

**WSR 82-13-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 14, 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 standards of assistance for the supplemental security income (SSI) program, amending WAC 388-29-295.

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

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 12, 1982. The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Tuesday, July 27, 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 RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 10:00 a.m., Wednesday, July 27, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 14, 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 388-29-295. The Purpose of the Rule or Rule Change: To increase supplemental security income (SSI) standards. Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

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

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-295 STANDARDS OF ASSISTANCE FOR THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. (1) Standards of SSI assistance paid to eligible individuals and couples by SSA are:

	Standard	Federal SSI Benefit	State Supplement ((Supplemental))
Area I			
Living alone			
Individuals	((303.00)) \$322.60	((264.70)) \$284.30	\$ 38.30
Couples			
Both eligible	((433.30)) 462.80	((397.00)) 426.40	((36.30)) 36.40
With essential person	((433.30)) 462.80	((397.00)) 426.80	36.00
With ineligible spouse	((433.30)) 462.80	((264.70)) 284.30	((168.60)) 178.50
Area II			
Living alone			
Individuals	((282.55)) \$302.15	((264.70)) \$284.30	\$17.85
Couples			
Both eligible	((403.35))	((397.00))	((6.35))

	Standard	Federal SSI Benefit	State ((Supplemental)) Supplement
With essential person	432.85 ((403.35))	426.40 ((397.30))	6.45 6.05
With ineligible spouse	432.85 ((403.35)) 432.85	426.80 ((264.70)) 284.30	((138.65)) 148.55
Shared Living			
Individuals	((189.15)) \$202.22	((176.47)) \$189.54	\$12.68
Couples			
Both eligible	((280.50)) 300.17	((264.67)) 284.27	((15.83)) 15.90
With essential person	((280.50)) 300.17	((264.87)) 284.54	15.63
With ineligible spouse	((280.50)) 300.17	((176.47)) 189.54	((104.03)) 110.63

(2) ((The state supplemental portion of the SSI standards shall be considered as the energy allowance designated by the Washington state legislature for individuals and couples in which both spouses are eligible for SSI.

(3)) These standards are effective July 1, ((1981)) 1982.

WSR 82-13-056

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning diversion of unemployment insurance benefits to satisfy child support obligations.

The formal adoption, amendment, or repeal of such rules will take place at 11:00, Monday, June 14, 1982, in the Commissioner's Conference Room, 212 Maple Park, Olympia, WA 98504.

The authority under which these rules are proposed is chapter 50.40 RCW and chapter 18, Laws of 1982 1st ex. sess.

This notice is connected to and continues the matter in Notice No. WSR 82-09-063 filed with the code reviser's office on April 20, 1982.

Dated: June 7, 1982

By: Norward J. Brooks
commissioner

WSR 82-13-057

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-82-Filed June 14, 1982]

I, Norward J. Brooks, Commissioner, do promulgate and adopt at Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA 98504, the annexed rules relating to diversion of unemployment insurance benefits to satisfy child support obligations.

This action is taken pursuant to Notice No. WSR 82-09-063 filed with the code reviser on April 20, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 50.40 RCW and chapter 18, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED June 14, 1982.

By Norward J. Brooks
Commissioner

NEW SECTION

WAC 192-16-050 DIVERSION OF UNEMPLOYMENT BENEFITS TO SATISFY CHILD SUPPORT OBLIGATIONS. Laws of 1982, 1st ex. sess., chapter 18, section 11, require the department, upon proper notification by a child support agency, to withhold a portion of an individual's unemployment insurance benefits to be transmitted to the child support agency to satisfy child support obligations.

(1) Notification to claimant. The child support agency will serve notice on the claimant of the order to withhold unemployment insurance benefits.

(2) Overpayments. In the event an individual receives benefits to which he is not entitled, and those benefits are recoverable under the provisions of RCW 50.20.190, the overpayment will include the amount withheld and transmitted to the child support agency. The withheld benefits for child support obligations are considered to have been paid to the individual and then paid by the individual to the child support agency.

(3) Erroneous withholding. If an amount greater than the amount which should have been deducted from benefits is paid to the child support agency, that agency shall be responsible for reimbursing the individual claimant for any amount in excess of the amount properly received. If an amount less than the amount which should have been paid to the child support agency is withheld and paid, subsequent benefit entitlement of the claimant will be applied to satisfy the amount underpaid to the child support agency.

(4) Appeal rights. Any appeal regarding the validity of the child support obligation upon which the order to withhold is based including whether the obligation is owed, the total amount of obligation, and the amount to be withheld from benefits and paid over to the child support agency shall be resolved between the claimant and the child support agency. The Employment Security Department will not be responsible for any appeals regarding such matters.

Any appeal regarding the validity of the Employment Security Department's authority to make deductions, the applicable weeks for which the deduction was made, and the accuracy of the amount deducted may be appealed in the same manner in which nonmonetary benefit determinations are appealed. The department's notification

to the claimant shall contain an appeals notice. The laws and regulations relating to benefit appeals shall apply to appeals regarding matters subject to this regulation.

(5) Effective date of withholding. No amount shall be withheld from unemployment benefits paid for weeks prior to the date the notice to withhold is served on the individual, or prior to the date when an agreement to withhold is reached between the individual and the child support agency.

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

WSR 82-13-058
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed June 14, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning definitions relating to RCW 50.04.____, sections 13 and 15, chapter 18, Laws of 1982 1st ex. sess.; definitions relating to use of shop facilities contingent upon compensation, other consideration, RCW 50.04.____, section 20, chapter 18, Laws of 1982 1st ex. sess.; disqualification for leaving work voluntarily, meaning of good cause, RCW 50.20.050(1) and (3); satisfying disqualification under RCW 50.20.050(4) when separation is for reasons of marital status and marriage occurs after date of separation; discharges and suspensions for misconduct, effective date of RCW 50.20.060, discharges for felony or misdemeanor; requalification for regular shareable, extended or additional benefits under RCW 50.20.050(4); good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3), shareable, extended or additional benefits; failure to apply for or accept work under RCW 50.22.020(4)(b), shareable, extended, or additional benefits; disqualification for failing to accept an offer of or to apply for suitable work, shareable, extended, or additional benefits; interpretation of requirements of RCW 50.22.020(5), tangible evidence of a systematic and sustained effort to obtain work, shareable, extended, or additional benefits; special coverage provisions, contract or reasonable assurance defined, RCW 50.44.050(1); special coverage provisions, bona fide notification of intent for substitute teacher, RCW 50.44.050(1);

that such agency will at 9:00 a.m., Tuesday, August 17, 1982, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, August 17, 1982, in the Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

Dated: June 14, 1982
By: Norward J. Brooks
Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-12-015 and 192-12-017 Coverage of Contractors, Barbers and Beauticians.

ESSB 4216, signed into law by Governor Spellman on April 2, 1982, provides additional criteria to be used in determining whether services rendered by any person, firm or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW are to be considered as employment as previously defined in RCW 50.04.100 and also amends RCW 50.24.130 with respect to principal contractor liability. This law also provides additional criteria to be used in determining whether services performed in a barber shop licensed under chapter 18.18 RCW are to be considered employment. The proposed rules will ease administration.

The rules were drafted by Marilyn Dahl, Tax Branch. Her office is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Her office telephone number is 753-1314. Chiefs of Tax Central Office Operations and Tax Field Operations are responsible for the implementation and enforcement of the rules. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 753-5140 and 753-7166.

WAC 192-16-009 Disqualification for Leaving Work Voluntarily—Meaning of Good Cause—RCW 50.20.050(1) and (3). Chapter 18, Laws of 1982 1st ex. sess., amended RCW 50.20.050(3) to limit good cause to work connected reasons. This amendment is effective for all separations occurring on or after July 10, 1982.

WAC 192-16-016 Satisfying Disqualification Under RCW 50.20.050(4) When Separation is for Reasons of Marital Status and Marriage Occurs after Date of Separation. In Yamauchi v. Department of Employment Security, 96 Wn.2d 773 (1982), the Washington State Supreme Court held that an individual who quit work to get married and relocate to a place outside of reasonable commuting distance could be considered as quitting work for reasons of marital status if a causal relationship existed between the voluntary leaving and the marriage. The court additionally held that the claimant who quit before a marriage and move could not in any case benefit from the lesser disqualification of RCW 50.20.050(4) until after the actual marriage and move.

WAC 192-16-019 Discharges and Suspensions for Misconduct—Effective Date of RCW 50.20.060—Discharges for Felony or Misdemeanor. Chapter 18, Laws

of 1982 1st ex. sess., amended RCW 50.20.060 to include gross misdemeanors with felonies and to change the beginning date of disqualification. This amendment is effective for all separations occurring on or after July 10, 1982.

WAC 192-16-036 Requalification for Regular Shareable, Extended or Additional Benefits Under RCW 50.20.050(4). Section 17, chapter 18, Laws of 1982 1st ex. sess., provides that additional benefits will be determined and paid under the same terms and conditions as extended benefits.

WAC 192-16-040 Good Prospects of Obtaining Work Within a Reasonably Short Period of Time Under RCW 50.22.020(3)—Shareable, Extended or Additional Benefits. Section 17, chapter 18, Laws of 1982 1st ex. sess., provides that additional benefits will be determined and paid under the same terms and conditions as extended benefits.

WAC 192-16-042 Failure to Apply for or Accept Work Under RCW 50.22.020(4)(b)—Shareable, Extended or Additional Benefits. Section 17, chapter 18, Laws of 1982 1st ex. sess., provides that additional benefits will be determined and paid under the same terms and conditions as extended benefits.

WAC 192-16-045 Disqualification for Failing to Accept an Offer of or to Apply for Suitable Work—Shareable, Extended or Additional Benefits. Section 17, chapter 18, Laws of 1982 1st ex. sess., provides that additional benefits will be determined and paid under the same terms and conditions as extended benefits.

WAC 192-16-047 Interpretation of Requirements of RCW 50.22.020(5)—Tangible Evidence of a Systematic and Sustained Effort to Obtain Work—Shareable, Extended, or Additional Benefits. Section 17, chapter 18, Laws of 1982 1st ex. sess., provides that additional benefits will be determined and paid under the same terms and conditions as extended benefits.

WAC 192-16-051 Special Coverage Provisions—Contract or Reasonable Assurance Defined—RCW 50.44.040(1). This rule is necessary to insure uniform application of law to complex cases expected to arise at the end of the current school year. RCW 50.44.050(1) is the statute establishing between terms denials for school district employees who perform services in an instructional, research, or principal administrative capacity.

WAC 192-16-055 Special Coverage Provisions—Bona Fide Notification of Intent for Substitute Teacher—RCW 50.44.050(1). This rule is necessary to insure uniform application of law to complex cases expected to arise at the end of the current school year. RCW 50.44.050(1) is the statute establishing between terms denials for school district employees who perform services in an instructional, research, or principal administrative capacity.

The rules were drafted by William Eric Jordan, Technical Services (UI). His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-

5131. Chiefs of Benefit Operations and of Technical Services (UI) are responsible for the implementation and enforcement of the rules. Their office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. Their office telephone numbers are 754-2223 and 753-5170.

NEW SECTION

WAC 192-12-015 DEFINITIONS RELATING TO RCW 50.04. (section 13, chapter 18, Laws of 1982 1st ex. sess. and section 15, chapter 18, Laws of 1982 ex. sess). For the purposes of RCW 50.04. and RCW 50.24.130 Laws of 1982 1st ex. sess., chapter 18, sections 13 and 15.

Definitions:

(1) "Same work" is defined as work performed in the same trade or craft (i.e., carpenters, electricians, etc.).

(2) "At the same time" is defined as occurring concurrently as opposed to the case of one contractor replacing another in the same trade.

(3) "Project" is defined as any work performed under a contract within the scope of a building permit; or, if a building permit is not required, work performed under a contract.

(4) "Separate set of books or records" is defined as records other than those maintained by the contractor for which services are performed.

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

NEW SECTION

WAC 192-12-017 DEFINITIONS RELATING TO USE OF SHOP FACILITIES CONTINGENT UPON COMPENSATION—OTHER CONSIDERATION—RCW 50.04. (section 20, chapter 18, Laws of 1982 1st ex. sess.). Definitions:

(1) "Use of the shop facilities by the individual performing the services is contingent upon compensation to the shop owner" means the exclusive use of all or part of the shop facilities is provided under a written or oral contract for lease or rent payments made by the individual performing the services to the person holding the shop location license. Lease or rent payments may be made on a flat fee or a percentage basis.

(2) "Other consideration" means anything of value that is not specified in the lease or rental agreement for use of the facilities and is provided by the shop owner to the individual performing the services.

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 4-80, filed 8/6/80)

WAC 192-16-009 INTERPRETATIVE REGULATIONS—DISQUALIFICATION FOR LEAVING WORK VOLUNTARILY—MEANING OF GOOD CAUSE—RCW 50.20.050(1) AND (3). (1) General Rule. Except as provided in WAC 192-16-011 and 192-16-013, in order for an individual to establish good cause within the meaning of RCW 50.20.050(1) for leaving work voluntarily it must be satisfactorily demonstrated:

(a) that he or she left work primarily because of a work connected factor(s); and

(b) that said work connected factor(s) was (were) of such a compelling nature as to cause a reasonably prudent person to leave his or her employment; and

(c) that he or she first exhausted all reasonable alternatives prior to termination: PROVIDED, That the individual asserting "good cause" may establish in certain instances that pursuit of the otherwise reasonable alternatives would have been a futile act, thereby excusing the failure to exhaust such reasonable alternatives.

(2) Exceptions. Notwithstanding the provisions of subsection (1) above, neither the distance of the work from the individual's residence, if known at the time of hire (~~and in the judgment of the department; the distance is customarily traveled by workers in the individual's job classification and labor market;~~) nor any other work factor which was generally known and present at the time of hire will provide good

cause for voluntarily leaving work unless the individual (~~((satisfactori-
ty))~~) demonstrates to the satisfaction of the department:

(a) that the distance from the individual's residence at time of hire is substantially greater than the distance customarily traveled by workers in the individual's job classification and labor market; or,

~~((a))~~ (b) that the related work connected circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor; or

~~((b))~~ (c) that other work related circumstances would work an unreasonable hardship on the individual if he or she were required to continue in the employment.

(3) Definitions. For purposes of subsection (2) above:

(a) "distance customarily traveled" means a distance normally traveled by a significant portion of the work force in the individual's job classification in the labor market area;

(b) "generally known" means commonly known without reference to specific cases or individuals; and

(c) "individual's job classification" means the job classification in which the individual was working when the individual voluntarily left work; and

(d) a "labor market" is the geographic area in which those workers in the individual's job classification, living in the vicinity of his or her residence, customarily work; and

(e) "substantial involuntary deterioration" means an actual and considerable worsening of the work factor outside the control of the individual; and

(f) "unreasonable hardship" means a result, not due to the individual's voluntary action, that would cause a reasonable person to leave that employment.

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 192-16-016 INTERPRETIVE REGULATIONS—SATISFYING DISQUALIFICATION UNDER RCW 50.20.050(4) WHEN SEPARATION IS FOR REASONS OF MARITAL STATUS AND MARRIAGE OCCURS AFTER DATE OF SEPARATION. In *Yamauchi v. Department of Employment Security*, 96 Wn.2d 773 (1982), the Washington State Supreme Court held that an individual who leaves work to be married and relocate to a place outside of reasonable commuting distance and who is not married at the time of the leaving does so for reasons of marital status and should be disqualified from benefits pursuant to RCW 50.20.050(4) if there is a causal nexus between the marital status and leaving work. However, the court also ruled that an individual who so leaves work shall not benefit from the lesser disqualification of RCW 50.20.050(4) prior to the date of the marriage and move.

(1) An individual who voluntarily leaves work to marry and relocate to a place outside of reasonable commuting distance has left work for reasons of marital status pursuant to RCW 50.20.050(4) if there is a causal nexus between the marriage and leaving work.

(2) Any individual who leaves work for reasons of marital status as described in subsection (1) above shall be granted no credit toward satisfying the disqualification of benefits under RCW 50.20.050(4) described as the alternate method of satisfying the disqualification in WAC 192-16-017(2), for any week ending prior to marriage or relocation, whichever is the latter.

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

WAC 192-16-019 INTERPRETATIVE, REGULATIONS—DISCHARGES AND SUSPENSIONS FOR MISCONDUCT—EFFECTIVE DATE OF RCW 50.20.060—DISCHARGES FOR FELONY OR MISDEMEANOR (~~((DISCHARGES))~~). ~~((+))~~ Effective Date. The provisions of RCW 50.20.060 as amended by section 5, chapter 33, Laws of 1977 ex. sess. are effective as to all discharges or suspensions occurring on July 3, 1977, and thereafter.

(2) Definitions. "Felony" means every crime which may be defined as such by the applicable state or federal statutes.

(3) Felony Discharge. Any individual who has been discharged because of a felony of which he or she has been convicted or has admitted committing shall be disqualified from receiving any benefits for which base year wage credits are earned in any employment prior to the discharge. PROVIDED, That:

~~(a) the felony must have been connected with the individual's work; and~~

~~(b) the admission must have been made to each and every element of the felony which caused the individual to be discharged; and~~

~~(c) the disqualification begins with the first day of the calendar week in which the individual is either convicted or admits to the felony regardless of the week in which the discharge occurred;))~~

(1) Effective Date. The provisions of RCW 50.20.060 as amended by section 16, chapter 18, Laws of 1982, 1st ex. sess. are effective as to all discharges or suspensions occurring on July 10, 1982, and thereafter.

(2) Definitions.

(a) "Felony" means every crime which may be defined as such by the applicable state or federal statutes.

(b) "Gross Misdemeanor" means every crime which may be defined as such by the applicable state or federal statutes.

(c) A "competent Authority" may be:

(i) a court (including magistrate or court commissioner), prosecuting attorney, or law enforcement agency, or;

(ii) an assistant attorney general or an administrative law judge, or;

(iii) a regulatory agency or professional association charged by statute with maintaining professional standards or codes of conduct, or;

(iv) any other person or body exclusive of the employer with authority to administer disciplinary action with regard to the claimant.

(d) Admissions of commission of a felony or gross misdemeanor to the employer or to an employee of the Employment Security Department are not to be considered admissions to a competent authority for the purposes of RCW 50.20.060(2).

(3) Discharge for felony or gross misdemeanor. Any individual who has been discharged because of a felony or gross misdemeanor of which he or she has been convicted or has admitted committing shall be disqualified from receiving any benefits for which base year wage credits are earned in any employment prior to the discharge.

PROVIDED, That:

(a) the felony or gross misdemeanor must have been connected with the individual's work; and

(b) the admission must have been made to each and every element of the felony or gross misdemeanor which caused the individual to be discharged; and

(c) the admission must have been made to a competent authority, and

(d) the disqualification begins with the first day of the calendar week in which the individual was discharged.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-036 INTERPRETIVE REGULATION—REQUALIFICATION FOR REGULAR SHAREABLE ~~((OR))~~, EXTENDED, OR ADDITIONAL BENEFITS UNDER RCW 50.20.050(4). RCW 50.22.020(7) provides that individuals cannot requalify for regular shareable or extended benefits unless such requalification is based upon employment subsequent to the date of the disqualifying separation.

RCW 50.22 (3) (section 17(3), chapter 18, Laws of 1982, 1st ex. sess.) provides that eligibility for additional benefits shall be determined and paid under the same terms and conditions as extended benefits.

An individual disqualified under RCW 50.20.050(4) who has requalified on the basis of reporting for ten weeks will not be eligible for regular shareable ~~((or))~~, extended, or additional benefits unless such an individual has, subsequent to the disqualifying separation, performed work in each of five weeks earning not less than his or her suspended weekly benefit amount in each of such weeks.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-040 INTERPRETIVE REGULATION—GOOD PROSPECTS OF OBTAINING WORK WITHIN A REASONABLY SHORT PERIOD OF TIME UNDER RCW 50.22.020(3)—SHAREABLE ~~((OR))~~, EXTENDED, OR ADDITIONAL BENEFITS. For the purpose of RCW 50.22.020(3) an individual shall be deemed to have a good prospect for work within a reasonably short period of time if said individual has (1) a definite recall or hire date, within five weeks, or (2) a probable recall or hire date within five weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)**WAC 192-16-042 INTERPRETIVE REGULATION—FAILURE TO APPLY FOR OR ACCEPT WORK UNDER RCW 50.22.020(4)(B)—SHAREABLE ((ØR)), EXTENDED, OR ADDITIONAL BENEFITS.** RCW 50.22.020(4) provides, in part:

"Extended compensation shall not be denied under subsection (1)(a) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if: . . . (b) The position was not offered to such individual in writing and was not listed with the Employment Security Department;"

This section means that a person will be disqualified from receiving extended ((Ør)), shareable, or additional benefits for failure to accept or apply for suitable work, as defined in RCW 50.22.020(3), if the job at issue was either offered to the person in writing or was listed with the Employment Security Department and the other requirements of that subsection have been met.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)**WAC 192-16-045 INTERPRETIVE REGULATION—DISQUALIFICATION FOR FAILING TO ACCEPT AN OFFER OF OR TO APPLY FOR SUITABLE WORK—SHAREABLE ((ØR)), EXTENDED, OR ADDITIONAL BENEFITS.** If, during a week for which an individual has claimed regular shareable ((Ør)), extended, or additional benefits, he or she fails to accept any offer of work or fails to apply for any work to which he or she was referred by the Employment Security Department:

(a) Such individual will be disqualified from benefits under the terms of RCW 50.20.080 if the work was "suitable" under the provisions of RCW 50.20.100 and RCW 50.20.110 and if the individual's failure was without "good cause";

(b) Such individual, if disqualified from benefits under RCW 50.20.080 as provided in subparagraph (a) above, will further be disqualified from regular shareable ((Ør)), extended, and additional benefits under RCW 50.22.020(1)(a) and (2) unless this additional disqualification is precluded by RCW 50.22.020(4);

(c) Such individual may be disqualified from regular shareable or extended benefits under only the provisions of RCW 50.22.020(1)(a) and (2) if the work was not "suitable" under the provisions of RCW 50.20.100 or if the individual had "good cause" in refusing the work.

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 2-81, filed 6/11/81)**WAC 192-16-047 INTERPRETIVE REGULATION—INTERPRETATION OF REQUIREMENTS OF RCW 50.22.020(5)—TANGIBLE EVIDENCE OF A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN WORK—SHAREABLE ((ØR)), EXTENDED, OR ADDITIONAL BENEFITS.** Work search efforts for individuals claiming shareable and extended benefits must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately return to gainful employment.

The completed work search section of the continued claim form which includes the date of work seeking contact, the name of the employer or union involved, and the type of work sought will be considered as tangible but not conclusive evidence of a systematic and sustained effort to obtain work.

An individual engaged in a training program approved by the commissioner in accordance with the requirements of 26 U.S.C. § 3304(a)(8), WAC 192-12-182, and WAC 192-12-184 will be deemed to meet the requirements of RCW 50.22.020(5).

NEW SECTION

WAC 192-16-051 INTERPRETIVE REGULATIONS—SPECIAL COVERAGE PROVISIONS—CONTRACT OR REASONABLE ASSURANCE DEFINED—RCW 50.44.050(1). (1) For the purposes of RCW 50.44.050(1), an individual has a contract to perform services in an instructional, research, or principal administrative capacity if there is a binding obligation on the part of the educational institution to provide such work and a binding obligation on the part of the individual to perform such services.

(2) For the purposes of RCW 50.44.050(1), a reasonable assurance that an individual will perform services in an instructional, research, or

principal administrative capacity requires that the individual be given a bona fide notification of intent to assign him/her work in any such capacity.

NEW SECTION

WAC 192-16-055 INTERPRETIVE REGULATIONS—SPECIAL COVERAGE PROVISIONS—BONA FIDE NOTIFICATION OF INTENT FOR SUBSTITUTE TEACHER—RCW 50.44.050(1). In determining whether a notification of intent for a substitute teacher is bona fide, consideration shall be given, but not necessarily limited to the following factors:

- (1) With respect to the preceding academic year(s) or term(s):
 - (a) Number of full time teaching positions,
 - (b) Student enrollment,
 - (c) Number of schools,
 - (d) Size of substitute list at beginning, during, and end of academic year(s) or term(s),
 - (e) Priorities affecting the assignment of substitute teachers,
 - (f) Average number of substitute teachers assigned each day.
- (2) With respect to the ensuing academic year or term:
 - (a) Projected number of full time teaching positions,
 - (b) Projected student enrollment,
 - (c) Projected number of schools,
 - (d) Projected size of substitute list at beginning, during, and end of academic year(s) or term(s),
 - (e) Priorities affecting the assignment of substitute teachers,
 - (f) Projected average number of substitute teachers assigned each day.

WSR 82-13-059**EMERGENCY RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Order 4-82—Filed June 14, 1982]

I, Norward J. Brooks, Commissioner, do promulgate and adopt at Commissioner's Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA 98504, the annexed rules relating to WAC 192-16-016 satisfying disqualification, under RCW 50.20.050(4) when separation is for reasons of marital status and marriage occurs after date of separation; WAC 192-16-036 requalification for regular shareable, extended or additional benefits under RCW 50.20.050(4); WAC 192-16-040 good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3); WAC 192-16-042 failure to apply for or accept work under RCW 50.22.020(4)(b); WAC 192-16-045 disqualification for failing to accept an offer of or to apply for suitable work; WAC 192-16-047 tangible evidence of a systematic and sustained effort to obtain work; WAC 192-16-051 Special coverage provisions—Contract or reasonable assurance defined—RCW 50.44.050(1); WAC 192-16-055 special coverage provisions, bona fide notification of intent for substitute teacher, RCW 50.44.050(1).

I, Norward J. Brooks, Commissioner, 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 recent amendments to Title 50 RCW require the adoption of these rules. The rules are interpretive.

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

These rules are promulgated pursuant to the following authority: WAC 192-16-016, *Yamauchi v. Department of Employment Security*, 96 Wn.2d 773 (1982); WAC 192-16-036, 192-16-040, 192-16-042, 192-16-045 and 192-16-047, section 17, chapter 18, Laws of 1982 1st ex. sess.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED June 14, 1982.

By Norward J. Brooks
Commissioner

NEW SECTION

WAC 192-16-016 INTERPRETIVE REGULATIONS—SATISFYING DISQUALIFICATION UNDER RCW 50.20.050(4) WHEN SEPARATION IS FOR REASONS OF MARITAL STATUS AND MARRIAGE OCCURS AFTER DATE OF SEPARATION. In *Yamauchi v. Department of Employment Security*, 96 Wn.2d 773 (1982), the Washington State Supreme Court held that an individual who leaves work to be married and relocate to a place outside of reasonable commuting distance and who is not married at the time of the leaving does so for reasons of marital status and should be disqualified from benefits pursuant to RCW 50.20.050(4) if there is a causal nexus between the marital status and leaving work. However, the court also ruled that an individual who so leaves work shall not benefit from the lesser disqualification of RCW 50.20.050(4) prior to the date of the marriage and move.

(1) An individual who voluntarily leaves work to marry and relocate to a place outside of reasonable commuting distance has left work for reasons of marital status pursuant to RCW 50.20.050(4) if there is a causal nexus between the marriage and leaving work.

(2) Any individual who leaves work for reasons of marital status as described in subsection (1) above shall be granted no credit toward satisfying the disqualification of benefits under RCW 50.20.050(4) described as the alternate method of satisfying the disqualification in WAC 192-16-017(2), for any week ending prior to marriage or relocation, whichever is the latter.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-036 INTERPRETIVE REGULATION—REQUALIFICATION FOR REGULAR SHAREABLE ((OR)), EXTENDED, OR ADDITIONAL BENEFITS UNDER RCW 50.20.050(4). RCW 50.22.020(7) provides that individuals cannot requalify for regular shareable or extended benefits unless such requalification is based upon employment subsequent to the date of the disqualifying separation.

RCW 50.22. (3) (section 17(3), chapter 18, Laws of 1982, 1st ex. sess.) provides that eligibility for additional benefits shall be determined and paid under the same terms and conditions as extended benefits.

An individual disqualified under RCW 50.20.050(4) who has requalified on the basis of reporting for ten weeks will not be eligible for regular shareable ((OR)), extended, or additional benefits unless such an individual has, subsequent to the disqualifying separation, performed work in each of five weeks earning not less than his or her suspended weekly benefit amount in each of such weeks.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-040 INTERPRETIVE REGULATION—GOOD PROSPECTS OF OBTAINING WORK WITHIN A REASONABLY SHORT PERIOD OF TIME UNDER RCW 50.22.020(3)—SHAREABLE ((OR)), EXTENDED, OR ADDITIONAL BENEFITS. For the purpose of RCW 50.22.020(3) an individual shall be deemed to have a good prospect for work within a reasonably short period of time if said individual has (1) a definite recall or hire date, within five weeks, or (2) a probable recall or hire date within five weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-042 INTERPRETIVE REGULATION—FAILURE TO APPLY FOR OR ACCEPT WORK UNDER RCW 50.22.020(4)(B)—SHAREABLE ((OR)), EXTENDED, OR ADDITIONAL BENEFITS. RCW 50.22.020(4) provides, in part:

"Extended compensation shall not be denied under subsection (1)(a) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if: . . . (b) The position was not offered to such individual in writing and was not listed with the Employment Security Department,"

This section means that a person will be disqualified from receiving extended ((OR)), shareable, or additional benefits for failure to accept or apply for suitable work, as defined in RCW 50.22.020(3), if the job at issue was either offered to the person in writing or was listed with the Employment Security Department and the other requirements of that subsection have been met.

AMENDATORY SECTION (Amending Order 2-81, filed 6/11/81)

WAC 192-16-045 INTERPRETIVE REGULATION—DISQUALIFICATION FOR FAILING TO ACCEPT AN OFFER OF OR TO APPLY FOR SUITABLE WORK—SHAREABLE ((OR)), EXTENDED, OR ADDITIONAL BENEFITS. If, during a week for which an individual has claimed regular

shareable ((or)), extended, or additional benefits, he or she fails to accept any offer of work or fails to apply for any work to which he or she was referred by the Employment Security Department:

(a) Such individual will be disqualified from benefits under the terms of RCW 50.20.080 if the work was "suitable" under the provisions of RCW 50.20.100 and RCW 50.20.110 and if the individual's failure was without "good cause";

(b) Such individual, if disqualified from benefits under RCW 50.20.080 as provided in subparagraph (a) above, will further be disqualified from regular shareable ((and)), extended, and additional benefits under RCW 20.22.020(1)(a) and (2) unless this additional disqualification is precluded by RCW 50.22.020(4);

(c) Such individual may be disqualified from regular shareable or extended benefits under only the provisions of RCW 50.22.020(1)(a) and (2) if the work was not "suitable" under the provisions of RCW 50.20.100 or if the individual had "good cause" in refusing the work.

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 2-81, filed 6/11/81)

WAC 192-16-047 INTERPRETIVE REGULATION—INTERPRETATION OF REQUIREMENTS OF RCW 50.22.020(5)—TANGIBLE EVIDENCE OF A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN WORK—SHAREABLE ((OR)), EXTENDED, OR ADDITIONAL BENEFITS. Work search efforts for individuals claiming shareable and extended benefits must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately return to gainful employment.

The completed work search section of the continued claim form which includes the date of work seeking contact, the name of the employer or union involved, and the type of work sought will be considered as tangible but not conclusive evidence of a systematic and sustained effort to obtain work.

An individual engaged in a training program approved by the commissioner in accordance with the requirements of 26 U.S.C. § 3304(a)(8), WAC 192-12-182, and WAC 192-12-184 will be deemed to meet the requirements of RCW 50.22.020(5).

NEW SECTION

WAC 192-16-051 INTERPRETIVE REGULATIONS—SPECIAL COVERAGE PROVISIONS—CONTRACT OR REASONABLE ASSURANCE DEFINED—RCW 50.44.050(1). (1) For the purposes of RCW 50.44.050(1), an individual has a contract to perform services in an instructional, research, or principal administrative capacity if there is a binding obligation on the part of the educational institution to provide such work and a binding obligation on the part of the individual to perform such services.

(2) For the purposes of RCW 50.44.050(1), a reasonable assurance that an individual will perform services in

an instructional, research, or principal administrative capacity requires that the individual be given a bona fide notification of intent to assign him/her work in any such capacity.

NEW SECTION

WAC 192-16-055 INTERPRETIVE REGULATIONS—SPECIAL COVERAGE PROVISIONS—BONA FIDE NOTIFICATION OF INTENT FOR SUBSTITUTE TEACHER—RCW 50.44.050(1). In determining whether a notification of intent for a substitute teacher is bona fide, consideration shall be given, but not necessarily limited to the following factors:

(1) With respect to the preceding academic year(s) or term(s):

- (a) Number of full time teaching positions,
- (b) Student enrollment,
- (c) Number of schools,
- (d) Size of substitute list at beginning, during, and end of academic year(s) or term(s),

(e) Priorities affecting the assignment of substitute teachers,

(f) Average number of substitute teachers assigned each day.

(2) With respect to the ensuing academic year or term:

- (a) Projected number of full time teaching positions,
- (b) Projected student enrollment,
- (c) Projected number of schools,
- (d) Projected size of substitute list at beginning, during, and end of academic year(s) or term(s),

(e) Priorities affecting the assignment of substitute teachers,

(f) Projected average number of substitute teachers assigned each day.

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

WSR 82-13-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-64—Filed June 14, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is gear restrictions are needed to partially correct harvest imbalances as mandated by federal court. Wenatchee River mouth definition change conforms Fisheries and Game Departments boundaries. Repeal of bottomfish jigger gear definition needed as it conflicts with current gear restrictions.

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 14, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-56-10500A RIVER MOUTH DEFINITIONS—WENATCHEE RIVER. Notwithstanding the provisions of WAC 220-56-105, the Wenatchee River mouth shall be defined as those waters of the Wenatchee River, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth of the Wenatchee River.

NEW SECTION

WAC 220-56-11500B ANGLING—LAWFUL AND UNLAWFUL ACTS. Notwithstanding the provisions of WAC 220-56-115, (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line while angling in freshwater.

(b) It is lawful to use two lures per line while angling in marine waters for food fish other than salmon.

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound.

(2) It shall be lawful while angling for foodfish in saltwater from piers for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish.

(b) Use a power-operated reel attached to a pole.

(3) It shall be unlawful to take, fish for or possess salmon taken for personal use with handlines (lines not attached to a hand held pole) in Willapa Bay.

NEW SECTION

WAC 220-56-28500C SHAD AND STURGEON—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-128, WAC 220-56-285, and WAC 220-56-300, it shall be unlawful the entire year to take, fish for or possess shad and sturgeon for personal use from the following waters of the Columbia River:

(1) McNary Dam – Waters between the upstream line of the dam and a line projected from the red and

white marker on the Oregon shore through the downstream end of the wingwall of the boat lock to the Washington shore.

(2) John Day Dam – Waters between the upstream line of the dam and a series of lines projected perpendicular to the thread of the river from markers approximately 3,000 feet below the dam, except angling is permitted downstream from a point 400 feet below the entrance of the fishway when angling from the Washington shore.

(3) The Dalles Dam – Waters between the upstream line of the dam and the upstream side of the Interstate Bridge and The Dalles, except that angling is permitted from a point 400 feet below the fishway entrance when angling from the Washington shore.

(4) Bonneville Dam – Waters between the upstream line of the dam and the lowermost Bonneville powerline crossing, except as follows:

(a) Angling for shad is permitted downstream from a point 600 feet below the fishway entrance at the new Bonneville Dam Powerhouse.

(b) Angling for sturgeon is permitted with hand-casted hook-and-line gear from the mainland shore downstream of a line projected from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream of the dam) to the downstream end of Cascade Island and then to the Oregon angling boundary marker on Bradford Island (located approximately 600 feet downstream from the fishway entrance).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-11500A ANGLING—LAWFUL AND UNLAWFUL ACTS (82-29)

WAC 220-56-12800A PERSONAL USE FISHERY—AREAS AND SEASONS (82-21)

WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS—SALMON (82-21)

WAC 220-56-25000A LINGCOD—AREAS AND SEASONS (82-24)

WAC 220-56-260 BOTTOMFISH—LAWFUL GEAR (80-12)

WAC 220-56-28500B SHAD AND STURGEON—AREAS AND SEASONS (82-36)

WAC 220-56-29000A STURGEON ANGLING HOURS (82-21)

WAC 220-56-31000A SHELLFISH—POSSESSION LIMITS (82-24)

WAC 220-56-38000A OYSTERS—AREAS AND SEASONS (82-24)

WAC 220-57-00100A FRESH WATER SEASONS AND BAG LIMITS (82-21)

WAC 220-57-16000T COLUMBIA RIVER (82-21)

WAC 220-57A-06500A DUCK LAKE (82-21)

WAC 220-57A-08200A (UPPER) GOOSE LAKE (GRANT COUNTY) (82-21)

WSR 82-13-061
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-65—Filed June 14, 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 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult 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 15, 1982.

By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-28-203 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective immediately, 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. Effective June 16, 1982, drift gill net gear restricted to 5-7/8 inch maximum mesh.

*Areas 5, 6C - Closed to all net gear through June 15, 1982, and all troll-caught chinook over 30 inches in length must be released through June 15, 1982. Effective June 16, 1982, drift gill net gear restricted to 5-7/8 inch maximum mesh.

*Areas 6, 6A, 7D - Closed to all net gear through June 15, 1982 and all troll-caught chinook over 30 inches in length must be released through June 15, 1982. Effective June 16, 1982, all gill net gear restricted to 5-7/8 inch maximum mesh.

*Areas 7 and 7A - Closed to net gear except gill nets through June 15, 1982. 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 15, 1982. Effective June 16, 1982, all gill net gear restricted to 5-7/8 inch maximum mesh.

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 of 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 as the Washington Administrative Code is repealed:

WAC 220-28-202 Puget Sound Commercial Fishery Restrictions (82-54).

WSR 82-13-062

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed June 16, 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 additional qualifications for pilot applicants and licensing of pilots.

that such agency will at 9:00 a.m., Thursday, July 8, 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 88.16.090.

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 9:00 a.m., Thursday, July 8, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-09-060 filed with the code reviser's office on April 19, 1982.

Dated: June 16, 1982
By: Judith L. Weigand
Assistant Attorney General

WSR 82-13-063
PROPOSED RULES
COMMUNITY COLLEGE
DISTRICT 17
[Filed June 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Community College District 17 intends to adopt, amend, or repeal rules concerning collective bargaining regarding tenure.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, July 13, 1982, in the Board Room, North 2000 Greene Street, Spokane, WA 99207.

The authority under which these rules are proposed is RCW 28B.50.852 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Thursday, July 1, 1982, and/or orally at 1:30 p.m., Tuesday, July 13, 1982, Board Room, North 2000 Greene Street, Spokane, WA 99207.

This notice is connected to and continues the matter in Notice No. WSR 82-08-018 filed with the code reviser's office on March 29, 1982.

Dated: June 11, 1982
By: C. Nelson Grote
District President

WSR 82-13-064
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Order 82-3, Resolution No. 82-3—Filed June 16, 1982]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to tariffs and pilotage rules, Puget Sound Pilotage District, WAC 296-116-185.

We, the Board of Pilotage Commissioners, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the

proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an annual adjustment in pilotage rates is required effective June 10, 1982. Due to delay while considering the permanent rule, the permanent rule cannot be implemented by June 10, 1982. Accordingly, this emergency rule is necessary.

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

This rule is promulgated pursuant to RCW 88.16.035(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 10, 1982.
By Ralph E. White
Chairman

AMENDATORY SECTION (Amending Order 81-2, Resolution 81-2, filed 5/29/81)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on ((June 1, 1981)) June 15, 1982, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding Fee:	((\$20.00)) <u>\$22.00</u>

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

Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	Double LOA Zone I
LOA of tug + LOA of tow + beam of tow	
<i>Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from</i>	

CLASSIFICATION	RATE	CLASSIFICATION	RATE
dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.		Cancellation Charge	LOA Zone I
		Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Waterway and Bridge Charges:		Docking Delay after Anchoring:	((53.00)) <u>59.00</u>
Ships up to 90' beam:		Applicable Harbor Shift rate to apply, plus ((53.00)) <u>\$59.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) <u>\$59.00</u> for every hour or fraction thereof.	
A charge of ((99.00)) <u>\$110.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ((47.00)) <u>\$52.00</u> per bridge.		Sailing Delay	((53.00)) <u>59.00</u> per hour
Ships 90' beam and/or over:		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) <u>\$59.00</u> for every hour or fraction thereof.	
A charge of ((133.00)) <u>\$147.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ((93.00)) <u>\$103.00</u> per bridge.			((53.00)) <u>59.00</u> per hour
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)		Slow-Down — ((53.00)) <u>\$59.00</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.		Super Ships — Additional charge to LOA zone mileage of ((0.0329)) <u>\$0.0365</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((0.0394)) <u>\$0.0437</u> per gross ton.	
Compass Adjustment	((32.00)) <u>146.00</u>	Delayed Arrival Port Angeles	((53.00)) <u>59.00</u> per hour
Radio Direction Finder Calibration	((32.00)) <u>146.00</u>	(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA.)	
Launching Vessels	((98.00)) <u>219.00</u>	Transportation to vessels on Puget Sound:	
Trial Trips, 6 hours or less	((53.00)) <u>59.00</u> per hr.	March Point or Anacortes	\$96.00
(Minimum ((318.00)) <u>\$352.00</u>)		Bangor	56.00
Trial Trips, over 6 hours (two pilots)	((06.00)) <u>117.00</u> per hr.	Bellingham	106.00
Shilshole Bay — Salmon Bay	((77.00)) <u>85.00</u>	Bremerton	29.00
Salmon Bay — Lake Union	((61.00)) <u>68.00</u>	Cherry Point	125.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((77.00)) <u>85.00</u>	Dupont	56.00
		Edmonds	20.00
		Everett	36.00
		Ferndale	115.00
		Manchester	44.00
		Mukilteo	35.00
		Olympia	72.00
		Point Wells	20.00
		Port Gamble	51.00

CLASSIFICATION

RATE

Port Townsend (Indian Island)	73.00
Semiahmoo (Blaine)	131.00
Tacoma	37.00
Tacoma Smelter	42.00
Winslow	29.00

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

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

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

LOA RATE SCHEDULE

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

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-51 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 499	(93)	(145)	(252)	(378)	(510)	(663)
450 - 459	(95)	(148)	(254)	(384)	(516)	(666)
460 - 469	(98)	(151)	(257)	(390)	(524)	(668)
470 - 479	(101)	(154)	(260)	(398)	(532)	(670)
480 - 489	(103)	(157)	(262)	(404)	(538)	(673)
490 - 499	(106)	(159)	(265)	(411)	(537)	(677)
500 - 509	(109)	(162)	(269)	(418)	(541)	(681)
510 - 519	(111)	(166)	(272)	(424)	(546)	(683)
520 - 529	(113)	(172)	(277)	(427)	(551)	(689)

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-51 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
530 - 539	(130)	(194)	(311)	(430)	(559)	(696)
540 - 549	(132)	(197)	(316)	(435)	(569)	(702)
550 - 559	(135)	(202)	(319)	(448)	(573)	(708)
560 - 569	(140)	(208)	(325)	(444)	(579)	(716)
570 - 579	(143)	(212)	(329)	(449)	(585)	(722)
580 - 589	(149)	(215)	(334)	(449)	(589)	(729)
590 - 599	(155)	(219)	(337)	(452)	(596)	(736)
600 - 609	(161)	(226)	(341)	(454)	(603)	(741)
610 - 619	(170)	(229)	(347)	(458)	(610)	(748)
620 - 629	(177)	(233)	(351)	(462)	(617)	(755)
630 - 639	(187)	(237)	(355)	(462)	(622)	(762)
640 - 649	(195)	(243)	(359)	(465)	(629)	(769)
650 - 659	(206)	(247)	(365)	(467)	(636)	(776)
660 - 669	(212)	(250)	(369)	(470)	(642)	(781)
670 - 679	(217)	(255)	(372)	(477)	(650)	(788)
680 - 689	(223)	(260)	(377)	(483)	(656)	(795)
690 - 699	(229)	(265)	(382)	(491)	(663)	(802)
700 - 719	(240)	(273)	(390)	(497)	(675)	(820)
720 - 739	(253)	(282)	(399)	(504)	(689)	(834)
740 - 759	(265)	(294)	(408)	(510)	(702)	(848)
760 - 779	(276)	(306)	(417)	(516)	(716)	(861)
780 - 799	(288)	(317)	(426)	(524)	(729)	(875)
800 - 819	(299)	(329)	(434)	(530)	(741)	(888)
820 - 839	(311)	(340)	(443)	(537)	(755)	(900)
840 - 859	(324)	(352)	(452)	(543)	(769)	(914)
860 - 879	(335)	(365)	(461)	(557)	(781)	(928)
880 - 899	(347)	(376)	(470)	(570)	(795)	(940)
900 - 919	(358)	(388)	(478)	(583)	(809)	(954)
920 - 939	(370)	(399)	(488)	(596)	(820)	(968)
940 - 959	(382)	(411)	(495)	(610)	(834)	(979)
960 - 979	(393)	(423)	(505)	(622)	(848)	(993)
980 - 999	(406)	(434)	(513)	(636)	(861)	(1007)
1000 & over	(417)	(447)	(523)	(650)	(875)	(1020)

WSR 82-13-065

ADOPTED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Order 82-4, Resolution No. 82-4—Filed June 16, 1982]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it

does promulgate and adopt the annexed rules relating to tariffs and pilotage rules, Puget Sound Pilotage District, WAC 296-116-185.

This action is taken pursuant to Notice Nos. WSR 82-08-062 and 82-12-033 filed with the code reviser on April 7, 1982 and May 27, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 10, 1982.

By Ralph E. White
Chairman

AMENDATORY SECTION (Amending Order 81-2, Resolution 81-2, filed 5/29/81)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on ~~((June 1, 1981))~~ June 15, 1982, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	(((\$20.00)) <u>\$22.00</u>
Per each boarding/deboarding at the Port Angeles Pilot station. ((Note: The boarding fee is for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$9.50 of the fee shall be for amortization; \$10.50 shall be toward expenses. When both boats are amortized the \$9.50 portion of the boarding fee shall be terminated.))	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	Double LOA Zone I
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or	

CLASSIFICATION	RATE
from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and Bridge Charges:	
Ships up to 90' beam:	
A charge of (((\$99.00)) <u>\$110.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of (((\$47.00)) <u>\$52.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of (((\$133.00)) <u>\$147.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (((\$93.00)) <u>\$103.00</u> per bridge.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.	
Compass Adjustment	(((\$32.00)) <u>146.00</u>
Radio Direction Finder Calibration	(((\$32.00)) <u>146.00</u>
Launching Vessels	(((\$98.00)) <u>219.00</u>
Trial Trips, 6 hours or less	(((\$3.00)) <u>59.00</u> per hr.
(Minimum (((\$318.00)) <u>\$352.00</u>)	
Trial Trips, over 6 hours (two pilots)	(((\$106.00)) <u>117.00</u> per hr.
Shilshole Bay — Salmon Bay	(((\$7.00)) <u>85.00</u>
Salmon Bay — Lake Union	(((\$61.00)) <u>68.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	(((\$7.00)) <u>85.00</u>
Cancellation Charge	LOA Zone I

CLASSIFICATION	RATE
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring:	((53.00)) <u>59.00</u>
Applicable Harbor Shift rate to apply, plus ((53.00)) \$59.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) \$59.00 for every hour or fraction thereof.	
Sailing Delay	((53.00)) <u>59.00</u> per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) \$59.00 for every hour or fraction thereof.	
	((53.00)) <u>59.00</u> per hour
Slow-Down — ((53.00)) \$59.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	
Super Ships — Additional charge to LOA zone mileage of ((50.0329)) \$0.0365 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((50.0394)) \$0.0437 per gross ton.	
Delayed Arrival Port Angeles	((53.00)) <u>59.00</u> per hour
(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA.)	
Transportation to vessels on Puget Sound:	
March Point or Anacortes	\$96.00
Bangor	56.00
Bellingham	106.00
Bremerton	29.00
Cherry Point	125.00
Dupont	56.00
Edmonds	20.00
Everett	36.00
Ferndale	115.00
Manchester	44.00
Mukilteo	35.00
Olympia	72.00
Point Wells	20.00
Port Gamble	51.00
Port Townsend (Indian Island)	73.00

CLASSIFICATION	RATE
Semiahmoo (Blaine)	131.00
Tacoma	37.00
Tacoma Smelter	42.00
Winslow	29.00

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

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

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

LOA RATE SCHEDULE

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

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-51 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 499	((93)) 103	((145)) 161	((252)) 279	((378)) 419	((518)) 565	((663)) 735
450 - 459	((95)) 105	((148)) 164	((254)) 282	((384)) 426	((526)) 572	((676)) 738
460 - 469	((98)) 109	((151)) 167	((257)) 285	((398)) 432	((534)) 581	((688)) 740
470 - 479	((101)) 112	((154)) 171	((260)) 288	((404)) 441	((544)) 584	((698)) 743
480 - 489	((103)) 114	((157)) 174	((262)) 290	((404)) 448	((544)) 589	((698)) 746
490 - 499	((106)) 117	((159)) 176	((265)) 294	((411)) 456	((557)) 595	((707)) 750
500 - 509	((109)) 121	((162)) 180	((269)) 298	((418)) 464	((564)) 600	((714)) 755
510 - 519	((111)) 123	((166)) 184	((272)) 301	((424)) 470	((574)) 605	((724)) 757
520 - 529	((113)) 125	((172)) 191	((277)) 307	((431)) 473	((584)) 611	((734)) 764
530 - 539	((117)) 130	((175)) 194	((281)) 311	((438)) 477	((594)) 620	((744)) 771

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-51 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
540 - 549	(119) 132	(178) 197	(285) 316	(435) 482	(569) 631	(702) 778
550 - 559	(122) 135	(182) 202	(288) 319	(440) 488	(573) 635	(708) 785
560 - 569	(126) 140	(188) 208	(293) 325	(444) 492	(579) 642	(716) 794
570 - 579	(129) 143	(191) 212	(297) 329	(446) 494	(585) 648	(722) 800
580 - 589	(134) 149	(194) 215	(301) 334	(449) 498	(589) 653	(729) 808
590 - 599	(140) 155	(198) 219	(304) 337	(452) 501	(596) 661	(736) 816
600 - 609	(145) 161	(204) 226	(308) 341	(454) 503	(603) 668	(741) 821
610 - 619	(153) 170	(207) 229	(313) 347	(458) 507	(610) 676	(748) 829
620 - 629	(160) 177	(210) 233	(317) 351	(460) 510	(617) 684	(755) 837
630 - 639	(169) 187	(214) 237	(320) 355	(462) 512	(622) 689	(762) 845
640 - 649	(176) 195	(219) 243	(324) 359	(465) 515	(629) 697	(769) 852
650 - 659	(186) 206	(223) 247	(329) 365	(467) 518	(636) 705	(776) 860
660 - 669	(191) 212	(226) 250	(333) 369	(470) 521	(642) 712	(781) 866
670 - 679	(196) 217	(230) 255	(336) 372	(477) 529	(650) 720	(788) 873
680 - 689	(201) 223	(235) 260	(340) 377	(483) 535	(656) 727	(795) 881
690 - 699	(207) 229	(239) 265	(345) 382	(491) 544	(663) 735	(802) 897
700 - 719	(217) 240	(246) 273	(352) 390	(497) 551	(675) 748	(820) 909
720 - 739	(228) 253	(254) 282	(360) 399	(504) 559	(689) 764	(834) 924
740 - 759	(239) 265	(265) 294	(368) 408	(510) 565	(702) 778	(848) 940
760 - 779	(249) 276	(276) 306	(376) 417	(516) 572	(716) 794	(861) 954
780 - 799	(260) 288	(286) 317	(384) 426	(524) 581	(729) 808	(875) 970
800 - 819	(270) 299	(297) 329	(392) 434	(530) 587	(741) 821	(888) 984
820 - 839	(281) 311	(307) 340	(400) 443	(537) 595	(755) 837	(900) 997
840 - 859	(292) 324	(318) 352	(408) 452	(543) 602	(769) 852	(914) 1013
860 - 879	(302) 335	(329) 365	(416) 461	(557) 617	(781) 866	(928) 1028
880 - 899	(313) 347	(339) 376	(424) 470	(570) 632	(795) 881	(940) 1042
900 - 919	(323) 358	(356) 388	(431) 478	(583) 646	(809) 897	(954) 1057
920 - 939	(334) 370	(360) 399	(440) 488	(596) 661	(820) 909	(968) 1073
940 - 959	(345) 382	(371) 411	(447) 495	(610) 676	(834) 924	(979) 1085
960 - 979	(355) 393	(382) 423	(456) 505	(622) 689	(848) 940	(993) 1101
980 - 999	(366) 406	(392) 434	(463) 513	(636) 705	(861) 954	(1007) 1116
1000 & over	(376) 417	(403) 447	(472) 523	(650) 720	(875) 970	(1020) 1130

amend, or repeal rules concerning the amending of WAC 480-12-031; adopting 480-12-081 and 480-12-082; and repealing 480-12-096 relating to commercial zones under chapter 81.80 RCW. The proposed changes are shown below as Appendix A, Cause No. TV-1627. Written and/or oral submissions may also contain data, views, and arguments concerning the effects of the proposed changes on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, July 28, 1982, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040, 81.80.130, 81.80.400 and 81.80.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 23, 1982, and/or orally at 8:00 a.m., Wednesday, July 28, 1982, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: June 16, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-031, adopting 480-12-081 and 480-12-082 and repealing 480-12-096 relating to commercial zones under chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.130, 81.80.400 and 81.80.410 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to define commercial zones and terminal areas.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone: (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 81.80-130, 81.80.400 and 81.80.410.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

WSR 82-13-066
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed June 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt,

APPENDIX A

AMENDATORY SECTION (Amending Order R-96, filed 5/4/77)

WAC 480-12-031 PETITION TO AMEND PERMIT TO INCORPORATE COMMERCIAL ZONE AUTHORITY. ((+)) Any common carrier ((of general freight who in the usual and ordinary course of his business during the past twelve months immediately preceding the designation by commission order of a commercial zone has served as an intercity carrier of general freight between any two cities in such zone shall notify the commission of such fact within ninety days of such designation or July 11, 1977, whichever period may be longer.

(2) Such notification shall be in the form of a petition to the commission to amend the carrier's permit to reflect the authority to serve as a common carrier of general freight between any points in a designated commercial zone. Such petition shall be made on forms furnished by the commission, shall contain all the information required therein, and shall be accompanied by sworn, notarized statements and copies of freight bills and/or bills of lading in support of the petition. Notice of receipt of said petition will be published in an addendum to the commission's weekly application docket. Facts set out in such petition or in any accompanying documents or exhibits may be challenged by protest filed with the commission or on the commission's own motion within 20 days of notice of receipt of such petition being published in the commission's weekly application docket. Any petition failing to demonstrate the necessary factual prerequisite to commercial zone authority under this rule and RCW 81.80.400 may be denied after hearing. Failure to make such petition to the commission as provided for herein shall constitute an abandonment of any rights a carrier may possess to serve as a common carrier of general freight between any points within a designated commercial zone other than such authority as may be) who has authority to transport general freight between two points in a commercial zone as defined in WAC 480-12-081 may petition the commission to amend its permit to include commercial zone authority. Common carriers who desire this amendment must notify the commission within sixty days of the effective date of these rules. The petition must be on a form provided by the commission and must be accompanied by an administrative fee of one hundred fifty dollars. Failure to petition the commission as provided for herein shall constitute an abandonment of any right to serve as a common carrier of general freight within the commercial zone, except for those areas already explicitly authorized in the carrier's existing permit.

NEW SECTION

WAC 480-12-081 COMMERCIAL ZONES DEFINED. (1) The commercial zone restrictions apply to the transportation of intrastate general freight from a point within a commercial zone to another point within the same commercial zone, as long as the freight is not a part of a continuous shipment to or from a point beyond the commercial zone. All commercial zone carriers are subject to chapter 81.80 RCW, chapter 480-12 WAC and the adopted Federal Motor Carrier Safety Regulations. With the exceptions of those commercial zones individually defined, commercial zones include all points within the following defined areas:

- (a) The municipality itself, hereinafter call the base municipality;
- (b) All municipalities which are contiguous to the base municipality;
- (c) All other municipalities and all unincorporated areas within the state of Washington which are adjacent to the base municipality as follows:

(i) When the base municipality has a population of ten thousand or more but less than twenty-five thousand all unincorporated areas within four miles of its corporate limits and all of any other municipality any part of which is within four miles of the corporate limits of the base municipality: PROVIDED, HOWEVER, That no such municipality is exempted by RCW 81.80.040(2).

(ii) When the base municipality has a population of twenty-five thousand but less than one hundred thousand all unincorporated areas within six miles of its corporate limits and all of any other municipality any part of which is within six miles of the corporate limits of the base municipality: PROVIDED, HOWEVER, That no such municipality is exempted by RCW 81.80.040(2).

(iii) When the base municipality has a population of one hundred thousand but less than two hundred thousand all unincorporated areas within eight miles of its corporate limits and all of any other municipality any part of which is within eight miles of the corporate limits of the base municipality.

(iv) When the base municipality has a population of two hundred thousand or more all unincorporated areas within ten miles of its corporate limits and all of any other municipality any part of which is within ten miles of the corporate limits of the base municipality.

(d) All municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of (c) of this subsection.

(2) The commercial zone of Seattle includes all points within the following defined areas:

(a) The municipality of Seattle itself;

(b) All points within a line drawn fifteen miles beyond the municipal limits of Seattle;

(c) Those points in King county which are not within the area described in (b) of this subsection and which are west of a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction of Washington Highway 203, thence northerly along Washington Highway 203 to the King county line; and those points in Snohomish county, which are not within the area described in (b) of this subsection and which are west of Washington Highway 9; and those points in Kitsap county which are not within the area described in (b) of this subsection lying within the area bounded by a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in (b) of this subsection;

(d) All on any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this subsection.

(3) The commercial zone of Spokane includes all points within the following defined area:

(a) The municipality of Spokane itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Spokane;

(c) All points within that area more than eight miles beyond the municipal limits of Spokane bounded by a line as follows: From the intersection of the line described in (b) of this subsection and U.S. Highway 2, thence westerly along U.S. Highway 2 to junction of Brooks Road, thence southerly along Brooks Road to junction of Hallett Road, thence easterly along Hallett Road to its intersection with the line described in (b) of this subsection;

(d) All of any municipality any part of which is within the limits of the combined areas in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded by the municipality of Spokane or any other municipality included under the terms of (d) of this subsection.

(4) The commercial zone of Tacoma includes all points within the following defined area:

(a) The municipality of Tacoma itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Tacoma;

(c) Those points in Pierce county which are not within the area described in (b) of this subsection, but which are on Washington Highway 162 beginning at its intersection with the line described in (b) of this subsection, extending to and including Orting and all points within the Orting Commercial Zone;

(d) All of any municipality any part of which is within the limits of the combined area defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Tacoma or any other municipality included under the terms of (d) of this subsection.

(5) For the purposes of this section, the population of a municipality shall be computed on the highest decennial census since, and including, the 1980 decennial census.

(6) For the purposes of this section, the distances shall be computed according to air miles.

NEW SECTION

WAC 480-12-082 **TERMINAL AREAS DEFINED.** (1) The terminal area includes all points within the corresponding commercial zone as defined in WAC 480-12-081, but not beyond the carrier's authority.

(2) This rule only applies to line haul carriers who have the authority to ship to and/or from a terminal area.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-12-096 **SEATTLE COMMERCIAL ZONE DEFINED.**

WSR 82-13-067
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed June 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning WAC 480-80-125 relating to notice by utilities to customers concerning hearing. The proposed amendatory section is attached to the original notice of which this is a continuation, Cause No. U-82-03. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 23, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency orally at 8:00 a.m., Wednesday, June 23, 1982, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.

This notice is connected to and continues the matter in Notice Nos. WSR 82-05-047, 82-07-092 and 82-10-066 filed with the code reviser's office on February 17, 1982, March 24, 1982, and May 5, 1982.

Dated: June 16, 1982

By: Barry M. Mar
 Secretary

WSR 82-13-068**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 106, Resolution No. 115—Filed June 16, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate

and adopt the annexed rules relating to chapter 314-38 WAC, permits and WAC 314-38-010, special permits to consume liquor on the premises of a business not licensed under Title 66 RCW.

This action is taken pursuant to Notice No. WSR 82-10-070 filed with the code reviser on May 5, 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 Liquor Control Board as authorized in RCW 66.08.030 and 66.20.010.

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 16, 1982.

By Robert D. Hannah
 Chairman

Chapter 314-38 WAC
PERMITS

WAC

314-38-010 Special permit to consume liquor on the premises of a business not licensed under Title 66 RCW.

NEW SECTION

WAC 314-38-010 **SPECIAL PERMIT TO CONSUME LIQUOR ON THE PREMISES OF A BUSINESS NOT LICENSED UNDER TITLE 66 RCW.**

(1) The special permit provided by RCW 66.20.010(4) to consume liquor on the premises of a business not licensed under Title 66 RCW shall only be issued to businesses at which the service and consumption of liquor is incidental to, and does not form a portion of, the service the business is engaged in producing or marketing. The permit shall not be used by the holder thereof for purposes of stimulating or increasing business from the general public.

(2) Each permit shall be issued for a period of twelve months from the first day of the month in which it is issued. The fee for each permit issued shall be five hundred dollars.

(3) The permit shall be issued for, and service and consumption of liquor will be limited to, specified hospitality rooms and/or dining rooms which shall be on the premises of the business applying for the permit. A separate permit is required for each business premises at which liquor is to be served or consumed. The general public shall not be permitted in the hospitality or dining room at any time during the service or consumption of liquor.

(4) The permit will authorize the service and consumption of liquor, without charge, by employees and invited guests of the business holding the permit. No sale of liquor will be authorized in any manner, whether by scrip, donation, contribution, or otherwise. No charge of any kind may be made by the permittee to invited guests

for admission to the hospitality or dining room, or for any meals or other services provided to them in the hospitality or dining room.

(5) All liquor served or consumed under the permit shall be purchased from a Washington state licensed retailer or a Washington state liquor store or agency at full retail price.

(6) The permit shall be issued in the name of the business applying for it, and that business shall not allow any other person, business, or organization to utilize the permit. The issuance of any permit by the board shall not be construed as granting a vested right in any of the privileges so conferred, and a misrepresentation of fact found to have been made by the applicant or permittee shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of a permit application or for the revocation or suspension of any permit issued by the board.

WSR 82-13-069

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 107, Resolution No. 116—Filed June 16, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

New WAC 314-16-195 Class H restricted—Qualifications.
Amd WAC 314-40-010 Operations under retail licenses.

This action is taken pursuant to Notice No. WSR 82-10-069 filed with the code reviser on May 5, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED June 16, 1982.

By Robert D. Hannah
Chairman

NEW SECTION

WAC 314-16-195 CLASS H RESTRICTED—QUALIFICATIONS. (1) Class H restricted licensees shall govern their operations in selling liquor in accordance with the regulations set forth in Title I and II. Such licensees may sell liquor in accordance with these regulations, only to members, invited guests, and holders of cards as authorized by subsection (3) of this section. Class H restricted licensees shall not be prohibited from renting, leasing, or donating all or a portion of their facilities for, or making services available to, an activity

where the public is invited or admitted under the conditions specified in subsection (4) of this section.

(2)(a) Applications for new class H restricted licenses shall be on forms prescribed by the board and shall be accompanied by proof that:

(i) The business has been in operation for at least one year immediately prior to the date of its application. Such proof should include records of membership as well as an indication as to numbers and types of membership.

(ii) Membership or admission will not be denied to any person because of race, creed, color, national origin, sex or the presence of any sensory, mental or physical handicap.

(b) Applications for renewal shall be made on forms prescribed by the board and shall be accompanied by such information as the board may request.

(c) Class H restricted applicants and licensees must meet the provisions of WAC 314-16-190(1), (2), (3), (4), (5) and (7).

(3)(a) Guest privilege cards may be issued only as follows:

(i) For class H restricted licensees within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town.

(ii) For class H restricted licensees outside of any city or town only to those persons residing outside an area fifteen miles from the location of such licensee: PROVIDED, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area.

(iii) Such guest privilege cards shall be issued for a reasonable period and must be numbered serially, with a record of the issuance of each such card to be filed on the licensed premises in such a manner as to be readily accessible for inspection.

(iv) The mileage restrictions in (i) and (ii) of this subsection may be waived for special events upon written approval of the board.

(b) Guests may be introduced when accompanied at all times by a member and may remain as long as such member is present: PROVIDED, That any such guest may only enjoy the privileges of the organization a reasonable number of times in any one calendar year.

(c) Persons who are members in good standing of a licensed class H restricted organization may enjoy the privileges of any other licensed class H restricted organization: PROVIDED, That the operating rules of such organization authorize reciprocal privileges: PROVIDED, FURTHER, That (a) and (b) of this subsection shall not apply to members of such organizations while exercising reciprocal privileges.

(4) If the licensee at any time rents any portion of the premises for any purpose other than to their membership or at any time holds any function within the premises to which the public is generally invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein except for bona fide members and guests. If the premises does not have an area which can be so closed, then no liquor service whatever may be permitted during the entire

time when such activity is taking place or when the public is generally admitted in the premises.

AMENDATORY SECTION (Amending Order 23, filed 7/3/73)

WAC 314-40-010 OPERATIONS UNDER RETAIL LICENSES. Clubs operating under any class of retail license shall govern their operations in selling liquor in accordance with the regulations set forth in Title II, applicable to all retail licensees, except as otherwise specifically provided in this title. Such clubs may sell liquor only to members, visitors and guests as specified in these regulations. Licensed clubs shall not be prohibited from renting, leasing or donating all or a portion of their facilities for, or making services available to, a non-club activity where the public is invited or admitted under conditions as permitted by ~~((WAC 314-14-080))~~ WAC 314-40-080.

WSR 82-13-070
ADOPTED RULES
GAMBLING COMMISSION
 [Order 122—Filed June 17, 1982]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to copying, amending WAC 230-60-045.

This action is taken pursuant to Notice No. WSR 82-08-050 filed with the code reviser on April 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

WAC 230-60-045 is promulgated pursuant to RCW 42.17.290, 42.17.300 and 9.46.070(14) and is intended to administratively implement those statutes.

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

APPROVED AND ADOPTED June 11, 1982.

By Keith Kisor
 Director

AMENDATORY SECTION (Amending Order 93, filed 10/19/79)

WAC 230-60-045 COPYING. A fee, determined by actual cost for time and services rendered, for inspection of public records, may be charged. The commission shall charge a fee in the amount necessary to reimburse the commission for its actual costs incidental to providing copies of public records, except as noted in the following schedule of fees: PROVIDED, HOWEVER, That at the discretion of the director, or his designee, governmental agencies may be excluded from the payment of the fee for such service. The schedule of charges is:

ITEM	FEE
Copy of license application, supporting documents, correspondence, minutes of commission meetings, licenses approval list, list of commission licensees, reports required to be filed by the licensees on a periodic basis concerning the operation of licensed activity, commission legislative reports, and other similar material	\$.25 cents per page for first 10 pages, \$.10 cents per page for any pages thereafter
Application for license(s) and/or supporting forms	No fee
Letter of certification to accompany copy of record or document. (Governmental agencies - no fee)	\$2.00
Specially produced listing, magnetic tapes, or labels	Cost of services, including overhead
Record look up	No charge for requests taking five minutes or less, actual cost including overhead, for single requests or a combination of multiple requests taking longer than five minutes to complete
Postal charges	Actual cost
((Manual of commission rules (Includes supplemental mailings for licensees and governmental agencies and for others who make specific request therefor)))	((\$4.00 PROVIDED, That there shall be no fee for commission licensees and governmental agencies up to two copies. The director may waive the fee for law enforcement agencies for copies above two upon a showing such agencies will actively use them))

WSR 82-13-071
DEPARTMENT OF LICENSING
(Securities Division)
 [Memorandum—Filed June 17, 1982]

FROM: Martin Cordell
 Securities Division

RE: Error in CR-1 of WSR 82-12-070

We filed a CR-1, Notice No. WSR 82-12-070 that contained an error which we would like to have acknowledged and corrected in the upcoming register.

The error was as follows: In the short description of the rule in the CR-1, WAC 460-46A-040, it should read "limiting maximum number of purchasers under exemption to twenty-five . . ." rather than seventy-five as stated (changes underlined).

The statement of purpose of rule which accompanied the CR-1 contains the same error. Item IV(5) should read "limiting maximum number of purchasers under exemption to twenty-five . . ." (changes underlined).

The text in the rule itself is correct and reads "twenty-five" so no change is required there.

WSR 82-13-072
ATTORNEY GENERAL OPINION
 Cite as: **AGLO 1982 No. 15**
 [June 17, 1982]

OFFICES AND OFFICERS—STATE—SUPERINTENDENT OF PUBLIC INSTRUCTION—ADMINISTRATIVE LAW—SCHOOLS—INTER-DISTRICT STUDENT TRANSFERS

After July 1, 1982, the hearing contemplated by WAC 392-137-060, relating to the approval of inter-district student transfers by the State Superintendent of Public Instruction, will have to be conducted by an administrative law judge in accordance with the provisions of chapter 34.12 RCW unless the hearing is conducted, instead, by the Superintendent of Public Instruction himself.

Requested by:
 Honorable Frank Brouillet
 Superintendent of Public Instruction
 Old Capitol Building
 Olympia, Washington 98504

WSR 82-13-073
EMERGENCY RULES
BOARD OF HEALTH
 [Order 241—Filed June 18, 1982]

Be it resolved by the Washington State Board of Health, acting at Vancouver, Washington, that it does

promulgate and adopt the annexed rules relating to required approval for occupancy after completion of new construction, amending WAC 248-18-025.

We, the Washington State Board of Health, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an emergency exists due to budget shortages and personnel reductions. Inspections of hospital construction are no longer available.

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

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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 16, 1982.
 By John A. Beare, MD
 Secretary

AMENDATORY SECTION (Amending Order 123, filed 3/18/76)

WAC 248-18-025 REQUIRED APPROVAL FOR OCCUPANCY AFTER COMPLETION OF NEW CONSTRUCTION. (1) Prior to occupancy and use of a building or any room or other portion of a building (~~((which constitutes))~~) constituting the whole or part of a new construction project, a hospital shall have obtained written authorization for such occupancy from the department.

(2) The hospital shall notify the department when either of the following has been substantially completed: An entire new construction project, or any room or other portion of a new construction project ((which)) the hospital plans to occupy before the entire new construction project is finished. ((Upon receipt of such notification, the Department shall confer with an appropriate representative of the hospital for mutual determination of the date(s) upon which the new construction project or the room or other portion of the project is to be inspected to determine if approval for occupancy may be granted:))

(3) The department shall authorize occupancy if the new construction has been completed in accordance with chapter 248-18 WAC and the department has received written approval of such occupancy from the state fire marshal.

(4) The department may authorize occupancy of a building or any room or other portion of a building when the new construction is deficient in relation to chapter 248-18 WAC: PROVIDED, That the department has

determined, after thorough investigation and consideration, ((that)) the deficiencies will not impair services to patients or otherwise jeopardize the safety or health of patients, the hospital has provided written assurance of completion or correction of deficient items within a period of time acceptable to the department, and the department has received written approval of such occupancy from the state fire marshal.

WSR 82-13-074
ATTORNEY GENERAL OPINION
Cite as: AGO 1982 No. 8
[June 17, 1982]

**OFFICES AND OFFICERS—COUNTY—COMMISSIONERS—
EMPLOYEES—CIVIL SERVICE—ADOPTION AND IMPLE-
MENTATION OF COUNTY PERSONNEL SYSTEM**

There is no authority, under existing state law, for the adoption and implementation, by the board of county commissioners of a noncharter county, of a county personnel system covering the employment, compensation, subsequent promotion, suspension or discharge of all county employees—including those appointed by other, independent, county elected officials; there are, however, certain limited actions which may be taken in this area pursuant to a joint agreement between all affected county offices.

Requested by:

Honorable Robert K. Leick
Prosecuting Attorney
Skamania County
Courthouse Building
Stevenson, Washington 98648

WSR 82-13-075
WITHDRAWAL OF PROPOSED RULES
APPLE ADVERTISING COMMISSION
[Filed June 18, 1982]

Re: Washington State Apple Advertising Commission, amendment to WAC 24-12-010.

Please withdraw the filing of CR-1 filed with your office June 14, 1982 under WSR 82-13-051. The proposed rule change is being refiled to set forth the specific effective date.

By James Arneil, Designee of
Joseph T. Brownlow, Secretary-
Manager of Washington State
Apple Advertising Commission

WSR 82-13-076
PROPOSED RULES
APPLE ADVERTISING COMMISSION
[Filed June 18, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning increasing the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight effective September 6, 1982 and thereafter;

that such agency will at 9:00 a.m., Tuesday, August 3, 1982, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.24.070(1) and 15.24.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9:00 a.m., Tuesday, August 3, 1982, and/or orally at 9:00 a.m., Tuesday, August 3, 1982, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: June 16, 1982
By: Joe Brownlow
Secretary-Manager

STATEMENT OF PURPOSE

Title: WAC 24-12-010 Amount of Assessments.

Description of Purposes: To increase state apply advertising assessment.

Statutory Authority: RCW 15.24.070(1) and 15.24.090.

Summary of Rule: To increase the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight.

Reasons Supporting the Proposed Action: The revenue presently being raised by the Washington State Apple Advertising Commission is inadequate to accomplish the purposes of the commission, as a result of inflationary increase in costs, increasing production, and need for additional market promotion.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement of the Rule: Joseph T. Brownlow, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, Telephone (509) 662-2123.

Person or Organization Proposing the Rule, and Whether Public, Private, or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether the Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

TEXT OF RULE

AMENDATORY SECTION (Amending Order 9, filed 7/27/81)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of ~~((16 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the 1980 crop of apples, and an assessment of 21))~~ 54.5 cents on each one hundred pounds (100 lbs.) gross billing weight effective September 6, 1982 and thereafter. ~~((applicable to the 1981 and subsequent crops of apples.))~~ Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

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 82-13-077
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 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 AFDC—Summary of eligibility conditions, amending WAC 388-24-040.

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 13, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, July 27, 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 RCW 43.20A.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 10:00 a.m., Tuesday, July 27, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 17, 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 388-24-040.

The Purpose of the Rule or Rule Change: To resolve a federal compliance issue.

Statutory Authority: RCW 43.20A.550.

Summary of the Rule or Rule Change: Presently, if we grant AFDC to an 18 year old to finish high school and he fails to graduate, an over payment results. This policy is unacceptable to DSHS and we are changing it.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are necessary as a result of federal law, Social Security Act and federal regulations.

AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child:

(1) Who is under the age of eighteen years;

(a) Effective October 1, 1981, AFDC may be granted on behalf of an unborn child provided there is medical confirmation that the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner ~~((that confirms))~~ confirming pregnancy and the expected date of birth(;;).

(b) AFDC shall be continued through the month ~~((in which))~~ the child reaches the maximum age(;;).

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through 388-24-070;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his or her home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need – see chapters 388-28 and 388-33 WAC;

(9) Effective January 1, 1982, who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached(~~(- PROVIDED HOWEVER, That if such student does not successfully complete such program before the end of the month in which nineteen years of age is reached, the assistance rendered under this subsection during such period shall be a debt due the state;))~~;

(10) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children(;;).

(11) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

WSR 82-13-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Filed June 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 family day care home licensing fee, new WAC 440-44-026.

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 20, 1982. The meeting site is in a location which is barrier free;

that such agency will at 7:00 p.m., Tuesday, August 3, 1982, in Room 207, Architecture Hall, University of Washington, Seattle, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00, Wednesday, August 11, 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.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 3, 1982, and/or orally at 7:00 p.m., Tuesday, August 3, 1982, Room 207, Architecture Hall, University of Washington, Seattle, Washington.

Dated: June 17, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding: New WAC 440-44-026, Fee for Family Day Care License.

The Purpose of the Rule or Rule Change: To recover part of the cost of licensing family day care homes and establish some equity in respect to licensing fees for both family day care homes and day care centers.

The Reason(s) These Rules are Necessary: To recover funds expended on the licensing of day care facilities.

Statutory Authority: Chapter 201, Laws of 1982.

Summary of the Rule or Rule Change: Would permit the department to charge a \$24 dollar fee per year for licensing family day care homes.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Barry Fibel, Licensing Program Manager, Bureau of Children's Services, Mailstop: OB-41, Phone: 3-0204.

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

Economic Impact: All family day care providers are licensed for a maximum of six children. Thus all are expected to be small businesses. The license fee of twenty four dollars per year results in a charge for the license of 9.6 cents per day for 50 weeks (five days per week) per license. Average sales exceeds the DSHS reimbursement \$41.63 per child per week, since the operator is permitted to charge higher fees to private customers. For a six children, fifty week business, paid to DSHS rates, the license fee represents two tenths of one percent of available revenue.

NEW SECTION

WAC 440-44-026 FAMILY DAY CARE HOME LICENSING FEE.

<u>Family Day Care Home</u>	<u>License Fee Per Year</u>
1 - 6 children	\$24

WSR 82-13-079
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1828—Filed June 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 Deductible—Medically indigent, amending WAC 388-100-030.

This action is taken pursuant to Notice No. WSR 82-10-048 filed with the code reviser on May 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 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 16, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-100-030 DEDUCTIBLE. A deductible of ~~((fifteen))~~ five hundred dollars per family over a twelve-month period is required.

(1) Only ~~((eligible))~~ family members that meet the eligibility requirements in WAC 388-100-010(1) through (4) can accumulate expenses against the deductible.

(2) The accumulation of the deductible ~~((commences with the date of certification not to exceed))~~ may begin up to seven working days prior to the date of application. The department may on an exception ~~((to policy))~~ basis waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Only medical services as specified in WAC 388-100-035 are countable toward meeting the deductible requirement.

(4) The expenses incurred against the deductible are the liability of the applicant/recipient.

(5) If the deductible has not been satisfied during the ~~((certification))~~ three-month base period beginning with the month of application, the remaining amount is applied to any subsequent ((acute and emergent certification period which begins)) applications within twelve months of the initial application.

WSR 82-13-080
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1829—Filed June 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 Eligibility conditions applicable to AFDC—Assignment of rights to support, amending WAC 388-24-108.

This action is taken pursuant to Notice No. WSR 82-10-011 filed with the code reviser on April 27, 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 16, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-108 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—ASSIGNMENT OF RIGHTS TO SUPPORT. (1) As a condition of eligibility each applicant for or recipient of AFDC shall assign to the office of support enforcement any and all right, title, and interest in any support obligation the applicant or recipient may have in ~~((his/her))~~ his or her own behalf or on the behalf of any family member for whom application is being made; such assignment shall include rights in support payments which have accrued prior to the time assignment is made, and shall require the applicant/recipient to promptly remit to the office of support enforcement any payments received directly from the person legally responsible to pay support. Payment of public assistance to the applicant shall constitute an agreement to the assignment of rights to support by the applicant, as provided under RCW 74.20.330.

(2) If the parent or other caretaker relative with whom the child(ren) is living fails or refuses to comply with the requirement in subsection (1) of this section, the caretaker relative shall be ineligible to receive assistance and any assistance for which the child(ren) may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker relative.

(3) The requirement of subsection (1) of this section shall be applicable to recipients no later than the next regular redetermination of eligibility.

WSR 82-13-081
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1830—Filed June 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 WIN—Certification of AFDC recipient to state employment service, amending WAC 388-57-057.

This action is taken pursuant to Notice No. WSR 82-10-057 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.23.120 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 16, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of full-time, continuous employment. The thirty-day limitation following employment shall include (([±]))WIN on-the-job training(([±])), (([±]))WIN public service employment(([±])), and WIN (([±]))suspense(([±])) to CETA (([±]))on-the-job training(([±])), and (([±]))public service employment(([±])). Effective May 1, 1982, WIN day care services for children shall not be provided to registrants in paid employment.

(3) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.

WSR 82-13-082
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1831—Filed June 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 Net cash income—Determination—Deductions from gross income of child, amending WAC 388-28-535.

This action is taken pursuant to Notice No. WSR 82-10-058 filed with the code reviser on May 5, 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 16, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-535 NET CASH INCOME—DETERMINATION—DEDUCTIONS FROM GROSS INCOME—INCOME OF CHILD. (1) A child may receive income which is paid in his or her behalf to the parent(s) or other needy caretaker relative. Such income includes allotments, retirement, survivors and disability insurance, or veterans benefits, court-ordered support payments, trust fund payments, or other income which is legally designated for the benefit of an individual child.

(a) (~~When such income meets or exceeds the child's requirements,~~) The family shall have the option to:

(i) Include the child as a member of the assistance unit with all income considered as available to the assistance unit, or

(ii) Exclude the child from the assistance unit. In this instance none of the child's income is available to the assistance unit.

(b) If a child's income includes a portion for his or her caretaker relative that portion shall be available to meet the need of the assistance unit.

(c) The child's requirements shall be the difference between the requirements of the assistance unit including the child and the requirements of the assistance unit excluding the child.

(d) If a child out of school (~~has earnings which exceed his individual need, the family has the option of including him or excluding him from the assistance unit. If the child~~) is included in the assistance unit, his or her earnings shall be treated as specified in ((subdivision)) subsection (3)(f) of this section. Determination of the child's net income is made with the caretaker relative and with the child when indicated.

(2) If the child is not included in the assistance unit, his or her eligibility for ((federal aid)) medical ((care only (FAMCO))) assistance shall be determined individually.

(3) In determining the amount of a child's earned income available to meet the current need of the assistance unit of which he or she is a member, the following rules apply:

(a) All earned income of a child in an assistance unit shall be disregarded in determining payment amount when he or she is a full-time student or a part-time student who is not a full-time employee.

(b) A student is one who attends a school, college or university, or a course of vocational or technical training designed to fit him or her for gainful employment and includes a participant in the job corps program under the Economic Opportunity Act. A full-time student must have a school schedule equal to a full-time curriculum. A part-time student must have a school schedule equal to at least one-half of a full-time curriculum. A student who was enrolled during the school term just completed and who plans to return to school when ((it)) school reopens shall retain his or her status as a student during the summer vacation.

(c) A child earning income by working in a sheltered workshop or other training facility for handicapped children shall be considered, for purposes of income exemption, as being at least a part-time student who is working less than full time.

(d) To be employed full time, a child must be working ((35)) thirty-five hours a week or the number of hours considered full time by the industry for which he or she works, whichever is less.

(e) Summer employment of students shall not be considered as full-time employment due to the temporary nature of such employment, even though the hours worked may exceed ((35)) thirty-five hours a week.

(f) In determining the amount of a nonstudent child's earned income available to meet the current needs of the assistance unit, net income shall be computed according to WAC 388-28-570.

(4) Earnings received by any person under Title III, Part C, Youth Employment Demonstration Program of the Comprehensive Employment and Training Act of 1973, Public Law 93-203 shall be disregarded in determining need and the amount of the public assistance payment under any federally assisted programs.

WSR 82-13-083
PROPOSED RULES
APPLE ADVERTISING COMMISSION
[Filed June 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules which require each voting apple grower to complete and return an Apple Grower Eligibility Certificate with each ballot in a referendum mail ballot; prescribes the form of the certificate; and authorizes the commission and the director of the Department of Agriculture to rely on the certificate in counting and validating ballots; and defining the terms "apple grower" and "commercial producing apple orchard" for referendum mail ballots;

that such agency will at 9:00 a.m., Tuesday, August 3, 1982, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.24.070(1) and 15.24.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9:00 a.m., Tuesday, August 3, 1982, and/or orally at 9:00 a.m., Tuesday, August 3, 1982, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: June 17, 1982
By: Joe Brownlow
Secretary-Manager

STATEMENT OF PURPOSE

Title: WAC 24-12-011, Referendum Mail Ballot Voting Eligibility.

Description of Purposes: To provide for an Apple Grower Eligibility Certificate to be used in counting and validating referendum mail ballots and defining "apple grower" and "commercial producing apple orchards".

Statutory Authority: RCW 15.24.070(1) and 15.24.090.

Summary of Rule: To authorize and provide for the use of an Apple Grower Eligibility Certificate for use in referendum mail ballots and to authorize reliance on same by the commission and the director of the Department of Agriculture in counting and validating ballots and defining "apple grower" and "commercial producing apple orchards".

Reasons Supporting the Proposed Action: It is desirable to provide for the execution of an Apple Grower Eligibility Certificate by the voting growers to aid the commission and the director of the Department of Agriculture in counting and validating referendum mail ballots.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Joseph T. Brownlow, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, Telephone: (509) 662-2123.

Person or Organization Proposing the Rule, and Whether Public, Private, or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether the Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

TEXT OF RULE

NEW SECTION

WAC 24-12-011 REFERENDUM MAIL BALLOT VOTING ELIGIBILITY. (1) In the conduct of a Referendum Mail Ballot pursuant to the provisions of RCW 15.24.090 the Commission shall require that each returned ballot be accompanied by a completed Apple Grower Eligibility Certificate in substantially the following form:

**WASHINGTON STATE APPLE ADVERTISING COMMISSION
APPLE GROWER ELIGIBILITY CERTIFICATE**

(Note: All appropriate spaces on this certificate must be completed to properly qualify your vote).

I HEREBY CERTIFY THAT:

1. My name and address are as follows (please print):
Name: _____
Mailing Address: _____
Residence Address: _____
City: _____ State: _____
2. I am qualified to vote for one of the following reasons (please check the appropriate space):
 - a. I am an individual owner-operator or an individual lessee-operator of commercially producing apple orchard/orchards.
 - b. I am a member of and have been designated to cast the single ballot for _____ (please fill in name), a partnership, joint venture or corporation owning/leasing and operating commercially producing apple orchard/orchards.
3. The orchard/orchards for which I am casting a vote represents _____ acres of commercially producing apple trees situated in the county/counties of _____

within the State of Washington. (Please combine the total commercially producing acreage for which you are voting in the space above).

Signature of Voter
Name (print) _____
Date _____

NOTE: A completed Apple Grower Eligibility Certificate must accompany each ballot.

(2) The Commission and the Director of the Department of Agriculture may, in counting and validating ballots, rely on and accept the representations of eligibility to vote and the representations of acreage as set forth in said Certificate.

(3) Apple growers entitled to vote in a referendum mail ballot pursuant to the provisions of RCW 15.24.090 are defined to be each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bonafid leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. Individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage.

(4) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that said apples are or will be marketed through prevailing commercial channels and are or will be subject to assessment pursuant to the provisions of RCW 15.24.

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

WSR 82-13-084
ADOPTED RULES
BOARD OF HEALTH
[Order 230—Filed June 22, 1982]

Be it resolved by the Washington State Board of Health, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to required approval for occupancy after completion of new construction, amending WAC 248-18-025.

This action is taken pursuant to Notice Nos. WSR 82-06-060, 82-09-054 and 82-11-082 filed with the code reviser on March 3, 1982, April 16, 1982, and May 18, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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 16, 1982.

By John A. Beare, MD
Secretary

AMENDATORY SECTION (Amending Order 123, filed 3/18/76)

WAC 248-18-025 REQUIRED APPROVAL FOR OCCUPANCY AFTER COMPLETION OF NEW CONSTRUCTION. (1) Prior to occupancy and use of a building or any room or other portion of a building (~~which constitutes~~) constituting the whole or part of a new construction project, a hospital shall have obtained written authorization for such occupancy from the department.

(2) The hospital shall notify the department when either of the following has been substantially completed: An entire new construction project, or any room or other portion of a new construction project ((which)) the hospital plans to occupy before the entire new construction project is finished. ((Upon receipt of such notification, the Department shall confer with an appropriate representative of the hospital for mutual determination of the date(s) upon which the new construction project or the room or other portion of the project is to be inspected to determine if approval for occupancy may be granted.))

(3) The department shall authorize occupancy if the new construction has been completed in accordance with chapter 248-18 WAC and the department has received written approval of such occupancy from the state fire marshal.

(4) The department may authorize occupancy of a building or any room or other portion of a building when the new construction is deficient in relation to chapter 248-18 WAC: PROVIDED, That the department has determined, after thorough investigation and consideration, ((that)) the deficiencies will not impair services to patients or otherwise jeopardize the safety or health of patients, the hospital has provided written assurance of completion or correction of deficient items within a period of time acceptable to the department, and the department has received written approval of such occupancy from the state fire marshal.

WSR 82-13-085
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed June 22, 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 rules.

The formal adoption, amendment, or repeal of such rules will take place at 3:15 p.m., Wednesday, June 30, 1982, in the Department of Fisheries Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter in Notice No. WSR 82-10-077 filed with the code reviser's office on May 5, 1982.

Dated: June 22, 1982
By: Gary C. Alexander

for Rolland A. Schmitten
Director

WSR 82-13-086
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 82-13]

**ORDERING EXPENDITURE REDUCTIONS
IN STATE GENERAL FUND ALLOTMENTS**

I, John Spellman, Governor of the state of Washington, do hereby declare that a financial emergency in the state General Fund exists because anticipated revenues are insufficient to meet anticipated expenditures for the remainder of this biennium.

Pursuant to chapter 43.88 RCW and effective immediately, I hereby direct a revision of allotments of appropriations from the state General Fund to all state agencies except agencies headed by elected officials but including state General Fund allotments to the Superintendent of Public Instruction for distribution to local school districts in support of state-wide programs. Each affected agency shall reduce its expenditures from the state General Fund by 4.1 percent of the agency's total biennial state General Fund appropriations. This reduction shall be in addition to the savings targets established pursuant to Executive Order 82-07.

I believe these necessary measures of economy should be shared by all agencies and officials concerned with the functions of state government. Therefore, I ask that the Legislative Budget Committee direct all agencies headed by other state elected officials to reduce their expenditures in the same amount as all other agencies, under the provisions of RCW 43.88.115.

The Director of the Office of Financial Management will issue the detailed instructions that are necessary to implement this order.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
11th day of June, A.D.,
nineteen hundred and
eighty-two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 82-13-087
ADOPTED RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Order 82-10-049, Resolution No. 82-10-049—Filed June 23, 1982]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to pilotage association name change.

This action is taken pursuant to Notice No. WSR 82-10-049 filed with the code reviser on May 3, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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 10, 1982.

By Ralph White
Chairman

AMENDATORY SECTION (Amending Order 76-12,
filed 4/22/76)

WAC 296-116-085 ASSOCIATION BY-LAWS.
~~((The Puget Sound Pilots Association))~~ The association of pilots for the Puget Sound pilotage district, together with the ~~((Grays Harbor Pilots Association))~~ association of pilots for the Grays Harbor pilotage district, shall maintain on file with the Commission a current copy of their respective association by-laws and amendments. Hereafter they shall file with the Commission each new amendment adopted by their respective groups in order that the Board may be kept informed of association acts and activities.

AMENDATORY SECTION (Amending Order 79-5,
Resolution 79-5, filed 10/18/79)

WAC 296-116-205 VESSEL CERTIFICATION.
(1) Upon boarding a vessel in the Puget Sound pilotage district or Grays Harbor ~~((and Willapa Bay))~~ pilotage district, a pilot shall request on the form provided in WAC 296-116-2051 that the master of the vessel certify that: (a) The engine room is properly staffed, able to maneuver, and all related equipment is in good order; (b) there are no defects listed against the ship by the United States Coast Guard which would prevent it from sailing; (c) the vessel is not leaking oil; (d) the vessel is experiencing no propulsion or maneuvering difficulties.

If the master is unable to certify that all of the above conditions are met, he shall be asked to certify that the United States Coast Guard captain of the port has been notified of said deficiencies and has authorized the vessel to proceed.

If the master is unable or unwilling to certify that either of the above are the case, the pilot shall not offer

pilotage services to said vessel. Instead, the pilot shall disembark from the vessel as soon as practicable, immediately inform the captain of the port of the conditions and circumstances by the best possible means and forward a written report to the board of pilotage commissioners no later than 24 hours after disembarking from the vessel. Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section shall be subject to the penalties provided in RCW 88.16.100 and 88.16.150.

(2) Upon boarding vessels in either the Puget Sound pilotage district or the Grays Harbor ((and Willapa Bay)) pilotage district, the pilot shall also request to see the vessel's SOLAS certificate, and the Federal Maritime Commission certificate of financial responsibility.

The pilot shall also inspect the following of the ship's equipment and conditions and indicate their suitability:

VHF radio, channels 13, 14; radar; gyrocompass; rudder angle indicator; whistle; wheelhouse staffed by an officer and helmsman, one of whom speaks English; local, up-to-date charts; and wheelhouse to engine room communications.

(3) The form appearing in WAC 296-116-2051 shall be used by pilots and masters in complying with the above requirements.

(4) Forms completed by masters and pilots which indicate that the vessel is in compliance and nondeficient shall be forwarded to the offices of the board of pilotage commissioners where they will be retained for a period of at least six months. Forms indicating a vessel not in compliance or deficient and forms upon which either the master or the pilot have failed to make the required certification shall be forwarded to the board of pilotage commissioners and retained for a period of at least twelve months.

AMENDATORY SECTION (Amending Order 79-6, Resolution 79-6, filed 3/4/80)

WAC 296-116-320 RETIREMENT FUND CONTRIBUTION. With respect to \$750 per month for a full-time pilot and \$375 per month for a half-time pilot retirement fund contributions:

(1) Each active pilot member of the ((Puget Sound Pilots Association)) association of pilots for the Puget Sound pilotage district shall make a retirement fund contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot for retirement purposes which shall be accumulated and payable upon death or retirement only, and shall be deposited in a joint account in the name of the individual pilot and ((Puget Sound Pilots)) the association, in a qualified public depository approved for the purpose by the board: **PROVIDED, HOWEVER,** The board grants further authority, subject to the following withdrawal limitations, for a portion or all of the retirement fund contributions for pilots on and after July 18, 1975, to be placed into trust programs limited to interest bearing notes, interest bearing accounts, investments, and accumulations of money in short-term money funds, and participation in Bank Pooled Bond Funds. These investments would be for self-employed individuals, so as to

qualify said programs under applicable federal laws for deferral of income benefits and other personal advantages. Funds may also be put in fixed income accounts designed to comply with HR-10 Self-Employed Individuals Tax Retirement Act of 1962, as amended by the Employee Retirement Income Security Act of 1974, when such trust plans are submitted to the board for prior approval. Participation in such approved self-employment retirement plans shall be conditioned upon the following:

(a) Once established these plans shall not be terminated except upon the death or retirement of the participating pilot.

(b) Each participating pilot shall issue to the trustee of the self-employment retirement plan signed instructions directing the trustee to give advance notice to the office of the chairperson of the Board of Pilotage Commissioners of any application for distribution or termination of an established self-employment retirement plan. Any pilot, or any person acting on behalf of said pilot's estate, making such an application for distribution or termination at any time other than upon the event of death or retirement of the pilot, shall be directed by the board to withdraw such application.

(c) Should a pilot have not elected retirement prior to age 70 1/2, said pilot shall be permitted to receive a distribution in whatever form he elects, under the provisions of his self-employment retirement plan, thereby complying with the mandatory distribution requirements of the above-mentioned retirement laws, provided that any and all funds so distributed be immediately deposited into a joint account in the name of the individual pilot and ((Puget Sound Pilots)) the association of pilots for the Puget Sound pilotage district, in a qualified public depository approved for the purpose by the board, and thereafter withdrawn only upon actual death or retirement.

(d) It is to be understood by any pilot electing to direct contributions toward these self-employed plans and trust programs, that such activity is at their own financial choosing and the general approval by the board for such arrangement is not to be taken as any kind of recommendation or positive approval by the board as to these types of programs. This contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot shall be derived from the pilot's gross revenues.

(2) On quarterly reports required under RCW 88.16.110, the pilot shall state for the preceding quarter the total retirement fund contribution received, through that quarter and shall itemize all withdrawals or payments from such fund. Further, the pilot shall reflect what portion of his retirement funds, on a quarterly basis, have been diverted into KEOGH approved investment retirement plans.

(3) All persons hereafter licensed by the board to pilot on the waters of Puget Sound under the provisions of the Pilotage Act, chapter 88.16 RCW shall be deemed to have agreed to and be bound by the foregoing.

(4) These regulations have been enacted pursuant to the Board of Pilotage Commissioners' authority to fix rates of pilotage as set forth hereinabove. Failure to

comply with any aspect of these regulations controlling the use of the \$750 per month for a full-time pilot and \$375 per month for a half-time pilot contribution amount granted for retirement purpose shall result in disciplinary action pursuant to RCW 88.16.120 and such violation may be charged as a misdemeanor pursuant to RCW 88.16.150.

WSR 82-13-088
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-184, Cause No. U-82-03—Filed June 23, 1982]

In the matter of amending WAC 480-80-125 relating to notice by utilities to customers concerning hearing.

This action is taken pursuant to Notice Nos. WSR 82-05-047, 82-07-092, 82-10-066 and 82-13-067 filed with the code reviser on February 17, 1982, March 24, 1982, May 5, 1982, and June 16, 1982, respectively. 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Small Business Regulatory Fairness Act (chapter 6, Laws of 1982).

Pursuant to Notice Nos. WSR 82-05-047, 82-07-092, 82-10-066 and 82-13-067 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, March 24, 1982, May 5, 1982, June 16, 1982, and June 23, 1982, respectively, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notices, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing. Under the terms of said notices, interested persons were afforded the opportunity to submit data, views, or arguments orally on the dates and at the time indicated in the preceding paragraph.

At the March 24, 1982, meeting oral comments were received from: Jim Lazar; Charles Adams; Harold Van Atta of Pacific Power and Light Company; John Buergel of The Washington Water Power Company; Jon T. Stoltz of Cascade Natural Gas Corporation; Bruce R. DeBolt of Northwest Natural Gas Company; Bill Baker of Puget Sound Power and Light Company; Edward T. Shaw of Pacific Northwest Bell Telephone Company; Roland Bezemer of Washington Natural Gas Company; Ted Schultz of Washington Independent Telephone Association; and Joe Hummel of POWER.

At the June 16, 1982, meeting oral comments were received from: Charles Adams; Ted Schultz of Washington Independent Telephone Association; Edward T. Shaw of Pacific Northwest Bell Telephone Company; William E. Roche of United Telephone Company of the Northwest; and Roland Bezemer of Washington Natural Gas Company.

Written comments have been received from: Cascade Natural Gas Corporation and Northwest Natural Gas Company by Bruce R. DeBolt; Washington Independent Telephone Association by E. Robert Fristoe; Pacific Northwest Bell Telephone Company by Edward T. Shaw; Pacific Power and Light Company by John Melnichuk; Washington Natural Gas Company by Robert G. Meredith; The Washington Water Power Company by R. L. Strenge; Cascade Natural Gas Corporation by Jon T. Stoltz; Puget Sound Power and Light Company by R. H. Swartzell; The Oak Park Water Company Inc. by Ronald G. Shipley; Hood Canal Telephone Co., Inc. by Richard F. Buechel; and United Telephone Company of the Northwest by William E. Roche.

The rule change affects no economic values and has no economic impact inasmuch as compliance with the terms of the rule is determined by subsequent direction of the commission as facts and circumstances may require.

In reviewing the entire record herein, it has been determined that WAC 480-80-125 should be amended to read as set forth in Appendix A, shown below, and by this reference made a part hereof. WAC 480-80-125 as amended will provide for more satisfactory and comprehensive notice of pendency of rate increase filings by investor-owned utilities regulated under Title 80 RCW.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-80-125 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 23rd day of June, 1982.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
Robert C. Bailey, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-128, Cause No. U-79-29, filed 8/1/79)

WAC 480-80-125 NOTICE BY UTILITY TO CUSTOMERS CONCERNING HEARING. The purpose of this requirement is to ensure that customers of a

utility which is proposing a rate increase receive reasonable notice of the nature and the magnitude of the proposed increase, so that the customer is able reasonably to make an informed decision about whether to participate in the hearing process.

(1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth ~~((the date of the utility's filing with the commission;))~~ the amount of the proposed increase expressed in ~~((both))~~ (a) total dollars and average percentage terms, and (b) the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills ~~((mailed))~~ distributed by the utility to its customers~~((;))~~, starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation~~((;))~~. As an alternative the utility may make a separate ~~((first class mailing))~~ distribution of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or separately the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other material simultaneously distributed. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

**~~((BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION~~**

~~Cause No. . . .~~

~~(Name of company) filed with the Washington Utilities and Transportation Commission (date) tariffs designed to increase its gross revenue in the approximate~~

~~amount of \$ on an annual basis. The percentage increase in annual gross revenue approximates %. (In instances in which the filed tariffs pertain to a single general category or subcategory of service, the dollar and percentage amounts shall relate to that category of service and the category of service shall be identified.) The commission has suspended the operation of the filed tariffs and will hold public hearings on the matter.~~

~~The commission has directed that this notice be given stating:~~

~~(1) Specially designated hearing or hearings will be held by the commission in order to accommodate members of the public who may wish to testify.~~

~~(2) A public counsel will be appointed to represent the public. The address of the commission may be used for inquiries of the public counsel.~~

~~(3) Any member of the public wishing to be notified by the commission as to the date or dates that such specially designated hearing or hearings will be held should advise the commission in writing of that fact and state his or her mailing address. The commission, when such date or dates are set, will see that a notice of such hearing or hearings is mailed to each person who makes such request.~~

~~The mailing address of the commission is Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504.~~

~~(Name of company)
(Name of individual)
(Title of individual))~~

IMPORTANT NOTICE

**(Company) is Requesting
A Rate Increase**

**Washington Utilities
and Transportation
Commission**

Cause No. U-.

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$. a year, or about percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

(1) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the Secretary of the Commission, in Olympia at (206) 753-6420 or write to:

Secretary
Washington Utilities and Transportation Commission
Highways-Licenses Building
Olympia, WA 98504.

If you write, include your name and mailing address, the name of the company, and Cause No. U-

(3) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing _____

(4) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request—higher or lower—for each kind of service.

Name of Company Official
Title of Company Official
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Type of Service	Range of Requested Increases or Increases In Unit Price	Typical Increase In Average Bill (Dollars)
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(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation. If the rate is charged on the basis of unit consumption, such as energy consumption, the increase shall be stated in a cents-per-unit or on a

percentage basis for the tariff category. It shall then as to residential customers illustrate increases in representative consumption classifications. If the rate is charged on the basis of monthly rate per service or per item of equipment, the increase shall be stated on the basis of percentage increase for the classification or range of increase within the classification, using commonly recognized representative examples demonstrating the range and the typical effect of the increases.)

(The following shall be added, if applicable:)

NOTE: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know how the company's proposal will affect you if the commission adopts it totally, call or write (telephone number and address of office or offices where customers will receive a prompt, accurate answer. Address and telephone number may be omitted if included elsewhere in the information simultaneously received by the consumer and if clearly referenced. The utility shall respond to customer inquiries no later than the close of the fifth business day following receipt of the inquiry at any of its appointed offices. Inquiries may be forwarded from branch offices to a central office or division if this is done at no cost to the consumer and if a response is generated to the consumer within the reasonable time limit.)

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

**WSR 82-13-089
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-191, Cause No. TG-1575—Filed June 23, 1982]

In the matter of amending WAC 480-70-150 relating to Certificates, applications—Notice to existing carriers.

This action is taken pursuant to Notice No. WSR 82-10-018 filed with the code reviser on April 28, 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Small Business Regulatory Fairness Act (chapter 6, Laws of 1982).

Pursuant to Notice No. WSR 82-10-018 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, June 23, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to June 18, 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 23, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the June 23, 1982, meeting the commission considered the rule change proposal. Written comments were received from Boyd Hartman.

The rule change affects no economic values, and has no economic impact inasmuch as it imposes no burden of compliance.

In reviewing the entire record herein, it has been determined that WAC 82-10-018 should be amended to read as set forth in Appendix A, shown below, and by this reference made a part hereof. WAC 480-70-150 as amended will provide flexibility for carriers' protest and representation in applications for certificates of convenience and necessity to transport garbage and refuse.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-150 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 23rd day of June, 1982.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
Robert C. Bailey, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-19, filed 5/12/70)

WAC 480-70-150 CERTIFICATES, APPLICATIONS—NOTICE TO EXISTING CARRIERS. (1) For the purposes of this rule, applications for permanent authority shall include applications for permanent certificates or extensions of certificate authority, and requests for authority to sell, assign, lease or transfer outstanding certificates or any rights thereunder.

(2) The commission shall notify by means of its weekly application docket all known existing garbage and/or refuse collection companies who, at the time of the filing of an application for permanent authority, are serving, or hold authority to serve, the route, line, or territory described in the application, of the filing of same. Such existing certificate holders or a garbage and/or refuse collection organization, association, or conference on behalf of such existing certificate holders shall have twenty days from the date of such notice to file with the commission their opposition to the application. Protests should set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding.

WSR 82-13-090

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning retail sales tax collection schedules, WAC 458-20-237;

that such agency will at 10:00 a.m., Tuesday, July 27, 1982, in the Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504, 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 82.32.300 and 82.08.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 10:30 a.m., Tuesday, July 27, 1982, Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504.

Dated: June 23, 1982

By: Don R. McCuiston

Director, Interpretation and Appeals Division

STATEMENT OF PURPOSE

Title: WAC 458-20-237 Retail Sales Tax Collection Schedules.

Statutory Authority: RCW 82.32.300 and 82.08.060.

Summary: Effective May 1, 1982, the Washington State Legislature decreased the retail sales tax from

5.5% to 5.4%. This rule provides schedules for the collection of retail sales tax required to be collected by a seller from a buyer.

Drafters of the Rule: Don R. McCuiston, Director, Interpretation and Appeals Division, 4th Floor, General Administration Building, Olympia, Washington 98504, phone: (206) 753-5525. Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5540.

AMENDATORY SECTION (Amending Order 82-1, filed 2/24/82)

WAC 458-20-237 RETAIL SALES TAX COLLECTION SCHEDULES. Under the provisions of chapter ((8)) 35, Laws of ((1981-2nd)) 1982 1st ex. sess., the state retail sales tax was ((increased)) decreased to ((5-5)) 5.4% effective ((December 4, 1981)) May 1, 1982. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the ((5-5)) 5.4% state tax, making a total combined tax of ((6)) 5.9% in areas imposing the local tax. By RCW 82.14.045 all cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3%, and, in the case of a class AA county, .4%, .5%, or .6%, to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of 6.1%, 6.2%, ((6-3%, 6-4%)) or 6.5%((, or 6-6%)).

Under the authority of RCW 82.08.060 and 82.14.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following ((5-5)) 5.4%, ((6-0)) 5.9%, 6.1%, 6.2%, ((6-3%, 6-4%)) and ((6-6)) 6.5% schedules to govern the collection of retail sales tax on all retail sales. Also, under chapter 49, Laws of 1982 1st extraordinary session, counties and cities are authorized to impose optional sales tax or use tax at rates up to five-tenths of one percent. Imposition of these taxes will affect the foregoing collection schedules accordingly.

((RETAIL SALES TAX COLLECTION SCHEDULE
December 4, 1981

5-5 Percent

SALE	TAX
.10	.27 .01
.28	.45 .02
.46	.63 .03
.64	.81 .04
.82	.99 .05
1.00	1.18 .06
1.19	1.36 .07
1.37	1.54 .08
1.55	1.72 .09
1.73	1.90 .10
1.91	2.09 .11
2.10	2.27 .12
2.28	2.45 .13
2.46	2.63 .14
2.64	2.81 .15
2.82	2.99 .16
3.00	3.18 .17
3.19	3.36 .18
3.37	3.54 .19
3.55	3.72 .20
3.73	3.90 .21
3.91	4.09 .22
4.10	4.27 .23
4.28	4.45 .24
4.46	4.63 .25
4.64	4.81 .26
4.82	4.99 .27
5.00	5.18 .28
5.19	5.36 .29
5.37	5.54 .30
5.55	5.72 .31
5.73	5.90 .32
5.91	6.09 .33
6.10	6.27 .34
6.28	6.45 .35

SALE TAX

6.46	6.63 .36
6.64	6.81 .37
6.82	6.99 .38
7.00	7.18 .39
7.19	7.36 .40
7.37	7.54 .41
7.55	7.72 .42
7.73	7.90 .43
7.91	8.09 .44
8.10	8.27 .45
8.28	8.45 .46
8.46	8.63 .47
8.64	8.81 .48
8.82	8.99 .49
9.00	9.18 .50
9.19	9.36 .51
9.37	9.54 .52
9.55	9.72 .53
9.73	9.90 .54
9.91	10.09 .55

RETAIL SALES TAX COLLECTION SCHEDULE
December 4, 1981

6-0 Percent

SALE	TAX
.09	.24 .01
.25	.41 .02
.42	.58 .03
.59	.74 .04
.75	.91 .05
.92	1.08 .06
1.09	1.24 .07
1.25	1.41 .08
1.42	1.58 .09
1.59	1.74 .10
1.75	1.91 .11
1.92	2.08 .12
2.09	2.24 .13
2.25	2.41 .14
2.42	2.58 .15
2.59	2.74 .16
2.75	2.91 .17
2.92	3.08 .18
3.09	3.24 .19
3.25	3.41 .20
3.42	3.58 .21
3.59	3.74 .22
3.75	3.91 .23
3.92	4.08 .24
4.09	4.24 .25
4.25	4.41 .26
4.42	4.58 .27
4.59	4.74 .28
4.75	4.91 .29
4.92	5.08 .30
5.09	5.24 .31
5.25	5.41 .32
5.42	5.58 .33
5.59	5.74 .34
5.75	5.91 .35
5.92	6.08 .36
6.09	6.24 .37
6.25	6.41 .38
6.42	6.58 .39
6.59	6.74 .40
6.75	6.91 .41
6.92	7.08 .42
7.09	7.24 .43
7.25	7.41 .44
7.42	7.58 .45
7.59	7.74 .46
7.75	7.91 .47
7.92	8.08 .48

SALE — TAX

8.09	8.24	.49
8.25	8.41	.50
8.42	8.58	.51
8.59	8.74	.52
8.75	8.91	.53
8.92	9.08	.54
9.09	9.24	.55
9.25	9.41	.56
9.42	9.59	.57
9.60	9.74	.58
9.75	9.91	.59
9.92	10.08	.60

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.9 Percent

<u>SALE</u>	<u>TAX</u>
.09	.25
.26	.42
.43	.59
.60	.76
.77	.93
.94	1.10
1.11	1.27
1.28	1.44
1.45	1.61
1.62	1.77
1.78	1.94
1.95	2.11
2.12	2.28
2.29	2.45
2.46	2.62
2.63	2.79
2.80	2.96
2.97	3.13
3.14	3.30
3.31	3.47
3.48	3.64
3.65	3.81
3.82	3.98
3.99	4.15
4.16	4.32
4.33	4.49
4.50	4.66
4.67	4.83
4.84	4.99
5.00	5.16
5.17	5.33
5.34	5.50
5.51	5.67
5.68	5.84
5.85	6.01
6.02	6.18
6.19	6.35
6.36	6.52
6.53	6.69
6.70	6.86
6.87	7.03
7.04	7.20
7.21	7.37
7.38	7.54
7.55	7.71
7.72	7.88
7.89	8.05
8.06	8.22
8.23	8.38
8.39	8.55
8.56	8.72
8.73	8.89
8.90	9.06
9.07	9.23
9.24	9.40
9.41	9.57
9.58	9.74
9.75	9.91
9.92	10.08

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.4 Percent

<u>SALE</u>	<u>TAX</u>
.10	.27
.28	.46
.47	.64
.65	.83
.84	1.01
1.02	1.20
1.21	1.38
1.39	1.57
1.58	1.75
1.76	1.94
1.95	2.12
2.13	2.31
2.32	2.49
2.50	2.68
2.69	2.87
2.88	3.05
3.06	3.24
3.25	3.42
3.43	3.61
3.62	3.79
3.80	3.98
3.99	4.16
4.17	4.35
4.36	4.53
4.54	4.72
4.73	4.90
4.91	5.09
5.10	5.27
5.28	5.46
5.47	5.64
5.65	5.83
5.84	6.01
6.02	6.20
6.21	6.38
6.39	6.57
6.58	6.75
6.76	6.94
6.95	7.12
7.13	7.31
7.32	7.49
7.50	7.68
7.69	7.87
7.88	8.05
8.06	8.24
8.25	8.42
8.43	8.61
8.62	8.79
8.80	8.98
8.99	9.16
9.17	9.35
9.36	9.53
9.54	9.72
9.73	9.90
9.91	10.09

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.1 Percent

<u>SALE</u>	<u>TAX</u>
.09	.24
.25	.40
.41	.57
.58	.73

<u>SALE</u>	<u>TAX</u>	<u>SALE</u>	<u>TAX</u>	
<u>.74-</u>	<u>.90</u>	<u>.05</u>	1.54- 1.69	.10
<u>.91-</u>	<u>1.06</u>	<u>.06</u>	1.70- 1.85	.11
<u>1.07-</u>	<u>1.22</u>	<u>.07</u>	1.86- 2.01	.12
<u>1.23-</u>	<u>1.39</u>	<u>.08</u>	2.02- 2.17	.13
<u>1.40-</u>	<u>1.55</u>	<u>.09</u>	2.18- 2.33	.14
<u>1.56-</u>	<u>1.72</u>	<u>.10</u>	2.34- 2.49	.15
<u>1.73-</u>	<u>1.88</u>	<u>.11</u>	2.50- 2.66	.16
<u>1.89-</u>	<u>2.04</u>	<u>.12</u>	2.67- 2.82	.17
<u>2.05-</u>	<u>2.21</u>	<u>.13</u>	2.83- 2.98	.18
<u>2.22-</u>	<u>2.37</u>	<u>.14</u>	2.99- 3.14	.19
<u>2.38-</u>	<u>2.54</u>	<u>.15</u>	3.15- 3.30	.20
<u>2.55-</u>	<u>2.70</u>	<u>.16</u>	3.31- 3.46	.21
<u>2.71-</u>	<u>2.86</u>	<u>.17</u>	3.47- 3.62	.22
<u>2.87-</u>	<u>3.03</u>	<u>.18</u>	3.63- 3.79	.23
<u>3.04-</u>	<u>3.19</u>	<u>.19</u>	3.80- 3.95	.24
<u>3.20-</u>	<u>3.36</u>	<u>.20</u>	3.96- 4.11	.25
<u>3.37-</u>	<u>3.52</u>	<u>.21</u>	4.12- 4.27	.26
<u>3.53-</u>	<u>3.68</u>	<u>.22</u>	4.28- 4.43	.27
<u>3.69-</u>	<u>3.85</u>	<u>.23</u>	4.44- 4.59	.28
<u>3.86-</u>	<u>4.01</u>	<u>.24</u>	4.60- 4.75	.29
<u>4.02-</u>	<u>4.18</u>	<u>.25</u>	4.76- 4.91	.30
<u>4.19-</u>	<u>4.34</u>	<u>.26</u>	4.92- 5.08	.31
<u>4.35-</u>	<u>4.50</u>	<u>.27</u>	5.09- 5.24	.32
<u>4.51-</u>	<u>4.67</u>	<u>.28</u>	5.25- 5.40	.33
<u>4.68-</u>	<u>4.83</u>	<u>.29</u>	5.41- 5.56	.34
<u>4.84-</u>	<u>4.99</u>	<u>.30</u>	5.57- 5.72	.35
<u>5.00-</u>	<u>5.16</u>	<u>.31</u>	5.73- 5.88	.36
<u>5.17-</u>	<u>5.32</u>	<u>.32</u>	5.89- 6.04	.37
<u>5.33-</u>	<u>5.49</u>	<u>.33</u>	6.05- 6.20	.38
<u>5.50-</u>	<u>5.65</u>	<u>.34</u>	6.21- 6.37	.39
<u>5.66-</u>	<u>5.81</u>	<u>.35</u>	6.38- 6.53	.40
<u>5.82-</u>	<u>5.98</u>	<u>.36</u>	6.54- 6.69	.41
<u>5.99-</u>	<u>6.14</u>	<u>.37</u>	6.70- 6.85	.42
<u>6.15-</u>	<u>6.31</u>	<u>.38</u>	6.86- 7.01	.43
<u>6.32-</u>	<u>6.47</u>	<u>.39</u>	7.02- 7.17	.44
<u>6.48-</u>	<u>6.63</u>	<u>.40</u>	7.18- 7.33	.45
<u>6.64-</u>	<u>6.80</u>	<u>.41</u>	7.34- 7.49	.46
<u>6.81-</u>	<u>6.96</u>	<u>.42</u>	7.50- 7.66	.47
<u>6.97-</u>	<u>7.13</u>	<u>.43</u>	7.67- 7.82	.48
<u>7.14-</u>	<u>7.29</u>	<u>.44</u>	7.83- 7.98	.49
<u>7.30-</u>	<u>7.45</u>	<u>.45</u>	7.99- 8.14	.50
<u>7.46-</u>	<u>7.62</u>	<u>.46</u>	8.15- 8.30	.51
<u>7.63-</u>	<u>7.78</u>	<u>.47</u>	8.31- 8.46	.52
<u>7.79-</u>	<u>7.95</u>	<u>.48</u>	8.47- 8.62	.53
<u>7.96-</u>	<u>8.11</u>	<u>.49</u>	8.63- 8.79	.54
<u>8.12-</u>	<u>8.27</u>	<u>.50</u>	8.80- 8.95	.55
<u>8.28-</u>	<u>8.44</u>	<u>.51</u>	8.96- 9.11	.56
<u>8.45-</u>	<u>8.60</u>	<u>.52</u>	9.12- 9.27	.57
<u>8.61-</u>	<u>8.77</u>	<u>.53</u>	9.28- 9.43	.58
<u>8.78-</u>	<u>8.93</u>	<u>.54</u>	9.44- 9.59	.59
<u>8.94-</u>	<u>9.09</u>	<u>.55</u>	9.60- 9.75	.60
<u>9.10-</u>	<u>9.26</u>	<u>.56</u>	9.76- 9.91	.61
<u>9.27-</u>	<u>9.42</u>	<u>.57</u>	9.92-10.08	.62
<u>9.43-</u>	<u>9.59</u>	<u>.58</u>		
<u>9.60-</u>	<u>9.75</u>	<u>.59</u>		
<u>9.76-</u>	<u>9.91</u>	<u>.60</u>		
<u>9.92-</u>	<u>10.08</u>	<u>.61</u>		

((RETAIL SALES TAX COLLECTION SCHEDULE
December 4, 1981))

6.3 Percent

<u>SALE</u>	<u>TAX</u>	
<u>.08-</u>	<u>.23</u>	<u>.01</u>
<u>.24-</u>	<u>.39</u>	<u>.02</u>
<u>.40-</u>	<u>.55</u>	<u>.03</u>
<u>.56-</u>	<u>.71</u>	<u>.04</u>
<u>.72-</u>	<u>.87</u>	<u>.05</u>
<u>.88-</u>	<u>1.03</u>	<u>.06</u>
<u>1.04-</u>	<u>1.19</u>	<u>.07</u>
<u>1.20-</u>	<u>1.34</u>	<u>.08</u>
<u>1.35-</u>	<u>1.50</u>	<u>.09</u>
<u>1.51-</u>	<u>1.66</u>	<u>.10</u>
<u>1.67-</u>	<u>1.82</u>	<u>.11</u>
<u>1.83-</u>	<u>1.98</u>	<u>.12</u>
<u>1.99-</u>	<u>2.14</u>	<u>.13</u>
<u>2.15-</u>	<u>2.30</u>	<u>.14</u>
<u>2.31-</u>	<u>2.46</u>	<u>.15</u>

RETAIL SALES TAX COLLECTION SCHEDULE
(December 4, 1981))

May 1, 1982

6.2 Percent

<u>SALE</u>	<u>TAX</u>	
<u>.09-</u>	<u>.24</u>	<u>.01</u>
<u>.25-</u>	<u>.40</u>	<u>.02</u>
<u>.41-</u>	<u>.56</u>	<u>.03</u>
<u>.57-</u>	<u>.72</u>	<u>.04</u>
<u>.73-</u>	<u>.88</u>	<u>.05</u>
<u>.89-</u>	<u>1.04</u>	<u>.06</u>
<u>1.05-</u>	<u>1.20</u>	<u>.07</u>
<u>1.21-</u>	<u>1.37</u>	<u>.08</u>
<u>1.38-</u>	<u>1.53</u>	<u>.09</u>

SALE	TAX
2.47-2.61	.16
2.62-2.77	.17
2.78-2.93	.18
2.94-3.09	.19
3.10-3.25	.20
3.26-3.41	.21
3.42-3.57	.22
3.58-3.73	.23
3.74-3.88	.24
3.89-4.04	.25
4.05-4.20	.26
4.21-4.36	.27
4.37-4.52	.28
4.53-4.68	.29
4.69-4.84	.30
4.85-4.99	.31
5.00-5.15	.32
5.16-5.31	.33
5.32-5.47	.34
5.48-5.63	.35
5.64-5.79	.36
5.80-5.95	.37
5.96-6.11	.38
6.12-6.26	.39
6.27-6.42	.40
6.43-6.58	.41
6.59-6.74	.42
6.75-6.90	.43
6.91-7.06	.44
7.07-7.22	.45
7.23-7.38	.46
7.39-7.53	.47
7.54-7.69	.48
7.70-7.85	.49
7.86-8.01	.50
8.02-8.17	.51
8.18-8.33	.52
8.34-8.49	.53
8.50-8.65	.54
8.66-8.80	.55
8.81-8.96	.56
8.97-9.12	.57
9.13-9.28	.58
9.29-9.44	.59
9.45-9.60	.60
9.61-9.76	.61
9.77-9.92	.62
9.93-10.07	.63)

SALE	TAX
3.16-3.30	.21
3.31-3.46	.22
3.47-3.61	.23
3.62-3.76	.24
3.77-3.92	.25
3.93-4.07	.26
4.08-4.23	.27
4.24-4.38	.28
4.39-4.53	.29
4.54-4.69	.30
4.70-4.84	.31
4.85-4.99	.32
5.00-5.15	.33
5.16-5.30	.34
5.31-5.46	.35
5.47-5.61	.36
5.62-5.76	.37
5.77-5.92	.38
5.93-6.07	.39
6.08-6.23	.40
6.24-6.38	.41
6.39-6.53	.42
6.54-6.69	.43
6.70-6.84	.44
6.85-6.99	.45
7.00-7.15	.46
7.16-7.30	.47
7.31-7.46	.48
7.47-7.61	.49
7.62-7.76	.50
7.77-7.92	.51
7.93-8.07	.52
8.08-8.23	.53
8.24-8.38	.54
8.39-8.53	.55
8.54-8.69	.56
8.70-8.84	.57
8.85-8.99	.58
9.00-9.15	.59
9.16-9.30	.60
9.31-9.46	.61
9.47-9.61	.62
9.62-9.76	.63
9.77-9.92	.64
9.93-10.07	.65

((RETAIL SALES TAX COLLECTION SCHEDULE
December 4, 1981

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.5 Percent

SALE	TAX
.08-.23	.01
.24-.38	.02
.39-.53	.03
.54-.69	.04
.70-.84	.05
.85-.99	.06
1.00-1.15	.07
1.16-1.30	.08
1.31-1.46	.09
1.47-1.61	.10
1.62-1.76	.11
1.77-1.92	.12
1.93-2.07	.13
2.08-2.23	.14
2.24-2.38	.15
2.39-2.53	.16
2.54-2.69	.17
2.70-2.84	.18
2.85-2.99	.19
3.00-3.15	.20

6.6 Percent

SALE	TAX
.08-.22	.01
.23-.37	.02
.38-.53	.03
.54-.68	.04
.69-.83	.05
.84-.98	.06
.99-1.13	.07
1.14-1.28	.08
1.29-1.43	.09
1.44-1.59	.10
1.60-1.74	.11
1.75-1.89	.12
1.90-2.04	.13
2.05-2.19	.14
2.20-2.34	.15
2.35-2.49	.16
2.50-2.65	.17
2.66-2.80	.18
2.81-2.95	.19
2.96-3.10	.20
3.11-3.25	.21
3.26-3.40	.22
3.41-3.56	.23

SALE	TAX
3.57-3.71	.24
3.72-3.86	.25
3.87-4.01	.26
4.02-4.16	.27
4.17-4.31	.28
4.32-4.46	.29
4.47-4.62	.30
4.63-4.77	.31
4.78-4.92	.32
4.93-5.07	.33
5.08-5.22	.34
5.23-5.37	.35
5.38-5.53	.36
5.54-5.68	.37
5.69-5.83	.38
5.84-5.98	.39
5.99-6.13	.40
6.14-6.28	.41
6.29-6.43	.42
6.44-6.59	.43
6.60-6.74	.44
6.75-6.89	.45
6.90-7.04	.46
7.05-7.19	.47
7.20-7.34	.48
7.35-7.49	.49
7.50-7.65	.50
7.66-7.80	.51
7.81-7.95	.52
7.96-8.10	.53
8.11-8.25	.54
8.26-8.40	.55
8.41-8.56	.56
8.57-8.71	.57
8.72-8.86	.58
8.87-9.01	.59
9.02-9.16	.60
9.17-9.31	.61
9.32-9.46	.62
9.47-9.62	.63
9.63-9.77	.64
9.78-9.92	.65
9.93-10.07	.66)

Note: Brackets are repetitive above \$10.

Revised ((November 19, 1980)) April 30, 1982

WSR 82-13-091
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning sales of meals, WAC 458-20-119;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in the Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504, 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 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m.,

Tuesday, July 27, 1982, Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504.

Dated: June 23, 1982

By: Don R. McCuiston

Director, Interpretation and Appeals Division

STATEMENT OF PURPOSE

Title: WAC 458-20-119 Sales of Meals.

Statutory Authority: RCW 82.32.300.

Summary: Effective May 1, 1982, the Washington State Legislature reimposed the sales tax on food, necessitating the revision of this rule.

Drafters of the Rule: Don R. McCuiston, Director, Interpretation and Appeals Division, 4th Floor, General Administration Building, Olympia, Washington 98504, phone: (206) 753-5525. Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5540.

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-119 SALES OF MEALS.

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((COMPANIES)) COMPANY DINERS. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

((MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) Employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition

thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.)

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((Sec WAC 458-20-244 (Rule 244):)) In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ((Sec WAC 458-20-244 (Rule 244):)) Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive

purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. ((Sec WAC 458-20-244 (Rule 244):))

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

Revised ((April 28, 1978)) April 30, 1982.

Effective ((July 1, 1978)) May 1, 1982.

WSR 82-13-092
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning food products, WAC 458-20-244;

that such agency will at 11:00 a.m., Tuesday, July 27, 1982, in the Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504, 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 82.32.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to July 27, 1982, and/or orally at 11:00 a.m., Tuesday, July 27, 1982, Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington 98504.

Dated: June 23, 1982

By: Don R. McCuiston

Director, Interpretation and Appeals Division

STATEMENT OF PURPOSE

Title: WAC 458-20-244 Food Products.

Statutory Authority: RCW 82.32.300.

Summary: Effective May 1, 1982, the Washington State Legislature reimposed the sales tax on food, necessitating the revision of this rule.

Drafters of the Rule: Don R. McCuiston, Director, Interpretation and Appeals Division, 4th Floor, General Administration Building, Olympia, Washington 98504, phone: (206) 753-5525. Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5540.

AMENDATORY SECTION (Amending Order ET 78-1, filed 4/21/78)

WAC 458-20-244 FOOD PRODUCTS. ((Initiative Measure No. 345, approved November 8, 1977, added new subsections to RCW 82-08-030 and 82-12-030 exempting certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1978. The word "tax" as used hereafter in this rule means retail sales tax. "Food products" include generally those products normally ingested by humans for nourishment, but the term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

a. The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;

OR;

b. The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR;

c. The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the admission charge does not negate the exemption, the tax will apply if either circumstances a or b above are present.

VENDORS WHO ARE REQUIRED TO COLLECT TAX:

1. Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, vending machine operators, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as

tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

2. Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph #1.

EXEMPT AND TAXABLE SALES BY GROCERS:

The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive.

The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph #1 above.

Exempt if Consumption Facilities Not Provided

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking Soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products, *Health foods
sugar substitutes	
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable products
	Yeast

The products listed as taxable are subject to tax however sold or prepared:

Specific Classes Of Items Taxable In All Cases

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water
Beer or wine making supplies	(mineral or otherwise)
Calcium tablets	Mouthwashes
Carbonated beverages	Nonedible cake decorations
Chewing tobacco	Nonprescription medicines
Cod liver oil	Patent medicines
Cough medicines (liquid or lozenge)	Pet food and supplies
	Seeds and plants for gardens
*Dietary supplements or adjuncts	Tonics, vitamins
	Toothpaste

*NOTE: Sales of dietary supplements which are subject to regulation by the U.S. Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than 50 percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter I, Part 80) adopted October 12, 1976, effective January 1,

1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products.

Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.

COMBINATION BUSINESS:

Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph #1, "Vendors Who Are Required to Collect Tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their inventories, accounting records, and sales receipts segregated between the two businesses. If the two businesses are commingled in operation and accounting, all sales will be deemed subject to tax.

COMBINATION PACKAGES:

When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS:

Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

OTHER FOOD VENDORS:

1. Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see Rule 119 [WAC 458-20-119].
2. Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see Rule 166 [WAC 458-20-166].
3. Religious, charitable, benevolent, and nonprofit service organizations, see Rule 169 [WAC 458-20-169].
4. Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:

- (a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.
- (b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.
- (c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch

rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program:

- (d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by Rule 166 [WAC 458-20-166].

Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by Rule 119 [WAC 458-20-119]. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.

USE TAX:

All of the foregoing provisions of this rule dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.)

Effective May 1, 1982, chapter 35 (P.V.), Laws of 1982 1st extraordinary session, reimposes retail sales tax on sales of food products for human consumption except for food purchased with food stamps. Included with exempt food stamp purchases are purchases made with W.I.C. food vouchers. W.I.C. stands for Women, Infants and Children and is a special supplemental food program sponsored by the United States Department of Agriculture.

Retailers who accept food stamps and W.I.C. vouchers for purchases of food products are required to keep suitable records (per RCW 82.32.070) to demonstrate that any sales claimed sales tax exempt qualify for exemption under this rule and law.

Retailers will be required to retain totals of exempt sales recorded on daily cash register tapes. Additionally, all bank deposits must include a breakdown to disclose the totals of food stamps and W.I.C. vouchers.

TAX APPLICATION EXAMPLES:

(1) A customer who buys \$49.50 worth of groceries and pays with \$50.00 worth of food stamps would pay no sales tax; however, the retailer would record the \$49.50 sale as retail sales tax exempt, not the \$50.00 in stamps received.

(2) Where a customer buys \$60 worth of groceries and tenders \$50 in food stamps and \$10 in cash, the \$50 of groceries purchased with food stamps is tax exempt while the additional \$10 in purchases is subject to the retail sales tax.

Adopted ((April 21, 1978)) May 1, 1982

WSR 82-13-093
PROPOSED RULES
COMMISSION FOR
VOCATIONAL EDUCATION
 [Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for Vocational Education intends to adopt, amend, or repeal rules concerning:

- | | | |
|-----|-----------------|---|
| Amd | WAC 490-03-010 | Affirmative action policy. |
| New | WAC 490-28A-003 | Minimum standards for trainers of vocational education personnel. |
| New | WAC 490-36A-040 | Local annual applications; |

that such agency will at 9:30 a.m., Thursday, September 23, 1982, in the Conference Room, Educational Service District 113, 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 28C.04.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 1, 1982, and/or orally at 9:30 a.m., Thursday, September 23, 1982, Conference Room, Educational Service District 113, Olympia, Washington.

Dated: June 23, 1982

By: Homer J. Halverson
Executive Director

STATEMENT OF PURPOSE

In the matter of amending WAC 490-03-010 and adopting 490-28A-003 and 490-36A-040 relating to vocational education.

This rule amendment and the new sections are proposed pursuant to RCW 28C.04.060 and the general rule-making authority of the Commission for Vocational Education.

WAC 490-03-010 Affirmative Action Policy. The proposed amendment changes the title to "nondiscrimination policy." This more accurately conveys the intent of the rule, which is to insure nondiscrimination in vocational education programs. Subsequent language is reworded for consistency with federal legislation regarding nondiscrimination. This rule is necessary as a result of federal law prohibiting discrimination in educational programs receiving federal financial assistance: Section 504, Rehabilitation Act of 1973; Title IX, Education Amendments of 1972; Title VI, Civil Rights Act of 1964.

WAC 490-36A-040 Local Annual Applications. The purpose of this rule is to avoid unnecessary duplication of vocational education programs and to assure that programs meet the needs of the areas in which they are to be offered. The proposed rule requires that local education agency applications for federal vocational education funds be developed in consultation with representatives of educational and training resources in the area to be served. This rule is necessary as a result of Section 106 of Public Law 94-482, Education Amendments of 1976.

WAC 490-28A-003 Minimum Standards for Trainers of Vocational Education Personnel. The purpose of the proposed new section is to set minimum standards for trainers of vocational education personnel. Prior to the March 26, 1981 amendments to chapter 490-28A WAC, language included reference to vocational education teacher educators. The language was deleted, and the commission requested that a committee representative of interested parties study vocational teacher educator requirements and make recommendations relative to personnel qualifications. The proposed new section is the result of the committee's recommendation to the commission. This rule is not necessary as a result of federal laws, federal court decisions, or state court decisions.

Homer J. Halverson, Executive Director, Building 17, Airdustrial Park, Olympia, WA 98504, phone (206) 753-5662, and members of his staff were responsible for the drafting of the proposed rule amendment and new

sections and are to be responsible for implementation and enforcement of the rules.

The proponent of these rules is the Washington State Commission for Vocational Education.

AMENDATORY SECTION (Amending Order 79-1, Resolution 78-32-3, filed 1/16/79)

WAC 490-03-010 (~~(AFFIRMATIVE ACTION)~~) NONDISCRIMINATION POLICY. No person shall (~~(be denied)~~), on the basis of race, (~~(sex, creed)~~) color, national origin, sex, handicap, or age (~~(; physical impairment or veteran status, any of the rights and privileges accorded citizens of the United States in the recruitment and registration as students in vocational preparation and supplementary programs or in the employment as vocational educators within the common school districts, community college districts, state agencies or other community based organizations who receive)~~) be excluded from access and admission to or participation in, be denied the benefits of, or be subjected to unlawful discrimination in any vocational education employment, program, service or activity operated by or supported directly or through contracted or other arrangements by a recipient of federal, state or local vocational education funds.

Special emphasis shall be given to (~~(the recruitment, registration and placement of persons who are disadvantaged, handicapped and/or members of minority groups, regardless of sex or occupational tradition)~~) providing equal access and equal opportunities to all persons in all vocational education programs and activities.

All recipients and contractors delivering vocational education services under the Washington State Plan for Vocational Education shall (~~(implement by October 1, 1978 such a)~~) adopt a comparable nondiscrimination policy ((which shall be maintained in their records for compliance audit purposes)).

NEW SECTION

WAC 490-28A-003 MINIMUM STANDARDS FOR TRAINERS OF VOCATIONAL EDUCATION PERSONNEL. Trainers of vocational education personnel in the common school system and the community colleges must be certificated through either the Office of the State Superintendent of Public Instruction or the State Board for Community College Education. To be certificated as a trainer of vocational education personnel, a person must have training and experience for the particular unit or course to be taught, as determined by a certificated vocational education director.

NEW SECTION

WAC 490-36A-040 LOCAL ANNUAL APPLICATIONS. All local applications shall be developed in consultation with representatives of the educational and training resources available in the area to be served by the applicant, and copies of all applications, including this assurance and all other required assurances, will be provided to the commission for review.

WSR 82-13-094

NOTICE OF PUBLIC MEETINGS COMMISSION FOR VOCATIONAL EDUCATION

[Memorandum—June 23, 1982]

A special meeting of the Washington State Commission for Vocational Education will be held on June 28, 1982, at 9:30 a.m. in the Cascade Room of the Vance Airport Inn, Seattle.

An executive session will be called immediately to discuss personnel matters and to consult with legal counsel.

Action, if necessary, which may result from the executive session will be taken in an open meeting.

WSR 82-13-095
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—June 21, 1982]

You have been notified by telephone of a special meeting of the boards of trustees of the five King County community college districts to be held on Wednesday, June 23, in the Seattle Community College District Office, 300 Elliott Avenue West. The joint meeting, beginning at 7:00 p.m., includes trustees from Seattle, Bellevue, Shoreline, Highline and Green River.

The agenda topic is the Washington state financial crisis and funding of the community college state system.

WSR 82-13-096
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
 [Memorandum—June 21, 1982]

The following are the meeting times and location for the Central Washington University Board of Trustees: September 24, 1982; November 19, 1982; March 4, 1983; and June 17, 1983, 7:00 p.m.; Bouillon Hall, Room 143.

WSR 82-13-097
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Order SDO-71-82—Filed June 23, 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, amending WAC 460-44A-500 preliminary notes, adopted as an emergency rule in WSR 82-12-026; and order rescinding repealer, repealing WAC 460-44A-010 through 460-44A-045 on June 30, 1982, as set forth in WSR 82-12-026.

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 the repeal of the exemption of WAC 460-44A-010 through 460-44A-045 prior to the adoption of permanent rules WAC 460-44A-500 through 460-44A-506 may cause undue hardship on issuers conducting private offerings under exemption in the state of Washington.

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

This rule is promulgated pursuant to RCW 21.20.320(1) and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 21.20.450 which directs that 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 June 23, 1982.

By John Gonzalez
 Director

Chapter 460-44A WAC
EXEMPT TRANSACTIONS

AMENDATORY SECTION (Amending Emergency Order SDO-60-82, filed 5/25/82)

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~~) will be repealed on (~~June 30, 1982~~) the adoption and effectiveness of the permanent rules WAC 460-44A-501 through 460-44A-506; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after (~~June 30, 1982~~) repeal. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to (~~June 30, 1982~~) the date of repeal and which continue past (~~June 30, 1982~~) the date of repeal, no registration is required if the offering terminates before June 30, 1983.*

ORDER RESCINDING REPEALER

THE REPEALER OF THE FOLLOWING SECTIONS SET FORTH IN WSR 82-12-026 IS HEREBY RESCINDED:

(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 82-13-098
PROPOSED RULES
COMMISSION FOR
THE BLIND**

[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning prevention of blindness, adopting chapter 67-40 WAC. Describes the rights, qualifications and requirements relating to the prevention of blindness program;

that such agency will at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Tuesday, July 27, 1982, and/or orally at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118.

Dated: June 23, 1982

By: Paul Dziedzic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-40 WAC, Prevention of Blindness.
Statutory Authority: RCW 74.16.170.

Reason: The rule establishes the qualifications and requirements relating to the enjoyment of benefits and privileges provided by the prevention of blindness program.

Summary: WAC 67-40-010 Description, briefly describes purpose of program; 67-40-015 Staff Ophthalmologist, responsibility and how selected; 67-40-016 Eye Advisory Committee, terms, size, responsibilities described; 67-40-020 Eligibility, describes eligibility determination responsibilities; 67-40-025 Medical Eligibility, explains how criteria are established and applied

to individual cases; 67-40-050 Services Provided, provides specific lists of services provided; 67-40-060 Services Not Provided, lists medical services not provided and conditions not treated; 67-40-070 Authorization and Billing, explains payment process; and 67-40-090 Appeal and Fair Hearing, informs public of appeal right and procedure.

Implementation: This rule describes a program which has been implemented for several years.

**Chapter 67-40 WAC
PREVENTION OF BLINDNESS**

WAC

67-40-010	Purpose—Description.
67-40-015	Prevention—Staff ophthalmologist.
67-40-016	Prevention—Eye physicians advisory committee.
67-40-020	Prevention—Eligibility.
67-40-025	Prevention—Medical eligibility.
67-40-050	Prevention—Services provided.
67-40-060	Prevention—Services not provided.
67-40-070	Prevention—Authorizations and billing.
67-40-090	Prevention—Appeal and fair hearing.
67-40-440	Prevention of blindness.

NEW SECTION

WAC 67-40-010 PURPOSE—DESCRIPTION. The prevention of blindness program is established in RCW 74.16.170. Its purpose is to provide medical services to persons in order to prevent blindness and to restore sight. Responsibility for the prevention of blindness program is shared with the department of social and health services which delegates the authority to make medical need decisions to the commission for the blind. The commission authorizes assistance with costs of care when necessary.

NEW SECTION

WAC 67-40-015 PREVENTION—STAFF OPHTHALMOLOGIST. The commission for the blind shall employ an ophthalmological consultant on a part-time basis. His appointment shall be recommended by the eye physicians advisory committee for a two year term. He shall be responsible for reviewing recommendations made by participating ophthalmologists to determine if the proposed services fall within the scope of the prevention of blindness program.

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

NEW SECTION

WAC 67-40-016 PREVENTION—EYE PHYSICIANS ADVISORY COMMITTEE. (1) The eye physicians advisory committee shall be appointed by the commission for the blind.

(2) It shall consist of up to eight members who have staggered four year terms.

(3) The committee shall select a chair from among its members.

(4) The eye advisory committee does the following:

(a) Recommends the criteria to be used in making decisions regarding medical services to be provided;

(b) Recommends the person to serve as staff ophthalmologist;

(c) Reviews and certifies credentials of physicians who render services under the prevention of blindness program.

NEW SECTION

WAC 67-40-020 PREVENTION—ELIGIBILITY. Application for the prevention of blindness program is made at department of social and health services local offices. Eligibility for the prevention of blindness program is a two-prong test.

(1) Financial eligibility must be established by the department of social and health services. Persons not meeting public assistance or Medicaid requirements may be found eligible if inability to pay for services can be established.

(2) Persons not meeting public assistance or Medicaid requirements may be required to participate in the costs of medical care.

(3) The commission for the blind determines medical eligibility for services.

NEW SECTION

WAC 67-40-025 PREVENTION—MEDICAL ELIGIBILITY.

(1) An eye physicians advisory committee composed of eight ophthalmologists recommends the policies and criteria for the determination of medical services to be provided by the prevention of blindness program.

(2) An ophthalmological consultant, on contract to the commission, reviews individual cases and makes a decision regarding medical services to be provided based on the guidelines recommended by the eye physicians advisory committee.

(3) A medical social worker coordinates the eligibility process with the provision of services by ophthalmologists throughout the state. The medical social worker also works in cooperation with staff of the department of social and health services local office and medical assistance division.

NEW SECTION

WAC 67-40-050 PREVENTION—SERVICES PROVIDED.

(1) Medical eye treatment of any condition which causes loss of vision, such as amblyopia, corneal ulcer, diabetic retinopathy, glaucoma, and strabismus.

(2) Surgery performed by an ophthalmologist to prevent blindness, restore sight or relieve pain, including, but not limited to, the following:

- (a) Cataract (when there is a specified visual loss, an imminent medical complication, or a special need for better vision is established).
 - (b) Corneal transplant (keratoplasty).
 - (c) Ectropion, entropion, and ptosis.
 - (d) Enucleation.
 - (e) Glaucoma (cyclodialysis, iridectomy, cyclodiathermy, filtration, iridencleisis, trephine, sclerectomy).
 - (f) Photocoagulation for diabetic retinopathy.
 - (g) Pterygium (if advancing on pupillary area).
 - (h) Retinal reattachment or repair, including photocoagulation, cryopexy, and scleral buckling.
 - (i) Repair of perforating corneal laceration.
 - (j) Strabismus for child only unless diplopia is present.
 - (k) Tumor of eyelid if malignancy is suspected.
 - (l) Vitrectomy.
- (3) Hospitalization for eye surgery or treatment in a hospital designated by the patient's ophthalmologist.
- (4) Prosthetic appliances: Stock or custom-made prosthetic eyes are provided.
- (5) X-rays of the orbit are provided, but not skull x-rays.
- (6) Drugs are provided in conjunction with authorized eye care.
- (7) Cataract surgery will be provided on one eye only.

NEW SECTION

WAC 67-40-060 PREVENTION—SERVICES NOT PROVIDED. Certain eye conditions which are degenerative and not subject to amelioration, and most conditions pertaining to tear ducts and eyelids rather than the eye itself shall be excluded, specifically:

- (1) Routine eye examinations;
- (2) Glasses and contact lenses, except following cataract surgery or when medically necessary for treatment of an eye condition such as strabismus or keratoconus;
- (3) Blepharitis;
- (4) Chalazion;
- (5) Conjunctivitis;
- (6) Macular degeneration;
- (7) Orthoptics (muscle training);
- (8) Plastic surgery;
- (9) Tumors outside the eye unless suspected malignancy threatens vision.

NEW SECTION

WAC 67-40-070 PREVENTION—AUTHORIZATIONS AND BILLING. (1) All care beyond the initial eye examination is authorized by means of a letter sent to the patient's ophthalmologist.

(2) All eye care must be authorized in advance.

(3) For Medicare patients, the physician bills via the Medicare carrier. For all other patients the ophthalmologist sends the bill to the commission for the blind.

NEW SECTION

WAC 67-40-090 PREVENTION—APPEAL AND FAIR HEARING. (1) Any individual denied service may request a hearing by writing within thirty days of receipt of notification to the commission for the blind which will forward the request to the Office of Administrative Hearings, 4224 6th Ave. S.E., PY-15, Lacey, WA 98504.

(2) The individual may be represented by legal counsel or by another person of his choosing.

(3) The director shall upon recommendation from the administrative law judge issue a proposed decision.

(4) The director shall issue a final decision within fifteen days of receipt of the proposed decision.

NEW SECTION

WAC 67-40-440 PREVENTION OF BLINDNESS. (1) Clients who meet financial and medical eligibility criteria for surgery for the removal of cataracts will be provided cataract surgery on one eye only.

(2) When prevention of blindness funds are expended, service to eligible clients will be deferred until the biennium beginning July 1, 1983.

WSR 82-13-099

ADOPTED RULES CODE REVISER

[Order 23—Filed June 23, 1982]

I, Dennis W. Cooper, Code Reviser of the State of Washington, do promulgate and adopt at Olympia, the annexed rules relating to rules concerning the drafting and filing of notices and rules by state agencies and institutions of higher education, chapters 1-12 and 1-13 WAC.

This action is taken pursuant to Notice No. WSR 82-11-091 filed with the code reviser on May 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.08.030 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 28B.19.080 and 34.04.055 which directs that the Code Reviser has authority to implement the provisions of chapters 28B.19 and 34.04 RCW.

This rule is promulgated under the general rule-making authority of the Code Reviser's Office as authorized in RCW 1.08.110.

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

APPROVED AND ADOPTED June 23, 1982.

By Dennis W. Cooper
Code Reviser

AMENDATORY SECTION (Amending Order 21, filed 6/12/80)

WAC 1-12-005 DECLARATION OF PURPOSE. The creation and maintenance of the Washington Administrative Code is a task of considerable magnitude. In recognition of the amount of total effort involved, and in

order to effect overall economies in this important function of state government, the legislature has placed responsibilities upon the individual agencies by requiring (RCW 34.04.057 and 34.04.058) that they formulate both newly created and amendatory rules in the bill drafting style of the legislature and further in accordance with the style, format, and numbering system of the code.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW 1.08.110, 34.04.055, and 34.08.030 ((in the interest of assisting)) to help the agencies in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code ((which shall be)) that are as concise and accurate as possible, and at minimum ((overall)) expense to the state. The format standards imposed by this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

The code reviser's office will ((be pleased to)) afford such advice and assistance to requesting agencies regarding this chapter as its time and resources will permit.

The code reviser expressly reserves the power to create new code titles, chapters, and sections of the Washington Administrative Code, or otherwise revise the title, chapter, and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules published therein.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-010 WHO MUST FILE RULES UNDER CHAPTER 34.04 RCW. (1) "Agency" defined; see RCW 34.04.010(1).((¹))

(2) Filing required; see RCW 34.04.040.((²))

(3) State militia, board of prison terms and paroles, and institutions of higher education exempted from provisions of chapter 34.04 RCW; see RCW 34.04.150.((³)) Institutions of higher education must file under chapter 28B.19 RCW and chapter 1-13 WAC.

((NOTES:

¹RCW 34.04.010(1) as last amended by § 2, chapter 324, Laws of 1981, provides:

"The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Agency" means any state board, commission, department, or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches."

²RCW 34.04.040 provides:

"(1) Each agency shall file forthwith in the office of the code reviser a certified copy of all rules now in effect and hereafter adopted, except the rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under RCW 34.04.030 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature during an odd-numbered year on the state of compliance of the agencies with this section. For this purpose, all agencies shall supply the code reviser with such information as he may request."

³RCW 34.04.150 as last amended by § 90, chapter 158, Laws of 1979 provides:

"This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in RCW 28B.19.020. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of licensing. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act."

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-020 WHAT RULES MUST BE FILED. (1) "Rule" defined; see RCW 34.04.010(2); "License" and "Licensing" defined; see RCW 34.04.010(4) and (5).((¹))

(2)(a) Rules of practice and procedure; see RCW 34.04.020.((²))

(b) Certain agencies may use the uniform rules of practice and procedure codified in chapter 1-08 WAC; see RCW 34.04.022.((³))

(c) Each agency must adopt a rule descriptive of its organization stating the general course and methods of its operations and the methods whereby the public may obtain information and make requests; see RCW 34.04.020(2).((⁴)) and 42.17.250.

(3) All agencies must adopt rules pertaining to the integration of the policies and procedures of chapter 43.21C RCW (the State Environmental Policy Act of 1971) into the various programs under their jurisdiction for implementation; see RCW 43.21C.120.

((NOTES:

¹RCW 34.04.010 as last amended by § 2, chapter 324, Laws of 1981 provides in part:

¹(1) . . .

(2) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW 34.04.080, as now or hereafter amended, or (iii) speed restrictions for motor vehicles established by the state transportation commission.

²(3) . . .

(4) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or any form of permission required by law, including agency rule, to engage in any activity, but does not include a license required solely for revenue purposes.

(5) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license."

²RCW 34.04.020 as last amended by § 2, chapter 237, Laws of 1967 provides:

"In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions. ~~PROVIDED, That RCW 34.04.022 shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967.~~

(2) To assist interested persons dealing with it, each agency shall adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. No person shall be required to comply with agency procedure not adopted as a rule as herein required.

(3) To the extent not prohibited by federal law or regulation, nor prohibited for reasons of confidentiality by state law, each agency shall keep on file for public inspection all final orders, decisions and opinions in contested cases and any digest or index to those orders, decisions or opinions prepared by the agency for its own use. No agency order, decision or opinion is valid or effective against any person, nor may it be invoked by the agency for any purpose, unless it is available for public inspection as herein required. This provision is not applicable in favor of any person who has actual knowledge thereof.²

²RCW 34.04.022 provides:

~~On or before July 1, 1967, the code reviser shall add to Title I of the Washington Administrative Code a new chapter to be known as chapter 1-08 WAC—Uniform Procedural Rules, which shall become effective July 1, 1967, and shall govern the administrative practice and procedure in and before all agencies which have not adopted comprehensive rules of practice and procedure prior to that date. Except for the numbering thereof, such rules shall be identical with the rules contained in WAC 308-08-010 through 308-08-590 as the same existed on January 3, 1966. PROVIDED, That in publishing chapter 1-08 WAC the reviser may revise such terms as are used in chapter 308-08 WAC to describe "agency", "department", "board", "commission", and like terms, so as to enable the use of such rules by multiple agencies.~~

~~This section shall not prohibit any such agency from hereafter adopting its own rules of practice and procedure in the manner provided by this chapter, if such agency shall elect to promulgate comprehensive rules on this subject and shall, in the order of adoption, expressly negative any further applicability to such agency of the rules contained in chapter 1-08 WAC.²)~~

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 34.04.025⁽¹⁾, 34.04.045, 34.04.... (section 3, chapter 6, Laws of 1982), and 34.08.020.⁽²⁾

(2) Failure to comply with twenty days notice requirement—Code reviser not to publish rule and rule not effective for any purpose; see RCW 34.04.027.⁽²⁾

(3) Form of notice. The notice shall be filed on forms provided by the code reviser's office (Form CR-1). No other form will be accepted for filing. The notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. ((Such proposal)) The full text of a proposed rule shall be ((done)) set forth according to the bill drafting style requirements of WAC 1-12-125 through 1-12-160. The rule purpose statement required by RCW 34.04.045 shall also be included with the notice. If a small business economic impact statement is required by RCW 34.04.... (section 3, chapter 6, Laws of 1982), it shall be included in the rule purpose statement. (See WAC 1-12-032.)

(4) Number of copies; Notice numbers.

(a) Agencies shall file in the code reviser's office an original and three copies of the notice and rule purpose statement (whereupon). The code reviser's office will

stamp the date of filing and the notice number ((will be affixed)) on the notice, and return a copy ((returned)) to the filing agency. ((Such)) The notice number or numbers shall, in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the original notice (Form CR-1). The notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the agency on the administrative order and transmittal form by which the rules are adopted and transmitted for filing.

(b) The agency shall also file three copies of the complete notice package, bearing the filing stamp and number of the code reviser's office, with the ((secretary of the senate, the chief clerk of the house of representatives, and the)) rules review committee ((in such numbers as those officials or the committee requires)). Agencies filing by mail may send those extra copies to the code reviser's office along with an envelope addressed to the rules review committee, mail stop QW-11, and the copies will be sent by campus mail directly to the committee.

(5) Computation of time with respect to the twenty-day rule. ~~((The effect of))~~ RCW 34.04.025 and 34.04.027 ~~((is to))~~ require the code reviser to ascertain agency compliance with the twenty-day rule. ~~((Such))~~ Compliance will be determined as follows:

(a) The code reviser's office construes the twenty-day notice requirement of RCW 34.04.025 and 34.04.027 as relating to the date upon which the first action will be taken by the agency upon the proposed rule changes; thus if the agency provides for a public hearing upon the matter, the twenty-day requirement applies to the date of ~~((such))~~ the hearing, otherwise it will apply to the date upon which the agency convenes to adopt, amend, or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form (CR-1)((, and such)). The dates may((, of course,)) be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 34.04.025(1)((~~+~~))(b) which provides that "Prior to the adoption, amendment, or repeal of any rule, each agency shall: . . . Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing . . .")

(b) The twenty-day notice requirement applies to the publication of the notice and text of the proposal in the state register and begins with the distribution date of the register in which the notice has been published (or a notice regarding the omission of a rule has been published pursuant to RCW 34.04.050(3)). A new notice is required under RCW 34.04.025(2) and (3) if "substantial changes" within the meaning of those subsections are made in the proposal after its publication in the register. This new notice is subject to the full twenty-day waiting period and is also subject to the register closing date schedule of WAC 1-12-035. Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.

(c) The distribution dates of registers are the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that register shall be delayed until Thursday, which will also delay the start of the twenty-day notice count. The last day to file material in the code reviser's office for inclusion in any particular register will be established according to WAC 1-12-035.

(d) If upon convening on any of the dates announced in parts (2) and (3) of the notice form (Form CR-1) the agency desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice (~~(which)~~) that would be subject to the twenty-day rule (~~(such)~~), the agency may, if it has complied with the twenty-day rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the code reviser a continuation notice (Form CR-1) containing in ~~((part))~~ paragraph (1) thereof the same terms, substance, or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by ~~((part))~~ paragraph (7) of ~~((such))~~ the form. In the event of one or more ~~((such))~~ continuances, the compliance of the original notice with the twenty-day rule will be deemed to relate to the continuation notices, and the text of the proposal need not be submitted with a notice of continuance. If an agency determines in advance of a hearing or adoption that it desires to continue either or both actions, or if action of the rules review committee necessitates an extension of the rule-making proceedings, the agency may file notice of a continuance in advance of the action if the notice will appear in a register with a distribution date at least ~~((ten))~~ five days before the first action date of the previous notice. The agency shall also post notice of the continuance at the site of the hearing or adoption during the time given in the original notice.

((NOTES:

¹RCW 34.04.025 as last amended by § 3, chapter 324, Laws of 1981 (effective July 26, 1981) provides:

¹(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committee, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by the rules review committee, or by an association having not less than twenty-five members.

(2) The agency shall make every effort to insure that the informa-

tion on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the agency's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refiling the notice required by this section. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(4) 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. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, unless it is an emergency rule designated as such and is adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.²

²RCW 34.04.027 provides:

²When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required in RCW 34.04.025, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.³

³RCW 34.08.020 as amended by § 15, chapter 186, Laws of 1980 provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification; and

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register.⁴)

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-032 RULE PURPOSE AND IMPLEMENTATION STATEMENT. RCW 34.04.045(¹) requires that when notice of any proposed rule is filed with the code reviser it shall be accompanied by a statement generally describing the rule's purpose and how it

is to be implemented. Such statement shall also contain, as a minimum, the other items required by that statute, including the small business economic impact statement, if required by RCW 34.04.... (section 3, chapter 6, Laws of 1982). One copy of the purpose statement shall be attached to each copy of the notice filed with the code reviser's office. Also note that ((it is the responsibility of)) the ((adopting)) agency ((to)) must transmit three copies ((each)) of the statement to the ((secretary of the senate and the chief clerk of the house of representatives. Filing the rule purpose statement with the)) rules review committee ((would also appear to meet the requirement of RCW 34.04.025(1)(b) for "a statement of the reasons supporting the proposed action.")).

((NOTE:

¹RCW 34.04.045, as amended by 1980 c 186 § 10, provides:

(1) For the purpose of legislative review of agency rules filed pursuant to this chapter, any new or amendatory rule proposed after June 12, 1980, shall be accompanied by a statement prepared by the adopting agency which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the agency's stationery or a form bearing the agency's name and shall contain, but is not limited to, the following:

(a) A title, containing a description of the rule's purpose, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;

(b) A summary of the rule and a statement of the reasons supporting the proposed action;

(c) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(d) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(e) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees.))

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-033 WITHDRAWAL OF PROPOSED RULE. Pursuant to RCW 34.04.048 a proposed rule may be withdrawn by the proposing agency at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing agency signed by the person signing the original notice ((of proposal)) or ((by a designee of that)) other properly designated person. The agency shall transmit ((a copy)) three copies of the notice of withdrawal to the rules review committee.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-034 REVIEW OF PREVIOUSLY ADOPTED RULES. RCW ((34.04.____ (1981 c 324 § 7))) 34.04.230 requires that within thirty days of the receipt of a notice from the rules review committee that certain existing rules of the agency are either "not with-

in the intent of the legislature" or were not "adopted in accordance with all applicable provisions of law," the agency "shall file notice of a hearing on the rule in question with the code reviser. . . ." The agency shall transmit ((a copy)) three copies of the review notice to the rules review committee. Notice of ((such)) the review hearing shall be given on Form CR-11 of the code reviser's office (WAC 1-12-950), and is subject to the twenty-day notice requirement of RCW 34.04.025(4). This applies to all previously adopted rules, whether permanent or emergency rules.

AMENDATORY SECTION (Amending Order 21, filed 6/12/80)

WAC 1-12-050 FILING OF ADMINISTRATIVE ORDER—RULES ADOPTED. Each filing of rules, whether permanent or emergency, shall be assembled and presented to the code reviser's office in the following order:

(1) The administrative order adopting ((said)) the rules, Form CR-7 or CR-8, as appropriate; four signed copies (See WAC 1-12-040);

(2) The text of rules adopted; one original and three identical copies.

((The adoption of)) Permanent and emergency rules shall be ((effected)) adopted by separate administrative orders and transmittals ((thereof)).

AMENDATORY SECTION (Amending Order 12, filed 5/9/77)

WAC 1-12-080 DRAFTING INSTRUCTIONS—TITLE NUMBER—CHAPTER AND SECTION NAMES AND NUMBERS. (1) The ((agency's)) title number for an agency's rules has been assigned by the code reviser. Chapter names and numbers, and section captions and numbers within the chapter, will be ((henceforth)) selected by the agency with the advice of the code reviser's office when ((such)) advice is requested. It is desirable to coordinate chapter and section numbers within the department to avoid discrepancies and inadvertent repeal of chapters and sections. Do not duplicate section captions within the same chapter.

(2) In selecting chapter and section names, choose a ((designation which)) name that expresses generally the subject matter of the material to be contained in the chapter or section. The names should be fairly concise and should ((be one having)) have some meaning to the industry being regulated ((and/or)) and to the general public.

(3) In selecting chapter numbers, consider the general outline of all subjects regulated or anticipated to be regulated by the agency and assign chapter numbers in accordance with this outline.

In order to provide for future expansion in an orderly sequence, a gap of four numbers should be left between chapters, e.g. at the outset use chapter numbers -12, -16, -24, etc. leaving the intervening numbers to be used for later interpolation of subjects related to those which have already been assigned numbers. Chapter -08 of each title should be reserved for the adoption of comprehensive rules of practice and procedure before the

agency (but note that under RCW 34.04.022 agencies no longer need to adopt their own practice and procedure rules but may ~~((utilize))~~ use the uniform rules of practice and procedure contained in chapter 1-08 WAC).

AMENDATORY SECTION (Amending Order 15, filed 10/31/77)

WAC 1-12-090 DRAFTING INSTRUCTIONS—DIVISION OF CHAPTERS INTO SECTIONS. (1) In numbering sections within a chapter, if the chapter will initially contain ~~((less))~~ fewer than ninety-eight sections, number the section factor in a progression of tens, e.g. -010, -020, -030, etc. If there are many sections within a proposed chapter, number by threes, e.g. -003, -006, -009, -012, etc. or by fives, e.g. -005, -010, -015, -020, etc. In special cases where the volume of material requires progression of section numbers by less than intervals of one, contact the code reviser's office.

(2) Material should be divided into short, concise sections. Short sections facilitate future amendment, since ~~((a))~~ an entire section ~~((in its entirety))~~ is the smallest unit ~~((which))~~ that can be amended. As a rule of thumb, if the contents of a section cannot be described in a one line caption, the section should be divided into two or more sections. Short sentences are ~~((likewise to be))~~ similarly preferred.

(3) Sections should not begin with the word "That."

(4) Each section shall be preceded by its WAC number and a caption ~~((which shall))~~ that briefly describes the contents of the section.

(5) All tables, charts, maps, appendices, and forms ~~((which))~~ that an agency intends to enforce or ~~((which))~~ otherwise constitute a rule, must be either a part of another WAC section or be assigned their own WAC numbers and adopted as independent sections. The latter method is preferred, as it will greatly simplify ~~((upkeep and))~~ revision of ~~((such))~~ the material.

AMENDATORY SECTION (Amending Order 21, filed 6/12/80)

WAC 1-12-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTION. (1) Both proposed and adopted rules ~~((which))~~ that amend ~~((a section or sections of))~~ existing rules shall set forth the full text of the most current version of the ~~((section or sections))~~ rules, including the WAC citation number, caption, text of the section, and associated agency explanatory notes, and shall indicate by use of deletion ~~((and/or))~~ and addition marks the amendment being made (RCW 34.04.058).

(2) Amendments shall be to the most current permanent version of a WAC section and shall be drafted in the following manner only:

(a) Language added to an existing WAC section shall be underlined;

(b) Language to be deleted from an existing WAC section shall be

(i) preceded by two left parentheses,

(ii) struck over with hyphens, and

(iii) followed by two right parentheses;

(c) New language ~~((which))~~ that replaces deleted

language shall follow the deleted language.

(3) Each amendatory section shall be headed "AMENDATORY SECTION" followed by reference to the agency order number and filing date of the latest permanent order affecting that section. (See WAC 1-12-155 for the style of this reference.)

(4) Special care must be taken to make sure that punctuation is not neglected. Addition and deletion of punctuation must be indicated in the above manner also. Existing punctuation should, however, be ~~((utilized))~~ used to the extent possible. For example, if new language is to follow the last word of a sentence, insert the new language (underlined) between the existing last word and the existing period.

(5) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting agencies regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-12-220.)

(6) Note that rules ~~((which))~~ that amend existing WAC sections and ~~((which))~~ are not drafted in the required style cannot be accepted for filing by the code reviser, and any addition to or deletion from an existing WAC section not promulgated in the required style will have no legal effect and will not be enforceable by the agency (RCW 34.04.058⁽¹⁾).

(7) ~~((In the event that))~~ If any section to be amended is exempted from publication under the provisions of RCW 34.04.050(3) and therefore not codified in the Washington Administrative Code, it shall be referred to in subsequent orders amending or repealing the section by the original agency order and section number, or other appropriate description.

~~((NOTE:~~

~~RCW 34.04.058 as amended by section 14, chapter 186, Laws of 1980 provides:~~

~~(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any agency to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section:~~

~~(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the register published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.~~

~~(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 34.04.050, as now or hereafter amended, and section 13 of this 1980 act [1980 c 186 § 13].²⁾~~

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-190 EMERGENCY RULES. (1) With respect to emergency rules filed by an agency pursuant to RCW 34.04.030, compliance with the twenty-day no-

...
tice requirement of WAC 1-12-030 is not required.

(2) Emergency rules shall be transmitted to the code reviser's office in the same manner as permanent rules; see WAC 1-12-050. Note that RCW 34.04.030 also requires emergency rules to be filed with the rules review committee. The committee has requested that agencies send the committee three copies with the code reviser's filing date and number stamped on them.

(3) The finding of emergency and statement of reasons therefor required by RCW 34.04.030 shall appear in alternative B of paragraph (2) of the administrative order, which is considered to be a part of the rules.

(4) Since an emergency rule is effective only for ninety days from its filing with the code reviser, upon the expiration of ((such)) that period an existing WAC section reverts to its permanent form ((prior to)) as it was before the emergency action affecting it. ((Such)) Temporary changes in the WAC are not codified, and an emergency amendment of an existing WAC section should always be to the current permanently adopted version of that section. If an intervening emergency amendment is still within its ninety-day effective period, the subsequent emergency amendment ((either)) should either (a) specifically supersede the previous emergency order or part thereof which amended the section or ((should incorporate)) (b) reincorporate the previous emergency amendment ((if that is)), depending on the effect desired by the agency.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-210 OFFICIAL FORMS SUPPLIED UPON REQUEST. The following official forms may be obtained upon request from the office of the code reviser:

- (1) Form CR-1 Notice of intention to adopt, amend, or repeal rules—Dated ((7/26/81)) 7/23/82 (WAC 1-12-910).
- (2) Form CR-7 Form of order and transmittal by agency having single head—Dated ((7/26/81)) 7/23/82 (WAC 1-12-930).
- (3) Form CR-8 Form of order and transmittal by board, commission, or council—Dated ((7/26/81)) 7/23/82 (WAC 1-12-940).
- (4) Form CR-11 Notice of review of previously adopted rules—Dated ((7/26/81)) 7/23/82 (WAC 1-12-950).

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

WAC 1-12-910 NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES (CR-1).

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the (name of agency) intends to adopt, amend, or

repeal rules concerning:¹

.....
(HEARING DATE AND PLACE)

(2) (Use only if hearing is to be held) that ((such)) the agency will at (time) (day) (date)² in the (place) conduct a public hearing ((relative thereto)) on the proposed rules.
.....

- (3)
 - (a) The adoption, amendment, or repeal of ((such)) the rules will take place immediately following ((such)) the hearing. — OR³
 - (b) The formal decision regarding adoption, amendment, or repeal of ((such)) the rules will take place ((at (time) (day)) on (date)⁴ ((in the (place)))).

(4) (a) The authority under which these rules are proposed is:

.....
(b) The specific statute these rules are intended to implement is:

(5) Interested persons may submit data, views, or arguments to this agency ((= (a))) in writing to be received by this agency ((prior to)) before (date) ((and/or (b) orally at (time), (day), (date)², (place)))).

(6) The additional notice required by RCW 34.04.025 has been made by (a) mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings, and (b) filing copies of this notice with ((the secretary of the senate, the chief clerk of the house of representatives, and)) the rules review committee.

(7) This notice is connected to and continues the matter in Notice No(s). WSR filed with the code reviser's office on (date)⁵.

.....

.....

(AGENCY)

Dated:

By:

.....

(TITLE)

+

+

NOTICE #

(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-1: Rev. ((7/26/81)) 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-1

NOTES:

1 Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved (cf. State v. Squally, 78 Wn2d 475, 474 P2d 897).

2 The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 34.04.025, 34.04.027, and 34.08.020 and WAC 1-12-030(5) and 1-12-035.

3 Indicate only one choice, (a) or (b).

4 This date may not be earlier than that noted in 2; see RCW 34.04.025 and WAC 1-12-030(5).

5 Use for continuance of matter previously noticed and enter here notice number(s) of notice(s) previously returned to you by reviser's office.

This space for additional information.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81)

CR-7 WAC 1-12-930 FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD (CR-7).

State of Washington

(agency name)

Administrative Order No.

(1) I,, director of, do promulgate and adopt at (place) the annexed rules relating to:

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on ((Such)) These rules shall take effect:

[] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I,, find that an emergency exists and that ((the foregoing)) this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting ((such)) the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.0261 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" ((f)) fill in statement (a), (b), or (c) as appropriate((f)):

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation).

[] (c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

(4) The undersigned hereby declares that ((he)) the agency 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) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED 19...

By

Title

[Form CR-7: ((Effective 7/26/81)) Rev. 7/23/82]

NOTE:

1RCW 34.04.026 provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is pro-

mulgated pursuant to RCW and is intended to adminis-
tratively implement that statute."

(b) The next specific reference, and one which shall be used only if
paragraph (a) of this subsection is not applicable, shall be to that por-
tion of an act which directs an agency to adopt rules and regulations as
necessary to implement the act, and shall be quoted as follows: "This
rule is promulgated pursuant to RCW which directs that
the (agency) has authority to implement the provisions of (name of act
or RCW citation)."

(c) The least specific reference, and one which shall be used only if
paragraphs (a) and (b) of this subsection are not applicable, is one
which indicates that the rule is promulgated under the agency's broad
rule-making authority—either in the agency enabling legislation or
chapter 34.04 RCW, and shall be quoted as follows: "This rule is pro-
mulgated under the general rule-making authority of the (agency) as
authorized in RCW"

(2) The code reviser is directed to develop a format for placing such
specific language in each rule, and agencies shall then comply with the
code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may ques-
tion whether such rule should have a more specific reference, and the
agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to
such requests."

AMENDATORY SECTION (Amending Order 22,
filed 6/25/81)

WAC 1-12-940 FORM OF ORDER AND
TRANSMITTAL BY BOARD, COMMISSION, OR
COUNCIL (CR-8)

State of Washington

.....
(name of governing body)

.....
(agency name, if applicable)

Resolution No.

Administrative Order No.

(1) Be it resolved by the, acting at
(place), that it does ~~((promulgate and))~~ adopt
the annexed rules relating to:

.....
(2) ALTERNATIVE A. Use only for Adoption of
Permanent Rules.

This action is taken pursuant to Notice No.
..... filed with the code reviser on
..... ~~((Such))~~ These rules shall take
effect:

thirty days after they are filed with the code
reviser pursuant to RCW 34.04.040(2).

at a later date, such date being
.....

.....
(2) ALTERNATIVE B. Use only for Adoption of
Emergency Rules.

We,, find that an emergency exists

and that ~~((the foregoing))~~ this order is necessary for the
preservation of the public health, safety, or general wel-
fare 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))~~ the emergency is:

~~((Such))~~ These rules are therefore adopted as emer-
gency rules to take effect upon filing with the code
reviser.

.....
(3) Pursuant to the requirements of RCW
34.04.026¹ that "every agency shall incorporate the
most specific, but in no case omit all, of the following
language alternatives when adopting or amending rules"
~~((f))~~ fill in statement (a), (b), or (c) as appropriate~~((t))~~:

(a) This rule is promulgated pursuant to RCW
..... and is intended to administratively
implement that statute.

(b) This rule is promulgated pursuant to RCW
..... which directs that the
(agency) has authority to implement the pro-
visions of (name of act or RCW citation).

(c) This rule is promulgated under the general
rule-making authority of the (agency) as
authorized in RCW

(4) The undersigned hereby declares that ~~((he))~~ the
agency has complied with the provisions of the Open
Public Meetings Act (chapter 42.30 RCW), the Admin-
istrative Procedure Act (chapter 34.04 RCW) ~~((or the~~
~~Higher Education Administrative Procedure Act (chap-~~
~~ter 28B.19 RCW), as appropriate)), and the State Re-~~
~~gister Act (chapter 34.08 RCW) in the adoption of these~~
rules.

(5) This order, after being first recorded in the order
register of this governing body, is herewith transmitted
to the Code Reviser for filing pursuant to chapter 34.04
RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED, 19...

By

.....
Title

[Form CR-8: ~~((Effective 7/26/81))~~ Rev. 7/23/82]

NOTE:

¹See WAC 1-12-930, Note 1 for an explanation.

AMENDATORY SECTION (Amending Order 22,
filed 6/25/81)

WAC 1-12-950 NOTICE OF REVIEW OF PRE-
VIOUSLY ADOPTED RULES (CR-11).

NOTICE OF REVIEW OF PREVIOUSLY
ADOPTED RULES

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

CR-11

(1) Notice is hereby given in accordance with the provisions of ((section 7, chapter 324, Laws of 1981,)) RCW 34.04.230 that the (name of agency) intends to review the following rules:

(2) ((Such)) The agency will at (time) (day) (date) in the (place) conduct a public hearing ((relative thereto)) on the rules.

(3) The additional notice required by ((section 7, chapter 324, Laws of 1981,)) RCW 34.04.230 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(4) The rules review committee's findings and the reasons ((therefor)) for the findings were stated to this agency as follows:

Form with fields for (AGENCY), Dated: (date), By: (name), (TITLE), and a central box labeled REVIEW NOTICE # with a downward arrow and the instruction (Do not write in this space).

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-11: ((Eff. 7/26/81)) Rev. 7/23/82] INSTRUCTIONS FOR COMPLETION OF FORM CR-11

NOTES:

- 1 Here list previously adopted rules of which the Rules Review Committee has given you notice of requested review.
2 This date may not be earlier than 20 days after the distribution date of the issue of the Washington State Register in which this notice will appear; See WAC 1-12-034 and 1-12-035.
3 Here set forth the Rules Review Committee's findings and reasons therefor relating to the rules being reviewed, or attach a copy of the findings and reasons to this notice.

This space for additional information.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-005 DECLARATION OF PURPOSE. The creation and maintenance of the Washington Administrative Code is a task of considerable magnitude. In

recognition of the amount of total effort involved, and in order to effect overall economies in this important function of state government, the legislature has placed responsibilities upon the individual institutions of higher education by requiring (RCW 28B.19.090 and 28B.19.077) that they formulate both newly created and amendatory rules in the bill drafting style of the legislature and further in accordance with the style, format, and numbering system of the code.

This chapter is promulgated by the code reviser pursuant to the authority granted by RCW 1.08.110, 28B.19.080, and 34.08.030 ((in the interest of assisting the agencies)) to help institutions of higher education in preparing, promulgating, and disseminating their administrative rules in an expeditious, orderly, and uniform manner so as to produce a state register and an administrative code ((which shall be)) that are as concise and accurate as possible, and at minimum overall expense to the state. The format standards imposed by this chapter are necessary to enable the inclusion of the rules as part of the register and the code in an orderly and efficient manner.

The code reviser's office will ((be pleased to)) afford such advice and assistance to requesting agencies regarding this chapter as its time and resources will permit.

The code reviser expressly reserves the power to create new code titles, chapters, and sections of the Washington Administrative Code, or otherwise revise the title, chapter, and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the rules published therein.

Chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act, established separate procedures for institutions of higher education, and the provisions of this chapter apply only to those institutions.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-010 WHO MUST FILE RULES. (1) "Institutions of higher education" defined; see RCW 28B.19.020(1).((1))

(2) Filing required; see RCW 28B.19.050.((2))

((NOTES:

1RCW 28B.19.020(1) provides:
2(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

2RCW 28B.19.050 provides:
3(1) Any rules adopted after September 1, 1971 shall be filed forth with with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.
(2) Emergency rules adopted under RCW 28B.19.040 shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.
(3) The code reviser shall report to each regular session of the legis-

lature during an odd-numbered year on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request.")

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-020 WHAT RULES MUST BE FILED. (1) "Rule" defined; see RCW 28B.19.020(2). (⁽¹⁾)

(2) Orders adopting, amending, or repealing rules must be in accordance with style, format, and numbering system of WAC; see RCW 28B.19.090. (⁽²⁾)

((NOTES:

¹RCW 28B.19.020(2) provides:

²(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement; academic credits; graduation and the granting of degrees; tuition and fees; scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.³

²RCW 28B.19.090 provides:

⁴"After the rules of institutions of higher education have been published by the code reviser all institution of higher education orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington administrative code."⁵)

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-030 NOTICES OF INTENTION TO ADOPT RULES. (1) Statutory notice requirements; see RCW 28B.19.030(⁽¹⁾), 28B.19.033, and 34.08.020. (⁽³⁾)

(2) Failure to comply with twenty days notice requirement—Code reviser not to publish rules and rule not effective for any purpose; see RCW 28B.19.030(3). (⁽²⁾)

(3) Form of notice. Notices shall be filed on forms provided by the code reviser's office (Form CR-4). No other form will be accepted for filing. The notice shall also include the full text of any proposed new or amendatory rule and the citation and caption of any existing rule to be repealed. ((Such proposal)) The full text of a proposed rule shall be ((done)) set forth according to the bill drafting style requirements of WAC 1-13-125 through 1-13-160. The rule purpose statement required by RCW 28B.19.033 shall also be included with the notice. (See WAC 1-13-032.)

(4) Number of copies; Notice numbers.

(a) Institutions of higher education shall file in the code reviser's office an original and three copies of the notice and rule purpose statement ((whereupon)). The

code reviser's office will stamp the date of filing and the notice number ((will be affixed)) on the notice, and return a copy ((returned)) to the filing institution. ((Such)) The notice number or numbers shall in the event of one or more continuances, be entered in paragraph (7) of all subsequent notices relating to the original notice (Form CR-4). The notice number and date (or the latest such number and date if due to continuances there be more than one) shall be entered by the institution on the administrative order and transmittal form by which the rules are adopted and transmittal form transmitted for filing.

(b) The institution shall also file three copies of the complete notice package, bearing the filing stamp and number of the code reviser's office, with ((the secretary of the senate, the chief clerk of the house of representatives, and)) the rules review committee ((in such numbers as those officials or the committee requires)).

(5) Computation of time with respect to the twenty-day rule. ((The effect of)) RCW 28B.19.030 ((is to)) requires the code reviser to ascertain institution compliance with the twenty-day rule. ((Such)) Compliance will be determined as follows:

(a) The code reviser's office construes the twenty-day notice requirement of RCW 28B.19.030 as relating to the date upon which the first action will be taken by the institution upon the proposed rule changes; thus if the institution provides for a public hearing upon the matter, the twenty-day requirement applies to the date of ((such)) the hearing, otherwise it will apply to the date upon which the institution convenes to adopt, amend, or repeal the rules in question. The dates of the hearing, if any, and of the decision shall be inserted in parts (2) and (3), respectively, of the notice form (CR-4)((, and such)). The dates may((, of course,)) be coincidental.

(Attention is also directed to the additional requirement embodied in RCW 28B.19.030(1)(d) which provides that "Prior to the adoption, amendment, or repeal of any rule, each institution. . . shall: . . . Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing . . .")

(b) The twenty-day notice requirement applies to the publication of the notice and the text of the proposal in the state register and begins with the distribution date of the register in which the notice has been published (or a notice regarding the omission of a rule has been published pursuant to RCW 28B.19.070). A new notice is required under RCW 28B.19.030(2) and (3) if "substantial changes" within the meaning of those subsections are made in the proposal after its publication in the register. This new notice is subject to the full twenty-day waiting period and is also subject to the register closing date schedule of WAC 1-13-035. Consider the distribution date of the pertinent register as day twenty; count down to day zero to find the first day on which action may be taken (hearing or meeting, whichever occurs first); cf. RCW 1.12.040 and State ex rel. Earley v. Batchelor, 15 Wn.2d 149.

(c) The distribution dates of registers are the first and third Wednesdays of each month. If a distribution date falls on a state holiday as determined by RCW 1.16.050, the distribution date of that register shall be delayed

until Thursday, which will also delay the start of the twenty-day notice count. The last day to file material in the code reviser's office for inclusion in any particular register will be established according to WAC 1-13-035.

(d) If upon convening on any of the dates announced in parts (2) and (3) of the notice form (Form CR-4) the institution desires to continue either the hearing or the decision meeting, or both, to a future time certain but does not desire to file a new notice (~~((which))~~ that would be subject to the twenty-day rule (~~((such)),~~ the institution may, if it has complied with the twenty-day rule as to its original notice and has convened at the time and place specified in such notice, announce a continuance to a date certain and forthwith file with the code reviser a continuation notice (Form CR-4) containing in ~~((part))~~ paragraph (1) thereof the same terms, substance, or description as was contained in the original notice (or if some of the matters have been disposed of, then such portions thereof as remain applicable) and supplying the additional information required by ~~((part))~~ paragraph (7) of such form. In the event of one or more ~~((such))~~ continuances, the compliance of the original notice with the twenty-day rule will be deemed to relate to the continuation notices, and the text of the proposal need not be submitted with a notice of continuance. If an institution determines in advance of a hearing or adoption that it desires to continue either or both actions, or if action of the rules review committee necessitates an extension of the rule-making proceeding, the institution may file a notice of continuance in advance of the action if the notice will appear in a register with a distribution date at least ~~((ten))~~ five days before the first action date of the previous notice. The institution shall also post notice of the continuance at the site of the hearing or adoption during the time given in the original notice.

((NOTES:

¹ & ² RCW 28B.19.030 as last amended by § 12, chapter 324, Laws of 1981 (effective July 26, 1981) provides:

⁴(1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the secretary of the senate, the chief clerk of the house of representatives, and the rules review committee, and mail the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed; (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon;

(b) Furnish to the legislature, along with the notice required by subsection (1)(a) of this section, a statement of the reasons supporting the proposed action;

(c) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where, and manner in which interested persons may present their views thereon and the general subject matter to be covered;

(d) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An opportunity for oral hearing must be granted if requested by twenty-five persons or by the rules review committee.

(2) The institution shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the institution's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The institution shall consider fully all written and oral statements respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refile the notice required by this section.

(4) 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. The code reviser shall make provisions for informing an institution of higher education giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(5) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, unless it is an emergency rule designated as such and is adopted in substantial compliance with RCW 28B.19.040, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 28B.19.040, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

(6) When twenty days notice of intended action to adopt, amend, or repeal a rule has not been filed with the code reviser, as required by subsection (4) of this section, the code reviser may not publish such rule and such rule may not be effective for any purpose.⁵

³RCW 34.08.020 as amended by § 15, chapter 186, Laws of 1980 provides: "There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) The full text of any proposed new or amendatory rules, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification; and

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register.⁶)

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-032 RULE PURPOSE AND IMPLEMENTATION STATEMENT. RCW 28B.19.033(¹)) requires that when notice of any proposed rule is filed with the code reviser it shall be accompanied by a statement generally describing the rule's purpose and how it is to be implemented. Such statement shall also contain, as a minimum, the other items required by that statute. One copy of the purpose statement shall be attached to

each copy of the notice filed with the code reviser's office. Also note that ~~((it is the responsibility of))~~ the ~~((adopting))~~ institution ~~((to))~~ must transmit three copies of the statement to the ~~((secretary of the senate and the chief clerk of the house of representatives. Filing the rule purpose statement with the))~~ rules review committee ~~((would also appear to meet the requirements of RCW 28B.19.030(1)(b) for "a statement of the reasons supporting the proposed action."))~~.

((NOTES:

¹RCW 28B.19.033 provides:

~~"(1) For the purpose of legislative review of institution rules filed pursuant to this chapter, any new or amendatory rule proposed after June 12, 1980, shall be accompanied by a statement prepared by the adopting institution which generally describes the rule's purpose and how the rule is to be implemented. Such statement shall be on the institution's stationery or a form bearing the institution's name and shall contain, but is not limited to, the following:~~

~~(a) A title, containing a description of the rule's purpose, the statutory authority for the rule, and any other information which may be of assistance in identifying the rule or its purpose;~~

~~(b) A summary of the rule and a statement of the reasons supporting the proposed action;~~

~~(c) The institution personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;~~

~~(d) The name of the person or organization, whether private, public, or governmental, proposing the rule, if any;~~

~~(e) Institution comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;~~

~~(f) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement.~~

~~(2) Upon filing notice of the proposed rule with the code reviser, the adopting institution shall have copies of the statement on file and available for public inspection and shall forward three copies each of the statement to the secretary of the senate and the chief clerk of the house of representatives, who will in turn forward the statement to the majority and minority caucuses and to the appropriate legislative committees."~~

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-033 WITHDRAWAL OF PROPOSED RULE. Pursuant to RCW 28B.19.037 a proposed rule may be withdrawn by the proposing institution at any time before adoption. Notice of withdrawal shall be provided to the code reviser's office in the form of a letter or memorandum from the proposing institution signed by the person signing the original notice ~~((of proposal))~~ or ~~((by a designee of that))~~ other properly designated person. The institution shall transmit ~~((a copy))~~ three copies of the notice of withdrawal to the rules review committee.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-034 REVIEW OF PREVIOUSLY ADOPTED RULES. RCW ~~((28B.19.034 (1981 c 324 § 15)))~~ 28B.19.163 requires that within thirty days of the receipt of a notice from the rules review committee that certain existing rules of the institution are either "not within the intent of the legislature" or were not "adopted in accordance with all applicable provisions of law," the institution "shall file notice of a hearing on the rule in

question with the code reviser. . . ." The institution shall transmit a copy of the review notice to the rules review committee. Notice of ~~((such))~~ the review hearing shall be given on Form CR-12 of the code reviser's office (WAC 1-13-950), and is subject to the twenty-day notice requirement of RCW 28B.19.030(4). This applies to all previously adopted rules, whether permanent or emergency rules.

AMENDATORY SECTION (Amending Order 15, filed 10/31/77, effective 12/1/77)

WAC 1-13-050 FILING OF ADMINISTRATIVE ORDER—RULES ADOPTED. Each filing of rules, whether permanent or emergency, shall be assembled and presented to the code reviser's office in the following order:

(1) The administrative order adopting ~~((said))~~ the rules, Form CR-9 or CR-10, as appropriate; four signed copies (See WAC 1-13-040);

(2) The text of rules adopted; one original and three identical copies.

~~((The adoption of))~~ Permanent and emergency rules shall be ~~((effected))~~ adopted by separate administrative orders and transmittals ~~((thereof))~~.

AMENDATORY SECTION (Amending Order 15, filed 10/31/77, effective 12/1/77)

WAC 1-13-090 DRAFTING INSTRUCTIONS—DIVISION OF CHAPTERS INTO SECTIONS. (1) In numbering sections within a chapter, if the chapter will initially contain ~~((less))~~ fewer than ninety-eight sections, number the section factor in a progression of tens, e.g. -010, -020, -030, etc. If there are many sections within a proposed chapter, number by threes, e.g. -003, -006, -009, -012, etc. or by fives, e.g. -005, -010, -015, -020, etc. In special cases where the volume of material requires progression of section numbers by less than intervals of one, contact the code reviser's office.

(2) Material should be divided into short, concise sections. Short sections facilitate future amendment, since ~~((a))~~ an entire section ~~((in its entirety))~~ is the smallest unit ~~((which))~~ that can be amended. As a rule of thumb, if the contents cannot be described in a one line caption, the section should be divided into two or more sections. Short sentences are ~~((tikewise to be))~~ similarly preferred.

(3) Sections should not begin with the word "That."

(4) Each section should be preceded by its WAC number and a caption ~~((which should))~~ that briefly describes the contents of the section.

(5) All tables, charts, maps, appendices, and forms ~~((which))~~ that an institution intends to enforce or ~~((which))~~ otherwise constitute a rule, must be either a part of another WAC section or be assigned their own WAC numbers and adopted as independent sections. The latter method is preferred, as it will greatly simplify ~~((upkeep and))~~ revision of ~~((such))~~ the material.

AMENDATORY SECTION (Amending Order 12, filed 5/9/77, effective 6/9/77)

WAC 1-13-120 DRAFTING INSTRUCTIONS—

TITLE AND CHAPTER DIGEST—HISTORY NOTES. At the ~~((fore))~~ beginning of each title of WAC is a title digest which lists all chapters within the title. Each chapter ~~((is likewise preceded by))~~ also begins with a chapter digest which lists all sections within the chapter. Title and chapter digests may be prepared by the ~~((agency))~~ institution, or they will be added later by the code reviser's office.

Each section of WAC is followed by a history note which ~~((recites))~~ shows the ~~((agency's))~~ institution's order number and filing date or effective date of the section.

History notes shall be omitted by the promulgating institution and ~~((shall))~~ will be added later by the code reviser's office.

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-130 DRAFTING INSTRUCTIONS—AMENDATORY SECTIONS. (1) Both proposed and adopted rules ~~((which))~~ that amend ~~((a section or sections of))~~ existing rules shall set forth the full text of the most current version of the ~~((section or sections))~~ rules, including the WAC citation number, caption, text of the section, and associated agency explanatory notes, and shall indicate by use of deletion ~~((and/or))~~ and addition marks the amendment being made (RCW 28B.19.077).

(2) Amendments shall be to the most current permanent version of a WAC section and shall be drafted in the following manner only:

(a) Language added to an existing WAC section shall be underlined;

(b) Language to be deleted from an existing WAC section shall be

(i) preceded by two left parentheses,

(ii) struck over with hyphens, and

(iii) followed by two right parentheses;

(c) New language ~~((which))~~ that replaces deleted language shall follow the deleted language.

(3) Each amendatory section shall be headed "AMENDATORY SECTION" followed by reference to the ~~((agency))~~ institution order number and filing date of the latest permanent order affecting that section. (See WAC 1-13-155 for the style of this reference.)

(4) Special care must be taken to make sure that punctuation is not neglected. Addition and deletion of punctuation must be indicated in the above manner also. Existing punctuation should, however, be ~~((utilized))~~ used to the extent possible. For example, if new language is to follow the last word of a sentence, insert the new language (underlined) between the existing last word and the existing period.

(5) The code reviser's office will be pleased to afford such advice and assistance as its time and resources will permit to requesting institutions regarding the style in which rules amending existing WAC sections must be drafted. (See WAC 1-13-240.)

(6) Note that rules ~~((which))~~ that amend existing WAC sections and ~~((which))~~ are not drafted in the required style cannot be accepted for filing by the code reviser, and any addition to or deletion from an existing WAC section not promulgated in the required style has

no legal effect and is not enforceable by the institution (RCW 28B.19.077(¹)).

(7) ~~((In the event that))~~ If any section to be amended is exempted from publication under the provisions of RCW 28B.19.070 and therefore not codified in the Washington Administrative Code, it shall be referred to in subsequent orders amending or repealing the section by ~~((agency))~~ the original institution order and section number, or other appropriate description.

((NOTES:

¹RCW 28B.19.077 provides:

²(1) Rules promulgated by an institution pursuant to RCW 28B.19.030 or 28B.19.040, as now or hereafter amended, which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule may be forwarded by any institution to the code reviser, nor may the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the institution the code reviser need not, except with regard to the register published pursuant to RCW 28B.19.070(2), as now or hereafter amended, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the institution in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended thereto by the code reviser in accordance with RCW 28B.19.070, as now or hereafter amended, and RCW 28B.19.073.³)

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-190 EMERGENCY RULES. (1) With respect to emergency rules filed by an institution pursuant to RCW 28B.19.040, compliance with the twenty-day notice requirement of WAC 1-13-030 is not required.

(2) Emergency rules shall be transmitted to the code reviser's office in the same manner as permanent rules; see WAC 1-13-050. Note that RCW 28B.19.040 also requires emergency rules to be filed with the rules review committee. The committee has requested that institutions send the committee three copies with the code reviser's filing date and number stamped on them.

(3) The finding of emergency and statement of reasons therefor required by RCW 28B.19.040 shall appear in alternative B of paragraph (2) of the administrative order, which is considered to be a part of the rules.

(4) Since an emergency rule is effective only for ninety days from its filing with the code reviser, upon the expiration of ~~((such))~~ that period an existing WAC section reverts to its permanent form ~~((prior to))~~ as it was before the emergency action affecting it. ~~((Such))~~ Temporary changes in the WAC are not codified, and an emergency amendment of an existing WAC section should always be to the current permanently adopted version of that section. If an intervening emergency amendment is still within its ninety-day effective period,

the subsequent emergency amendment ((either)) should either (a) specifically supersede the previous emergency order or part thereof which amended the section or ((should incorporate)) (b) reincorporate the previous emergency amendment ((if that is)), depending on the effect desired by the institution.

rules will take place ((at (time) (day))) on (date) 4 ((in the (place))).

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-210 OFFICIAL FORMS SUPPLIED UPON REQUEST. The following official forms may be obtained upon request from the office of the code reviser:

- (1) Form CR-4 Notice of intention to adopt, amend, or repeal rules by institution of higher education—Dated ((7/26/81)) 7/23/82 (WAC 1-13-910).
(2) Form CR-9 Form of order and transmittal by institution having single head—Dated ((2/1/77)) 7/23/82 (WAC 1-13-930).
(3) Form CR-10 Form of order and transmittal by board, commission, or council—Dated ((2/1/77)) 7/23/82 (WAC 1-13-940).
(4) Form CR-12 Notice of review of previously adopted rules by institution of higher education—Dated ((7/26/81)) 7/23/82 (WAC 1-13-950).

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-910 NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES BY INSTITUTION OF HIGHER EDUCATION (CR-4).

NOTICE OF INTENTION TO ADOPT, AMEND, OR REPEAL RULES BY INSTITUTION OF HIGHER EDUCATION

(Instructions for completion on back of page) (Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of RCW 28B.19.030 that the (name of institution) intends to adopt, amend, or repeal rules concerning:

(4) (a) The authority under which these rules are proposed is:

(b) The specific statute these rules are intended to implement is:

(5) Interested persons may submit data, views, or arguments to this institution ((=

(a))) in writing to be received by this institution ((prior to)) before (date) ((and/or

(b) orally at (time), (day), (date), (place)).

(6) The additional notice required by RCW 28B.19.030 has been made by (a) mailing copies of this notice to all persons who have made timely request of this institution for advance notice of its rule-making proceedings, and (b) filing copies of this notice with the ((secretary of the senate, the chief clerk of the house of representatives, and the)) rules review committee.

(7) This notice is connected to and continues the matter in Notice No(s). WSR filed with the code reviser's office on (date) 5.

Form box for institution name, date, and signature. Includes fields for (INSTITUTION), Dated, By, (TITLE), and NOTICE #.

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-4: Rev. ((7/26/81)) 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-4

NOTES:

1 Here insert a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved. (cf. State v. Squally, 78 Wn2d 475, 474 P2d 897).

2 The statute requires 20 days notice from the distribution date of the register in which this notice will appear, see RCW 28B.19.030 and 34.08.020 and WAC 1-13-030(5) and 1-13-035.

3 Indicate only one choice, (a) or (b).

4 This date may not be earlier than that noted in 2; see RCW 28B.19.030 and WAC 1-13-030(5).

5 Use for continuance of matter previously noticed and enter here notice number(s) of notice(s) previously returned to you by reviser's office.

(HEARING DATE AND PLACE)

(2) (Use only if hearing is to be held) that ((such)) the institution will at (time) (day) (date) 2 in the (place), conduct a public hearing ((relative thereto)) on the proposed rules.

- (3) (a) The ((format)) adoption, amendment, or repeal of ((such)) the rules will take place immediately following ((such)) the hearing. —OR— 3
(b) The formal decision regarding adoption, amendment, or repeal of ((such)) the

This space for additional information.

AMENDATORY SECTION (Amending Order 17, filed 1/26/78)

WAC 1-13-930 FORM OF ORDER AND TRANSMITTAL BY INSTITUTION HAVING SINGLE HEAD (CR-9).

State of Washington

(name of institution)

Administrative Order No.

(1) I,, (position) of the (institution), do promulgate and adopt at (place) the annexed rules relating to:

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on ((Such)) These rules shall take effect:

[] thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I,, find that an emergency exists and that ((the foregoing)) this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting ((such)) the emergency is:

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

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement

of state statutory authority ((f))fill in statement (a), (b), or (c) as appropriate((t)):

[] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the (institution) has authority to implement the provisions of (name of act or RCW citation).

[] (c) This rule is promulgated under the general rule-making authority of the (institution) as authorized in RCW

(4) The undersigned hereby declares that ((he)) the institution 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) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this institution, is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED 19...

By

Title

[Form CR-9: ((Effective 12/1/77)) Rev. 7/23/82]

AMENDATORY SECTION (Amending Order 17, filed 1/26/78)

WAC 1-13-940 FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL (CR-10).

State of Washington

(name of governing body)

(name of institution)

Resolution No. Administrative Order No.

(1) Be it resolved by the board of of the (institution) acting at (place), that it does ((promulgate and)) adopt the annexed rules relating to:

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on

..... ((Such)) These rules shall take effect:

- thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).
- at a later date, such date being

.....
.....

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We,, find that an emergency exists and that ~~((the foregoing))~~ this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting ~~((such))~~ the emergency is:

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

.....

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority ~~((f))~~ fill in statement (a), (b), or (c) as appropriate~~((t))~~:

- (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW which directs that the (institution) has authority to implement the provisions of (name of act or RCW citation).
- (c) This rule is promulgated under the general rule-making authority of the (institution) as authorized in RCW

(4) The undersigned hereby declares that ~~((he))~~ the institution 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) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED, 19...

By

.....

Title

[Form CR-10: ~~((Effective 12/1/77))~~ Rev. 7/23/82]

AMENDATORY SECTION (Amending Order 22, filed 6/25/81, effective 7/26/81)

WAC 1-13-950 NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES BY INSTITUTION OF HIGHER EDUCATION (FORM CR-12).

NOTICE OF REVIEW OF PREVIOUSLY ADOPTED RULES BY INSTITUTION OF HIGHER EDUCATION

(Instructions for completion on back of page)
(Additional information may be typed on back of page)

(1) Notice is hereby given in accordance with the provisions of ~~((section 15, chapter 324, Laws of 1981,))~~ RCW 28B.19.163 that the (name of institution) intends to review the following rules:¹

(2) ~~((Such))~~ The institution will at (time) (day) (date)² in the (place) conduct a hearing ~~((relative thereto))~~ on the rules.

(3) The additional notice required by ~~((section 15, chapter 324, Laws of 1981,))~~ RCW 28B.19.163 has been made by mailing copies of this notice to all persons who have made timely request of this agency for advance notice of its rule-making proceedings.

(4) The rules review committee's findings and the reasons ~~((therefor))~~ for the findings were stated to this institution as follows:³

<p>.....</p> <p>.....</p> <p>(INSTITUTION)</p> <p>Dated:</p> <p>By:</p> <p>.....</p> <p>(TITLE)</p>	<p style="font-size: 2em;">+</p> <div style="border: 1px solid black; width: 80%; height: 100%; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p style="margin: 0;">REVIEW NOTICE #</p> </div> <p style="font-size: 2em;">+</p>
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(Do not write in this space)

N.B. These proceedings may require additional notice pursuant to the Open Public Meetings Act of 1971; consult chapter 42.30 RCW.

[Form CR-12: ~~((Eff. 7/26/81))~~ Rev. 7/23/82]

INSTRUCTIONS FOR COMPLETION OF FORM CR-12

NOTES:

¹Here list previously adopted rules of which the Rules Review Committee has given you notice of requested review.

²This date may not be earlier than 20 days after the distribution date of the issue of the Washington State Register in which this notice will appear; See WAC 1-13-034 and 1-13-035.

³Here set forth the Rules Review Committee's findings and reasons therefor relating to the rules being reviewed, or attach a copy of the findings and reasons to this notice.

This space for additional information.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 1-13-220 TEMPORARY FILING OF RULES.

**WSR 82-13-100
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 82-1—Filed June 23, 1982]**

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to fees, WAC 478-116-600.

This action is taken pursuant to Notice No. WSR 82-10-056 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.10-.560 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 11, 1982.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 80-1, filed 8/22/80)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
 - (i) Central Campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
 - (ii) East Campus: E3, E6, E7, E8, E13;
 - (iii) North Campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28, N2E;
 - (iv) South Campus: S1, S4, S5, S6, S7, S8, S9, S10;
 - (v) West Campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W19, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
 - (i) East Campus: E2, E9, E10, E11, E12, E15;
 - (ii) North Campus: N1, N5, N25;
 - (iii) South Campus: S13;
 - (iv) West Campus: W2, W26, W27, W28, W29,

W30, W31, W32, W33, W35, W36, W38, W40, W43.

(2) The following schedule of parking fees is hereby established:

	PER	AMOUNT
(a) Type of Permit -		
(i) Annual Permits:		
(A) Zone A Permits	Year	(\$132.00) \$156.00
(B) Zone B Permits	Year	(96.00) 114.00
(C) Reserved - General	Year	(240.00) 300.00
(D) (Reserved) Wheelchair permits	Year	(96.00) 114.00
(E) Motorcycle, Scooter and Mopeds	Year	(18.00) 24.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year	6.00
(G) 24-hour storage, garages	Year	(156.00) 180.00
(H) Carpool Permits	Year	(12.00) 24.00
(ii) Quarterly Permits:		
(A) Zone A permits	Quarter	(33.00) 39.00
(B) Zone B permits	Quarter	(24.00) 28.50
(C) Reserved - General	Quarter	(60.00) 75.00
(D) (Reserved) Wheelchair permits	Quarter	(24.00) 28.50
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter	2.00
(F) Motorcycle, Scooter and Mopeds	Quarter	(5.00) 6.00
(G) 24-hour storage, garages	Quarter	(39.00) 45.00
(H) Carpool Permits	Quarter	(3.00) 6.00
(iii) Night Permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)		
(A) Zone A annual permits	Year	(60.00) 72.00
(B) Zone B annual permits	Year	(36.00) 42.00
(C) Zone A quarterly permits	Quarter	(15.00) 18.00
(D) Zone B quarterly permits	Quarter	(9.00) 10.50
(iv) (Conference Permits (Nonuniversity Sponsored))	Day	1.50
	Week	5.00
(v) Academic Year Permits (9 months - 24-hour Storage)		
(A) Zone A	Academic year	(99.00) 117.00
(B) Zone B	Academic year	(72.00) 85.50
(C) 24-hour storage-garages	Academic year	(117.00) 135.00
(b) Hourly Parking Rates for Designated Areas on Main Campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to 30 minutes		(\$-50) \$.75
(iii) to 1 hour		(.75) 1.00
(iv) 1 hour to 2 hours		(1.00) 1.50
(v) 2 hours to 3 hours		(1.25) 1.75
(vi) over 3 hours		(1.50) 2.00
(vii) gate issued	Week	(5.00) 6.00
(b-1) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		
(i) 0-15 minutes	No charge	
(ii) 15 minutes to (30 minutes) 1 hour		(.25)

	PER	AMOUNT
(iii) ((to)) 1 hour to 2 hours		<u>.50</u> ((.50))
(iv) over ((+hour)) 2 hours		<u>1.00</u> ((.75))
(c) Evening Parking (4:00 p.m.-12:00 midnight)	No charge	<u>1.25</u>
(i) 0-15 minutes		((.25))
(ii) 15-30 minutes		<u>.50</u>
(iii) over 30 minutes		((.75)) <u>1.00</u>
((iv)) overnight (to 7:30 a.m.))		((+00))
(d) Special Permits -		
(i) Short term (((24-hour)))	Week	4.00
	(Month)	(+4.00))
(ii) ((Short term (not including 24-hour storage))	Week	3.00
	Month	(+2.00)
(iii)) Short-term Motorcycle	Day	((.25)) <u>.35</u>
((iv)) (iii) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)		
(A) 5 ticket book - Dept./Indiv.		((2.75)) <u>3.25</u>
(B) 10 ticket book - Dept./Indiv.		((5.50)) <u>6.50</u>
(C) 25 ticket book - Dept./Indiv.		((+3.75)) <u>16.25</u>
((v)) (iv) Steno ((Proof)) Person (SP) and Special Services (SS)	Year	((+32.00)) <u>156.00</u>
	Quarter	((33.00)) <u>39.00</u>
(e) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)		.10-.75
(f) Athletic Events -		
(i) Football		
(A) Automobiles		((+50)) <u>2.00</u>
(B) Motor homes		((2.00)) <u>4.00</u>
(C) Buses		((5.00)) <u>6.00</u>
(ii) All other events - Pavilion and Stadium lots		
(A) When staffed by attendants		((+00)) <u>1.50</u>
(B) When controlled by mechanical equipment (E1-only)		((.35)) <u>.50</u>
(g) Miscellaneous Fees -		
(i) Transfer from one area to another by request of individual		2.00
(ii) Gate keypad replacement - not to exceed		5.00
(iii) Vehicle Gatekey deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed	10.00
(iv) Permit Replacement		
(A) With signed certificate of destruction or theft		1.00
(B) Without certificate of destruction		2.00
(v) Impound Fee	At cost	
(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)		((+10-.50)) <u>.25-.50</u>

**WSR 82-13-101
PROPOSED RULES
COMMISSION FOR
THE BLIND**
[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning Public records—Disclosure, adopting chapter 67-14 WAC, to comply with chapter 42.17 RCW;

that such agency will at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Tuesday, July 27, 1982, and/or orally at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118.

Dated: June 23, 1982
By: Paul Dzedic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-14 WAC, Public Records—Disclosure.

Statutory Authority: Chapters 74.16 and 74.17 RCW. Reason: This rule is proposed to comply with chapter 47.17 RCW and Title 1 WAC. It describes commission organizations, programs and public records.

Summary: The following sections conform to the state statute and WAC relating to public records and disclosure.

Chapter 67-14 WAC
PUBLIC RECORDS—DISCLOSURE

WAC	Purpose.
67-14-010	Description of organization of the commission.
67-14-020	Location of established places.
67-14-030	Operations and procedures.
67-14-040	Public records available.
67-14-050	Public records officer.
67-14-060	Records index.
67-14-070	Office hours.
67-14-080	Requests for public records.
67-14-090	Copying fees.
67-14-100	Exemptions.
67-14-110	Review of denials of public records requests.
67-14-120	Protection of public records.
67-14-130	Consumer complaints and inquiries.
67-14-140	Adoption of forms.
67-14-150	Form 1—Request for inspection of records.
67-14-160	Form 2—Request for photocopy of record(s).
67-14-170	
67-14-180	

NEW SECTION

WAC 67-14-010 PURPOSE. The commission for the blind is an agency of state government created by chapters 74.16 and 74.17 RCW. It shall hereafter in this chapter be referred to as the "commission."

NEW SECTION

WAC 67-14-020 DESCRIPTION OF ORGANIZATION OF THE COMMISSION. (1) Commission. The commission consists of five members of whom at least three shall be blind. The members are appointed by the governor with the advice and consent of the senate. Terms are for a period of three years. Commission members elect one of their members as chair for a term of one year.

(2) Central organization. The chief executive officer of the organization is the director. The director is appointed by the commission.

(3) The commission has two sections: Administrative services and field services which are each headed by an assistant director.

(4) Field organization. (a) The vocational rehabilitation program is operated statewide with two supervisors. (b) The business enterprise program, prevention of blindness, and child and family services are operated under one supervisor. (c) The agency operated Orientation and

Training Center at 3411 S. Alaska St., Seattle is supervised by an orientation and training supervisor.

NEW SECTION

WAC 67-14-030 LOCATION OF ESTABLISHED PLACES. Location of established places where information about the commission may be obtained and commission's public records inspected and copied.

(1) Olympia office. The office of the director and the administrative office of the commission is located at 921 Lakeridge Drive #202, Olympia, WA 98502.

(2) Seattle office. The main office for field services is located at 3411 South Alaska St., Seattle, WA 98118.

(3) Field offices. (a) General information about the commission may also be obtained at its service locations or major field offices at the following places: 921 Lakeridge Drive, Olympia, WA 98504; W. 55 Mission, Rm. 115, Spokane, WA 99201; 613 W. Evergreen, P.O. Box 751, Vancouver, WA 98666; Morris Bldg., 23 S. Wenatchee Ave., Wenatchee, WA 98801; 32 N. 3 St., Rm. 316, Yakima, WA 98901. (b) Information about prevention of blindness, business enterprises for the blind, and child and family services can be obtained at the Seattle office, 3411 South Alaska St., Seattle, WA 98118.

NEW SECTION

WAC 67-14-040 OPERATIONS AND PROCEDURES. The general course and method of channeling and determining the operations of the two sections and the nature of requirements of all formal and informal procedures connected therewith are summarized in the following subsections:

(1) Administrative services. This section manages all personnel, training, budget, data processing, and properties management for the commission. It prepares budgets and reports, collects funds, certifies and pays invoices. It is responsible for state and federal reports. It provides staff to the commission members. Many of the functions of the administrative services section are subject to Washington Administrative Code provisions as authorized by law to be adopted by other departments and enforced by the commission.

(2) Field services. This section provides services to all of the commission's clients and keeps records of these services.

(a) Vocational rehabilitation. This unit provides a wide array of services to individuals whose disability causes a substantial handicap to employment where there is a reasonable expectation that services will provide a benefit in terms of employability. The primary source of funds for this program is federal, and it is subject to federal regulation.

(b) Business enterprise program. This program assists in the development and maintenance of vending operations operated by blind individuals in public buildings. It is funded by a combination of state and federal funds and is subject to federal regulations. A restricted fund generated by vending machine revenue also funds business enterprise program activities.

(c) Prevention of blindness. This program serves economically eligible clients by providing the medical services to prevent blindness and restore sight. Financial eligibility is determined by standards set by the department of social and health services. Medical eligibility for prescribed services is determined by the commission. Approximately one half of these funds are federal.

(d) Child and family services. This program serves blind children and their families. Caseworkers work directly with children and parents. In addition, school personnel and other service providers are assisted in working with blind children by consultation and training. This program is state funded.

(e) Orientation and training center. This program is operated at 3411 South Alaska St., Seattle, WA 98118. It provides training in alternative skills, personal adjustment, and assessment for full-time blind students. Students live in a privately owned residential facility located nearby.

(f) Other programs. The commission may establish such additional programs as the commission deems necessary to carry out its legislative purpose.

NEW SECTION

WAC 67-14-050 PUBLIC RECORDS AVAILABLE. Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310 and these rules.

NEW SECTION

WAC 67-14-060 PUBLIC RECORDS OFFICER. The public records officer for the commission shall be the assistant director of administrative services, as designated by the director, for all records maintained by such office whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the commission. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the office in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.320, and maintaining the records index of such office as required.

NEW SECTION

WAC 67-14-070 RECORDS INDEX. The office has available to all persons a current index which provides identifying information as to public records received, issued, adopted or promulgated since its inception. The current index adopted by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 67-14-080 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the office. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 67-14-090 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of RCW 42.17.250 through 42.17.320 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at any office of the commission during customary office hours. The request shall include the following information:

(a) The name of the person requesting the records;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 67-14-110 COPYING FEES. No fee shall be charged for the inspection of public records. The office will charge a per-page fee for providing copies of public records. If copies of photographs are requested, a fee will be charged for the duplication of such photographs. Copying fees will be set at amounts equal to the actual costs to the office incident to such copying, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy, and shall be modified accordingly.

NEW SECTION

WAC 67-14-120 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 67-14-090 is exempt under the provisions of RCW 42.17.310 and/or such other laws as may be deemed applicable.

(2) In addition, pursuant to RCW 42.17.260 the office reserves the right to delete identifying details when it makes available or publishes

any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 67-14-130 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted, or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director. The director shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the members of the office staff necessary to properly consider the matter and/or request a legal review thereof by the assistant attorney general representing the office. In any case, the request shall be returned with a final decision, within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the director has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 67-14-140 PROTECTION OF PUBLIC RECORDS. The public records officer shall to the extent practicable insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

NEW SECTION

WAC 67-14-150 CONSUMER COMPLAINTS AND INQUIRIES. Unless a consumer complainant or inquirer specifically provides to the contrary, the public records officer or other members of the office staff are authorized when deemed appropriate to forward a copy of the letter or other writings pertinent to the complaint or inquiry to the firm or person which is the subject of the complaint or to any firm or person who may provide assistance relative to the complaint or inquiry.

NEW SECTION

WAC 67-14-160 ADOPTION OF FORMS. The commission hereby adopts for use by all persons requesting inspection and/or copies of records the forms attached hereto entitled "request for inspection of records" and "request for photocopy of records."

NEW SECTION

WAC 67-14-170 FORM 1—REQUEST FOR INSPECTION OF RECORDS.

Request Number _____
Date requested _____
Date provided _____
(For office use only)

WASHINGTON COMMISSION FOR THE BLIND

Request for Inspection of Records

The information requested in Blocks 1 through 6 is not mandatory, however, the completion of these blocks will enable this office to expedite your request and contact you should the record you seek not be immediately available.

1. Name _____ 4. Phone number _____
2. Address _____ 5. Representing (if applicable) _____
3. Zip code _____ 6. If urgent - date needed _____

Below please state what record(s) you wish to inspect and be as specific as possible. If you are uncertain as to the type or identification of specific record or records we will assist you.

I certify that the information requested from the above record(s) will not be part of a list of individuals to be used for commercial purposes.

Signed _____
Date _____

NEW SECTION

WAC 67-14-180 FORM 2—REQUEST FOR PHOTOCOPY OF RECORD(S).

Request Number _____
Date Requested _____
Date Provided _____
(Office use only)

WASHINGTON COMMISSION FOR THE BLIND

Request for Photocopy of Record(s)

Please state below the pages of the documents or records you wish to have photocopied. A reasonable standard fee for each page or record will be charged for this service.

I wish the following page(s) of documents or records to be photocopied and made available for my possession, I agree to pay a reasonable standard charge for this service.

I certify that the photocopies of records received as listed above will not be part of a list of individuals to be used for commercial purposes.

Signed _____
Date _____

Office use only

Number of pages copied @ per copy.
Total charge Amount paid

WSR 82-13-102
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 23, 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 AFDC and GA-U—Grant or vender payment, amending chapter 388-33 WAC.

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

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-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 13, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, July 27, 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., Friday, July 30, 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 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 10:00 a.m., Tuesday, July 27, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 23, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Regarding: Amending chapter 388-33 WAC.

The Purpose of the Rule or Rule Change: To eliminate certain public assistance payments.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Eliminate replacement of lost or stolen cash proceeds for GA, RA, AFDC, WAC 388-33-577; and to eliminate one-time payments for adding persons to AFDC and RA grants prior to next regular warrant roll, WAC 388-33-595.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

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

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-33-140 EFFECTIVE DATE OF INCREASE OR DECREASE IN GRANT. (1) Increase or reduction in grant:

(a) When a change in circumstances results in an increase or reduction of the assistance grant the effective date of change is the first of the following month providing that the change is reported to the local office by the 21st day of the month.

(b) If the change in circumstances is not reported to the local office by the 21st day of the month the effective date of change is the first of the ~~((2nd))~~ second month following the month in which the change of circumstances occurred.

(c) If a change of circumstances resulting in a decrease in the grant amount is not reported until the month following its occurrence and after the 21st day of the month in which it is reported an overpayment shall be established.

(d) When a person is added to a grant, the effective date of change shall be the first of the month following the month in which the person entered the household.

(2) The effective date shall never precede the date the circumstances actually changed.

(3) Change in grant involving a cancelled warrant;

When a warrant is cancelled and assistance is to be reissued by an adjusting payment, the effective date of the grant as recomputed by the state office is the first of the month covered by the cancelled warrant. If, according to the rule in subsection (1) of this section, any assistance is due the recipient for a month prior to that covered by the cancelled warrant, the local office shall authorize a one-time grant.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed.

(ii) Income or assistance budgeted as available to the assistance unit or family is not received.

(iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.

(iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant.

(v) A recipient is to be compensated for an underpayment.

(vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

~~(vii) ((A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant:~~

~~((viii)))~~ A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

~~((ix)))~~ (viii) A change in the basic requirements which results in an increase in the regular grant occurs.

~~((x)))~~ (ix) Assistance is being continued in compliance with the ~~((10-day))~~ ten-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

(d) Except as provided in ~~((items))~~ subsection (2)(c)(iv) and ~~((2(c)))~~ (v) of this section, a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-33-577 LOSS, THEFT OR DESTRUCTION OF CASH PROCEEDS FROM WARRANT.

WSR 82-13-103 PROPOSED RULES COMMISSION FOR THE BLIND

[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning child and family services, adopting chapter 67-50 WAC. Describes the qualifications and requirements relating to the services provided by child and family services;

that such agency will at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Tuesday, July 27, 1982, and/or orally at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118.

Dated: June 23, 1982

By: Paul Dziedric
Director

STATEMENT OF PURPOSE

Title: Chapter 67-50 WAC, Child and Family Services.

Statutory Authority: RCW 74.16.300, 74.16.400 and 74.16.490.

Reason: Child and family is one of the programs provided by the Commission for the Blind. This rule establishes the qualifications and requirements relating to the enjoyment of benefits and privileges provided by the program.

Summary: WAC 67-50-010 Purpose and Description, describes purpose of program; 67-50-020 Referral for Services, describes from where referrals are accepted; 67-50-030 Initial Interview, describes the information which will be discussed at the initial interview; 67-50-035 and 67-50-040 Eligibility for Services, describes the criteria used to determine eligibility for services; 67-50-050 Child and Family Services—Services Provided, lists the services available to eligible persons; and 67-50-060 Termination, defines the reasons why individuals may be terminated from the program.

Implementation: This rule describes a program which has been implemented for several years.

**Chapter 67-50 WAC
CHILD AND FAMILY SERVICES**

WAC	
67-50-010	Purpose and description.
67-50-020	Referral for services.
67-50-030	Initial interview.
67-50-035	Eligibility for services.
67-50-040	Eligibility criteria.
67-50-050	Child and family services—Services provided.
67-50-060	Termination.

NEW SECTION

WAC 67-50-010 PURPOSE AND DESCRIPTION. The authority for child and family services are established in RCW 74.16.300, 74.16.400 and 74.16.490. The purpose of this program is to provide services to blind children and their families in order to facilitate the child's optimum participation in school and society.

NEW SECTION

WAC 67-50-020 REFERRAL FOR SERVICES. Referrals of children for child and family services shall be accepted from any and all sources.

NEW SECTION

WAC 67-50-030 INITIAL INTERVIEW. (1) The commission shall interview all referrals to child and family services and/or their families as soon as possible following referral.

- (2) At the initial interview the interviewer shall:
 - (a) Explain to the child and/or his family the nature and scope of available services as they relate to the child.
 - (b) Inform the child and/or his family of the right to confidentiality of information possessed by the commission.
 - (c) Obtain any information necessary in determining eligibility for child and family services.

NEW SECTION

WAC 67-50-035 ELIGIBILITY FOR SERVICES. The commission shall make eligibility determination as to every referral for child and family services. The determination of eligibility shall be made as soon as possible after referral.

NEW SECTION

WAC 67-50-040 ELIGIBILITY CRITERIA. (1) To be eligible for child and family services an individual must be between the ages of birth and twenty-one years.

(a) Any child below the age of twenty-one years who has completed high school or has discontinued his formal education shall not be eligible for child and family services.

(b) Such children, with the approval of their families, shall be referred for vocational rehabilitation services of the commission.

(2) Eligibility for child and family services shall be dependent on documentation of a visual impairment including one or more of the following conditions:

(a) Legal blindness or visual handicap as they are customarily defined, either in terms of qualifying reduction in visual acuity and/or a qualifying reduction in visual fields.

(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(c) Reductions in both visual acuity and visual fields such that the effect is substantially that of legal blindness, or visual efficiency is so reduced as to have substantially the same effect as legal blindness.

(d) A visual impairment which makes it impossible for a child to compete successfully in school and other childhood endeavors.

NEW SECTION

WAC 67-50-050 CHILD AND FAMILY SERVICES—SERVICES PROVIDED. Services provided by child and family services include:

(1) Direct consultation with children and their families to provide developmental training, general counseling, needs assessment, and information regarding other available resources.

(2) Direct consultation and technical assistance to teachers, administrators and other educational personnel in order to facilitate adequate programs for blind and visually handicapped children.

(3) Direct consultation and technical assistance to other professionals who work with blind and visually handicapped children.

(4) Periodic follow-up throughout the child's term of eligibility to assure continuation of appropriate services.

(5) Continuity of case management and facilitation of transition to vocational rehabilitation at the appropriate time.

(6) Advocacy in all sectors of society for blind and visually handicapped children and/or their families to assure their rights to participate fully in the educational, vocational and social endeavors of society in general.

NEW SECTION

WAC 67-50-060 TERMINATION. A child shall be terminated from child and family services for the following reasons:

- (1) The child has completed his senior year in high school;
- (2) The child has withdrawn from school prior to his senior year and does not intend to return;
- (3) The child has reached the age of twenty-one years;
- (4) The child's vision improves to a degree which no longer meets the criteria for eligibility;
- (5) The child moves from the state of Washington; or
- (6) The child and/or his family requests termination.

WSR 82-13-104
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 314-20-100 Beer wholesale price posting.
- Amd WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda.
- Amd WAC 314-24-190 Wine wholesale price posting.
- Amd WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Wednesday, July 7, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 66.08.030, 66.08.050(6) and 66.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 2, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-10-068 filed with the code reviser's office on May 5, 1982.

Dated: June 23, 1982
 By: Robert D. Hannah
 Chairman

WSR 82-13-105
ADOPTED RULES
LIQUOR CONTROL BOARD
 [Order 105, Resolution No. 114—Filed June 23, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does promulgate and adopt the annexed rules relating to limited partnerships, WAC 314-12-033.

This action is taken pursuant to Notice No. WSR 82-11-004 filed with the code reviser on May 6, 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 Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

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

APPROVED AND ADOPTED June 23, 1982.
 By Robert D. Hannah
 Chairman

NEW SECTION

WAC 314-12-033 LIMITED PARTNERSHIPS.
 In the licensing of limited partnerships, the following will apply:

(1) The limited partnership business to be licensed shall be controlled by a general partner or partners who shall qualify as "copartners" under RCW 66.24.010.

(2) A limited partner shall not be considered within the meaning of the term "copartner" as used in RCW 66.24.010(2) if the limited partner has less than a ten percent ownership interest, of an investment type only, in the business to be licensed and has no control over the operation of the business either individually or collectively with other limited partners.

(3) As a required part of an application for the licensing of a limited partnership, all general partners shall submit affidavits specifying the nature of the interests of any and all limited partners in the business and certifying that no limited partner has any control, either individually or collectively with other limited partners, over the operation of the business to be licensed and further certifying that no limited partner has any financial interest which would be disqualifying under RCW 66.28.010. Similar affidavits may be required, in the discretion of the board, from any limited partner about whom there exists any question concerning ownership interest in, or control of, the business to be licensed or about whom there exists any question concerning possibly disqualifying financial interests under RCW 66.28.010.

WSR 82-13-106
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning:

- Amd WAC 173-19-2102 Moses Lake, City of.
- Amd WAC 173-19-240 Jefferson County.
- Amd WAC 173-19-2901 Centralia, City of.
- Amd WAC 173-19-3208 Tonasket, Town of;

that such agency will at 2:00 p.m., Tuesday, July 27, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, August 12, 1982, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency orally at Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: June 23, 1982
 By: John F. Spencer

Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2102 Moses Lake; 173-19-240 Jefferson County; 173-19-2901 Centralia, City of; and 173-19-3208 Tonasket, Town of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master programs for the City of Moses Lake, Jefferson County, City of Centralia and Town of Tonasket.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Ruef, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6281.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government; and local governments.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order DE 80-20, filed 8/5/81)

WAC 173-19-2102 MOSES LAKE, CITY OF. City of Moses Lake master program approved December 18, 1974. Revision approved July 15, 1981. Revision approved August 12, 1982.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved December 20, 1974. Revision approved August 12, 1982.

AMENDATORY SECTION (Amending Order DE 79034, filed 1/30/80)

WAC 173-19-2901 CENTRALIA, CITY OF. City of Centralia master program approved March 29, 1978. Revision approved August 12, 1982.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3208 TONASKET, TOWN OF. Town of Tonasket master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved August 12, 1982.

WSR 82-13-107
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed June 23, 1982]

Notice is hereby given in accordance with the provi-

sions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning description of organization, amending WAC 173-03-030 and requests for public records, amending WAC 173-03-060.

The formal adoption, amendment, or repeal of such rules will take place at 1:45 p.m., Thursday, August 12, 1982, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 42.17.250 and 42.17.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 29, 1982, and/or orally at 1:45 p.m., Thursday, August 12, 1982, Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

Dated: June 23, 1982

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-03-030 Description of Organization and WAC 173-03-060 Requests for Public Records.

Description of Purpose: To implement requirements of Washington State Open Government Act.

Statutory Authority: RCW 42.17.250 and 42.17.260.

Summary of Rule: Procedures for public access to public records of the agency.

Reasons Supporting Proposed Action: To reflect change in organizational structure, headquarters and field office location, and to clarify instructions on providing lists of individuals to the public.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Eleanor Dahlager, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6008.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-030 DESCRIPTION OF ORGANIZATION. (1) Headquarters Office.

(a) The headquarters office is ((located on the campus of St. Martins College;)) divided between two locations in Lacey, Washington((:):

(i) St. Martins College Campus

(ii) 4224 Sixth Ave. S.E.

The mailing address for both locations is:

Department of Ecology

Mailstop PV-11

Olympia, Washington 98504.

(b) The offices of the director, deputy director, legal services, public affairs, and assistant directors ((all are located in the headquarters office)) for management and budget, water programs, and field operations are located on the St. Martins Campus.

(c) The offices of the assistant directors for air and land programs are located at 4224 Sixth Ave. S.E.

(d) The titles and responsibilities of the ((six)) five assistant directors are as follows:

(i) Assistant director for water programs — water quality, water resources, municipal projects.

(ii) Assistant director for air programs — air quality, air monitoring, automobile emissions.

(iii) Assistant director for land programs — solid waste, ((shorelines)) shorelands.

(iv) Assistant director for ((comprehensive programs — major industries, tax credits for pollution control expenditures, environmental review)) management and budget — comprehensive planning and management, financial and administrative services, personnel.

(v) ((assistant director for external affairs — department liaison with other agencies.

(vi) Assistant director for field operations — enforcement, regional ((affairs)) coordination.

((((d) The offices of public affairs and legal affairs, also are at the headquarters office.))

(2) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):
4350 - 150th Avenue N.E.
Redmond, Washington 98050

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):
7272 Cleanwater Lane
Tumwater, Washington 98504

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):
((2802 Main Street
Union Gap, Washington 98903
2015 South First Street))
3601 West Washington
Yakima, Washington ((98703)) 98903
((Environmental Quality Section))

(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):
103 East Indiana
Spokane, Washington 99207

AMENDATORY SECTION (Amending Order DE 77-35, filed 1/17/78)

WAC 173-03-060 REQUESTS FOR PUBLIC RECORDS. (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address

Description of Records:
.....
.....
.....

I certify that lists of names obtained through this request for public records will not be used for political or commercial purposes.

.....
Signature

Number of copies
Number of pages
Per page charge \$.....
Total charge \$.....

(2) All requests made in person may be made at a department office between the hours of 8:00 a.m. to 12:00 Noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request and the organization the person represents;

(b) The time of day and calendar date on which the person wishes to inspect the public records;

(c) A description of the public records requested;

(d) A statement whether access to copying equipment is desired;

(e) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason.

(f) ((a statement that the record will not be used for commercial purposes)) if the requested records include a list of individuals, then a statement that the list will not be used for commercial purposes, or for assisting a campaign for election of any person to any office, or for the promotion of or opposition to any ballot proposition.

(4) All requests by mail must be received by the department at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The department may in its discretion fill requests made by telephone.

WSR 82-13-108
PROPOSED RULES
COMMISSION FOR
THE BLIND
[Filed June 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning vocational rehabilitation and services for blind persons, adopting chapter 67-20 WAC. Supplements previously-adopted rules to complete description of the rights, qualifications and requirements relating to vocational rehabilitation and services for blind persons. Repealing WAC 67-30-005, population to be served. Each program has specific eligibility criteria; 67-30-310, responsibilities of medical consultant. Commission policy and procedure, not WAC; and 67-30-320, other goods and services. Replaced by proposed WAC in chapter 67-20 WAC. Amend and recodify the following: WAC 67-30-050, Vocational rehabilitation services—Placement; 67-30-070, Vocational rehabilitation services—Rehabilitation teaching services; 67-30-080, Vocational rehabilitation services—Physical and mental restoration services; 67-30-090, Vocational rehabilitation services—Counseling and guidance; 67-30-100, Vocational rehabilitation services—Vocational and other training; 67-30-120, Vocational rehabilitation services—Reader services; 67-30-125, Vocational rehabilitation services—Interpreter services for deaf persons; 67-30-130, Vocational rehabilitation services—Orientation and mobility services; 67-30-150, Vocational rehabilitation services—Services to family members; 67-30-170, Vocational rehabilitation services—Services to civil employees of the United States; 67-30-180, Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies; and 67-30-185, Vocational rehabilitation services—Transportation. Recodification required to conform with proposed chap-

ter 67-20 WAC, vocational rehabilitation and services for blind persons. Amended to conform with federal regulations, commission policy, and incorporate emergency rules needed to implement required budget reductions. Amend and recodify WAC 67-30-210, physical and informational accessibility. This rule falls under the category of other commission business and general administration, and is not part of the vocational rehabilitation program;

that such agency will at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 74.16.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Tuesday, July 27, 1982, and/or orally at 9:00 a.m., Wednesday, July 28, 1982, 3411 South Alaska Street, Seattle, WA 98118.

Dated: June 23, 1982

By: Paul Dzedzic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-20 WAC, Vocational Rehabilitation and Services for Blind Persons.

Statutory Authority: RCW 74.16.181.

Reason: This rule establishes the qualifications and requirements relating to the enjoyment of benefits and privileges provided by the vocational rehabilitation program.

The vocational rehabilitation is also authorized by federal statute and regulation. The rule proposed herein substantially complies with the comparable federal regulations.

Summary: WAC 67-20-005 Definitions, describes terms common to the rule and to the field of rehabilitation of the blind; 67-20-010 Application for Services, informs the public how to apply for services and establishes criteria; 67-20-015 Initial Interview, defines what will be covered in the initial interview with commission staff; 67-20-025 through 67-20-056 Eligibility, describes the eligibility process; defines and limits the criteria which are used to determine eligibility for services; establishes the notice to applicant and necessity for annual review; 67-20-060 Criteria for the Severely Handicapped, if all persons cannot be served, severely handicapped are given priority. This section defines who is severely handicapped; 67-20-070 through 67-20-120 Extended Evaluation, if an applicant's eligibility cannot be immediately determined, a limited period of extended evaluation may be allowed. These sections define the eligibility for extended evaluation and what services may or may not be provided during this phase of rehabilitation; 67-20-180 through 67-20-200 Economic Need, defines the services provided without consideration of economic need; describes the information required to be considered in determining economic need; process and notice of results; 67-20-255 Thorough Diagnostic Study, defines the information, tests, examinations, etc.,

which are used in the diagnostic study; 67-20-260 through 67-20-280 Individual Written Rehabilitation Program, describes the requirements of the individual written rehabilitation program; the client's participation in developing the plan; annual review and reasons for termination; 67-20-281 Notification of Rights, requires that persons terminated will be informed of their appeal rights; 67-20-300 Objective of Vocational Rehabilitation, establishes employment as the objective of vocational rehabilitation; 67-20-325 Services Available from Other Agencies, requires nonduplication and consideration of other resources before commission resources are applied; 67-20-350 Vocational Rehabilitation Services, lists the services required to be provided by a vocational rehabilitation program; 67-20-380 through 67-20-455 Vocational Rehabilitation Services, details the definitions, procedures and limitations of the services listed in WAC 67-20-350; 67-20-500 through 67-20-510 Purchase of Services, provides for purchasing services for training for employment and selection criteria for training programs; 67-20-530 Termination of Services for Reasons Other Than Ineligibility, lists reasons a case may be closed after an individual is determined eligible for services; 67-20-540 Completion of Vocational Rehabilitation Program, defines a successfully completed vocational rehabilitation program; 67-20-545 Notification of Termination, requires the client to be notified of reasons for termination and his right to appeal; 67-20-550 Confidential Information—Disclosure, because of the personal nature of the client/counselor relationship, strict confidentiality is required regarding client's records. Disclose requirement to authorized persons; 67-20-560 Administrative Review, describes the public's right to administrative review and how to initiate a review; 67-20-570 Fair Hearing, describes the fair hearing process and the decision authority; and 67-20-590 Client Records, describes the information which will be maintained in client records.

Implementation: This rule relates to a program which has been implemented for several years.

Chapter 67-20 WAC VOCATIONAL REHABILITATION AND SERVICES FOR BLIND PERSONS

WAC	
67-20-005	Definitions.
67-20-010	Application for services.
67-20-015	Initial interview.
67-20-020	Preliminary diagnostic study.
67-20-025	Eligibility for services.
67-20-030	Eligibility for services—Criteria.
67-20-050	Certification for decision of eligibility or ineligibility.
67-20-055	Notice to applicant.
67-20-060	Criteria for the severely handicapped.
67-20-070	Extended evaluation.
67-20-075	Extended evaluation—Eligibility criteria.
67-20-077	Certification for extended evaluation to determine rehabilitation potential.
67-20-080	Extended evaluation—Program.
67-20-085	Extended evaluation—Services provided.
67-20-090	Extended evaluation—Services not provided.
67-20-095	Extended evaluation—Duration and scope of services.
67-20-100	Extended evaluation—Assessment.
67-20-105	Extended evaluation—Revision of program.
67-20-110	Extended evaluation—Termination.
67-20-120	Certification of termination of extended evaluation

and notice.

67-20-180 Economic need.

67-20-185 Economic need—Financial statement required.

67-20-190 Economic need—Standards for determining.

67-20-200 Economic need—Notification of decision.

67-20-255 Thorough diagnostic study.

67-20-260 Vocational rehabilitation program—Individual written rehabilitation program.

67-20-270 Vocational rehabilitation program—Participation of client.

67-20-275 Vocational rehabilitation program—Annual review.

67-20-280 Vocational rehabilitation program—Termination.

67-20-281 Vocational rehabilitation program—Notification of rights.

67-20-300 Objective of vocational rehabilitation.

67-20-325 Services available from other agencies.

67-20-350 Vocational rehabilitation services.

67-20-385 Vocational rehabilitation services—Physical and mental restoration.

67-20-390 Vocational rehabilitation services—Training—College.

67-20-392 Vocational rehabilitation services provided—Training—Trade schools.

67-20-394 Vocational rehabilitation services provided—Training—Employment.

67-20-395 Vocational rehabilitation services—Training—College and trade school.

67-20-396 Vocational rehabilitation services—Training—Sheltered workshop.

67-20-400 Vocational rehabilitation services—Maintenance.

67-20-432 Vocational rehabilitation services—Telecommunications.

67-20-444 Vocational rehabilitation services—Post-employment services.

67-20-446 Vocational rehabilitation—Services to groups.

67-20-452 Vocational rehabilitation services provided—Other goods and services.

67-20-500 Purchase of services.

67-20-505 Purchase of services—Selection criteria—Schools.

67-20-510 Purchase of services—Selection criteria—Employment training facilities.

67-20-525 Termination of services for reason of ineligibility.

67-20-530 Termination of services for reasons other than ineligibility.

67-20-540 Completion of vocational rehabilitation program.

67-20-545 Notification of termination.

67-20-550 Confidential information—Disclosure.

67-20-560 Administrative review.

67-20-570 Fair hearing.

67-20-590 Client records.

NEW SECTION

WAC 67-20-005 DEFINITIONS. (1) "Accepted for services" shall mean that the commission has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the commission a letter or application requesting vocational rehabilitation services which:

(a) Has been signed by the individual, his parents or guardian or other representative; and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Client" shall mean any handicapped individual:

(a) Who has applied for services from the commission; and

(b) For whom services have not been denied or terminated by the commission.

(5) "Commission" shall mean the Washington commission for the blind.

(6) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to

benefit the individual in terms of employability.

(7) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(8) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(9) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(10) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(11) "Medical consultant" shall mean a doctor of medicine employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(12) "Ophthalmological consultant" shall mean a doctor of medicine specializing in diseases of the eye employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(13) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(14) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning.

(15) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal

suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(16) "Referral" is defined as any individual who applied or has been referred to a vocational rehabilitation office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

- (a) Name and address;
- (b) Disability;
- (c) Age and sex;
- (d) Date of referral; and
- (e) Source of referral.

(17) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(18) "Director," except when the context indicates otherwise, means the director of the commission for the blind.

(19) "Blind or visually impaired" for purposes of this chapter is a physical disability defined as follows:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°; or

(b) Vision so defective as to prevent the performance of ordinary activities for which eyesight is essential; or

(c) An eye condition of a progressive nature which may lead to blindness.

(20) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(21) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the commission who has direct responsibility for providing, or supervising the provision of all vocational rehabilitation services to a client of the division.

(22) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him to enter or retain employment consistent with his capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(23) "Rehabilitation teacher" (RT) shall refer to an employee of the commission who has responsibility to determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program.

(24) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and

which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

NEW SECTION

WAC 67-20-010 APPLICATION FOR SERVICES. (1) Any blind or visually impaired person may apply for vocational rehabilitation services, including persons who have previously applied for, have previously received, or have previously been denied such services.

(2) Any handicapped person seeking to obtain vocational rehabilitation services from the commission shall submit a written application for services to the commission.

(3) The written application for services shall be signed by the person requesting services or by his parent or guardian or other representative.

(4) The written application shall contain the following information:

- (a) The applicant's name and address;
- (b) The nature of the applicant's disability;
- (c) The applicant's age and sex;
- (d) The date of application;
- (e) The name of the person or agency, if any, who has referred the applicant to the commission.

(5) The commission shall not provide vocational rehabilitation services to any person who has failed to submit a signed application in writing containing the above information.

NEW SECTION

WAC 67-20-015 INITIAL INTERVIEW. (1) An applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation counselor or by a vocational rehabilitation teacher as soon as possible after application.

(2) At this initial interview the interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant;

(b) Specifically inform the applicant of his right to appeal from any decision made by the commission with regard to his case through administrative appeal and fair hearing procedures;

(c) Inform the applicant of his right of confidentiality of information possessed by the commission; and

(d) Obtain any general information from the applicant which might be useful in determining his eligibility for vocational rehabilitation services.

NEW SECTION

WAC 67-20-020 PRELIMINARY DIAGNOSTIC STUDY. (1) A preliminary diagnostic study will be conducted to determine whether:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility:

(a) In all cases, will include an appraisal of the current general health status of the individual; and

(b) In all cases, will include an examination of the individual's eyes by an ophthalmologist, a physician skilled in the diseases of the eye or by a licensed optometrist.

(3) The commission shall record in writing the results of each applicant's preliminary study.

NEW SECTION

WAC 67-20-025 ELIGIBILITY FOR SERVICES. (1) The commission shall make an eligibility determination as to every applicant for vocational rehabilitation services. The determination of eligibility shall be made as soon as possible after application.

(2) The commission shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any.

NEW SECTION

WAC 67-20-030 ELIGIBILITY FOR SERVICES—CRITERIA. (1) Eligibility shall be based only upon:

(a) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(b) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

(2) Physical disability shall include a primary disability of blindness or visual impairment.

(3) Eligibility requirements will be provided by the division without regard to sex, race, age, creed, color, or national origin of the individual applying for service.

(4) No person or group of persons shall be found ineligible for services solely on the basis of type of disability.

(5) No person shall be found ineligible for services solely on the basis of age.

(6) No person shall be found ineligible for services based on residence requirement, durational or other.

NEW SECTION

WAC 67-20-050 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY. (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Whenever it has been determined on the basis of clear evidence that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-055 NOTICE TO APPLICANT. (1) The individual shall be notified in writing of the action taken on eligibility or ineligibility.

(2) He shall be informed of the commission's procedure for administrative review and fair hearings if he is dissatisfied with the commission's decision.

(3) If the applicant was determined to be ineligible for vocational rehabilitation services, the certification shall clearly specify how he failed to meet the criteria of eligibility.

(4) If the applicant was determined to be eligible for vocational rehabilitation services, the notice shall clearly specify the date of certification of eligibility.

(5) Decisions of ineligibility will be reviewed at least annually. The individual will be given a full opportunity to participate in the review and reconsideration of eligibility.

NEW SECTION

WAC 67-20-060 CRITERIA FOR THE SEVERELY HANDICAPPED. A severely handicapped individual is a handicapped individual:

(1) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills) in terms of employability; and

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or other disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

NEW SECTION

WAC 67-20-070 EXTENDED EVALUATION. Extended evaluation is the process by which diagnostic and other vocational rehabilitation services are provided to an applicant for the limited purpose of facilitating the determination of his rehabilitation potential and eligibility. Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure.

itation services are provided to an applicant for the limited purpose of facilitating the determination of his rehabilitation potential and eligibility. Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure.

NEW SECTION

WAC 67-20-075 EXTENDED EVALUATION—ELIGIBILITY CRITERIA. Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:

(1) The presence of a physical or mental disability, which for the individual, constitutes or results in a substantial handicap to employment (physical disability includes a primary disability of blindness or visual impairment); and

(2) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.

NEW SECTION

WAC 67-20-077 CERTIFICATION FOR EXTENDED EVALUATION TO DETERMINE REHABILITATION POTENTIAL. Prior to, and as a basis for providing an extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the requirements. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-080 EXTENDED EVALUATION—PROGRAM.

(1) After certification for extended evaluation to determine rehabilitation potential, an individualized written rehabilitation program shall be developed jointly by the vocational rehabilitation counselor or rehabilitation teacher and the handicapped individual or, as appropriate, his parent, guardian or other representative.

(2) A copy of the written program and any amendments thereto shall be provided to the handicapped individual or, as appropriate, parent, guardian or other representative.

(3) The program shall include the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.

(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.

(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.

(6) The terms and conditions for the provision of vocational rehabilitation services including:

(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program;

(b) The extent of client participation in the cost of services based on the financial need of the client; and

(c) The extent to which the individual is eligible for similar benefits under any other program.

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the commission's action and fair hearings.

NEW SECTION

WAC 67-20-085 EXTENDED EVALUATION—SERVICES PROVIDED. The following vocational rehabilitation services will be available to individuals:

(1) Evaluation, including diagnostic and related services;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Training, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when

such services are necessary to the adjustment of rehabilitation of the handicapped individual;

- (8) Reader services for the blind;
- (9) Interpreter services for the deaf;
- (10) Telecommunications, sensory and other technological aids and devices; and
- (11) Other goods and services which are necessary to determine the client's rehabilitation potential.

NEW SECTION

WAC 67-20-090 EXTENDED EVALUATION—SERVICES NOT PROVIDED. The following goods and services cannot be provided until decisions have been reached as to a client's specific employment objectives and, therefore, shall not be provided under an extended evaluation plan:

- (1) Placement;
- (2) Occupational tools and equipment or initial stocks and supplies;
- (3) Business enterprises;
- (4) Occupational licenses.

NEW SECTION

WAC 67-20-095 EXTENDED EVALUATION—DURATION AND SCOPE OF SERVICES. (1) Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of eighteen months.

(2) Other conditions:

(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of eighteen months shall be permitted during the period that the case is open. If a case has been closed as a result of determination that the handicapped individual's needs have changed, such a case may be reopened and a subsequent evaluation of rehabilitation potential may be carried out, provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation" are met.

(b) Vocational rehabilitation services authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-100 EXTENDED EVALUATION—ASSESSMENT. A thorough assessment of the individual's progress will be made as frequently as necessary, but at least once in every ninety-day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the probation of such services and to determine whether such individual may be determined to be eligible or ineligible.

NEW SECTION

WAC 67-20-105 EXTENDED EVALUATION—REVISION OF PROGRAM. A program of extended evaluation may be revised at any time and shall be revised as necessary if the needs of the client have changed or problems have arisen which have interrupted the provision of extended evaluation services.

NEW SECTION

WAC 67-20-110 EXTENDED EVALUATION—TERMINATION. (1) At any time prior to the expiration of an eighteen-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined on the basis of clear evidence that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 67-20-280 must

be followed.

NEW SECTION

WAC 67-20-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE. The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Certification of ineligibility. When it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian or other representative, or after affording a clear opportunity for such consultation.

NEW SECTION

WAC 67-20-180 ECONOMIC NEED. (1) The commission shall provide the following services regardless of the economic need of the client receiving the services. However, when available, client insurance may be utilized to help defray the costs of services:

- (a) Diagnostic and related services;
- (b) Counseling;
- (c) Training;
- (d) Placement.

(2) The following vocational rehabilitation services shall be provided by the commission only if the client receiving the services is eligible for such services on the basis of economic need:

- (a) Transportation, except where provided in connection with diagnostic services;
- (b) Placement tools, equipment, and initial stocks and supplies;
- (c) Occupational licenses;
- (d) Maintenance, except where provided in connection with diagnostic services;
- (e) Other goods and services necessary for the client rehabilitation, including post-employment services necessary for the client's rehabilitation.

NEW SECTION

WAC 67-20-185 ECONOMIC NEED—FINANCIAL STATEMENT REQUIRED. An applicant accepted for vocational rehabilitation services or accepted for extended evaluation to determine rehabilitation potential shall be required to furnish the commission with:

(1) Such information in detail regarding his financial assets, income, debts, obligations, and expenses as may be necessary to enable the commission to make a determination of his economic need;

(2) A disclosure of insurance coverage which may apply to vocational rehabilitation services;

(3) A signed statement indicating whether he is in need of financial assistance from the commission to participate in those vocational rehabilitation services which are conditioned upon economic need.

NEW SECTION

WAC 67-20-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible on the basis of economic need to receive vocational rehabilitation services or extended evaluation services from the commission when the total of his/her obligations, debts, and expenses is equal to or exceeds the total of his/her income and nonexempt assets or resources. When the value of his/her income and nonexempt assets is greater than the value of his/her obligations, debts, and expenses, the excess of the former over the latter shall be made available by the client for the payment of the cost of those services which are conditioned upon economic need.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his/her entire family unit, including his/her dependents or, if the client is an emancipated minor, his/her parents.

(3) The following shall be considered income for the purpose of de-

termining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions;

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis;

(c) Net profit from roomers or boarders;

(d) Net profit from property rentals;

(e) Net profit from farm products;

(f) Net profit from business enterprises;

(g) Scholarship or fellowship funds;

(h) Income from public or private welfare agencies;

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or his/her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his/her family as the principle place of residence or when it will be so occupied in the predictable future;

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his/her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his/her dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective;

(d) Vocational equipment and machinery owned by the client is an exempt asset if it is being used to provide part or all of the living expenses of the client and his/her dependents or if it may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that it produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to its fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses;

(b) Shelter and living expenses for the client's dependents;

(c) Payments which the client is required to make under court order;

(d) Outstanding taxes on earnings or personal or real property;

(e) Insurance premium payments;

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

NEW SECTION

WAC 67-20-200 ECONOMIC NEED—NOTIFICATION OF DECISION. When it is determined that the client shall be required to contribute financially to his rehabilitation, the commission shall explain to him when, how, and for what services his funds will be used.

NEW SECTION

WAC 67-20-255 THOROUGH DIAGNOSTIC STUDY. (1) There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual, and that the findings of such study will be recorded in the individualized written rehabilitation program.

(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:

(a) Intelligence level;

(b) Educational achievements;

(c) Work experience;

(d) Ability to function in the community;

(e) Personal, vocational and social adjustment;

(f) Employment opportunities;

(g) Patterns of work behavior;

(h) Ability to acquire occupational skills;

(i) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.

(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:

(a) Visual impairment – ophthalmological or optometric evaluation;

(b) Hearing impairment or deafness – otological and audiological evaluation;

(c) Mental retardation – psychological evaluation.

NEW SECTION

WAC 67-20-260 VOCATIONAL REHABILITATION PROGRAM—INDIVIDUAL WRITTEN REHABILITATION PROGRAM. The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:

(1) The basis on which the determination of eligibility has been made;

(2) The long-range employment goals established for the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established employment goals and the terms and conditions for the provision of such services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service and the time within which the objectives and goals for each individual might be achieved;

(5) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program:

(a) Extent of client participation in the cost of services based on the financial need of the client; and

(b) Extent to which the individual is eligible for similar benefits under any other programs;

(6) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of action or fair hearings;

(7) The basis on which the individual has been determined to be rehabilitated; and

(8) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.

(9) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his parents, guardian or other representative.

NEW SECTION

WAC 67-20-270 VOCATIONAL REHABILITATION PROGRAM—PARTICIPATION OF CLIENT. The individualized written rehabilitation program shall be developed jointly by the vocational rehabilitation counselor or rehabilitation teacher and the handicapped individual or, as appropriate, his parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his parent, guardian or other representative.

NEW SECTION

WAC 67-20-275 VOCATIONAL REHABILITATION PROGRAM—ANNUAL REVIEW. The individualized written program shall be reviewed as often as necessary but at least on an annual basis at which time each handicapped individual, or, as appropriate, his parent, guardian or other representative will be afforded an opportunity to review such program and, if necessary, jointly redevelop its terms.

NEW SECTION

WAC 67-20-280 VOCATIONAL REHABILITATION PROGRAM—TERMINATION. When the services are terminated under a written program on the basis of a determination that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his parent, guardian, or other representative.

(2) The views of the individual or his representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his request.

(5) Consultation or annual review would not be scheduled if:

(a) There is a recorded statement by the individual indicating that he does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other strong reasons that would make an annual review impractical.

NEW SECTION

WAC 67-20-281 VOCATIONAL REHABILITATION PROGRAM—NOTIFICATION OF RIGHTS. Upon termination the individual will be informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the commission's action and fair hearings.

NEW SECTION

WAC 67-20-300 OBJECTIVE OF VOCATIONAL REHABILITATION. The objective of vocational rehabilitation services is to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market, the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash; sheltered employment; homebound employment; or other gainful work). Vocational rehabilitation services will be limited to those necessary to fit the client for his vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions. However, if a handicapped individual wishes to change occupations or to progress beyond industry accepted norms for competent entry level employment, the commission has no obligation to provide further assistance.

NEW SECTION

WAC 67-20-325 SERVICES AVAILABLE FROM OTHER AGENCIES. The commission's funds shall not be expended to purchase services for which a client is eligible from another agency which has primary responsibility for providing the needed service. In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program.

NEW SECTION

WAC 67-20-350 VOCATIONAL REHABILITATION SERVICES. Each client accepted for services may be provided any rehabilitation services found by the diagnostic study to be necessary for the

realization of his rehabilitation objective including but not limited to:

(1) Evaluation of rehabilitation potential;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(9) Interpreter services for the deaf;

(10) Telecommunications, sensory, and other technological aids and devices;

(11) Recruitment and training services to provide new employment opportunities and other appropriate public service employment;

(12) Placement in suitable employment;

(13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;

(14) Occupational licenses, tools, equipment, initial stocks (including livestock), and supplies; and

(15) Other goods and services which can reasonable be expected to benefit a handicapped individual in terms of employability.

NEW SECTION

WAC 67-20-385 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION. (1) Physical and mental restoration shall include all medical and related services including the following:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication;

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the medical consultant;

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short-term therapy. A program of psychiatric treatment which will extend beyond twelve months must have the prior approval of the medical consultant;

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services;

(f) Hospital (either inpatient or outpatient care) and clinic services;

(g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the commission as a long-term process for conditions not expected to improve;

(h) Drugs and supplies;

(i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment;

(j) Eyeglasses;

(k) Podiatry;

(l) Physical therapy; physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury;

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques;

(n) Medical or medically-related social work services;

(o) Medically directed speech or hearing therapy.

(2) The provision of physical and mental restoration services shall be deferred for the remainder of the biennium ending June 30, 1983, except that:

(a) Clients needing physical restoration who appear to be eligible will be referred to the prevention of blindness program;

(b) Medical emergencies to prevent eminent loss of sight or prevent severe service interruption will be provided with the approval of the supervisor.

NEW SECTION

WAC 67-20-390 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE. (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him on a reasonably competitive basis in a suitable occupation.

(b) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.

(c) Evaluation of the client's motivation, study habits, personality and character traits, or other similar factors, indicates that it would be appropriate to provide him with college training even though he has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his grades fall below the standards required in the field of his choice, it may be necessary to select a new objective for his college training program through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of his rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.

(3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for such training or training services.

NEW SECTION

WAC 67-20-392 VOCATIONAL REHABILITATION SERVICES PROVIDED—TRAINING—TRADE SCHOOLS. Training may be provided in business, trade and vocational schools. Business, trade and vocational training facilities shall include but not be limited to beauty schools, barber colleges, business schools where secretarial, accounting, and other office work skills are taught, schools for the training of licensed practical nurses, and trade schools teaching such skills as welding, draftsmanship, electrical engineering, radio repair, etc. Such facilities may be either publicly or privately owned and operated.

NEW SECTION

WAC 67-20-394 VOCATIONAL REHABILITATION SERVICES PROVIDED—TRAINING—EMPLOYMENT. (1) Employment training services may be provided to a client when necessary to attainment of the client's vocational goal. "Employment training services" shall mean a program of organized training by which a client is given the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(2) Employment training services shall be provided to an individual client only when the vocational rehabilitation counselor has established that the following conditions have been or will be met:

(a) The client's training program has been prepared and outlined in detail and in advance;

(b) The client's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the client's selected occupation;

(c) A mutual understanding has been reached between the trainee—client, the trainer—employment training facility, and the vocational rehabilitation counselor as to the provisions of the client's employment training plan, including length of the training period, financial arrangements, and operations and skills to be learned;

(d) The employer will provide careful supervision of the client's work and will submit regular reports on the client's attendance and progress to the vocational rehabilitation counselor;

(e) The training program will meet any requirements for licensing in the trade or occupation which exists in the field or work in which the client is to be employed;

(f) It has been ascertained that the employment training program is acceptable to other employees of the training facility.

NEW SECTION

WAC 67-20-395 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE AND TRADE SCHOOL. (1) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) or trade or business schools shall be paid for with vocational rehabilitation funds unless the client has demonstrated application for, and denial of, other grants and scholarships.

(2) Tuition at institutions of higher education will be limited to the amount charged at the University of Washington or the actual cost, whichever is less.

(3) Books and academic supplies will be limited to seventy-five dollars per quarter or one hundred ten dollars per semester for a full academic load. Students attending less than full time will have the amount authorized for books and supplies reduced proportionately.

NEW SECTION

WAC 67-20-396 VOCATIONAL REHABILITATION SERVICES—TRAINING—SHELTERED WORKSHOP. (1) The commission may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in interpersonal situations, work characteristics, and manipulative (manipulative) skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value, and demands of work;

(b) Modify or develop attitudes, personal characteristics, and work behaviors;

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long-range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the vocational rehabilitation counselor or rehabilitation teacher and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) Work adjustment services will be undertaken only in state certificated rehabilitation facilities.

NEW SECTION

WAC 67-20-400 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services may be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client. The provision of maintenance services in connection with any other type of service shall be conditioned on the economic need of the client.

NEW SECTION

WAC 67-20-432 VOCATIONAL REHABILITATION SERVICES—TELECOMMUNICATIONS. (1) The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

(2) Telecommunications will be utilized when service delivery methods can be improved by the use of these devices. Cost benefit will be considered in the development of telecommunication services.

NEW SECTION

WAC 67-20-444 VOCATIONAL REHABILITATION SERVICES—POST-EMPLOYMENT SERVICES. (1) The commission may provide such follow-up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

(2) The commission may provide post-employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original disability or handicap for which he was receiving services prior to termination.

(3) All follow-up and post-employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of services.

NEW SECTION

WAC 67-20-446 VOCATIONAL REHABILITATION—SERVICES TO GROUPS. (1) Services to groups of handicapped persons may be provided when such services will result in a benefit to the individual members' vocational rehabilitation.

(2) Members of such groups must be eligible for vocational rehabilitation services.

(3) Special services to groups may include but are not limited to the production of brailled and recorded materials.

(4) These services shall not include removal of architectural barriers.

NEW SECTION

WAC 67-20-452 VOCATIONAL REHABILITATION SERVICES PROVIDED—OTHER GOODS AND SERVICES. (1) Such other goods and services may be provided to the client as are essential to a determination of his rehabilitation potential, to his rehabilitation plan, or to render him fit to engage in a gainful occupation.

(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic services.

NEW SECTION

WAC 67-20-500 PURCHASE OF SERVICES. The commission may purchase training from schools or sheltered workshops, or from business establishments which offer on-the-job training services.

NEW SECTION

WAC 67-20-505 PURCHASE OF SERVICES—SELECTION CRITERIA—SCHOOLS. (1) In determining whether a particular school is appropriate and acceptable as a training facility, the vocational rehabilitation counselor shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs. The vocational rehabilitation counselor may also consider such factors as the placement services, if any, offered by the facility, the convenience of the physical arrangements of the plant and their adaptability to the needs of the client, and the willingness of school authorities to adopt and make available such equipment as is necessary to aid the client in the most efficient pursuit of his training.

(2) The use of schools for training purposes shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated. The commission shall attempt to utilize for training purposes those schools and other training

facilities which provide the recipient with the credits, credentials, diplomas, or other certifications required by the profession or trade which is the goal of the recipient's rehabilitation program.

(3) Tax supported schools shall be used in preference to nontax supported schools whenever possible and appropriate in light of the vocational objective of the client in question.

(4) Prior to the use of a school as a training facility the vocational rehabilitation counselor shall advise the client involved about the status of the school in which the training program will be carried out. The client shall be made particularly aware of any limitation of job opportunities which might result from the use of a school or facility of limited or no accreditation.

NEW SECTION

WAC 67-20-510 PURCHASE OF SERVICES—SELECTION CRITERIA—EMPLOYMENT TRAINING FACILITIES. A business or industrial establishment which is to be utilized by the commission for the provision of employment training services shall meet the following criteria:

(1) The facility has personnel qualified for instructional purposes by knowledge, skills, and personality;

(2) The facility has sufficiently diversified operations and adequate and suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his occupational objective;

(3) The training of clients is only incidental to the business activity of the facility, and in no case shall the major activity of the facility be the training of clients.

NEW SECTION

WAC 67-20-525 TERMINATION OF SERVICES FOR REASON OF INELIGIBILITY. (1) Services under a written program are to be terminated on the basis that the handicapped individual is not capable of achieving a vocational goal and is then no longer eligible.

(2) Whenever it has been determined based on clear evidence that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file.

NEW SECTION

WAC 67-20-530 TERMINATION OF SERVICES FOR REASONS OTHER THAN INELIGIBILITY. Vocational rehabilitation services shall be terminated when a client:

(1) Has died;

(2) Cannot be located by the commission after reasonable efforts to do so;

(3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time;

(4) Has moved to another jurisdiction and the commission has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction;

(5) Removes himself for consideration by declining to accept or utilize vocational rehabilitation services after all reasonable efforts have been expended to encourage participation.

NEW SECTION

WAC 67-20-540 COMPLETION OF VOCATIONAL REHABILITATION PROGRAM. Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if:

(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the vocational rehabilitation counselor and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and

(2) Substantial rehabilitation services have been rendered to the client by the commission. No client shall be terminated as rehabilitated unless the commission has provided him with the following substantial services:

(a) Adequate and necessary guidance in developing an understanding of his capacities and limitations, his vocational potentialities, and the health, personal, and social problems related to his vocational adjustment;

(b) Assistance in understanding the services available from the

commission and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment;

(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, devising effective interpersonal relationships, etc.

(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than sixty days. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:

(a) The client and employer are mutually satisfied;

(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;

(c) The occupation is consistent with the client's capacities, skills, and abilities;

(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself or others;

(e) The wage and working conditions conform to state and federal statutory requirements;

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.

NEW SECTION

WAC 67-20-545 **NOTIFICATION OF TERMINATION.** The commission shall provide written notification to every individual who has applied for services whenever any determination is made to terminate services to him. Such written notice shall specify in detail the reasons for the commission's decision to terminate services and shall clearly inform the client of his right to an administrative review and to a fair hearing on the decision.

NEW SECTION

WAC 67-20-550 **CONFIDENTIAL INFORMATION—DISCLOSURE.** (1) The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the commission, given or made available to the commission, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the commission's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

(2) The commission shall disclose confidential information, whether directly or indirectly, only under the following circumstances:

(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program; or

(b) Where required by order of a court of competent jurisdiction; or

(c) Where the client has given his informed consent in writing to such disclosure.

(3) The commission shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the division on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the commission express written authorization to release the information to the client; or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The commission shall release to an employer only such confidential information regarding a client as is essential to his successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from

which his consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) The research is directly connected with the administration of the vocational rehabilitation program;

(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained from the commission without the written consent of the person involved and of the commission.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative for purposes in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: **PROVIDED,**

(a) That only such information as is relevant to the needs of the client shall be released; and

(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the commission, or to the client by a physician or by a licensed or certified psychologist.

NEW SECTION

WAC 67-20-560 **ADMINISTRATIVE REVIEW.** (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the commission or its agents with regard to his vocational rehabilitation case may file a request with the commission for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the commission. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review shall:

(a) Specify the date of the decision or action being appealed;

(b) Specify as precisely as possible the issue to be resolved by the administrative review;

(c) Set forth the address of the client or of his representative; and

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the commission of the decision or action by the commission which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the director's delatee, and shall be provided within thirty days after the submission of the request for review.

(6) As soon as possible after the conclusion of the administrative review the delatee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.

NEW SECTION

WAC 67-20-570 **FAIR HEARING.** (1) Any client dissatisfied with the finding of an administrative review may request from the commission, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the commission of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the commission for the blind who will forward it to the Office of Administrative Hearing, 4224 6th Ave. S.E., PY-15, Lacey, WA 98504.

(3) The administrative law judge will make a proposed decision to the director of the commission for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

(5) A client not satisfied with the decision of the director may request a review of the director's decision by the secretary of the federal education department on the individual written rehabilitation program.

NEW SECTION

WAC 67-20-590 CLIENT RECORDS. The commission will maintain for each applicant for vocational rehabilitation services a case record which will include to the extent pertinent, the following information:

(1) Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;

(2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;

(3) Data supporting any determination that the handicapped individual is a severely handicapped individual;

(4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;

(5) An individualized written rehabilitation program as developed and any amendments to such program;

(6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;

(7) Documentation supporting any decision to provide services to family members;

(8) Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services if the state elects to condition the provision of any vocational rehabilitation services on the financial need of the handicapped individual;

(9) Data relating to the eligibility of the individual for similar benefits under any other program;

(10) Documentation that the individual has been advised of the confidentiality of all information pertaining to his case and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;

(11) Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;

(12) Documentation of any plans for the provision of post-employment objective has been achieved, the basis on which such plans were developed, and a description of the services provided and the outcomes achieved;

(13) Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action or fair hearings; and

(14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-440 Vocational rehabilitation services—Placement)

WAC 67-30-050 VOCATIONAL REHABILITATION SERVICES—PLACEMENT. (1) The commission may provide or cause to be provided placement services to clients under an individualized written rehabilitation program. The commission and clients will be mutually responsible in the endeavor to find and secure suitable employment. While the commission will meet its responsibilities stated in this section, clients will be held responsible under their individualized written rehabilitation programs for actively and independently applying themselves in job-seeking efforts and self-placement.

(2) Placement services prepare a client for work and assist him/her in obtaining appropriate employment and may include the following range of activities:

(a) Organized and identifiable attempts to establish or improve the linkage of a client and a work situation.

(b) Sustained collaboration with the client in a variety of work-oriented activities culminating in the client's engagement in a job, including self-employment.

(c) Communicating and negotiating with a variety of employment resources in the community and other community resources regarding the employment of blind persons. This may or may not be on behalf of specific clients.

(d) Assisting the client in stabilizing himself/herself in a work setting to the point that the placement goal has been satisfactorily achieved.

(3) Placement services may be provided as follows:

(a) Vocational rehabilitation counselors will deliver placement services to clients as a primary function and the principal focus of their professional responsibilities and activities.

(b) A job training and placement counselor whose principle function will be to communicate and negotiate with a variety of community resources, especially employers, regarding the employment of blind persons will provide placement services. This function may or may not be on behalf of specific clients.

(c) Existing, noncost placement resources in the community such as the State Department of Employment Security, projects with industry, and other entities shall be utilized whenever possible.

(d) In certain situations, placement services may be purchased when it is in the client's vocational interests, when the commission's services are not otherwise available, or are offered by a vendor as part of a "package" involving placement as a service. The specific conditions under which placement services may be purchased are addressed in the commission's procedures governing such purchase.

(4) Placement services will be terminated when the client has been provided vocational rehabilitation services in accordance with an individualized written rehabilitation program, and been determined to have maintained a suitable employment goal for at least sixty days.

(5) Suitable placement refers to a determination that the provision of vocational rehabilitation services has enabled a client to enter or retain employment consistent with client's capacities and abilities.

(6) Clients placed by the commission in extended employment in rehabilitation facilities will have their statuses reviewed and reevaluated by the commission at least annually. The commission will make maximum efforts to place these individuals in competitive employment or training for competitive employment whenever feasible.

(7) Placement services will be provided without consideration of similar benefits except when the purchase of placement services is contemplated.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-420 Vocational rehabilitation services—Rehabilitation teaching services)

WAC 67-30-070 VOCATIONAL REHABILITATION SERVICES—REHABILITATION TEACHING SERVICES. (1) The commission will provide or cause to be provided rehabilitation teaching services to clients by rehabilitation teachers in the employ of the commission. Such services may be purchased by the commission from vendors who meet standards for these services when they are not otherwise available to a client.

(2) Rehabilitation teaching services include specific and identifiable teaching methods that are used to assist blind individuals in acquiring skills in manual dexterity, communication, home orientation, home management and general self-management.

(3) Rehabilitation teaching services may be provided during all phases of the vocational rehabilitation process wherever there is a documented need for them for diagnostic purposes and under a client's individualized written rehabilitation program.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-384 Vocational rehabilitation services—Physical and mental restoration services)

WAC 67-30-080 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION SERVICES. (1) Physical and mental restoration services will be provided to or arranged for a client under an individualized written rehabilitation program when, in the judgment of the vocational rehabilitation counselor, in consultation with the medical consultant, it can be determined that:

(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and

(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a

reasonable period of time; or

(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.

(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.

(3) Authorized physical and mental restoration services may be provided by physicians, dentists, and other health-related professionals who are licensed in the state.

(4) The client has the option, when receiving physical and mental restoration services, to choose the physician or other health-related professional and the appropriate facilities from among those licensed in the state. These service providers and the facilities must be willing to accept reimbursement in accordance with the Washington state department of social and health services schedule of maximum allowances and program descriptions.

(5) For clients in extended evaluation, restorative services may be provided to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

(6) The provision of physical and mental restoration will be provided on an exception basis after exhausting all other resources; clients needing physical restoration will be referred to the prevention of blindness program.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-380 Vocational rehabilitation services—Counseling and guidance)

WAC 67-30-090 VOCATIONAL REHABILITATION SERVICES—COUNSELING AND GUIDANCE. Counseling and guidance is a necessary and key function of the counselors in facilitating the development of the individual being served.

(1) Counseling and guidance services will be provided by the commission as necessary to:

(a) Assist the individual to understand his/her capacities, aptitudes and interests.

(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.

(c) Assist the client to select a suitable and realistic vocational goal.

(d) Assist the individual to understand the services available to him/her from the commission and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.

(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job interviews and tests, and the establishment and maintenance of effective interpersonal relationships.

(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.

(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

~~((2) Counseling and guidance will be provided without regard to economic need.~~

~~(3) Counseling and guidance is a necessary and key function of the counselors in facilitating the development of the individual being served.~~

~~(4) Counseling and guidance is an ongoing process and will continue even though the client may be a student in the commission's rehabilitation center.~~

~~(5) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.)~~

(2) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.

(3) Counseling and guidance will continue even though the client may be a student in the commission's rehabilitation center.

(4) Counseling and guidance will be provided without regard to economic need.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-388 Vocational rehabilitation services—Vocational and other training)

WAC 67-30-100 VOCATIONAL REHABILITATION SERVICES—VOCATIONAL (TRAINING) AND OTHER TRAINING. (1) The commission may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in paragraph (5) below.

(2) The commission will operate and maintain a training center for pre-vocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless maximum efforts have been made by the commission on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services. A client must demonstrate application for, and denial of, other grants and scholarships.

(4) The commission may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client. Assistance will be limited to seventy-five dollars per quarter or one hundred ten dollars per semester for full academic load. Students attending less than full time will have amount reduced proportionately.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount ((available to the same individual if education were pursued in the highest cost public institution within the state unless the private institution or out-of-state institution provides the only access to the achievement of the individual's vocational goal)) by that amount charged at the University of Washington or the actual cost, whichever is less.

(7) The commission may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the agency in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-416 Vocational rehabilitation services—Reader services)

WAC 67-30-120 VOCATIONAL REHABILITATION SERVICES—READER SERVICES. (1) The commission will provide or cause to be provided reader services to those clients under an individualized written rehabilitation program who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment.

(2) Reader services ((consists)) consist of oral reading to the blind individual of ink-print material which is not available through any of the usual, special, nonvisual methods of reading used by blind persons.

(3) Reader services may be provided, despite the availability of alternatives to ink-print, when the client's skills in using nonvisual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.

(4) The employment and rates of payment will be governed by the commission's procedures for purchase of reader services. Ordinarily,

readers will be paid no more than the national minimum wage; however, exceptions may be made under the commission's procedures governing reader services.

(5) The commission's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-412 Vocational rehabilitation services—Interpreter services for deaf persons)

WAC 67-30-125 VOCATIONAL REHABILITATION SERVICES—INTERPRETER SERVICES FOR DEAF PERSONS. The commission will provide interpreter services for deaf persons needing this service in all stages of involvement with the commission while a client or applicant, or during appeal of a contested decision by an employee of the commission which directly affects the client or applicant.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-428 Vocational rehabilitation services—Orientation and mobility services)

WAC 67-30-130 VOCATIONAL REHABILITATION SERVICES—ORIENTATION AND MOBILITY SERVICES. (1) The commission will provide orientation and mobility services that are consistent with the client's individualized written rehabilitation program and that any problems in training(;-), employment-seeking, employment, and post-employment, related to the client's inability to travel independently, are resolved.

(2) Orientation and mobility services shall include systematic and individualized assessment, instruction, and the dissemination of resources information which can enable blind persons to travel independently with optimum efficiency, safety, grace, and self-confidence.

(3) The commission may provide or cause to be provided orientation and mobility services to individual clients through:

(a) Orientation and mobility specialists in the employ of the commission;

(b) Independent orientation and mobility specialists whose qualifications are consistent with commission standards;

(c) Orientation and mobility specialists in the employ of agencies for the blind whose qualifications are consistent with commission standards;

(d) The commission's field services offices by rehabilitation teachers in the client's home environment.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-408 Vocational rehabilitation services—Services to family members)

WAC 67-30-150 VOCATIONAL REHABILITATION SERVICES—SERVICES TO FAMILY MEMBERS. (1) Services to family members may be provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.

(2) The services provided to family members may include any of the vocational rehabilitation services available to clients of the commission. However, the services must be directly related to the vocational rehabilitation of the client. Family members of any age may be served. Services provided to family members must be documented and justified in ways consistent with agency vocational rehabilitation case documentation procedures and vocational rehabilitation policies.

(3) (~~"Family member" may include any relative by blood or marriage of a client and all other individuals living within the same household where close interpersonal relationships between them and the client characterize a family unit.~~)

(~~4~~) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.

(~~5~~) (4) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-326 Services to civil employees of the United States)

WAC 67-30-170 SERVICES TO CIVIL EMPLOYEES OF THE UNITED STATES. The commission will make vocational rehabilitation services available to civil employees of the (~~U-S~~) United States Government who are disabled in the line of duty under the same conditions applied to other handicapped individuals.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-448 Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies)

WAC 67-30-180 VOCATIONAL REHABILITATION SERVICES—OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS AND SUPPLIES. (1) The commission may provide or cause to be provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.

(a) Occupational licenses will include any license, permit or other written authority required by a state, city, or other government unit to be obtained in order to enter an occupation or enter a small business.

(b) Occupational tools will include those customarily required for a worker to perform efficiently on the job and normally provided by workers in the same or similar trade or profession, and may also include specialized tools adapted to use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client.

(c) Occupational equipment will include occupational fixtures normally found in places of business. These may consist of apparatuses, machinery, and appliances that are usually of a stationary nature during the time of utilization in a particular business trade or profession. However, self-powered vehicles may be provided under this section.

(d) Initial stocks will include the initial inventory of merchandise or goods necessary for a client entering self-employment. It may also include the initial purchase of livestock as a base stock and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment.

(e) Initial supplies will include expendable items necessary to enable the client to carry out the day-to-day operations and which are consumed on the premises in the course of the client's self-employment business.

(2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in and employment, self-employment, or post-employment setting where the items will be used.

(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.

(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the commission's procedures governing their provision.

(5) The matters of accountability, legal title, insurance, maintenance and similar considerations with regard to occupational tools, equipment, initial stocks and supplies are addressed in detail in the commission's procedures governing their provision.

(6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-404 Vocational rehabilitation services—Transportation)

WAC 67-30-185 VOCATIONAL REHABILITATION SERVICES—TRANSPORTATION. (1) The commission will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances.

(b) Food and/or lodging while in travel status.

(c) Attendants or escorts for clients and the attendants' or escorts' travel costs.

(d) Reimbursement for relocation and moving expenses when a satisfactory adjustment to a job has been made and job security has been established.

(3) Transportation, except as provided during diagnostic services,

will be provided based on economic need.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-15-010 Physical and informational accessibility)

WAC 67-30-210 PHYSICAL AND INFORMATIONAL ACCESSIBILITY. (1) No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation, be denied benefits of, or be subjected to discrimination under any commission-provided program or activity.

(2) No handicapped person will be subjected to discrimination because commission-provided facilities are inaccessible to or unusable by handicapped persons. Any construction or alteration to any present or future locations or facility, on behalf of or for the use of the commission, will be readily accessible to and useable by handicapped persons.

(3) No person shall be denied access to commission information, records or materials solely on the basis of his/her inability to utilize such information, records or materials in a customary manner.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 67-30-005 POPULATION TO BE SERVED.
- (2) WAC 67-30-310 RESPONSIBILITIES OF MEDICAL CONSULTANT.
- (3) WAC 67-30-320 OTHER GOODS AND SERVICES.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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1-12-010	AMD-P	82-11-091	1-13-190	AMD	82-13-099	16-316-0020	REP	82-08-033
1-12-010	AMD	82-13-099	1-13-210	AMD-P	82-11-091	16-316-0021	REP-P	82-04-082
1-12-020	AMD-P	82-11-091	1-13-210	AMD	82-13-099	16-316-0021	REP	82-08-033
1-12-020	AMD	82-13-099	1-13-220	REP-P	82-11-091	16-316-0022	REP-P	82-04-082
1-12-030	AMD-P	82-11-091	1-13-220	REP	82-13-099	16-316-0022	REP	82-08-033
1-12-030	AMD	82-13-099	1-13-910	AMD-P	82-11-091	16-316-0025	REP-P	82-04-082
1-12-032	AMD-P	82-11-091	1-13-910	AMD	82-13-099	16-316-0025	REP	82-08-033
1-12-032	AMD	82-13-099	1-13-930	AMD-P	82-11-091	16-316-0026	REP-P	82-04-082
1-12-033	AMD-P	82-11-091	1-13-930	AMD	82-13-099	16-316-0026	REP	82-08-033
1-12-033	AMD	82-13-099	1-13-940	AMD-P	82-11-091	16-316-0027	REP-P	82-04-082
1-12-034	AMD-P	82-11-091	1-13-940	AMD	82-13-099	16-316-0027	REP	82-08-033
1-12-034	AMD	82-13-099	1-13-950	AMD-P	82-11-091	16-316-0029	REP-P	82-04-082
1-12-050	AMD-P	82-11-091	1-13-950	AMD	82-13-099	16-316-0029	REP	82-08-033
1-12-050	AMD	82-13-099	4-20-150	AMD-P	82-07-041	16-316-0037	REP-P	82-04-082
1-12-080	AMD-P	82-11-091	16-54-082	AMD	82-03-019	16-316-0037	REP	82-08-033
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1-12-090	AMD-P	82-11-091	16-96-130	AMD	82-04-001	16-316-0038	REP	82-08-033
1-12-090	AMD	82-13-099	16-96-130	AMD-P	82-07-090	16-316-004	REP-P	82-04-082
1-12-130	AMD-P	82-11-091	16-96-130	AMD-E	82-10-037	16-316-004	REP	82-08-033
1-12-130	AMD	82-13-099	16-96-130	AMD	82-10-038	16-316-0043	REP-P	82-04-082
1-12-190	AMD-P	82-11-091	16-101	NEW-C	82-12-042	16-316-0043	REP	82-08-033
1-12-190	AMD	82-13-099	16-101-715	NEW-P	82-08-072	16-316-0044	REP-P	82-04-082
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1-12-210	AMD	82-13-099	16-101-725	NEW-P	82-08-072	16-316-0045	REP-P	82-04-082
1-12-910	AMD-P	82-11-091	16-101-730	NEW-P	82-08-072	16-316-0045	REP	82-08-033
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1-12-930	AMD	82-13-099	16-230-170	AMD-P	82-12-058	16-316-0058	REP-P	82-04-082
1-12-940	AMD-P	82-11-091	16-232-300	NEW-P	82-05-053	16-316-0058	REP	82-08-033
1-12-940	AMD	82-13-099	16-232-300	NEW	82-08-030	16-316-0059	REP-P	82-04-082
1-12-950	AMD-P	82-11-091	16-232-305	NEW-P	82-05-053	16-316-0059	REP	82-08-033
1-12-950	AMD	82-13-099	16-232-305	NEW	82-08-030	16-316-006	REP-P	82-04-082
1-13-005	AMD-P	82-11-091	16-232-310	NEW-P	82-05-053	16-316-006	REP	82-08-033
1-13-005	AMD	82-13-099	16-232-310	NEW	82-08-030	16-316-0062	REP-P	82-04-082
1-13-010	AMD-P	82-11-091	16-232-315	NEW-P	82-05-053	16-316-0062	REP	82-08-033
1-13-010	AMD	82-13-099	16-232-315	NEW	82-08-030	16-316-0065	REP-P	82-04-082
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1-13-020	AMD	82-13-099	16-232-320	NEW	82-08-030	16-316-0081	REP-P	82-04-082
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1-13-032	AMD	82-13-099	16-304-040	AMD	82-08-032	16-316-0096	REP-P	82-04-082
1-13-033	AMD-P	82-11-091	16-304-050	AMD-P	82-04-081	16-316-0096	REP	82-08-033
1-13-033	AMD	82-13-099	16-304-050	AMD	82-08-032	16-316-160	AMD-P	82-04-082
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1-13-090	AMD-P	82-11-091	16-316-0011	REP-P	82-04-082	16-316-214	NEW	82-08-033
1-13-090	AMD	82-13-099	16-316-0011	REP	82-08-033	16-316-270	AMD-P	82-04-082
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1-13-120	AMD	82-13-099	16-316-0016	REP	82-08-033	16-316-370	AMD-P	82-04-082
1-13-130	AMD-P	82-11-091	16-316-0019	REP-P	82-04-082	16-316-370	AMD	82-08-033

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16-620-290	AMD	82-04-001	67-20-120	NEW-P	82-13-108	67-30-130	AM/DE-P	82-13-108
16-620-300	AMD	82-04-001	67-20-180	NEW-E	82-10-026	67-30-150	NEW	82-06-022
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24-12-010	AMD-P	82-13-076	67-20-255	NEW-P	82-13-108	67-30-185	AM/DE-P	82-13-108
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34-02-020	NEW-P	82-10-051	67-20-275	NEW-P	82-13-108	67-30-210	AM/DE-P	82-13-108
34-02-030	NEW-P	82-10-051	67-20-280	NEW-P	82-13-108	67-30-310	NEW	82-06-022
34-02-040	NEW-P	82-10-051	67-20-281	NEW-P	82-13-108	67-30-310	REP-P	82-13-108
34-04-010	NEW-P	82-10-051	67-20-300	NEW-P	82-13-108	67-30-320	NEW	82-06-022
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34-04-030	NEW-P	82-10-051	67-20-326	RECOD-P	82-13-108	67-40-010	NEW-P	82-13-098
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34-04-050	NEW-P	82-10-051	67-20-380	RECOD-P	82-13-108	67-40-016	NEW-P	82-13-098
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34-04-080	NEW-P	82-10-051	67-20-385	NEW-P	82-13-108	67-40-050	NEW-P	82-13-098
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118-03-130	AMD-E	82-11-046	132B-128-100	AMD-P	82-12-039	132N-156-070	REP-E	82-07-032
118-03-130	AMD-P	82-12-055	132B-128-100	AMD-W	82-13-052	132N-156-075	NEW	82-07-031
118-03-135	NEW-E	82-05-004	132B-128-100	AMD-P	82-13-053	132N-156-075	NEW-E	82-07-032
118-03-135	NEW-E	82-10-047	132H-105-040	AMD-P	82-05-040	132N-156-080	REP	82-07-031
118-03-140	NEW-E	82-07-059	132H-105-040	AMD	82-09-025	132N-156-080	REP-E	82-07-032
118-03-150	AMD-E	82-11-046	132H-116-350	AMD	82-04-005	132N-156-085	NEW	82-07-031
118-03-150	AMD-P	82-12-055	132H-116-370	AMD	82-04-005	132N-156-085	NEW-E	82-07-032
118-03-155	NEW-E	82-05-004	132H-116-480	AMD	82-04-005	132N-156-090	REP	82-07-031
118-03-155	NEW-E	82-10-047	132H-116-490	AMD	82-04-005	132N-156-090	REP-E	82-07-032
118-03-160	NEW-E	82-07-059	132H-116-500	AMD	82-04-005	132N-156-095	NEW	82-07-031
118-03-170	AMD-E	82-11-046	132H-116-550	AMD	82-04-005	132N-156-095	NEW-E	82-07-032
118-03-170	AMD-P	82-12-055	132H-116-580	AMD	82-04-005	132N-156-100	REP	82-07-031
118-03-175	NEW-E	82-05-004	132H-116-590	AMD	82-04-005	132N-156-100	REP-E	82-07-032
118-03-175	NEW-E	82-10-047	132H-116-610	AMD	82-04-005	132N-156-105	NEW	82-07-031
118-03-180	NEW-E	82-07-059	132H-116-620	AMD	82-04-005	132N-156-105	NEW-E	82-07-032
118-03-190	AMD-E	82-11-046	132H-116-720	AMD	82-04-005	132N-156-110	REP	82-07-031
118-03-190	AMD-P	82-12-055	132H-116-740	AMD	82-04-005	132N-156-110	REP-E	82-07-032
118-03-195	NEW-E	82-05-004	132H-116-780	AMD	82-04-005	132N-156-115	NEW	82-07-031
118-03-195	NEW-E	82-10-047	132H-116-780	AMD-P	82-07-071	132N-156-115	NEW-E	82-07-032
118-03-200	NEW-E	82-07-059	132H-116-780	AMD	82-11-038	132N-156-120	REP	82-07-031
118-03-210	AMD-E	82-11-046	132H-116-810	AMD	82-04-005	132N-156-120	REP-E	82-07-032
118-03-210	AMD-P	82-12-055	132H-120-060	AMD-P	82-07-072	132N-156-125	NEW	82-07-031
118-03-215	NEW-E	82-05-004	132H-120-060	AMD	82-11-037	132N-156-125	NEW-E	82-07-032
118-03-215	NEW-E	82-10-047	132H-140-010	AMD-E	82-07-029	132N-156-130	REP	82-07-031
118-03-220	NEW-E	82-07-059	132H-140-010	AMD-P	82-07-070	132N-156-130	REP-E	82-07-032
118-03-230	AMD-E	82-11-046	132H-140-010	AMD	82-11-039	132N-156-135	NEW	82-07-031
118-03-230	AMD-P	82-12-055	132H-140-020	AMD-E	82-07-029	132N-156-135	NEW-E	82-07-032
118-03-235	NEW-E	82-05-004	132H-140-020	AMD-P	82-07-070	132N-156-140	REP	82-07-031
118-03-235	NEW-E	82-10-047	132H-140-020	AMD	82-11-039	132N-156-140	REP-E	82-07-032
118-03-240	NEW-E	82-07-059	132H-140-040	AMD-E	82-07-029	132N-156-145	NEW	82-07-031
118-03-250	AMD-E	82-11-046	132H-140-040	AMD-P	82-07-070	132N-156-145	NEW-E	82-07-032
118-03-250	AMD-P	82-12-055	132H-140-040	AMD	82-11-039	132N-156-150	REP	82-07-031
118-03-255	NEW-E	82-05-004	132H-140-050	AMD-E	82-07-029	132N-156-150	REP-E	82-07-032
118-03-255	NEW-E	82-10-047	132H-140-050	AMD-P	82-07-070	132N-156-155	NEW	82-07-031
118-03-260	NEW-E	82-07-059	132H-140-050	AMD	82-11-039	132N-156-155	NEW-E	82-07-032
118-03-270	AMD-E	82-11-046	132H-140-060	AMD-E	82-07-029	132N-156-160	REP	82-07-031
118-03-270	AMD-P	82-12-055	132H-140-060	AMD-P	82-07-070	132N-156-160	REP-E	82-07-032
118-03-275	NEW-E	82-05-004	132H-140-060	AMD	82-11-039	132N-156-165	NEW	82-07-031
118-03-275	NEW-E	82-10-047	132H-140-070	NEW-E	82-07-029	132N-156-165	NEW-E	82-07-032
118-03-280	NEW-E	82-07-059	132H-140-070	NEW-P	82-07-070	132N-156-170	REP	82-07-031
118-03-290	AMD-E	82-11-046	132H-140-070	NEW	82-11-039	132N-156-170	REP-E	82-07-032
118-03-290	AMD-P	82-12-055	132H-140-080	NEW-E	82-07-029	132N-156-175	NEW	82-07-031
118-03-295	NEW-E	82-05-004	132H-140-080	NEW-P	82-07-070	132N-156-175	NEW-E	82-07-032
118-03-295	NEW-E	82-10-047	132H-140-080	NEW	82-11-039	132N-156-180	REP	82-07-031
118-03-300	NEW-E	82-07-059	132H-140-090	NEW-E	82-07-029	132N-156-180	REP-E	82-07-032
118-03-310	AMD-E	82-11-046	132H-140-090	NEW-P	82-07-070	132N-156-185	NEW	82-07-031
118-03-310	AMD-P	82-12-055	132H-140-090	NEW	82-11-039	132N-156-185	NEW-E	82-07-032

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132N-156-190	REP-E	82-07-032	132T-104-260	AMD	82-12-056	137-56-180	NEW	82-08-055
132N-156-195	NEW	82-07-031	132T-104-265	NEW-P	82-06-024	137-56-190	NEW-P	82-04-059
132N-156-195	NEW-E	82-07-032	132T-104-265	NEW	82-12-056	137-56-190	NEW	82-08-055
132N-156-200	REP	82-07-031	132T-104-270	AMD-P	82-06-024	137-56-200	NEW-P	82-04-059
132N-156-200	REP-E	82-07-032	132T-104-270	AMD	82-12-056	137-56-200	NEW	82-08-055
132N-156-205	NEW	82-07-031	132T-104-280	AMD-P	82-06-024	137-56-210	NEW-P	82-04-059
132N-156-205	NEW-E	82-07-032	132T-104-280	AMD	82-12-056	137-56-210	NEW	82-08-055
132N-156-210	REP	82-07-031	132Y-125-004	NEW-P	82-05-039	137-56-220	NEW-P	82-04-059
132N-156-210	REP-E	82-07-032	132Y-125-004	NEW	82-10-013	137-56-220	NEW	82-08-055
132Q-89-010	NEW-P	82-08-018	132Y-136-001	NEW	82-04-018	137-56-230	NEW-P	82-04-059
132Q-89-010	NEW-C	82-11-064	132Y-136-101	NEW	82-04-018	137-56-230	NEW	82-08-055
132Q-89-010	NEW-C	82-13-063	132Y-136-201	NEW	82-04-018	137-56-240	NEW-P	82-04-059
132R-128-010	REP-P	82-08-043	132Y-136-204	NEW	82-04-018	137-56-240	NEW	82-08-055
132R-128-020	REP-P	82-08-043	132Y-136-208	NEW	82-04-018	137-56-250	NEW-P	82-04-059
132R-128-030	REP-P	82-08-043	132Y-136-212	NEW	82-04-018	137-56-250	NEW	82-08-055
132R-128-040	REP-P	82-08-043	132Y-136-216	NEW	82-04-018	137-56-260	NEW-P	82-04-059
132R-128-050	REP-P	82-08-043	132Y-136-220	NEW	82-04-018	137-56-260	NEW	82-08-055
132R-128-060	REP-P	82-08-043	132Y-136-224	NEW	82-04-018	137-56-270	NEW-P	82-04-059
132R-128-070	REP-P	82-08-043	132Y-136-228	NEW	82-04-018	137-56-270	NEW	82-08-055
132R-128-080	REP-P	82-08-043	132Y-136-236	NEW	82-04-018	137-57-005	NEW-P	82-04-059
132R-128-090	REP-P	82-08-043	132Y-136-304	NEW	82-04-018	137-57-005	NEW	82-08-055
132R-128-100	REP-P	82-08-043	132Y-136-401	NEW	82-04-018	137-57-010	NEW-P	82-04-059
132R-128-110	REP-P	82-08-043	132Y-136-404	NEW	82-04-018	137-57-010	NEW	82-08-055
132R-128-120	REP-P	82-08-043	132Y-136-501	NEW	82-04-018	137-57-020	NEW-P	82-04-059
132R-128-121	REP-P	82-08-043	132Y-136-540	NEW	82-04-018	137-57-020	NEW	82-08-055
132R-128-122	REP-P	82-08-043	137-04-010	NEW	82-04-023	137-57-030	NEW-P	82-04-059
132R-128-130	REP-P	82-08-043	137-04-015	NEW	82-04-023	137-57-030	NEW	82-08-055
132R-130-010	NEW-P	82-09-040	137-04-020	NEW	82-04-023	137-57-040	NEW-P	82-04-059
132R-180-010	REP-P	82-08-043	137-04-030	NEW	82-04-023	137-57-040	NEW	82-08-055
132R-180-020	REP-P	82-08-043	137-08-010	NEW	82-04-023	137-57-050	NEW-P	82-04-059
132R-180-030	REP-P	82-08-043	137-08-020	NEW	82-04-023	137-57-050	NEW	82-08-055
132R-180-040	REP-P	82-08-043	137-08-060	NEW	82-04-023	137-57-060	NEW-P	82-04-059
132R-180-050	REP-P	82-08-043	137-08-070	NEW	82-04-023	137-57-060	NEW	82-08-055
132R-180-060	REP-P	82-08-043	137-08-080	NEW	82-04-023	137-57-070	NEW-P	82-04-059
132R-180-070	REP-P	82-08-043	137-08-090	NEW	82-04-023	137-57-070	NEW	82-08-055
132R-180-080	REP-P	82-08-043	137-08-100	NEW	82-04-023	137-57-080	NEW-P	82-04-059
132R-180-090	REP-P	82-08-043	137-08-110	NEW	82-04-023	137-57-080	NEW	82-08-055
132T-05-020	AMD-P	82-02-046	137-08-120	AMD	82-04-023	137-58-010	NEW-P	82-03-013
132T-05-020	AMD	82-07-011	137-08-130	NEW	82-04-023	137-58-010	NEW-E	82-03-014
132T-05-030	AMD-P	82-02-046	137-08-140	NEW	82-04-023	137-58-010	NEW	82-07-067
132T-05-030	AMD	82-07-011	137-08-150	NEW	82-04-023	137-58-020	NEW-P	82-03-013
132T-05-040	AMD-P	82-02-046	137-08-160	NEW	82-04-023	137-58-020	NEW-E	82-03-014
132T-05-040	AMD	82-07-011	137-08-170	NEW	82-04-023	137-58-020	NEW	82-07-067
132T-05-050	AMD-P	82-02-046	137-08-180	NEW	82-04-023	137-58-030	NEW-P	82-03-013
132T-05-050	AMD	82-07-011	137-56-005	NEW-P	82-04-059	137-58-030	NEW-E	82-03-014
132T-05-060	AMD-P	82-02-046	137-56-005	NEW	82-08-055	137-58-030	NEW	82-07-067
132T-05-060	AMD	82-07-011	137-56-010	NEW-P	82-04-059	137-58-040	NEW-P	82-03-013
132T-05-070	NEW-P	82-02-046	137-56-010	NEW	82-08-055	137-58-040	NEW-E	82-03-014
132T-05-070	NEW	82-07-011	137-56-020	NEW-P	82-04-059	137-58-040	NEW	82-07-067
132T-06-010	AMD	82-07-033	137-56-020	NEW	82-08-055	137-60	NEW-P	82-03-015
132T-06-020	AMD	82-07-033	137-56-030	NEW-P	82-04-059	137-60	NEW-E	82-03-016
132T-06-040	AMD	82-07-033	137-56-030	NEW	82-08-055	137-60-010	NEW-P	82-03-015
132T-06-050	AMD	82-07-033	137-56-040	NEW-P	82-04-059	137-60-010	NEW-E	82-03-016
132T-06-060	AMD	82-07-033	137-56-040	NEW	82-08-055	137-60-010	NEW	82-07-006
132T-06-070	REP	82-07-033	137-56-050	NEW-P	82-04-059	137-60-020	NEW-P	82-03-015
132T-06-075	NEW	82-07-033	137-56-050	NEW	82-08-055	137-60-020	NEW-E	82-03-016
132T-06-080	REP	82-07-033	137-56-060	NEW-P	82-04-059	137-60-020	NEW	82-07-006
132T-06-085	NEW	82-07-033	137-56-060	NEW	82-08-055	137-60-030	NEW-P	82-03-015
132T-06-090	REP	82-07-033	137-56-070	NEW-P	82-04-059	137-60-030	NEW-E	82-03-016
132T-06-095	NEW	82-07-033	137-56-070	NEW	82-08-055	137-60-030	NEW	82-07-006
132T-104-040	AMD-P	82-06-024	137-56-080	NEW-P	82-04-059	137-60-040	NEW-P	82-03-015
132T-104-040	AMD	82-12-056	137-56-080	NEW	82-08-055	137-60-040	NEW-E	82-03-016
132T-104-070	AMD-P	82-06-024	137-56-090	NEW-P	82-04-059	137-60-040	NEW	82-07-006
132T-104-070	AMD	82-12-056	137-56-090	NEW	82-08-055	137-60-045	NEW-P	82-03-015
132T-104-080	AMD-P	82-06-024	137-56-100	NEW-P	82-04-059	137-60-045	NEW-E	82-03-016
132T-104-080	AMD	82-12-056	137-56-100	NEW	82-08-055	137-60-045	NEW	82-07-006
132T-104-110	AMD-P	82-06-024	137-56-120	NEW-P	82-04-059	137-60-050	NEW-P	82-03-015
132T-104-110	AMD	82-12-056	137-56-120	NEW	82-08-055	137-60-050	NEW-E	82-03-016
132T-104-120	AMD-P	82-06-024	137-56-140	NEW-P	82-04-059	137-60-050	NEW	82-07-006
132T-104-120	AMD	82-12-056	137-56-140	NEW	82-08-055	137-60-060	NEW-P	82-03-015
132T-104-130	AMD-P	82-06-024	137-56-150	NEW-P	82-04-059	137-60-060	NEW-E	82-03-016
132T-104-130	AMD	82-12-056	137-56-150	NEW	82-08-055	137-60-070	NEW-P	82-03-015
132T-104-210	AMD-P	82-06-024	137-56-160	NEW-P	82-04-059	137-60-070	NEW-E	82-03-016
132T-104-210	AMD	82-12-056	137-56-160	NEW	82-08-055	137-60-070	NEW	82-07-006
132T-104-240	AMD-P	82-06-024	137-56-170	NEW-P	82-04-059	137-60-070	NEW	82-07-006
132T-104-240	AMD	82-12-056	137-56-170	NEW	82-08-055	137-60-080	NEW-P	82-03-015

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137-60-090	NEW-P 82-03-015	154-04-090	NEW-E 81-10-005	154-28-010	NEW-E 82-04-017
137-60-090	NEW-E 82-03-016	154-04-090	NEW 82-13-043	154-28-010	NEW-E 82-10-005
137-60-090	NEW 82-07-006	154-04-100	NEW-E 82-04-017	154-28-010	NEW 82-13-043
137-60-100	NEW-P 82-03-015	154-04-100	NEW-E 81-10-005	154-32	NEW-C 82-08-054
137-60-100	NEW-E 82-03-016	154-04-100	NEW 82-13-043	154-32-010	NEW-E 82-04-017
137-60-100	NEW 82-07-006	154-04-110	NEW-E 82-04-017	154-32-010	NEW 82-13-043
137-60-110	NEW-P 82-03-015	154-04-110	NEW-E 81-10-005	154-32-010	NEW-E 82-10-005
137-60-110	NEW-E 82-03-016	154-04-110	NEW 82-13-043	154-32-020	NEW-E 82-04-017
137-60-110	NEW 82-07-006	154-08	NEW-C 82-08-054	154-32-020	NEW-E 82-10-005
137-60-120	NEW-P 82-03-015	154-08-010	NEW-E 82-04-017	154-32-020	NEW 82-13-043
137-60-120	NEW-E 82-03-016	154-08-010	NEW-E 82-10-005	154-36	NEW-C 82-08-054
137-60-120	NEW 82-07-006	154-08-010	NEW 82-13-043	154-36-010	NEW-E 82-04-017
137-60-130	NEW-P 82-03-015	154-08-020	NEW-E 82-04-017	154-36-010	NEW-E 82-10-005
137-60-130	NEW-E 82-03-016	154-08-020	NEW-E 82-10-005	154-36-010	NEW 82-13-043
137-60-130	NEW 82-07-006	154-08-020	NEW 82-13-043	154-40	NEW-C 82-08-054
137-60-140	NEW-P 82-03-015	154-08-030	NEW-E 82-04-017	154-40-010	NEW-E 82-04-017
137-60-140	NEW-E 82-03-016	154-08-030	NEW-E 82-10-005	154-40-010	NEW-E 82-10-005
137-60-140	NEW 82-07-006	154-08-030	NEW 82-13-043	154-40-010	NEW 82-13-043
139-36-010	REP-P 82-04-065	154-08-040	NEW-E 82-04-017	154-44	NEW-C 82-08-054
139-36-010	REP 82-07-051	154-08-040	NEW-E 82-10-005	154-44-010	NEW-E 82-04-017
139-36-020	NEW-P 82-04-066	154-08-040	NEW 82-13-043	154-44-010	NEW-E 82-10-005
139-36-020	NEW 82-07-052	154-08-050	NEW-E 82-04-017	154-44-010	NEW 82-13-043
139-36-030	NEW-P 82-04-066	154-08-050	NEW-E 82-10-005	154-48	NEW-C 82-08-054
139-36-030	NEW 82-07-052	154-08-050	NEW 82-13-043	154-48-010	NEW-E 82-04-017
139-36-031	NEW-P 82-04-066	154-12	NEW-C 82-08-054	154-48-010	NEW-E 82-10-005
139-36-031	NEW 82-07-052	154-12-010	NEW-E 82-04-017	154-48-010	NEW 82-13-043
139-36-032	NEW-P 82-04-066	154-12-010	NEW-E 82-10-005	154-52	NEW-C 82-08-054
139-36-032	NEW 82-07-052	154-12-010	NEW 82-13-043	154-52-010	NEW-E 82-04-017
139-36-033	NEW-P 82-04-066	154-12-020	NEW-E 82-04-017	154-52-010	NEW-E 82-10-005
139-36-033	NEW 82-07-052	154-12-020	NEW-E 82-10-005	154-52-010	NEW 82-13-043
139-36-034	NEW-P 82-04-066	154-12-020	NEW 82-13-043	154-56	NEW-C 82-08-054
139-36-034	NEW 82-07-052	154-12-030	NEW-E 82-04-017	154-56-010	NEW-E 82-04-017
139-36-040	NEW-P 82-04-066	154-12-030	NEW-E 82-10-005	154-56-010	NEW-E 82-10-005
139-36-040	NEW 82-07-052	154-12-030	NEW 82-13-043	154-56-010	NEW 82-13-043
139-36-041	NEW-P 82-04-066	154-12-040	NEW-E 82-04-017	154-60	NEW-C 82-08-054
139-36-041	NEW 82-07-052	154-12-040	NEW-E 82-10-005	154-60-010	NEW-E 82-04-017
139-36-050	NEW-P 82-04-066	154-12-040	NEW 82-13-043	154-60-010	NEW-E 82-10-005
139-36-050	NEW 82-07-052	154-12-050	NEW-E 82-04-017	154-60-010	NEW 82-13-043
139-36-051	NEW-P 82-04-066	154-12-050	NEW-E 82-10-005	154-64	NEW-C 82-08-054
139-36-051	NEW 82-07-052	154-12-050	NEW 82-13-043	154-64-010	NEW-E 82-04-017
139-36-060	NEW-P 82-04-066	154-12-060	NEW-E 82-04-017	154-64-010	NEW-E 82-10-005
139-36-060	NEW 82-07-052	154-12-060	NEW-E 82-10-005	154-64-010	NEW 82-13-043
139-36-061	NEW-P 82-04-066	154-12-060	NEW 82-13-043	154-64-020	NEW-E 82-04-017
139-36-061	NEW 82-07-052	154-12-070	NEW-E 82-04-017	154-64-020	NEW-E 82-10-005
139-50-010	NEW-P 82-03-047	154-12-070	NEW-E 82-10-005	154-64-020	NEW 82-13-043
139-50-010	NEW 82-07-053	154-12-070	NEW 82-13-043	154-64-030	NEW-E 82-04-017
154	NEW-C 82-12-027	154-12-080	NEW-E 82-04-017	154-64-030	NEW-E 82-10-005
154-01	NEW-C 82-08-054	154-12-080	NEW-E 82-10-005	154-64-030	NEW 82-13-043
154-01-010	NEW-E 82-04-017	154-12-080	NEW 82-13-043	154-64-040	NEW-E 82-04-017
154-01-010	NEW-E 82-10-005	154-12-090	NEW-E 82-04-017	154-64-040	NEW-E 82-10-005
154-01-010	NEW 82-13-043	154-12-090	NEW-E 82-10-005	154-64-040	NEW 82-13-043
154-04	NEW-C 82-08-054	154-12-090	NEW 82-13-043	154-64-050	NEW-E 82-04-017
154-04-010	NEW-E 82-04-017	154-12-100	NEW-E 82-04-017	154-64-050	NEW-E 82-10-005
154-04-010	NEW-E 81-10-005	154-12-100	NEW-E 82-10-005	154-64-060	NEW 82-13-043
154-04-010	NEW 82-13-043	154-12-100	NEW 82-13-043	154-64-060	NEW-E 82-04-017
154-04-020	NEW-E 82-04-017	154-12-110	NEW-E 82-04-017	154-64-060	NEW-E 82-10-005
154-04-020	NEW-E 81-10-005	154-12-110	NEW-E 82-10-005	154-64-060	NEW 82-13-043
154-04-020	NEW 82-13-043	154-12-110	NEW 82-13-043	154-68	NEW-C 82-08-054
154-04-030	NEW-E 82-04-017	154-16	NEW-C 82-08-054	154-68-010	NEW-E 82-04-017
154-04-030	NEW-E 81-10-005	154-16-010	NEW-E 82-04-017	154-68-010	NEW-E 82-10-005
154-04-030	NEW 82-13-043	154-16-010	NEW 82-13-043	154-68-010	NEW 82-13-043
154-04-040	NEW-E 82-04-017	154-16-010	NEW-E 82-10-005	154-68-020	NEW-E 82-04-017
154-04-040	NEW-E 81-10-005	154-16-020	NEW-E 82-04-017	154-68-020	NEW-E 82-10-005
154-04-040	NEW 82-13-043	154-16-020	NEW-E 82-10-005	154-68-020	NEW 82-13-043
154-04-050	NEW-E 82-04-017	154-16-020	NEW 82-13-043	162-06-010	NEW-P 82-12-053
154-04-050	NEW-E 81-10-005	154-20	NEW-C 82-08-054	162-06-030	NEW-P 82-12-053
154-04-050	NEW 82-13-043	154-20-010	NEW-E 82-04-017	162-16-160	NEW-P 82-08-070
154-04-060	NEW-E 81-10-005	154-20-010	NEW 82-13-043	162-16-160	NEW-C 82-12-023
154-04-060	NEW-E 82-04-017	154-20-010	NEW-E 82-10-005	162-16-170	NEW-P 82-08-070
154-04-060	NEW 82-13-043	154-20-020	NEW-E 82-04-017	162-16-170	NEW-C 82-12-023
154-04-070	NEW-E 82-04-017	154-20-020	NEW-E 82-10-005	162-26-010	NEW-P 82-12-053
154-04-070	NEW-E 81-10-005	154-20-020	NEW 82-13-043	162-26-020	NEW-P 82-12-053
154-04-070	NEW 82-13-043	154-24	NEW-C 82-08-054	162-26-030	NEW-P 82-12-053
154-04-080	NEW-E 82-04-017	154-24-010	NEW-E 82-04-017	162-26-035	NEW-P 82-12-053
154-04-080	NEW-E 81-10-005	154-24-010	NEW-E 82-10-005	162-26-040	NEW-P 82-12-053

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
162-26-050	NEW-P	82-12-053	173-19-160	AMD-P	82-08-075	173-130A-020	NEW-P	82-10-073
162-26-060	NEW-P	82-12-053	173-19-160	AMD	82-11-105	173-130A-030	NEW-P	82-10-073
162-26-070	NEW-P	82-12-053	173-19-2102	AMD-P	82-13-106	173-130A-040	NEW-P	82-10-073
162-26-080	NEW-P	82-12-053	173-19-240	AMD-P	82-13-106	173-130A-050	NEW-P	82-10-073
162-26-090	NEW-P	82-12-053	173-19-250	AMD	82-05-018	173-130A-060	NEW-P	82-10-073
162-26-100	NEW-P	82-12-053	173-19-2521	AMD	82-02-079	173-130A-070	NEW-P	82-10-073
162-26-110	NEW-P	82-12-053	173-19-2524	AMD-P	82-08-075	173-130A-080	NEW-P	82-10-073
162-26-120	NEW-P	82-12-053	173-19-2524	AMD	82-11-106	173-130A-090	NEW-P	82-10-073
162-26-130	NEW-P	82-12-053	173-19-2601	AMD-C	82-02-076	173-130A-100	NEW-P	82-10-073
162-38-010	NEW-P	82-12-053	173-19-2601	AMD	82-03-042	173-130A-110	NEW-P	82-10-073
162-38-020	NEW-P	82-12-053	173-19-2601	AMD-P	82-03-043	173-130A-120	NEW-P	82-10-073
162-38-030	NEW-P	82-12-053	173-19-2601	AMD	82-07-003	173-130A-130	NEW-P	82-10-073
162-38-035	NEW-P	82-12-053	173-19-2901	AMD-P	82-13-106	173-130A-140	NEW-P	82-10-073
162-38-040	NEW-P	82-12-053	173-19-2902	AMD	82-02-078	173-130A-150	NEW-P	82-10-073
162-38-050	NEW-P	82-12-053	173-19-310	AMD-P	82-10-075	173-130A-160	NEW-P	82-10-073
162-38-060	NEW-P	82-12-053	173-19-3208	AMD-P	82-13-106	173-130A-170	NEW-P	82-10-073
162-38-070	NEW-P	82-12-053	173-19-330	AMD-C	82-05-015	173-130A-180	NEW-P	82-10-073
162-38-080	NEW-P	82-12-053	173-19-330	AMD-C	82-06-012	173-130A-190	NEW-P	82-10-073
162-38-090	NEW-P	82-12-053	173-19-330	AMD	82-07-045	173-130A-200	NEW-P	82-10-073
162-38-100	NEW-P	82-12-053	173-19-3514	AMD-P	82-05-056	173-130A-210	NEW-P	82-10-073
162-38-110	NEW-P	82-12-053	173-19-3514	AMD	82-10-002	173-201-010	AMD-P	82-06-056
162-38-120	NEW-P	82-12-053	173-19-370	AMD-P	82-10-076	173-201-010	AMD	82-12-078
167-04-010	REP-P	82-07-084	173-19-3704	AMD-P	82-10-076	173-201-020	REP-P	82-06-056
167-04-030	REP-P	82-07-084	173-19-390	AMD-P	82-10-075	173-201-020	REP	82-12-078
167-04-050	REP-P	82-07-084	173-19-3910	AMD-C	82-05-016	173-201-025	AMD-P	82-06-056
167-06-010	REP-P	82-07-084	173-19-3910	AMD	82-06-013	173-201-025	AMD	82-12-078
167-06-020	REP-P	82-07-084	173-19-420	AMD-P	82-03-043	173-201-035	AMD-P	82-06-056
167-08-010	REP-P	82-07-084	173-19-420	AMD	82-07-004	173-201-035	AMD	82-12-078
172-116-010	AMD	82-07-038	173-19-4202	AMD	82-02-080	173-201-045	AMD-P	82-06-056
172-116-015	NEW	82-07-038	173-19-4206	AMD	82-02-081	173-201-045	AMD	82-12-078
172-116-020	AMD	82-07-038	173-19-450	AMD	82-02-077	173-201-050	REP-P	82-06-056
172-116-030	AMD	82-07-038	173-19-450	AMD-P	82-03-043	173-201-050	REP	82-12-078
172-116-040	AMD	82-07-038	173-19-450	AMD	82-07-005	173-201-070	AMD-P	82-06-056
172-116-050	AMD	82-07-038	173-19-4502	AMD-P	82-05-056	173-201-070	AMD	82-12-078
172-116-060	AMD	82-07-038	173-19-4502	AMD	82-10-001	173-201-080	AMD-P	82-06-056
172-116-080	AMD	82-07-038	173-20-520	AMD-P	82-07-099	173-201-080	AMD	82-12-078
172-116-090	AMD	82-07-038	173-20-520	AMD-P	82-11-102	173-201-085	AMD-P	82-06-056
172-116-100	REP	82-07-038	173-80-010	NEW	82-05-011	173-201-085	AMD	82-12-078
172-116-110	AMD	82-07-038	173-80-020	NEW	82-05-011	173-201-090	AMD-P	82-06-056
172-116-120	REP	82-07-038	173-80-030	NEW	82-05-011	173-201-090	AMD	82-12-078
172-116-130	AMD	82-07-038	173-80-040	NEW	82-05-011	173-201-120	AMD-P	82-06-056
172-116-140	AMD	82-07-038	173-80-050	NEW	82-05-011	173-201-120	AMD	82-12-078
172-116-150	AMD	82-07-038	173-80-060	NEW	82-05-011	173-201-140	REP-P	82-06-056
172-116-160	AMD	82-07-038	173-80-070	NEW	82-05-011	173-201-140	REP	82-12-078
172-116-170	AMD	82-07-038	173-128-010	REP-P	82-10-074	173-230-010	AMD-P	82-05-055
172-116-175	AMD	82-07-038	173-128-020	REP-P	82-10-074	173-230-010	AMD	82-09-056
172-116-185	REP	82-07-038	173-128-030	REP-P	82-10-074	173-230-020	AMD-P	82-05-055
172-116-190	AMD	82-07-038	173-128-040	REP-P	82-10-074	173-230-020	AMD	82-09-056
172-116-200	AMD	82-07-038	173-128-050	REP-P	82-10-074	173-230-040	AMD-P	82-05-055
172-116-210	AMD	82-07-038	173-128A-010	NEW-P	82-10-074	173-230-040	AMD	82-09-056
172-116-220	AMD	82-07-038	173-128A-020	NEW-P	82-10-074	173-230-050	AMD-P	82-05-055
172-116-230	AMD	82-07-038	173-128A-030	NEW-P	82-10-074	173-230-050	AMD	82-09-056
172-116-240	AMD	82-07-038	173-128A-040	NEW-P	82-10-074	173-230-060	REP-P	82-05-055
172-116-250	AMD	82-07-038	173-128A-050	NEW-P	82-10-074	173-230-060	REP	82-09-056
172-116-260	AMD	82-07-038	173-130-010	REP-P	82-10-073	173-230-061	NEW-P	82-05-055
172-116-270	AMD	82-07-038	173-130-020	REP-P	82-10-073	173-230-061	NEW	82-09-056
172-116-280	AMD	82-07-038	173-130-030	REP-P	82-10-073	173-230-070	AMD-P	82-05-055
172-116-300	AMD	82-07-038	173-130-040	REP-P	82-10-073	173-230-070	AMD	82-09-056
172-116-310	AMD	82-07-038	173-130-050	REP-P	82-10-073	173-230-080	AMD-P	82-05-055
172-116-315	AMD	82-07-038	173-130-060	REP-P	82-10-073	173-230-080	AMD	82-09-056
172-116-320	AMD	82-07-038	173-130-070	REP-P	82-10-073	173-230-100	AMD-P	82-05-055
172-116-330	AMD	82-07-038	173-130-080	REP-P	82-10-073	173-230-100	AMD	82-09-056
172-116-340	AMD	82-07-038	173-130-090	REP-P	82-10-073	173-230-110	AMD-P	82-05-055
172-116-345	NEW	82-07-038	173-130-100	REP-P	82-10-073	173-230-110	AMD	82-09-056
172-168-010	AMD	82-07-064	173-130-110	REP-P	82-10-073	173-302	REP-C	82-04-046
172-168-020	AMD	82-07-064	173-130-120	REP-P	82-10-073	173-302-010	REP	82-05-023
172-168-060	AMD	82-07-064	173-130-130	REP-P	82-10-073	173-302-020	REP	82-05-023
172-168-070	AMD	82-07-064	173-130-140	REP-P	82-10-073	173-302-030	REP	82-05-023
172-168-080	AMD	82-07-064	173-130-150	REP-P	82-10-073	173-302-040	REP	82-05-023
172-168-090	AMD	82-07-064	173-130-155	REP-P	82-10-073	173-302-050	REP	82-05-023
172-168-100	AMD	82-07-064	173-130-160	REP-P	82-10-073	173-302-060	REP	82-05-023
172-168-110	AMD	82-07-064	173-130-170	REP-P	82-10-073	173-302-070	REP	82-05-023
172-168-120	AMD	82-07-064	173-130-180	REP-P	82-10-073	173-302-080	REP	82-05-023
172-168-130	AMD	82-07-064	173-130-190	REP-P	82-10-073	173-302-090	REP	82-05-023
173-03-030	AMD-P	82-13-107	173-130-195	REP-P	82-10-073	173-302-100	REP	82-05-023
173-03-060	AMD-P	82-13-107	173-130-200	REP-P	82-10-073	173-302-110	REP	82-05-023
173-19-160	AMD	82-05-017	173-130A-010	NEW-P	82-10-073	173-302-120	REP	82-05-023

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-302-130	REP	82-05-023	173-303-350	NEW	82-05-023	192-16-050	NEW	82-13-057
173-302-140	REP	82-05-023	173-303-360	NEW	82-05-023	192-16-051	NEW-P	82-13-058
173-302-150	REP	82-05-023	173-303-370	NEW	82-05-023	192-16-051	NEW-E	82-13-059
173-302-160	REP	82-05-023	173-303-380	NEW	82-05-023	192-16-055	NEW-P	82-13-058
173-302-165	REP	82-05-023	173-303-390	NEW	82-05-023	192-16-055	NEW-E	82-13-059
173-302-170	REP	82-05-023	173-303-395	NEW	82-05-023	192-18-050	AMD-E	82-03-054
173-302-180	REP	82-05-023	173-303-400	NEW	82-05-023	194-10-020	AMD-P	82-13-044
173-302-190	REP	82-05-023	173-303-500	NEW	82-05-023	194-10-030	AMD-P	82-13-044
173-302-200	REP	82-05-023	173-303-510	NEW	82-05-023	194-10-040	AMD-P	82-13-044
173-302-210	REP	82-05-023	173-303-520	NEW	82-05-023	194-10-050	AMD-P	82-13-044
173-302-220	REP	82-05-023	173-303-575	NEW	82-05-023	194-10-060	AMD-P	82-13-044
173-302-230	REP	82-05-023	173-303-600	NEW	82-05-023	194-10-090	AMD-P	82-13-044
173-302-240	REP	82-05-023	173-303-610	NEW	82-05-023	194-10-100	AMD-P	82-13-044
173-302-250	REP	82-05-023	173-303-620	NEW	82-05-023	194-10-120	AMD-P	82-13-044
173-302-260	REP	82-05-023	173-303-630	NEW	82-05-023	194-10-130	AMD-P	82-13-044
173-302-270	REP	82-05-023	173-303-640	NEW	82-05-023	194-10-140	AMD-P	82-13-044
173-302-280	REP	82-05-023	173-303-650	NEW	82-05-023	194-12-010	AMD-P	82-13-044
173-302-290	REP	82-05-023	173-303-660	NEW	82-05-023	194-12-060	AMD-P	82-13-044
173-302-300	REP	82-05-023	173-303-670	NEW	82-05-023	194-12-070	AMD-P	82-13-044
173-302-310	REP	82-05-023	173-303-700	NEW	82-05-023	194-12-080	AMD-P	82-13-044
173-302-320	REP	82-05-023	173-303-800	NEW	82-05-023	194-16-010	NEW-E	82-07-087
173-302-330	REP	82-05-023	173-303-801	NEW	82-05-023	194-16-010	NEW-P	82-07-088
173-302-340	REP	82-05-023	173-303-805	NEW	82-05-023	194-16-010	NEW	82-11-005
173-302-350	REP	82-05-023	173-303-810	NEW	82-05-023	194-16-020	NEW-E	82-07-087
173-302-360	REP	82-05-023	173-303-815	NEW	82-05-023	194-16-020	NEW-P	82-07-088
173-302-370	REP	82-05-023	173-303-820	NEW	82-05-023	194-16-020	NEW	82-11-005
173-302-380	REP	82-05-023	173-303-825	NEW	82-05-023	194-16-030	NEW-E	82-07-087
173-302-390	REP	82-05-023	173-303-830	NEW	82-05-023	194-16-030	NEW-P	82-07-088
173-303	AMD-C	82-04-046	173-303-840	NEW	82-05-023	194-16-030	NEW	82-11-005
173-303-010	NEW	82-05-023	173-303-845	NEW	82-05-023	194-16-040	NEW-E	82-07-087
173-303-020	NEW	82-05-023	173-303-900	NEW	82-05-023	194-16-040	NEW-P	82-07-088
173-303-030	NEW	82-05-023	173-303-910	NEW	82-05-023	194-16-040	NEW	82-11-005
173-303-040	NEW	82-05-023	173-303-9901	NEW	82-05-023	194-16-050	NEW-E	82-07-087
173-303-045	NEW	82-05-023	173-303-9902	NEW	82-05-023	194-16-050	NEW-P	82-07-088
173-303-050	NEW	82-05-023	173-303-9903	NEW	82-05-023	194-16-050	NEW	82-11-005
173-303-060	NEW	82-05-023	173-303-9904	NEW	82-05-023	194-16-060	NEW-E	82-07-087
173-303-070	NEW	82-05-023	173-303-9905	NEW	82-05-023	194-16-060	NEW-P	82-07-088
173-303-071	NEW	82-05-023	173-303-9906	NEW	82-05-023	194-16-060	NEW	82-11-005
173-303-075	NEW	82-05-023	173-303-9907	NEW	82-05-023	194-16-070	NEW-E	82-07-087
173-303-080	NEW	82-05-023	173-400-115	AMD-P	82-11-103	194-16-070	NEW-P	82-07-088
173-303-081	NEW	82-05-023	173-415-040	AMD-P	82-11-103	194-16-070	NEW	82-11-005
173-303-082	NEW	82-05-023	173-490-020	AMD-P	82-11-104	204-10-080	AMD-P	82-11-050
173-303-083	NEW	82-05-023	173-490-025	AMD-P	82-11-104	204-22-010	NEW-P	82-11-051
173-303-084	NEW	82-05-023	173-490-040	AMD-P	82-11-104	204-22-020	NEW-P	82-11-051
173-303-090	NEW	82-05-023	173-490-080	AMD-P	82-11-104	204-22-030	NEW-P	82-11-051
173-303-100	NEW	82-05-023	173-490-203	AMD-P	82-11-104	204-22-040	NEW-P	82-11-051
173-303-101	NEW	82-05-023	173-490-204	AMD-P	82-11-104	204-22-050	NEW-P	82-11-051
173-303-102	NEW	82-05-023	173-490-205	AMD-P	82-11-104	204-24	AMD-C	82-06-040
173-303-103	NEW	82-05-023	173-490-206	REP-P	82-11-104	204-24-020	AMD-P	82-12-003
173-303-104	NEW	82-05-023	173-490-208	NEW-P	82-11-104	204-24-040	AMD-E	82-04-048
173-303-110	NEW	82-05-023	174-104-010	AMD-P	82-06-008	204-24-040	AMD-P	82-04-049
173-303-120	NEW	82-05-023	174-104-010	AMD-C	82-09-009	204-24-040	AMD	82-11-045
173-303-130	NEW	82-05-023	174-104-010	AMD	82-10-035	204-24-050	AMD-E	82-04-048
173-303-140	NEW	82-05-023	180-55-125	AMD	82-04-002	204-24-050	AMD-P	82-04-049
173-303-141	NEW	82-05-023	180-56-230	AMD	82-04-003	204-24-050	AMD	82-11-045
173-303-145	NEW	82-05-023	180-90-130	AMD	82-04-004	204-56-010	REP-P	82-06-041
173-303-150	NEW	82-05-023	180-90-140	AMD	82-04-004	204-56-010	REP	82-11-040
173-303-160	NEW	82-05-023	180-90-160	AMD	82-04-004	204-56-015	NEW-P	82-06-041
173-303-170	NEW	82-05-023	192-12-015	NEW-P	82-13-058	204-56-015	NEW	82-11-040
173-303-180	NEW	82-05-023	192-12-017	NEW-P	82-13-058	204-56-020	REP-P	82-06-041
173-303-190	NEW	82-05-023	192-16-009	AMD-P	82-13-058	204-56-020	REP	82-11-040
173-303-200	NEW	82-05-023	192-16-016	NEW-P	82-13-058	204-56-025	NEW-P	82-06-041
173-303-210	NEW	82-05-023	192-16-016	NEW-E	82-13-059	204-56-025	NEW	82-11-040
173-303-220	NEW	82-05-023	192-16-019	AMD-P	82-13-058	204-56-030	REP-P	82-06-041
173-303-230	NEW	82-05-023	192-16-036	AMD-P	82-13-058	204-56-030	REP	82-11-040
173-303-240	NEW	82-05-023	192-16-036	AMD-E	82-13-059	204-56-035	NEW-P	82-06-041
173-303-250	NEW	82-05-023	192-16-040	AMD-P	82-13-058	204-56-035	NEW	82-11-040
173-303-260	NEW	82-05-023	192-16-040	AMD-E	82-13-059	204-56-040	REP-P	82-06-041
173-303-270	NEW	82-05-023	192-16-042	AMD-P	82-13-058	204-56-040	REP	82-11-040
173-303-275	NEW	82-05-023	192-16-042	AMD-E	82-13-059	204-56-045	NEW-P	82-06-041
173-303-280	NEW	82-05-023	192-16-045	AMD-P	82-13-058	204-56-045	NEW	82-11-040
173-303-290	NEW	82-05-023	192-16-045	AMD-E	82-13-059	204-56-050	REP-P	82-06-041
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173-303-310	NEW	82-05-023	192-16-047	AMD-E	82-13-059	204-56-055	NEW-P	82-06-041
173-303-320	NEW	82-05-023	192-16-050	NEW-P	82-09-063	204-56-055	NEW	82-11-040
173-303-330	NEW	82-05-023	192-16-050	NEW-E	82-09-064	204-56-065	NEW-P	82-06-041
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232-32-134	REP-E	82-03-017	248-25-015	NEW-P	82-12-006	250-36-020	REP-P	82-11-087
232-32-135	NEW-E	82-02-066	248-25-015	NEW-E	82-12-007	250-36-030	REP-P	82-11-087
232-32-135	REP-E	82-03-017	248-25-020	NEW-E	82-06-016	250-36-040	REP-P	82-11-087
232-32-136	NEW-E	82-03-001	248-25-020	NEW-P	82-06-018	250-36-050	REP-P	82-11-087
232-32-136	REP-E	82-03-017	248-25-020	NEW-P	82-12-006	250-36-060	REP-P	82-11-087
232-32-137	NEW-E	82-03-007	248-25-020	NEW-E	82-12-007	250-36-070	REP-P	82-11-087
232-32-137	REP-E	82-03-017	248-25-030	NEW-E	82-06-016	250-36-080	REP-P	82-11-087
232-32-138	NEW-E	82-03-017	248-25-030	NEW-P	82-06-018	250-40-030	AMD-P	82-11-089
232-32-139	NEW-E	82-03-018	248-25-030	NEW-P	82-12-006	250-40-050	AMD-P	82-11-089
232-32-140	NEW-E	82-03-035	248-25-030	NEW-E	82-12-007	250-44	AMD-P	82-11-072
232-32-141	NEW-E	82-04-026	248-25-040	NEW-E	82-06-016	250-44	AMD-E	82-12-002
232-32-142	NEW-E	82-04-043	248-25-040	NEW-P	82-06-018	250-44-010	AMD-P	82-11-072
232-32-143	NEW-E	82-05-009	248-25-040	NEW-P	82-12-006	250-44-010	AMD-E	82-12-002
232-32-144	NEW-E	82-06-030	248-25-040	NEW-E	82-12-007	250-44-020	AMD-P	82-11-072
232-32-145	NEW-E	82-08-011	248-25-050	NEW-E	82-06-016	250-44-020	AMD-E	82-12-002
247-02-050	AMD-E	82-09-002	248-25-050	NEW-P	82-06-018	250-44-030	AMD-P	82-11-072
248-14-001	AMD-P	82-13-037	248-25-050	NEW-P	82-12-006	250-44-030	AMD-E	82-12-002
248-14-065	AMD-P	82-02-053	248-25-050	NEW-E	82-12-007	250-44-040	AMD-P	82-11-072
248-14-065	AMD-E	82-02-057	248-25-060	NEW-E	82-06-016	250-44-040	AMD-E	82-12-002
248-14-065	AMD	82-06-005	248-25-060	NEW-P	82-06-018	250-44-050	AMD-P	82-11-072
248-14-065	AMD-P	82-13-036	248-25-060	NEW-P	82-12-006	250-44-050	AMD-E	82-12-002
248-14-115	REP-P	82-13-037	248-25-060	NEW-E	82-12-007	250-44-060	AMD-P	82-11-072
248-14-230	AMD-P	82-13-037	248-25-070	NEW-E	82-06-016	250-44-090	AMD-P	82-11-072
248-14-235	AMD-P	82-13-037	248-25-070	NEW-P	82-06-018	250-44-090	AMD-E	82-12-002
248-14-240	AMD-P	82-13-037	248-25-070	NEW-P	82-12-006	250-44-110	AMD-P	82-11-072
248-14-245	AMD-P	82-13-037	248-25-070	NEW-E	82-12-007	250-44-110	AMD-E	82-12-002
248-14-247	AMD-P	82-13-037	248-25-100	NEW-P	82-12-006	250-44-120	AMD-P	82-11-072
248-14-250	AMD-P	82-13-037	248-25-100	NEW-E	82-12-007	250-44-120	AMD-E	82-12-002
248-14-260	AMD-P	82-03-038	248-25-120	NEW-P	82-12-006	250-44-130	AMD-P	82-11-072
248-14-260	AMD-E	82-03-039	248-25-120	NEW-E	82-12-007	250-44-130	AMD-E	82-12-002
248-14-260	AMD	82-07-025	248-29-050	AMD-P	82-02-091	250-44-140	AMD-P	82-11-072
248-14-260	AMD-P	82-13-037	248-29-050	AMD	82-06-011	250-44-140	AMD-E	82-12-002
248-14-264	AMD-P	82-13-037	248-55	AMD-C	82-12-030	250-44-150	AMD-P	82-11-072
248-14-270	AMD-P	82-13-037	248-55-100	REP-E	82-08-079	250-44-150	AMD-E	82-12-002
248-14-285	AMD-P	82-13-037	248-55-100	REP-P	82-08-082	250-44-160	AMD-P	82-11-072
248-14-401	REP-P	82-13-037	248-55-100	REP	82-13-009	250-44-160	AMD-E	82-12-002
248-14-510	AMD-P	82-13-037	248-55-110	AMD-E	82-08-079	250-44-180	AMD-P	82-11-072
248-14-520	AMD-P	82-13-037	248-55-110	AMD-P	82-08-082	250-44-180	AMD-E	82-12-002
248-14-530	AMD-P	82-13-037	248-55-110	AMD	82-13-009	250-44-190	AMD-E	82-12-002
248-14-540	AMD-P	82-13-037	248-64-220	AMD-P	82-02-092	250-44-200	AMD-P	82-11-072
248-14-550	AMD-P	82-13-037	248-64-220	AMD	82-07-015	250-44-200	AMD-E	82-12-002
248-14-560	AMD-P	82-13-037	248-64-260	AMD-P	82-02-092	250-44-210	AMD-P	82-11-072
248-17-010	AMD	82-04-041	248-64-260	AMD	82-07-015	250-44-210	AMD-E	82-12-002
248-17-020	AMD	82-04-041	248-64-270	AMD-P	82-02-092	251-04-020	AMD	82-04-069
248-17-030	AMD	82-04-041	248-64-270	AMD	82-07-015	251-04-020	AMD-P	82-12-057
248-17-040	AMD	82-04-041	248-64-280	AMD-P	82-02-092	251-04-040	AMD	82-04-069
248-17-050	AMD	82-04-041	248-64-280	AMD	82-07-015	251-04-040	AMD-P	82-12-057
248-17-135	NEW	82-04-041	248-64-300	AMD-P	82-02-092	251-04-050	AMD-P	82-12-057
248-17-210	REP	82-04-041	248-64-300	AMD	82-07-015	251-04-070	AMD-P	82-12-057
248-17-211	NEW	82-04-041	248-64-310	AMD-P	82-02-092	251-06-010	AMD-P	82-12-057
248-17-212	NEW	82-04-041	248-64-310	AMD	82-07-015	251-06-070	AMD	82-04-069
248-17-213	NEW	82-04-041	248-64-330	AMD-P	82-02-092	251-06-080	AMD-P	82-12-057
248-17-214	NEW	82-04-041	248-64-330	AMD	82-07-015	251-06-090	NEW-P	82-12-057
248-17-215	NEW	82-04-041	248-64-360	AMD-P	82-02-092	251-09-015	NEW-P	82-06-047
248-17-216	NEW	82-04-041	248-64-360	AMD	82-07-015	251-10-030	AMD-P	82-04-068
248-18-025	REP-P	82-02-062	250-18-010	NEW-E	82-12-036	251-10-030	AMD-C	82-06-026
248-18-025	REP-E	82-03-011	250-18-015	NEW-E	82-12-036	251-10-030	AMD	82-07-074
248-18-025	AMD-P	82-06-060	250-18-020	NEW-E	82-12-036	251-10-031	NEW-P	82-12-057
248-18-025	AMD-E	82-07-023	250-18-025	NEW-E	82-12-036	251-10-035	AMD-P	82-12-057
248-18-025	AMD-C	82-09-054	250-18-030	NEW-E	82-12-036	251-10-045	AMD-P	82-12-057
248-18-025	AMD-C	82-11-082	250-18-035	NEW-E	82-12-036	251-10-060	AMD-P	82-12-057
248-18-025	AMD-E	82-13-073	250-18-040	NEW-E	82-12-036	251-10-110	AMD-P	82-06-047
248-18-025	AMD	82-13-084	250-18-045	NEW-E	82-12-036	251-10-110	AMD	82-10-006
248-18-539	NEW-P	82-02-061	250-18-050	NEW-E	82-12-036	251-10-140	AMD-P	82-12-057
248-18-539	NEW	82-06-031	250-18-055	NEW-E	82-12-036	251-12-080	AMD-P	82-06-047
248-25-001	NEW-E	82-06-016	250-18-060	NEW-E	82-12-036	251-12-080	AMD	82-10-006

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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	275-27-620	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
260-36-040	AMD-E	82-09-008	275-27-640	REP-E	82-02-056	275-38-585	NEW-E	82-10-032
260-36-040	AMD-P	82-11-078	275-27-640	REP	82-06-034	275-38-590	NEW-P	82-09-071
260-36-090	AMD-E	82-09-008	275-27-660	REP-P	82-02-054	275-38-590	NEW-E	82-10-032
260-36-090	AMD-P	82-11-078	275-27-660	REP-E	82-02-056	275-38-595	NEW-P	82-09-071
260-44-060	AMD-P	82-05-044	275-27-660	REP	82-06-034	275-38-595	NEW-E	82-10-032
260-44-060	AMD-C	82-06-032	275-27-665	REP-P	82-02-054	275-38-600	NEW-P	82-09-071
260-44-120	AMD-P	82-06-033	275-27-665	REP-E	82-02-056	275-38-600	NEW-E	82-10-032
260-70-021	AMD	82-03-053	275-27-665	REP	82-06-034	275-38-605	NEW-P	82-09-071
260-70-040	AMD-P	82-03-052	275-27-680	REP-P	82-02-054	275-38-605	NEW-E	82-10-032
260-70-040	AMD	82-07-016	275-27-680	REP-E	82-02-056	275-38-610	NEW-P	82-09-071
260-70-100	AMD	82-03-053	275-27-680	REP	82-06-034	275-38-610	NEW-E	82-10-032
260-70-200	AMD-P	82-05-044	275-27-685	REP-P	82-02-054	275-38-615	NEW-P	82-09-071
260-70-200	AMD-C	82-06-032	275-27-685	REP-E	82-02-056	275-38-615	NEW-E	82-10-032
260-70-200	AMD	82-09-016	275-27-685	REP	82-06-034	275-38-620	NEW-P	82-09-071
260-70-290	NEW-P	82-05-044	275-38-001	NEW-P	82-09-071	275-38-620	NEW-E	82-10-032
260-70-290	AMD-C	82-06-032	275-38-001	NEW-E	82-10-032	275-38-625	NEW-P	82-09-071
260-70-290	NEW	82-09-016	275-38-005	NEW-P	82-09-071	275-38-625	NEW-E	82-10-032
260-70-300	NEW-P	82-06-033	275-38-005	NEW-E	82-10-032	275-38-630	NEW-P	82-09-071
260-70-300	NEW	82-09-016	275-38-007	NEW-P	82-09-071	275-38-630	NEW-E	82-10-032
260-88-010	AMD-P	82-03-052	275-38-007	NEW-E	82-10-032	275-38-635	NEW-P	82-09-071
260-88-010	AMD-C	82-06-055	275-38-015	NEW-P	82-09-071	275-38-635	NEW-E	82-10-032
260-88-010	AMD	82-09-016	275-38-015	NEW-E	82-10-032	275-38-640	NEW-P	82-09-071
260-88-020	NEW-P	82-03-052	275-38-020	NEW-P	82-09-071	275-38-640	NEW-E	82-10-032
260-88-020	NEW-C	82-06-055	275-38-020	NEW-E	82-10-032	275-38-642	NEW-P	82-09-071
260-997	REP-P	82-05-044	275-38-025	NEW-P	82-09-071	275-38-642	NEW-E	82-10-032
260-997	REP-C	82-06-032	275-38-025	NEW-E	82-10-032	275-38-643	NEW-P	82-09-071
260-997	REP	82-09-016	275-38-030	NEW-P	82-09-071	275-38-643	NEW-E	82-10-032
263-12-015	AMD	82-03-031	275-38-030	NEW-E	82-10-032	275-38-645	NEW-P	82-09-071
263-12-016	AMD	82-03-031	275-38-035	NEW-P	82-09-071	275-38-645	NEW-E	82-10-032
263-12-020	AMD	82-03-031	275-38-035	NEW-E	82-10-032	275-38-650	NEW-P	82-09-071
263-12-045	AMD	82-03-031	275-38-040	NEW-P	82-09-071	275-38-650	NEW-E	82-10-032
263-12-050	AMD	82-03-031	275-38-040	NEW-E	82-10-032	275-38-655	NEW-P	82-09-071
263-12-053	AMD	82-03-031	275-38-045	NEW-P	82-09-071	275-38-655	NEW-E	82-10-032
263-12-056	AMD	82-03-031	275-38-045	NEW-E	82-10-032	275-38-660	NEW-P	82-09-071
263-12-060	AMD	82-03-031	275-38-050	NEW-P	82-09-071	275-38-660	NEW-E	82-10-032
263-12-065	AMD	82-03-031	275-38-050	NEW-E	82-10-032	275-38-665	NEW-P	82-09-071
263-12-090	AMD	82-03-031	275-38-055	NEW-P	82-09-071	275-38-665	NEW-E	82-10-032
263-12-093	AMD	82-03-031	275-38-055	NEW-E	82-10-032	275-38-667	NEW-P	82-09-071
263-12-095	AMD	82-03-031	275-38-060	NEW-P	82-09-071	275-38-667	NEW-E	82-10-032
263-12-100	AMD	82-03-031	275-38-060	NEW-E	82-10-032	275-38-670	NEW-P	82-09-071
263-12-115	AMD	82-03-031	275-38-065	NEW-P	82-09-071	275-38-670	NEW-E	82-10-032
263-12-120	AMD	82-03-031	275-38-065	NEW-E	82-10-032	275-38-675	NEW-P	82-09-071
263-12-125	AMD	82-03-031	275-38-075	NEW-P	82-09-071	275-38-675	NEW-E	82-10-032
263-12-145	AMD	82-03-031	275-38-075	NEW-E	82-10-032	275-38-678	NEW-P	82-09-071
263-12-165	AMD	82-03-031	275-38-080	NEW-P	82-09-071	275-38-678	NEW-E	82-10-032
263-12-175	AMD	82-03-031	275-38-080	NEW-E	82-10-032	275-38-680	NEW-P	82-09-071

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-38-680	NEW-E	82-10-032	275-38-885	NEW-P	82-09-071	275-55-220	REP	82-07-024
275-38-685	NEW-P	82-09-071	275-38-885	NEW-E	82-10-032	275-55-230	REP	82-07-024
275-38-685	NEW-E	82-10-032	275-38-895	NEW-P	82-09-071	275-55-231	NEW	82-07-024
275-38-690	NEW-P	82-09-071	275-38-895	NEW-E	82-10-032	275-55-240	REP	82-07-024
275-38-690	NEW-E	82-10-032	275-38-900	NEW-P	82-09-071	275-55-241	NEW	82-07-024
275-38-695	NEW-P	82-09-071	275-38-900	NEW-E	82-10-032	275-55-250	REP	82-07-024
275-38-695	NEW-E	82-10-032	275-38-905	NEW-P	82-09-071	275-55-260	REP	82-07-024
275-38-700	NEW-P	82-09-071	275-38-905	NEW-E	82-10-032	275-55-261	NEW	82-07-024
275-38-700	NEW-E	82-10-032	275-38-910	NEW-P	82-09-071	275-55-263	NEW	82-07-024
275-38-705	NEW-P	82-09-071	275-38-910	NEW-E	82-10-032	275-55-270	REP	82-07-024
275-38-705	NEW-E	82-10-032	275-38-915	NEW-P	82-09-071	275-55-271	NEW	82-07-024
275-38-715	NEW-P	82-09-071	275-38-915	NEW-E	82-10-032	275-55-280	REP	82-07-024
275-38-715	NEW-E	82-10-032	275-38-920	NEW-P	82-09-071	275-55-281	NEW	82-07-024
275-38-720	NEW-P	82-09-071	275-38-920	NEW-E	82-10-032	275-55-282	REP	82-07-024
275-38-720	NEW-E	82-10-032	275-38-925	NEW-P	82-09-071	275-55-284	REP	82-07-024
275-38-725	NEW-P	82-09-071	275-38-925	NEW-E	82-10-032	275-55-286	REP	82-07-024
275-38-725	NEW-E	82-10-032	275-38-930	NEW-P	82-09-071	275-55-288	REP	82-07-024
275-38-730	NEW-P	82-09-071	275-38-930	NEW-E	82-10-032	275-55-290	REP	82-07-024
275-38-730	NEW-E	82-10-032	275-38-935	NEW-P	82-09-071	275-55-291	NEW	82-07-024
275-38-735	NEW-P	82-09-071	275-38-935	NEW-E	82-10-032	275-55-293	NEW	82-07-024
275-38-735	NEW-E	82-10-032	275-38-940	NEW-P	82-09-071	275-55-295	NEW	82-07-024
275-38-740	NEW-P	82-09-071	275-38-940	NEW-E	82-10-032	275-55-297	NEW	82-07-024
275-38-740	NEW-E	82-10-032	275-38-945	NEW-P	82-09-071	275-55-301	NEW	82-07-024
275-38-745	NEW-P	82-09-071	275-38-945	NEW-E	82-10-032	275-55-331	NEW	82-07-024
275-38-745	NEW-E	82-10-032	275-38-950	NEW-P	82-09-071	275-55-341	NEW	82-07-024
275-38-750	NEW-P	82-09-071	275-38-950	NEW-E	82-10-032	275-55-351	NEW	82-07-024
275-38-750	NEW-E	82-10-032	275-38-955	NEW-P	82-09-071	275-55-361	NEW	82-07-024
275-38-760	NEW-P	82-09-071	275-38-955	NEW-E	82-10-032	275-55-363	NEW	82-07-024
275-38-760	NEW-E	82-10-032	275-38-960	NEW-P	82-09-071	275-55-365	NEW	82-07-024
275-38-765	NEW-P	82-09-071	275-38-960	NEW-E	82-10-032	275-55-367	NEW	82-07-024
275-38-765	NEW-E	82-10-032	275-40-010	REP	82-04-023	275-55-371	NEW	82-07-024
275-38-770	NEW-P	82-09-071	275-40-020	REP	82-04-023	275-92-310	REP-P	82-04-059
275-38-770	NEW-E	82-10-032	275-40-030	REP	82-04-023	275-92-310	REP	82-08-055
275-38-775	NEW-P	82-09-071	275-40-040	REP	82-04-023	275-92-315	REP-P	82-04-059
275-38-775	NEW-E	82-10-032	275-40-050	REP	82-04-023	275-92-315	REP	82-08-055
275-38-780	NEW-P	82-09-071	275-40-060	REP	82-04-023	275-92-320	REP-P	82-04-059
275-38-780	NEW-E	82-10-032	275-40-070	REP	82-04-023	275-92-320	REP	82-08-055
275-38-785	NEW-P	82-09-071	275-52-010	REP	82-04-023	275-92-325	REP-P	82-04-059
275-38-785	NEW-E	82-10-032	275-52-015	REP	82-04-023	275-92-325	REP	82-08-055
275-38-790	NEW-P	82-09-071	275-52-020	REP	82-04-023	275-92-330	REP-P	82-04-059
275-38-790	NEW-E	82-10-032	275-55	AMD-C	82-05-024	275-92-330	REP	82-08-055
275-38-795	NEW-P	82-09-071	275-55-010	AMD	82-07-024	275-92-335	REP-P	82-04-059
275-38-795	NEW-E	82-10-032	275-55-020	AMD	82-07-024	275-92-335	REP	82-08-055
275-38-800	NEW-P	82-09-071	275-55-021	NEW	82-07-024	275-92-340	REP-P	82-04-059
275-38-800	NEW-E	82-10-032	275-55-030	AMD	82-07-024	275-92-340	REP	82-08-055
275-38-805	NEW-P	82-09-071	275-55-040	AMD	82-07-024	275-92-345	REP-P	82-04-059
275-38-805	NEW-E	82-10-032	275-55-041	REP	82-07-024	275-92-345	REP	82-08-055
275-38-810	NEW-P	82-09-071	275-55-050	AMD	82-07-024	275-92-350	REP-P	82-04-059
275-38-810	NEW-E	82-10-032	275-55-060	AMD	82-07-024	275-92-350	REP	82-08-055
275-38-812	NEW-P	82-09-071	275-55-061	REP	82-07-024	275-92-355	REP-P	82-04-059
275-38-812	NEW-E	82-10-032	275-55-070	REP	82-07-024	275-92-355	REP	82-08-055
275-38-815	NEW-P	82-09-071	275-55-071	NEW	82-07-024	275-92-400	REP-P	82-04-059
275-38-815	NEW-E	82-10-032	275-55-080	REP	82-07-024	275-92-400	REP	82-08-055
275-38-820	NEW-P	82-09-071	275-55-081	NEW	82-07-024	275-92-405	REP-P	82-04-059
275-38-820	NEW-E	82-10-032	275-55-090	AMD	82-07-024	275-92-405	REP	82-08-055
275-38-830	NEW-P	82-09-071	275-55-100	REP	82-07-024	275-92-410	REP-P	82-04-059
275-38-830	NEW-E	82-10-032	275-55-110	AMD	82-07-024	275-92-410	REP	82-08-055
275-38-835	NEW-P	82-09-071	275-55-120	REP	82-07-024	275-92-415	REP-P	82-04-059
275-38-835	NEW-E	82-10-032	275-55-121	NEW	82-07-024	275-92-415	REP	82-08-055
275-38-840	NEW-P	82-09-071	275-55-130	REP	82-07-024	275-92-510	REP-P	82-04-059
275-38-840	NEW-E	82-10-032	275-55-131	NEW	82-07-024	275-92-510	REP	82-08-055
275-38-845	NEW-P	82-09-071	275-55-140	REP	82-07-024	275-92-515	REP-P	82-04-059
275-38-845	NEW-E	82-10-032	275-55-141	NEW	82-07-024	275-92-515	REP	82-08-055
275-38-850	NEW-P	82-09-071	275-55-150	REP	82-07-024	275-92-520	REP-P	82-04-059
275-38-850	NEW-E	82-10-032	275-55-151	NEW	82-07-024	275-92-520	REP	82-08-055
275-38-855	NEW-P	82-09-071	275-55-160	REP	82-07-024	275-92-525	REP-P	82-04-059
275-38-855	NEW-E	82-10-032	275-55-161	NEW	82-07-024	275-92-525	REP	82-08-055
275-38-860	NEW-P	82-09-071	275-55-170	REP	82-07-024	275-92-530	REP-P	82-04-059
275-38-860	NEW-E	82-10-032	275-55-171	NEW	82-07-024	275-92-530	REP	82-08-055
275-38-865	NEW-P	82-09-071	275-55-180	REP	82-07-024	275-92-535	REP-P	82-04-059
275-38-865	NEW-E	82-10-032	275-55-181	NEW	82-07-024	275-92-535	REP	82-08-055
275-38-870	NEW-P	82-09-071	275-55-190	REP	82-07-024	275-92-540	REP-P	82-04-059
275-38-870	NEW-E	82-10-032	275-55-191	NEW	82-07-024	275-92-540	REP	82-08-055
275-38-875	NEW-P	82-09-071	275-55-200	REP	82-07-024	275-92-545	REP-P	82-04-059
275-38-875	NEW-E	82-10-032	275-55-201	NEW	82-07-024	275-92-545	REP	82-08-055
275-38-880	NEW-P	82-09-071	275-55-210	REP	82-07-024	275-92-550	REP-P	82-04-059
275-38-880	NEW-E	82-10-032	275-55-211	NEW	82-07-024	275-92-550	REP	82-08-055

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-92-555	REP-P	82-04-059	284-24-080	NEW	82-06-036	296-24-170	REP-P	82-08-004
275-92-555	REP	82-08-055	284-44-180	REP-P	82-09-030	296-24-170	REP	82-13-045
275-92-560	REP-P	82-04-059	284-44-180	REP	82-12-032	296-24-17001	REP-P	82-08-004
275-92-560	REP	82-08-055	284-50-380	AMD-P	82-09-030	296-24-17001	REP	82-13-045
275-92-565	REP-P	82-04-059	284-50-380	AMD	82-12-032	296-24-17003	REP-P	82-08-004
275-92-565	REP	82-08-055	284-55-010	AMD-P	82-09-030	296-24-17003	REP	82-13-045
275-93-005	REP-P	82-03-015	284-55-010	AMD	82-12-032	296-24-17005	REP-P	82-08-004
275-93-005	REP-E	82-03-016	284-55-035	NEW-P	82-09-030	296-24-17005	REP	82-13-045
275-93-005	REP	82-07-006	284-55-035	NEW	82-12-032	296-24-17007	REP-P	82-08-004
275-93-010	REP-P	82-03-015	284-55-040	AMD-P	82-09-030	296-24-17007	REP	82-13-045
275-93-010	REP-E	82-03-016	284-55-040	AMD	82-12-032	296-24-17009	REP-P	82-08-004
275-93-010	REP	82-07-006	284-55-045	NEW-P	82-09-030	296-24-17009	REP	82-13-045
275-93-020	REP-P	82-03-015	284-55-045	NEW	82-12-032	296-24-17011	REP-P	82-08-004
275-93-020	REP-E	82-03-016	284-55-065	NEW-P	82-09-030	296-24-17011	REP	82-13-045
275-93-020	REP	82-07-006	284-55-065	NEW	82-12-032	296-24-17013	REP-P	82-08-004
275-93-040	REP-P	82-03-015	284-55-067	NEW-P	82-09-030	296-24-17013	REP	82-13-045
275-93-040	REP-E	82-03-016	284-55-067	NEW	82-12-032	296-24-17015	REP-P	82-08-004
275-93-040	REP	82-07-006	284-55-110	AMD-P	82-09-030	296-24-17015	REP	82-13-045
275-93-050	REP-P	82-03-015	284-55-110	AMD	82-12-032	296-24-17017	REP-P	82-08-004
275-93-050	REP-E	82-03-016	289-12-030	AMD-E	82-05-042	296-24-17017	REP	82-13-045
275-93-050	REP	82-07-006	289-12-030	AMD-P	82-05-046	296-24-17019	REP-P	82-08-004
275-93-060	REP-P	82-03-015	289-12-030	AMD	82-08-051	296-24-17019	REP	82-13-045
275-93-060	REP-E	82-03-016	289-12-035	NEW-E	82-08-052	296-24-17021	REP-P	82-08-004
275-93-060	REP	82-07-006	289-12-035	NEW-P	82-08-068	296-24-17021	REP	82-13-045
275-93-070	REP-P	82-03-015	289-12-035	NEW	82-11-069	296-24-17023	REP-P	82-08-004
275-93-070	REP-E	82-03-016	289-13-070	AMD-E	82-08-053	296-24-17023	REP	82-13-045
275-93-070	REP	82-07-006	289-13-070	AMD-P	82-08-069	296-24-17025	REP-P	82-08-004
275-93-080	REP-P	82-03-015	289-13-070	AMD	82-11-071	296-24-17025	REP	82-13-045
275-93-080	REP-E	82-03-016	289-15-225	NEW-P	82-05-045	296-24-17027	REP-P	82-08-004
275-93-080	REP	82-07-006	289-15-225	NEW-C	82-08-067	296-24-17027	REP	82-13-045
275-93-090	REP-P	82-03-015	289-15-225	NEW	82-11-070	296-24-17029	REP-P	82-08-004
275-93-090	REP-E	82-03-016	289-20-205	AMD	82-04-088	296-24-17029	REP	82-13-045
275-93-090	REP	82-07-006	289-20-210	AMD	82-04-088	296-24-17031	REP-P	82-08-004
275-93-100	REP-P	82-03-015	296-06-120	AMD-P	82-11-047	296-24-17031	REP	82-13-045
275-93-100	REP-E	82-03-016	296-15-025	NEW-P	82-04-040	296-24-17033	REP-P	82-08-004
275-93-100	REP	82-07-006	296-15-025	NEW	82-07-019	296-24-17033	REP	82-13-045
275-93-110	REP-P	82-03-015	296-15-070	AMD-P	82-09-067	296-24-17035	REP-P	82-08-004
275-93-110	REP-E	82-03-016	296-15-070	AMD	82-12-035	296-24-17035	REP	82-13-045
275-93-110	REP	82-07-006	296-17-351	AMD-P	82-07-022	296-24-17037	REP-P	82-08-004
275-93-120	REP-P	82-03-015	296-17-351	AMD	82-10-034	296-24-17037	REP	82-13-045
275-93-120	REP-E	82-03-016	296-17-910	AMD	82-05-019	296-24-17039	REP-P	82-08-004
275-93-120	REP	82-07-006	296-17-911	AMD	82-05-019	296-24-17039	REP	82-13-045
275-93-130	REP-P	82-03-015	296-17-913	AMD	82-05-019	296-24-17041	REP-P	82-08-004
275-93-130	REP-E	82-03-016	296-17-914	AMD	82-05-019	296-24-17041	REP	82-13-045
275-93-130	REP	82-07-006	296-17-915	AMD	82-05-019	296-24-17043	REP-P	82-08-004
275-93-140	REP-P	82-03-015	296-17-917	AMD	82-05-019	296-24-17043	REP	82-13-045
275-93-140	REP-E	82-03-016	296-17-919	AMD	82-05-019	296-24-17045	REP-P	82-08-004
275-93-140	REP	82-07-006	296-17-91901	AMD	82-05-019	296-24-17045	REP	82-13-045
284-17-100	REP-P	82-07-056	296-17-91902	AMD	82-05-019	296-24-17047	REP-P	82-08-004
284-17-100	REP	82-10-016	296-24-12005	AMD-P	82-08-004	296-24-17047	REP	82-13-045
284-17-110	REP-P	82-07-056	296-24-12005	AMD	82-13-045	296-24-33001	AMD-P	82-02-065
284-17-110	REP	82-10-016	296-24-12009	AMD-P	82-02-065	296-24-33001	AMD	82-08-026
284-17-120	NEW-P	82-07-056	296-24-12009	AMD	82-08-026	296-24-950	REP-E	82-12-018
284-17-120	NEW	82-10-016	296-24-130	REP-P	82-02-065	296-24-955	REP-P	82-02-065
284-17-210	AMD-P	82-07-056	296-24-130	REP	82-08-026	296-24-955	REP	82-08-026
284-17-210	AMD	82-10-016	296-24-13001	REP-P	82-02-065	296-24-956	NEW-P	82-02-065
284-17-310	AMD-P	82-07-056	296-24-13001	REP	82-08-026	296-24-956	NEW	82-08-026
284-17-310	AMD	82-10-016	296-24-13003	REP-P	82-02-065	296-24-95601	NEW-P	82-02-065
284-24-010	REP-P	82-02-059	296-24-13003	REP	82-08-026	296-24-95601	NEW	82-08-026
284-24-010	REP	82-06-036	296-24-13005	REP-P	82-02-065	296-24-95603	NEW-P	82-02-065
284-24-015	NEW-P	82-02-059	296-24-13005	REP	82-08-026	296-24-95603	NEW	82-08-026
284-24-015	NEW	82-06-036	296-24-13007	REP-P	82-02-065	296-24-95605	NEW-P	82-02-065
284-24-020	REP-P	82-02-059	296-24-13007	REP	82-08-026	296-24-95605	NEW	82-08-026
284-24-020	REP	82-06-036	296-24-13009	REP-P	82-02-065	296-24-95607	NEW-P	82-02-065
284-24-030	REP-P	82-02-059	296-24-13009	REP	82-08-026	296-24-95607	NEW	82-08-026
284-24-030	REP	82-06-036	296-24-13011	REP-P	82-02-065	296-24-95609	NEW-P	82-02-065
284-24-035	REP-P	82-02-059	296-24-13011	REP	82-08-026	296-24-95609	NEW	82-08-026
284-24-035	REP	82-06-036	296-24-13013	REP-P	82-02-065	296-24-95611	NEW-P	82-02-065
284-24-040	REP-P	82-02-059	296-24-13013	REP	82-08-026	296-24-95611	NEW	82-08-026
284-24-040	REP	82-06-036	296-24-13501	AMD-P	82-08-004	296-24-95613	NEW-P	82-02-065
284-24-050	REP-P	82-02-059	296-24-13501	AMD	82-13-045	296-24-95613	NEW	82-08-026
284-24-050	REP	82-06-036	296-24-14007	AMD-P	82-08-004	296-24-95615	NEW-P	82-02-065
284-24-060	NEW-P	82-02-059	296-24-14007	AMD	82-13-045	296-24-95615	NEW	82-08-026
284-24-060	NEW	82-06-036	296-24-16503	AMD-P	82-08-004	296-24-95617	NEW-P	82-02-065
284-24-070	NEW-P	82-02-059	296-24-16503	AMD	82-13-045	296-24-95617	NEW	82-08-026
284-24-070	NEW	82-06-036	296-24-16539	AMD-P	82-08-004	296-24-95699	NEW-P	82-02-065
284-24-080	NEW-P	82-02-059	296-24-16539	AMD	82-13-045	296-24-95699	NEW	82-08-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-960	AMD-P	82-08-004	296-48-750	REP	82-09-053	296-48B-015	REP	82-04-060
296-24-960	AMD	82-13-045	296-48-755	REP-P	82-05-006	296-48B-020	REP	82-04-060
296-32-250	AMD-P	82-08-004	296-48-755	REP	82-09-053	296-48B-025	REP	82-04-060
296-32-250	AMD	82-13-045	296-48-760	REP-P	82-05-006	296-48B-030	REP	82-04-060
296-45-65043	AMD-P	82-02-065	296-48-760	REP	82-09-053	296-48B-032	REP	82-04-060
296-45-65043	AMD-E	82-07-013	296-48-761	REP-P	82-05-006	296-48B-035	REP	82-04-060
296-45-65043	AMD	82-08-026	296-48-761	REP	82-09-053	296-48B-040	REP	82-04-060
296-45-66007	AMD-E	82-07-001	296-48-765	REP-P	82-05-006	296-48B-050	REP	82-04-060
296-45-66007	AMD-P	82-08-004	296-48-765	REP	82-09-053	296-48B-055	REP	82-04-060
296-45-66007	AMD	82-13-045	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
296-48-720	REP	82-09-053	296-48A-780	REP	82-09-053	296-48B-415	REP	82-04-060
296-48-725	REP-P	82-05-006	296-48A-800	REP-P	82-05-006	296-48B-420	REP	82-04-060
296-48-725	REP	82-09-053	296-48A-800	REP	82-09-053	296-48B-425	REP	82-04-060
296-48-730	REP-P	82-05-006	296-48A-990	REP-P	82-05-006	296-48B-430	REP	82-04-060
296-48-730	REP	82-09-053	296-48A-990	REP	82-09-053	296-48B-435	REP	82-04-060
296-48-735	REP-P	82-05-006	296-48B	REP-C	82-02-052	296-48B-440	REP	82-04-060
296-48-735	REP	82-09-053	296-48B-001	REP	82-04-060	296-48B-445	REP	82-04-060
296-48-740	REP-P	82-05-006	296-48B-002	REP	82-04-060	296-48B-450	REP	82-04-060
296-48-740	REP	82-09-053	296-48B-005	REP	82-04-060	296-48B-455	REP	82-04-060
296-48-745	REP-P	82-05-006	296-48B-006	REP	82-04-060	296-48B-460	REP	82-04-060
296-48-745	REP	82-09-053	296-48B-009	REP	82-04-060	296-48B-465	REP	82-04-060
296-48-750	REP-P	82-05-006	296-48B-010	REP	82-04-060	296-48B-467	REP	82-04-060

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-468	REP	82-04-060	296-62-07521	RECOD	82-13-045	296-116-080	AMD-C	82-13-062
296-48B-469	REP	82-04-060	296-62-09003	AMD-P	82-08-004	296-116-085	AMD-P	82-10-049
296-48B-46901	REP	82-04-060	296-62-09003	AMD	82-13-045	296-116-085	AMD	82-13-087
296-48B-470	REP	82-04-060	296-62-09011	AMD	82-03-023	296-116-185	AMD-P	82-02-068
296-48B-475	REP	82-04-060	296-62-09015	NEW	82-03-023	296-116-185	AMD-C	82-05-035
296-48B-480	REP	82-04-060	296-62-09017	NEW	82-03-023	296-116-185	AMD	82-08-016
296-48B-485	REP	82-04-060	296-62-09019	NEW	82-03-023	296-116-185	AMD-E	82-08-017
296-48B-490	REP	82-04-060	296-62-09021	NEW	82-03-023	296-116-205	AMD-P	82-10-049
296-48B-500	REP	82-04-060	296-62-09023	NEW	82-03-023	296-116-205	AMD	82-13-087
296-48B-505	REP	82-04-060	296-62-09025	NEW	82-03-023	296-116-300	AMD-P	82-08-062
296-48B-510	REP	82-04-060	296-62-09027	NEW	82-03-023	296-116-300	AMD-C	82-11-048
296-48B-515	REP	82-04-060	296-62-09029	NEW	82-03-023	296-116-300	AMD-C	82-12-020
296-48B-520	REP	82-04-060	296-62-09031	NEW	82-03-023	296-116-300	AMD-C	82-12-033
296-48B-525	REP	82-04-060	296-62-09031	AMD-P	82-08-004	296-116-300	AMD-E	82-13-064
296-48B-530	REP	82-04-060	296-62-09031	AMD	82-13-045	296-116-300	AMD	82-13-065
296-48B-535	REP	82-04-060	296-62-09033	NEW	82-03-023	296-116-320	AMD-P	82-10-049
296-48B-540	REP	82-04-060	296-62-09033	AMD-P	82-08-004	296-116-320	AMD	82-13-087
296-48B-550	REP	82-04-060	296-62-09033	AMD	82-13-045	296-150	NEW-C	82-02-052
296-48B-555	REP	82-04-060	296-62-09035	NEW	82-03-023	296-150-005	NEW-W	82-04-015
296-48B-560	REP	82-04-060	296-62-09037	NEW	82-03-023	296-150-010	NEW-W	82-04-015
296-48B-565	REP	82-04-060	296-62-09039	NEW	82-03-023	296-150-015	NEW-W	82-04-015
296-48B-570	REP	82-04-060	296-62-09041	NEW	82-03-023	296-150-020	NEW-W	82-04-015
296-48B-575	REP	82-04-060	296-62-09043	NEW	82-03-023	296-150-025	NEW-W	82-04-015
296-48B-580	REP	82-04-060	296-62-09045	NEW	82-03-023	296-150-030	NEW-W	82-04-015
296-48B-585	REP	82-04-060	296-62-09047	NEW	82-03-023	296-150-035	NEW-W	82-04-015
296-48B-590	REP	82-04-060	296-62-09049	NEW	82-03-023	296-150-040	NEW-W	82-04-015
296-48B-595	REP	82-04-060	296-62-09051	NEW	82-03-023	296-150-045	NEW-W	82-04-015
296-48B-598	REP	82-04-060	296-62-09051	AMD-P	82-08-004	296-150-050	NEW-W	82-04-015
296-48B-600	REP	82-04-060	296-62-09051	AMD	82-13-045	296-150-055	NEW-W	82-04-015
296-48B-610	REP	82-04-060	296-62-09053	NEW	82-03-023	296-150-060	NEW-W	82-04-015
296-48B-615	REP	82-04-060	296-62-14515	AMD-P	82-08-004	296-150-065	NEW-W	82-04-015
296-48B-620	REP	82-04-060	296-62-14515	AMD	82-13-045	296-150-070	NEW-W	82-04-015
296-48B-675	REP	82-04-060	296-62-14525	AMD	82-03-023	296-150-075	NEW-W	82-04-015
296-48B-680	REP	82-04-060	296-62-14533	AMD	82-03-023	296-150-080	NEW-W	82-04-015
296-48B-685	REP	82-04-060	296-78-71023	AMD-P	82-08-004	296-150-085	NEW-W	82-04-015
296-48B-690	REP	82-04-060	296-78-71023	AMD	82-13-045	296-150-090	NEW-W	82-04-015
296-48B-695	REP	82-04-060	296-79-020	AMD-P	82-08-004	296-150-095	NEW-W	82-04-015
296-48B-720	REP	82-04-060	296-79-020	AMD	82-13-045	296-150-100	NEW-W	82-04-015
296-48B-725	REP	82-04-060	296-79-050	AMD-P	82-08-004	296-150-105	NEW-W	82-04-015
296-48B-730	REP	82-04-060	296-79-050	AMD	82-13-045	296-150-110	NEW-W	82-04-015
296-48B-735	REP	82-04-060	296-81-002	REP-P	82-07-079	296-150-115	NEW-W	82-04-015
296-48B-740	REP	82-04-060	296-81-002	REP	82-12-005	296-150-120	NEW-W	82-04-015
296-48B-800	REP	82-04-060	296-81-003	REP-P	82-07-079	296-150-125	NEW-W	82-04-015
296-48B-805	REP	82-04-060	296-81-003	REP	82-12-005	296-150-130	NEW-W	82-04-015
296-48B-810	REP	82-04-060	296-81-005	AMD-P	82-07-079	296-150-135	NEW-W	82-04-015
296-48B-815	REP	82-04-060	296-81-005	AMD	82-12-005	296-150-140	NEW-W	82-04-015
296-48B-820	REP	82-04-060	296-81-006	AMD-P	82-07-079	296-150-145	NEW-W	82-04-015
296-48B-825	REP	82-04-060	296-81-006	AMD	82-12-005	296-150-150	NEW-W	82-04-015
296-48B-830	REP	82-04-060	296-81-007	AMD-P	82-07-079	296-150-155	NEW-W	82-04-015
296-48B-835	REP	82-04-060	296-81-007	AMD	82-12-005	296-150-160	NEW-W	82-04-015
296-52-043	AMD-P	82-02-065	296-81-008	AMD-P	82-07-079	296-150-165	NEW-W	82-04-015
296-52-043	AMD-E	82-07-013	296-81-008	AMD	82-12-005	296-150-170	NEW-W	82-04-015
296-52-043	AMD	82-08-026	296-81-260	AMD-P	82-07-079	296-150-175	NEW-W	82-04-015
296-52-090	AMD-P	82-02-065	296-81-260	AMD	82-12-005	296-150-180	NEW-W	82-04-015
296-52-090	AMD-E	82-07-013	296-81-990	NEW-P	82-07-079	296-150-990	NEW-W	82-04-015
296-52-090	AMD	82-08-026	296-81-990	NEW	82-12-005	296-150A	NEW-C	82-02-052
296-54-507	AMD-E	82-13-046	296-86-010	AMD-P	82-07-079	296-150A	NEW-C	82-11-083
296-54-543	AMD-P	82-08-004	296-86-010	AMD	82-12-005	296-150A-005	NEW-P	82-05-007
296-62-07101	AMD-P	82-02-065	296-86-020	AMD-P	82-07-079	296-150A-005	NEW	82-12-004
296-62-07101	AMD	82-08-026	296-86-020	AMD	82-12-005	296-150A-010	REP-P	82-05-007
296-62-07107	AMD	82-03-023	296-86-030	AMD-P	82-07-079	296-150A-010	REP	82-12-004
296-62-07109	AMD	82-03-023	296-86-030	AMD	82-12-005	296-150A-011	NEW-P	82-05-007
296-62-07109	AMD-P	82-08-004	296-86-040	AMD-P	82-07-079	296-150A-011	NEW	82-12-004
296-62-07109	AMD	82-13-045	296-86-040	AMD	82-12-005	296-150A-015	REP-P	82-05-007
296-62-07115	AMD-P	82-02-065	296-86-060	AMD-P	82-07-079	296-150A-015	REP	82-12-004
296-62-07115	AMD	82-08-026	296-86-060	AMD	82-12-005	296-150A-016	NEW-P	82-05-007
296-62-07302	AMD-P	82-08-004	296-86-070	AMD-P	82-07-079	296-150A-016	NEW	82-12-004
296-62-07302	AMD	82-13-045	296-86-070	AMD	82-12-005	296-150A-020	REP-P	82-05-007
296-62-07314	AMD-E	82-12-019	296-86-075	AMD-P	82-07-079	296-150A-021	REP	82-12-004
296-62-07329	AMD-P	82-08-004	296-86-075	AMD	82-12-005	296-150A-021	NEW-P	82-05-007
296-62-07329	AMD	82-13-045	296-86-080	AMD-P	82-07-079	296-150A-024	NEW	82-12-004
296-62-07349	AM/DE-P	82-08-004	296-86-080	AMD	82-12-005	296-150A-024	NEW-P	82-05-007
296-62-07349	AM/DE	82-13-045	296-104-200	AMD	82-05-003	296-150A-024	NEW	82-12-004
296-62-07501	AMD	82-03-023	296-116-075	NEW-P	82-06-054	296-150A-025	REP-P	82-05-007
296-62-07515	AMD-P	82-08-004	296-116-075	NEW-C	82-09-060	296-150A-025	REP	82-12-004
296-62-07515	AMD	82-13-045	296-116-080	AMD-P	82-06-054	296-150A-026	REP-P	82-05-007
296-62-07521	RECOD-P	82-08-004	296-116-080	AMD-C	82-09-060	296-150A-026	REP	82-12-004

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-150B-100	NEW 82-09-053	296-150B-453	NEW 82-04-060	296-150B-713	NEW 82-04-060
296-150B-105	NEW-P 82-05-006	296-150B-457	NEW 82-04-060	296-150B-717	NEW 82-04-060
296-150B-105	NEW 82-09-053	296-150B-460	NEW 82-04-060	296-150B-720	NEW 82-04-060
296-150B-110	NEW-P 82-05-006	296-150B-463	NEW 82-04-060	296-150B-723	NEW 82-04-060
296-150B-110	NEW 82-09-053	296-150B-467	NEW 82-04-060	296-150B-727	NEW 82-04-060
296-150B-115	NEW-P 82-05-006	296-150B-470	NEW 82-04-060	296-150B-730	NEW 82-04-060
296-150B-115	NEW 82-09-053	296-150B-473	NEW 82-04-060	296-150B-733	NEW 82-04-060
296-150B-120	NEW-P 82-05-006	296-150B-477	NEW 82-04-060	296-150B-737	NEW 82-04-060
296-150B-120	NEW 82-09-053	296-150B-480	NEW 82-04-060	296-150B-740	NEW 82-04-060
296-150B-125	NEW-P 82-05-006	296-150B-483	NEW 82-04-060	296-150B-743	NEW 82-04-060
296-150B-125	NEW 82-09-053	296-150B-487	NEW 82-04-060	296-150B-747	NEW 82-04-060
296-150B-130	NEW-P 82-05-006	296-150B-490	NEW 82-04-060	296-150B-750	NEW 82-04-060
296-150B-130	NEW 82-09-053	296-150B-497	NEW 82-04-060	296-150B-753	NEW 82-04-060
296-150B-135	NEW-P 82-05-006	296-150B-500	NEW 82-04-060	296-150B-757	NEW 82-04-060
296-150B-135	NEW 82-09-053	296-150B-503	NEW 82-04-060	296-150B-760	NEW 82-04-060
296-150B-140	NEW-P 82-05-006	296-150B-507	NEW 82-04-060	296-150B-763	NEW 82-04-060
296-150B-140	NEW 82-09-053	296-150B-510	NEW 82-04-060	296-150B-767	NEW 82-04-060
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-820	NEW 82-04-060
296-150B-200	NEW 82-09-059	296-150B-570	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-205	NEW-P 82-06-021	296-150B-573	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-205	NEW 82-09-059	296-150B-577	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-210	NEW-P 82-06-021	296-150B-580	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-210	NEW 82-09-059	296-150B-583	NEW 82-04-060	296-150B-820	NEW 82-04-060
296-150B-215	NEW-P 82-06-021	296-150B-587	NEW 82-04-060	296-155-485	AMD-P 82-02-065
296-150B-215	NEW 82-09-059	296-150B-590	NEW 82-04-060	296-155-485	AMD-E 82-07-013
296-150B-220	NEW-P 82-06-021	296-150B-593	NEW 82-04-060	296-155-485	AMD 82-08-026
296-150B-220	NEW 82-09-059	296-150B-597	NEW 82-04-060	296-155-48501	REP-P 82-02-065
296-150B-225	NEW-P 82-06-021	296-150B-600	NEW 82-04-060	296-155-48501	REP 82-08-026
296-150B-225	NEW 82-09-059	296-150B-603	NEW 82-04-060	296-155-48502	REP-P 82-02-065
296-150B-230	NEW-P 82-06-021	296-150B-607	NEW 82-04-060	296-155-48502	REP 82-08-026
296-150B-230	NEW 82-09-059	296-150B-610	NEW 82-04-060	296-155-66501	AMD-P 82-08-004
296-150B-235	NEW-P 82-06-021	296-150B-613	NEW 82-04-060	296-155-66501	AMD 82-13-045
296-150B-235	NEW 82-09-059	296-150B-617	NEW 82-04-060	296-200-050	AMD-P 82-11-047
296-150B-240	NEW-P 82-06-021	296-150B-620	NEW 82-04-060	296-200-900	AMD-P 82-11-047
296-150B-240	NEW 82-09-059	296-150B-623	NEW 82-04-060	296-306-200	AMD-P 82-02-065
296-150B-245	NEW-P 82-06-021	296-150B-627	NEW 82-04-060	296-306-200	AMD-E 82-07-013
296-150B-245	NEW 82-09-059	296-150B-630	NEW 82-04-060	296-306-200	AMD 82-08-026
296-150B-250	NEW-P 82-06-021	296-150B-633	NEW 82-04-060	296-306-200	AMD-E 82-10-071
296-150B-250	NEW 82-09-059	296-150B-637	NEW 82-04-060	296-350-080	AMD-P 82-08-004
296-150B-255	NEW-P 82-06-021	296-150B-640	NEW 82-04-060	296-350-080	AMD 82-13-045
296-150B-255	NEW 82-09-059	296-150B-643	NEW 82-04-060	296-350-095	NEW-P 82-10-072
296-150B-300	NEW 82-04-060	296-150B-647	NEW 82-04-060	296-350-095	NEW 82-13-045
296-150B-305	NEW 82-04-060	296-150B-650	NEW 82-04-060	296-350-35055	AMD-P 82-08-004
296-150B-310	NEW 82-04-060	296-150B-653	NEW 82-04-060	296-350-35055	AMD 82-13-045
296-150B-315	NEW 82-04-060	296-150B-657	NEW 82-04-060	296-350-400	AMD-P 82-08-004
296-150B-400	NEW 82-04-060	296-150B-660	NEW 82-04-060	296-350-400	AMD 82-13-045
296-150B-403	NEW 82-04-060	296-150B-663	NEW 82-04-060	296-360-030	AMD-P 82-08-004
296-150B-407	NEW 82-04-060	296-150B-667	NEW 82-04-060	296-360-030	AMD 82-13-045
296-150B-410	NEW 82-04-060	296-150B-670	NEW 82-04-060	296-401-010	AMD-P 82-08-003
296-150B-413	NEW 82-04-060	296-150B-673	NEW 82-04-060	296-401-010	AMD-C 82-11-057
296-150B-417	NEW 82-04-060	296-150B-677	NEW 82-04-060	308-11-300	NEW-E 82-13-023
296-150B-420	NEW 82-04-060	296-150B-680	NEW 82-04-060	308-11-310	NEW-E 82-13-023
296-150B-423	NEW 82-04-060	296-150B-683	NEW 82-04-060	308-16-440	NEW-P 82-05-049
296-150B-427	NEW 82-04-060	296-150B-687	NEW 82-04-060	308-16-440	NEW 82-08-064
296-150B-430	NEW 82-04-060	296-150B-690	NEW 82-04-060	308-16-450	NEW-P 82-05-049
296-150B-433	NEW 82-04-060	296-150B-693	NEW 82-04-060	308-16-450	NEW 82-08-064
296-150B-437	NEW 82-04-060	296-150B-697	NEW 82-04-060	308-16-460	NEW-P 82-05-049
296-150B-440	NEW 82-04-060	296-150B-700	NEW 82-04-060	308-16-460	NEW 82-08-064
296-150B-443	NEW 82-04-060	296-150B-703	NEW 82-04-060	308-16-470	NEW-P 82-05-049
296-150B-447	NEW 82-04-060	296-150B-707	NEW 82-04-060	308-16-470	NEW 82-08-064
296-150B-450	NEW 82-04-060	296-150B-710	NEW 82-04-060	308-24-510	NEW-P 82-05-048
				308-24-510	NEW 82-08-063

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308-24-520	NEW 82-08-063	308-53-085	NEW-P 82-08-048	308-115-180	NEW-P 82-12-073
308-24-530	NEW-P 82-05-048	308-53-151	NEW 82-12-077	308-115-190	NEW-P 82-12-073
308-24-530	NEW 82-08-063	308-53-151	NEW-P 82-08-048	308-115-200	NEW-P 82-12-073
308-24-540	NEW-P 82-05-048	308-53-151	NEW 82-12-077	308-115-210	NEW-P 82-12-073
308-24-540	NEW 82-08-063	308-61-010	AMD-P 82-09-079	308-115-220	NEW-P 82-12-073
308-25-010	NEW-P 82-02-093	308-61-010	AMD 82-12-037	308-115-230	NEW-P 82-12-073
308-25-010	NEW 82-06-043	308-61-030	AMD-P 82-09-079	308-115-240	NEW-P 82-12-073
308-25-010	AMD-P 82-08-077	308-61-030	AMD 82-12-037	308-115-400	NEW-P 82-12-073
308-25-010	AMD 82-11-068	308-61-100	AMD-P 82-09-079	308-122-220	AMD-P 82-09-078
308-25-020	NEW-P 82-02-093	308-61-100	AMD 82-12-037	308-124-005	AMD-P 82-13-035
308-25-020	NEW 82-06-043	308-61-110	AMD-P 82-09-079	308-124A-040	AMD-P 82-13-035
308-25-020	AMD-P 82-08-077	308-61-110	AMD 82-12-037	308-124B-010	AMD-P 82-13-035
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308-25-030	NEW-P 82-02-093	308-61-120	AMD 82-12-037	308-124C-020	AMD-P 82-13-035
308-25-030	NEW 82-06-043	308-61-130	AMD-P 82-09-079	308-124C-030	AMD-P 82-13-035
308-25-030	AMD-P 82-08-077	308-61-130	AMD 82-12-037	308-124C-050	NEW-P 82-13-035
308-25-030	AMD 82-11-068	308-61-200	AMD-P 82-09-080	308-124D-010	AMD-P 82-13-035
308-25-040	NEW-P 82-02-093	308-61-200	AMD 82-12-038	308-124D-015	NEW-P 82-05-051
308-25-040	NEW 82-06-043	308-61-210	AMD-P 82-09-080	308-124D-100	AMD-P 82-13-035
308-25-040	AMD-P 82-08-077	308-61-210	AMD 82-12-038	308-124E-010	REP-P 82-13-035
308-25-040	AMD 82-11-068	308-61-220	AMD-P 82-09-080	308-124E-011	NEW-P 82-13-035
308-25-050	NEW-P 82-02-093	308-61-220	AMD 82-12-038	308-124F-020	AMD-P 82-13-035
308-25-050	NEW 82-06-043	308-61-240	AMD-P 82-09-080	308-124H-030	AMD-P 82-13-035
308-25-060	NEW-P 82-02-093	308-61-240	AMD 82-12-038	308-124H-055	AMD-P 82-13-035
308-25-060	NEW 82-06-043	308-61-260	AMD-P 82-09-080	308-124H-060	AMD-P 82-13-035
308-25-070	NEW-P 82-02-093	308-61-260	AMD 82-12-038	308-138	AMD-P 82-12-074
308-25-070	NEW 82-06-043	308-61-270	AMD-P 82-09-080	308-138-010	REP-P 82-12-074
308-26-017	NEW-P 82-08-049	308-61-270	AMD 82-12-038	308-138-020	REP-P 82-12-074
308-26-017	NEW 82-11-056	308-61-320	AMD-P 82-09-080	308-138-025	REP-P 82-12-074
308-34-010	NEW-P 82-05-052	308-61-320	AMD 82-12-038	308-138-100	REP-P 82-12-074
308-34-010	NEW 82-09-043	308-61-400	AMD-P 82-09-080	308-138-110	REP-P 82-12-074
308-34-020	NEW-P 82-05-052	308-61-400	AMD 82-12-038	308-138-120	REP-P 82-12-074
308-34-020	NEW 82-09-043	308-61-420	AMD-P 82-09-080	308-138-130	REP-P 82-12-074
308-34-030	NEW-P 82-05-052	308-61-420	AMD 82-12-038	308-138-140	REP-P 82-12-074
308-34-030	NEW 82-09-043	308-100-010	AMD 82-03-046	308-138-150	REP-P 82-12-074
308-34-040	NEW-P 82-05-052	308-100-020	AMD 82-03-046	308-138-160	REP-P 82-12-074
308-34-040	NEW 82-09-043	308-100-030	AMD-P 82-10-048	308-138-170	REP-P 82-12-074
308-34-050	NEW-P 82-05-052	308-100-050	AMD 82-03-046	308-138-330	NEW-P 82-12-074
308-34-050	NEW 82-09-043	308-100-060	AMD 82-03-046	308-138A-020	NEW-P 82-12-074
308-34-060	NEW-P 82-05-052	308-100-070	REP 82-03-046	308-138A-025	NEW-P 82-12-074
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308-34-080	NEW-P 82-05-052	308-102-260	AMD 82-03-046	308-138B-130	NEW-P 82-12-074
308-34-080	NEW 82-09-043	308-102-290	AMD 82-03-046	308-138B-140	NEW-P 82-12-074
308-36-020	REP-P 82-04-008	308-102-295	NEW-E 82-07-002	308-138B-150	NEW-P 82-12-074
308-36-020	REP 82-07-094	308-102-295	NEW-P 82-08-076	308-138B-160	NEW-P 82-12-074
308-36-030	REP-P 82-04-008	308-104-015	NEW 82-03-046	308-138B-170	NEW-P 82-12-074
308-36-030	REP 82-07-094	308-104-020	REP 82-03-046	308-400-010	NEW 82-05-014
308-36-040	REP-P 82-04-008	308-104-025	NEW 82-03-046	308-400-020	NEW 82-05-014
308-36-040	REP 82-07-094	308-104-030	REP 82-03-046	308-400-030	NEW 82-05-014
308-36-050	REP-P 82-04-008	308-104-040	AMD 82-03-046	308-400-040	NEW 82-05-014
308-36-050	REP 82-07-094	308-104-050	AMD 82-03-046	308-400-040	AMD-P 82-08-075A
308-36-060	REP-P 82-04-008	308-104-058	NEW 82-03-046	308-400-040	AMD 82-13-030
308-36-060	REP 82-07-094	308-104-100	AMD 82-03-046	308-400-042	NEW-P 82-04-084
308-36-065	REP-P 82-04-008	308-104-150	NEW 82-03-046	308-400-042	NEW 82-08-021
308-36-065	REP 82-07-094	308-104-160	NEW 82-03-046	308-400-044	NEW 82-05-014
308-36-070	REP-P 82-04-008	308-104-160	AMD-P 82-08-076	308-400-046	NEW 82-05-014
308-36-070	REP 82-07-094	308-104-170	NEW 82-03-046	308-400-048	NEW 82-05-014
308-36-080	REP-P 82-04-008	308-104-180	NEW 82-03-046	308-400-048	NEW 82-05-014
308-36-080	REP 82-07-094	308-115-010	REP-P 82-12-073	308-400-048	AMD-P 82-08-075A
308-37-110	AMD-P 82-04-087	308-115-020	REP-P 82-12-073	308-400-048	AMD 82-13-030
308-37-110	AMD 82-07-043	308-115-030	REP-P 82-12-073	308-400-050	NEW 82-05-014
308-39-110	AMD-P 82-12-075	308-115-040	REP-P 82-12-073	308-400-052	NEW-P 82-08-075A
308-39-120	AMD-P 82-12-075	308-115-050	NEW-P 82-12-073	308-400-052	NEW 82-13-030
308-40-020	AMD 82-04-024	308-115-060	NEW-P 82-12-073	308-400-053	NEW-E 82-10-043
308-40-101	AMD 82-04-024	308-115-070	NEW-P 82-12-073	308-400-054	NEW-P 82-08-075A
308-40-102	AMD 82-04-024	308-115-080	NEW-P 82-12-073	308-400-054	NEW 82-13-030
308-40-103	NEW 82-04-024	308-115-090	NEW-P 82-12-073	308-400-056	NEW-P 82-08-075A
308-40-104	NEW 82-04-024	308-115-100	NEW-P 82-12-073	308-400-056	NEW 82-13-030
308-40-105	AMD 82-04-024	308-115-110	NEW-P 82-12-073	308-400-058	NEW-P 82-08-075A
308-40-110	AMD 82-04-024	308-115-120	NEW-P 82-12-073	308-400-058	NEW 82-13-030
308-52-135	AMD 82-03-022	308-115-130	NEW-P 82-12-073	308-400-060	NEW 82-05-014
308-52-140	AMD 82-03-022	308-115-140	NEW-P 82-12-073	308-400-060	AMD-P 82-08-075A
308-52-201	AMD 82-03-022	308-115-150	NEW-P 82-12-073	308-400-060	AMD 82-13-030
308-53-080	AMD-P 82-08-048	308-115-160	NEW-P 82-12-073	308-400-062	NEW-P 82-08-075A

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308-400-063	NEW-E	82-10-043	314-60-901	REP	82-04-030	344-12-080	AMD-P	82-03-051
308-400-070	NEW	82-05-014	314-60-902	REP	82-04-030	344-12-080	AMD	82-12-052
308-400-070	AMD-P	82-08-075A	314-60-903	REP	82-04-030	344-12-085	REP-P	82-03-051
308-400-070	AMD	82-13-030	314-60-904	REP	82-04-030	344-12-085	REP	82-12-052
308-400-080	NEW	82-05-014	314-60-905	REP	82-04-030	344-12-087	NEW-P	82-03-051
308-400-090	NEW	82-05-014	314-60-906	REP	82-04-030	344-12-087	NEW	82-12-052
308-400-090	REP-P	82-08-075A	314-60-907	REP	82-04-030	344-12-090	REP-P	82-03-051
308-400-090	REP	82-13-030	314-64-030	AMD	82-04-035	344-12-090	REP	82-12-052
308-400-092	NEW-P	82-08-075A	314-64-040	AMD	82-04-035	344-12-092	NEW-P	82-03-051
308-400-092	NEW	82-13-030	314-64-050	AMD	82-04-035	344-12-092	NEW	82-12-052
314-12-010	AMD	82-04-031	314-64-080	AMD	82-04-035	344-12-095	AMD-P	82-03-051
314-12-033	NEW-P	82-11-004	314-70-010	AMD-P	82-13-020	344-12-095	AMD	82-12-052
314-12-033	NEW	82-13-105	314-70-020	AMD-P	82-13-020	344-12-098	NEW-P	82-03-051
314-12-035	NEW	82-04-032	314-70-030	AMD-P	82-13-020	344-12-098	NEW	82-12-052
314-12-040	AMD-P	82-07-046	314-70-040	AMD-P	82-13-020	344-12-100	REP-P	82-03-051
314-12-040	AMD	82-10-020	332-24-090	AMD-E	82-07-021	344-12-100	REP	82-12-052
314-16-110	AMD-P	82-13-020	332-24-090	AMD-E	82-09-017	344-12-102	NEW-P	82-03-051
314-16-125	AMD-P	82-13-021	332-24-090	AMD-E	82-11-033	344-12-102	NEW	82-12-052
314-16-160	AMD-P	82-13-020	332-26-080	NEW-E	82-09-058	344-12-105	REP-P	82-03-051
314-16-195	NEW-P	82-10-069	332-26-081	NEW-E	82-11-033	344-12-105	REP	82-12-052
314-16-195	NEW	82-13-069	332-140-010	NEW-E	82-10-050	344-12-107	NEW-P	82-03-051
314-16-200	AMD-P	82-06-046	332-140-010	NEW-P	82-11-090	344-12-107	NEW	82-12-052
314-16-200	AMD-W	82-07-009	332-140-020	NEW-E	82-10-050	344-12-110	REP-P	82-03-051
314-16-200	AMD-P	82-07-014	332-140-020	NEW-P	82-11-090	344-12-110	REP	82-12-052
314-16-200	AMD	82-10-019	332-140-030	NEW-E	82-10-050	344-12-112	NEW-P	82-03-051
314-18-010	NEW-P	82-13-019	332-140-030	NEW-P	82-11-090	344-12-112	NEW	82-12-052
314-18-020	NEW-P	82-13-019	332-140-040	NEW-E	82-10-050	344-12-115	REP-P	82-03-051
314-18-030	NEW-P	82-13-019	332-140-040	NEW-P	82-11-090	344-12-115	REP	82-12-052
314-18-030	NEW-P	82-13-028	332-140-050	NEW-E	82-10-050	344-12-116	NEW-P	82-03-051
314-18-040	NEW-P	82-13-019	332-140-050	NEW-P	82-11-090	344-12-116	NEW	82-12-052
314-18-050	NEW-P	82-13-019	332-140-060	NEW-E	82-10-050	344-12-120	REP-P	82-03-051
314-18-060	NEW-P	82-13-019	332-140-060	NEW-P	82-11-090	344-12-120	REP	82-12-052
314-18-070	NEW-P	82-13-019	332-140-070	NEW-E	82-10-050	344-12-125	AMD-P	82-03-051
314-18-080	NEW-P	82-13-019	332-140-070	NEW-P	82-11-090	344-12-125	AMD	82-12-052
314-18-090	NEW-P	82-13-019	332-140-090	NEW-E	82-10-050	344-12-130	REP-P	82-03-051
314-18-100	NEW-P	82-13-019	332-140-090	NEW-P	82-11-090	344-12-130	REP	82-12-052
314-20-070	AMD-P	82-13-020	332-140-100	NEW-E	82-10-050	344-12-131	NEW-P	82-03-051
314-20-100	AMD-P	82-10-068	332-140-100	NEW-P	82-11-090	344-12-131	NEW	82-12-052
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314-24-190	AMD-P	82-10-068	344-12	AMD-C	82-09-003	344-12-140	AMD-P	82-03-051
314-24-190	AMD-C	82-13-104	344-12-001	AMD-P	82-03-051	344-12-140	AMD	82-12-052
314-24-200	AMD-P	82-10-068	344-12-001	AMD	82-12-052	344-12-145	NEW-P	82-03-051
314-24-200	AMD-C	82-13-104	344-12-010	AMD-P	82-03-051	344-12-145	NEW	82-12-052
314-24-210	AMD-P	82-13-020	344-12-010	AMD	82-12-052	344-12-150	NEW-P	82-03-051
314-27-010	AMD-P	82-13-020	344-12-015	AMD-P	82-03-051	344-12-150	NEW	82-12-052
314-38-010	NEW-P	82-10-070	344-12-015	AMD	82-12-052	344-12-155	NEW-P	82-03-051
314-38-010	NEW	82-13-068	344-12-020	AMD-P	82-03-051	344-12-155	NEW	82-12-052
314-40-010	AMD-P	82-10-069	344-12-020	AMD	82-12-052	344-12-200	NEW-P	82-03-051
314-40-010	AMD	82-13-069	344-12-025	AMD-P	82-03-051	344-12-200	NEW	82-12-052
314-40-040	AMD	82-04-028	344-12-025	AMD	82-12-052	344-12-205	NEW-P	82-03-051
314-44-005	AMD	82-04-029	344-12-030	AMD-P	82-03-051	344-12-205	NEW	82-12-052
314-52-005	AMD-P	82-13-018	344-12-030	AMD	82-12-052	344-12-210	NEW-P	82-03-051
314-52-010	AMD-P	82-13-018	344-12-035	AMD-P	82-03-051	344-12-210	NEW	82-12-052
314-52-015	AMD-P	82-13-018	344-12-035	AMD	82-12-052	344-12-215	NEW-P	82-03-051
314-52-020	AMD-P	82-13-018	344-12-040	AMD-P	82-03-051	344-12-215	NEW	82-12-052
314-52-030	AMD-P	82-13-018	344-12-040	AMD	82-12-052	344-12-225	NEW-P	82-03-051
314-52-040	AMD-P	82-13-018	344-12-045	NEW-P	82-03-051	344-12-225	NEW	82-12-052
314-52-060	REP-P	82-13-018	344-12-045	NEW	82-12-052	344-12-230	NEW-P	82-03-051
314-52-070	AMD-P	82-13-018	344-12-050	AMD-P	82-03-051	344-12-230	NEW	82-12-052
314-52-080	AMD-P	82-13-018	344-12-050	AMD	82-12-052	344-12-235	NEW-P	82-03-051
314-52-085	NEW-P	82-13-018	344-12-055	AMD-P	82-03-051	344-12-235	NEW	82-12-052
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314-52-110	AMD-P	82-13-018	344-12-060	AMD-P	82-03-051	344-12-245	NEW	82-12-052
314-52-111	REP-P	82-13-018	344-12-060	AMD	82-12-052	344-12-250	NEW-P	82-03-051
314-52-112	REP-P	82-13-018	344-12-063	NEW-P	82-03-051	344-12-250	NEW	82-12-052
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390-37-300	REP-P	82-11-024	419-24-020	REP	82-13-015	434-50-040	NEW-P	82-12-072
390-37-305	REP-P	82-11-024	419-24-030	REP-P	82-09-075	434-50-045	NEW-P	82-12-072
390-37-312	REP-P	82-11-024	419-24-030	REP	82-13-015	434-50-050	NEW-P	82-12-072
390-37-320	REP-P	82-11-024	419-32-010	REP-P	82-09-075	434-50-055	NEW-P	82-12-072
392-109-040	AMD-P	82-13-032	419-32-010	REP	82-13-015	434-91-010	NEW-P	82-09-061
392-109-065	AMD-P	82-13-032	419-32-020	REP-P	82-09-075	434-91-010	NEW	82-12-022
392-109-072	NEW-P	82-13-032	419-32-020	REP	82-13-015	434-91-020	NEW-P	82-09-061
392-129-010	AMD-P	82-13-034	419-32-030	REP-P	82-09-075	434-91-020	NEW	82-12-022
392-136-005	AMD-P	82-13-031	419-32-030	REP	82-13-015	434-91-030	NEW-P	82-09-061
392-136-020	AMD-P	82-13-033	419-32-040	REP-P	82-09-075	434-91-030	NEW	82-12-022
392-139-005	AMD-P	82-05-026	419-32-040	REP	82-13-015	434-91-040	NEW-P	82-09-061
392-139-005	AMD	82-07-085	419-32-050	REP-P	82-09-075	434-91-040	NEW	82-12-022
392-139-021	AMD-P	82-02-089	419-32-050	REP	82-13-015	434-91-050	NEW-P	82-09-061
392-139-021	AMD-E	82-02-090	419-32-060	REP-P	82-09-075	434-91-050	NEW	82-12-022
392-139-021	AMD	82-05-025	419-32-060	REP	82-13-015	434-91-060	NEW-P	82-09-061
392-140	AMD-C	82-07-028	419-48-010	REP-P	82-09-076	434-91-060	NEW	82-12-022
392-140-010	AMD-E	82-04-050	419-48-010	REP	82-13-016	434-91-070	NEW-P	82-09-061
392-140-010	AMD-P	82-04-061	419-48-020	REP-P	82-09-076	434-91-070	NEW	82-12-022
392-140-010	AMD	82-07-058	419-48-020	REP	82-13-016	434-91-080	NEW-P	82-09-061
392-140-011	AMD-E	82-04-050	419-48-030	REP-P	82-09-076	434-91-080	NEW	82-12-022
392-140-011	AMD-P	82-04-061	419-48-030	REP	82-13-016	434-91-090	NEW-P	82-09-061
392-140-011	AMD	82-07-058	419-48-040	REP-P	82-09-076	434-91-090	NEW	82-12-022
392-140-014	AMD-E	82-04-050	419-48-040	REP	82-13-016	434-91-100	NEW-P	82-09-061
392-140-014	AMD-P	82-04-061	419-48-051	REP-P	82-09-076	434-91-100	NEW	82-12-022
392-140-014	AMD	82-07-058	419-48-051	REP	82-13-016	434-91-110	NEW-P	82-09-061
392-140-015	AMD-E	82-04-050	419-48-052	REP-P	82-09-076	434-91-110	NEW	82-12-022
392-140-015	AMD-P	82-04-061	419-48-052	REP	82-13-016	434-91-120	NEW-P	82-09-061
392-140-015	AMD	82-07-058	419-48-053	REP-P	82-09-076	434-91-120	NEW	82-12-022
392-140-016	AMD-E	82-04-050	419-48-053	REP	82-13-016	434-91-130	NEW-P	82-09-061
392-140-016	AMD-P	82-04-061	419-48-054	REP-P	82-09-076	434-91-130	NEW	82-12-022
392-140-016	AMD	82-07-058	419-48-054	REP	82-13-016	434-91-140	NEW-P	82-09-061
392-140-018	AMD-E	82-04-050	419-48-055	REP-P	82-09-076	434-91-140	NEW	82-12-022
392-140-018	AMD-P	82-04-061	419-48-055	REP	82-13-016	434-91-150	NEW-P	82-09-061
392-140-018	AMD	82-07-058	419-48-060	REP-P	82-09-076	434-91-150	NEW	82-12-022
392-140-019	AMD-E	82-04-050	419-48-060	REP	82-13-016	434-91-160	NEW-P	82-09-061
392-140-019	AMD-P	82-04-061	419-48-070	REP-P	82-09-076	434-91-160	NEW	82-12-022
392-140-019	AMD	82-07-058	419-48-070	REP	82-13-016	434-91-170	NEW-P	82-09-061
392-140-020	AMD-E	82-04-050	419-48-080	REP-P	82-09-076	440-44	NEW-C	82-12-028
392-140-020	AMD-P	82-04-061	419-48-080	REP	82-13-016	440-44-001	NEW-E	82-08-078
392-140-020	AMD	82-07-058	419-48-090	REP-P	82-09-076	440-44-001	NEW-P	82-08-080
419-14-010	REP-E	82-09-047	419-48-090	REP	82-13-016	440-44-001	NEW	82-13-011
419-14-010	REP-P	82-09-075	419-48-100	REP-P	82-09-076	440-44-002	NEW-E	82-08-078
419-14-010	REP	82-13-015	419-48-100	REP	82-13-016	440-44-002	NEW-P	82-08-080
419-14-020	NEW-E	82-09-047	419-48-110	REP-P	82-09-076	440-44-002	NEW	82-13-011
419-14-020	NEW-P	82-09-075	419-48-110	REP	82-13-016	440-44-010	NEW-E	82-08-078
419-14-020	NEW	82-13-015	419-48-120	REP-P	82-09-076	440-44-010	NEW-P	82-08-080
419-14-030	NEW-E	82-09-047	419-48-120	REP	82-13-016	440-44-010	NEW	82-13-011
419-14-030	NEW-P	82-09-075	419-48-130	REP-P	82-09-076	440-44-015	NEW-E	82-08-078
419-14-030	NEW	82-13-015	419-48-130	REP	82-13-016	440-44-015	NEW-P	82-08-080
419-14-040	NEW-E	82-09-047	419-48-140	REP-P	82-09-076	440-44-015	NEW	82-13-011
419-14-040	NEW-P	82-09-075	419-48-140	REP	82-13-016	440-44-020	NEW-E	82-08-078
419-14-040	NEW	82-13-015	419-48-150	REP-P	82-09-076	440-44-020	NEW-P	82-08-080
419-14-050	NEW-E	82-09-047	419-48-150	REP	82-13-016	440-44-020	NEW	82-13-011
419-14-050	NEW-P	82-09-075	419-52-010	NEW-E	82-02-075	440-44-023	NEW-E	82-08-078
419-14-050	NEW	82-13-015	419-52-010	NEW-P	82-04-044	440-44-023	NEW-P	82-08-080
419-14-060	NEW-E	82-09-047	419-52-010	NEW	82-08-023	440-44-023	NEW	82-13-011
419-14-060	NEW-P	82-09-075	419-52-020	NEW-E	82-02-075	440-44-025	NEW-E	82-08-078
419-14-060	NEW	82-13-015	419-52-020	NEW-P	82-04-044	440-44-025	NEW-P	82-08-080
419-14-070	NEW-E	82-09-047	419-52-020	NEW	82-08-023	440-44-025	NEW	82-13-011
419-14-070	NEW-P	82-09-075	419-52-030	NEW-E	82-02-075	440-44-026	NEW-P	82-13-078
419-14-070	NEW	82-13-015	419-52-030	NEW-P	82-04-044	440-44-030	NEW-E	82-08-078
419-14-080	NEW-E	82-11-019	419-52-030	NEW	82-08-023	440-44-030	NEW-P	82-08-080
419-18-010	REP-E	82-09-048	434-16-010	REP	82-05-014	440-44-030	NEW	82-13-011
419-18-010	REP-P	82-09-076	434-16-020	REP	82-05-014	440-44-035	NEW-E	82-08-078
419-18-010	REP	82-13-016	434-16-030	REP	82-05-014	440-44-035	NEW-P	82-08-080
419-18-020	NEW-E	82-09-048	434-16-040	REP	82-05-014	440-44-035	NEW	82-13-011
419-18-020	NEW-P	82-09-076	434-16-050	REP	82-05-014	440-44-040	NEW-E	82-08-078
419-18-020	NEW	82-13-016	434-16-060	REP	82-05-014	440-44-040	NEW-P	82-08-080
419-18-030	NEW-E	82-09-048	434-16-070	REP	82-05-014	440-44-040	NEW	82-13-011
419-18-030	NEW-P	82-09-076	434-16-080	REP	82-05-014	440-44-045	NEW-E	82-08-078
419-18-030	NEW	82-13-016	434-16-090	REP	82-05-014	440-44-045	NEW-P	82-08-080
419-18-040	NEW-E	82-09-048	434-50-010	NEW-P	82-12-072	440-44-045	NEW	82-13-011

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
440-44-050	NEW-E	82-08-078	458-61-130	NEW-P	82-09-074	460-44A-506	NEW-E	82-12-026
440-44-050	NEW-P	82-08-080	458-61-140	NEW-P	82-09-074	460-46A-010	NEW-P	82-12-070
440-44-050	NEW	82-13-011	458-61-200	NEW-P	82-09-074	460-46A-020	NEW-P	82-12-070
440-44-055	NEW-E	82-08-078	458-61-210	NEW-P	82-09-074	460-46A-025	NEW-P	82-12-070
440-44-055	NEW-P	82-08-080	458-61-220	NEW-P	82-09-074	460-46A-030	NEW-P	82-12-070
440-44-055	NEW	82-13-011	458-61-230	NEW-P	82-09-074	460-46A-040	NEW-P	82-12-070
440-44-055	REP-P	82-13-039	458-61-240	NEW-P	82-09-074	460-46A-050	NEW-P	82-12-070
440-44-057	NEW-P	82-13-039	458-61-250	NEW-P	82-09-074	460-46A-060	NEW-P	82-12-070
440-44-065	NEW-E	82-08-078	458-61-260	NEW-P	82-09-074	460-46A-070	NEW-P	82-12-070
440-44-065	NEW-P	82-08-080	458-61-270	NEW-P	82-09-074	460-46A-080	NEW-P	82-12-070
440-44-070	NEW-E	82-08-078	458-61-280	NEW-P	82-09-074	460-46A-085	NEW-P	82-12-070
440-44-070	NEW-P	82-08-080	458-61-290	NEW-P	82-09-074	460-46A-090	NEW-P	82-12-070
440-44-075	NEW-E	82-08-078	458-61-300	NEW-P	82-09-074	460-46A-095	NEW-P	82-12-070
440-44-075	NEW-P	82-08-080	458-61-310	NEW-P	82-09-074	460-46A-100	NEW-P	82-12-070
440-44-080	NEW-E	82-08-078	458-61-320	NEW-P	82-09-074	460-46A-105	NEW-P	82-12-070
440-44-080	NEW-P	82-08-080	458-61-330	NEW-P	82-09-074	460-46A-110	NEW-P	82-12-070
440-44-085	NEW-P	82-08-081	458-61-340	NEW-P	82-09-074	460-46A-120	NEW-P	82-12-070
440-44-085	NEW-C	82-12-029	458-61-350	NEW-P	82-09-074	460-46A-145	NEW-P	82-12-070
440-44-085	NEW	82-13-010	458-61-360	NEW-P	82-09-074	460-46A-150	NEW-P	82-12-070
446-50-080	AMD-E	82-04-037	458-61-370	NEW-P	82-09-074	460-46A-155	NEW-P	82-12-070
446-50-080	AMD-P	82-04-038	458-61-380	NEW-P	82-09-074	460-46A-160	NEW-P	82-12-070
446-50-080	AMD	82-07-100	458-61-390	NEW-P	82-09-074	460-46A-165	NEW-P	82-12-070
458-19-550	AMD	82-06-006	458-61-400	NEW-P	82-09-074	463-30-020	AMD-E	82-04-036
458-20-103	AMD-E	82-06-037	458-61-410	NEW-P	82-09-074	463-30-020	AMD-P	82-04-056
458-20-103	AMD-P	82-09-073	458-61-420	NEW-P	82-09-074	463-30-020	AMD	82-10-027
458-20-103	AMD	82-12-021	458-61-430	NEW-P	82-09-074	463-30-030	AMD-E	82-04-036
458-20-119	AMD-E	82-10-029	458-61-440	NEW-P	82-09-074	463-30-030	AMD-P	82-04-056
458-20-119	AMD-P	82-13-091	458-61-450	NEW-P	82-09-074	463-30-040	AMD	82-10-027
458-20-237	AMD-P	82-03-049	458-61-460	NEW-P	82-09-074	463-30-040	AMD-E	82-04-036
458-20-237	AMD	82-06-020	458-61-470	NEW-P	82-09-074	463-30-040	AMD-P	82-04-056
458-20-237	AMD-E	82-10-030	458-61-480	NEW-P	82-09-074	463-30-040	REP	82-10-027
458-20-237	AMD-P	82-13-090	458-61-490	NEW-P	82-09-074	463-30-320	AMD-E	82-04-036
458-20-244	AMD-E	82-10-028	458-61-500	NEW-P	82-09-074	463-30-320	AMD-P	82-04-056
458-20-244	AMD-P	82-13-092	458-61-510	NEW-P	82-09-074	463-30-320	AMD	82-10-027
458-40-18600	AMD-P	82-10-055	458-61-520	NEW-P	82-09-074	463-39-115	AMD-P	82-11-067
458-40-18670	NEW-P	82-10-055	458-61-530	NEW-P	82-09-074	468-62-010	REP-P	82-09-057
458-40-18671	NEW-P	82-10-055	458-61-540	NEW-P	82-09-074	468-62-010	REP	82-13-014
458-40-18672	NEW-P	82-10-055	458-61-550	NEW-P	82-09-074	468-62-020	REP-P	82-09-057
458-40-18673	NEW-P	82-10-055	458-61-560	NEW-P	82-09-074	468-62-020	REP	82-13-014
458-40-18674	NEW-P	82-10-055	458-61-570	NEW-P	82-09-074	468-62-030	REP-P	82-09-057
458-40-18675	NEW-P	82-10-055	458-61-580	NEW-P	82-09-074	468-62-030	REP	82-13-014
458-40-18676	NEW-P	82-10-055	458-61-590	NEW-P	82-09-074	468-62-040	REP-P	82-09-057
458-40-18677	NEW-P	82-10-055	458-61-600	NEW-P	82-09-074	468-62-040	REP	82-13-014
458-40-18678	NEW-P	82-10-055	458-61-610	NEW-P	82-09-074	468-62-050	REP-P	82-09-057
458-40-19000	AMD-P	82-10-055	458-61-620	NEW-P	82-09-074	468-62-050	REP	82-13-014
458-40-19001	AMD-P	82-10-055	458-61-630	NEW-P	82-09-074	468-62-060	REP-P	82-09-057
458-40-19002	AMD-P	82-10-055	458-61-640	NEW-P	82-09-074	468-62-060	REP	82-13-014
458-40-19003	AMD-P	82-10-055	458-61-650	NEW-P	82-09-074	468-300-010	AMD-P	82-04-045
458-40-19004	AMD-P	82-10-055	458-61-660	NEW-P	82-09-074	468-300-010	AMD	82-07-063
458-40-19300	AMD-P	82-04-067	458-61-670	NEW-P	82-09-074	468-300-020	AMD-P	82-04-045
458-40-19300	AMD	82-07-086	458-61-680	NEW-P	82-09-074	468-300-020	AMD	82-07-063
458-53-070	AMD-P	82-05-029	460-16A-108	NEW-P	82-12-071	468-300-030	AMD-P	82-04-045
458-53-070	AMD	82-08-061	460-44A-010	REP-P	82-12-025	468-300-030	AMD	82-07-063
458-53-100	AMD-P	82-05-029	460-44A-010	REP-E	82-12-026	468-300-040	AMD-P	82-04-045
458-53-100	AMD	82-08-061	460-44A-010	RES-E	82-13-097	468-300-040	AMD	82-07-063
458-53-150	AMD-P	82-05-029	460-44A-020	REP-P	82-12-025	468-300-050	REP-P	82-04-045
458-53-150	AMD	82-08-061	460-44A-020	REP-E	82-12-026	468-300-050	REP	82-07-063
458-60-002	REP-P	82-09-074	460-44A-020	RES-E	82-13-097	478-116-600	AMD-P	82-10-056
458-60-010	REP-P	82-09-074	460-44A-030	REP-P	82-12-025	478-116-600	AMD	82-13-100
458-60-020	REP-P	82-09-074	460-44A-030	REP-E	82-12-026	478-136-010	AMD-P	82-09-039
458-60-030	REP-P	82-09-074	460-44A-030	RES-E	82-13-097	478-136-012	NEW-P	82-09-039
458-60-040	REP-P	82-09-074	460-44A-041	REP-P	82-12-025	478-136-015	NEW-P	82-09-039
458-60-045	REP-P	82-09-074	460-44A-041	REP-E	82-12-026	478-136-025	NEW-P	82-09-039
458-60-046	REP-P	82-09-074	460-44A-041	RES-E	82-13-097	478-136-030	AMD-P	82-09-039
458-60-048	REP-P	82-09-074	460-44A-045	REP-P	82-12-025	478-136-040	AMD-P	82-09-039
458-61-010	NEW-P	82-09-074	460-44A-045	REP-E	82-12-026	478-136-060	NEW-P	82-09-039
458-61-020	NEW-P	82-09-074	460-44A-045	RES-E	82-13-097	480-12-031	AMD-P	82-13-066
458-61-030	NEW-P	82-09-074	460-44A-500	NEW-P	82-12-025	480-12-033	AMD-P	82-09-038
458-61-040	NEW-P	82-09-074	460-44A-500	NEW-E	82-12-026	480-12-033	AMD	82-12-060
458-61-050	NEW-P	82-09-074	460-44A-500	AMD-E	82-13-097	480-12-081	NEW-P	82-13-066
458-61-060	NEW-P	82-09-074	460-44A-501	NEW-P	82-12-025	480-12-082	NEW-P	82-13-066
458-61-070	NEW-P	82-09-074	460-44A-501	NEW-E	82-12-026	480-12-096	REP-P	82-13-066
458-61-080	NEW-P	82-09-074	460-44A-502	NEW-P	82-12-025	480-12-110	AMD-P	82-09-037
458-61-090	NEW-P	82-09-074	460-44A-502	NEW-E	82-12-026	480-12-110	AMD	82-12-062
458-61-100	NEW-P	82-09-074	460-44A-503	NEW-P	82-12-025	480-12-195	AMD-E	82-02-083
458-61-110	NEW-P	82-09-074	460-44A-503	NEW-E	82-12-026	480-12-195	AMD-P	82-02-086
458-61-120	NEW-P	82-09-074	460-44A-506	NEW-P	82-12-025	480-12-195	AMD	82-05-022

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WAC #	AMD	WSR #	WAC #	REP	WSR #
480-12-195	AMD-E	82-09-041	516-20-181	REP	82-11-063
480-12-195	AMD-P	82-09-042	516-20-182	REP-P	82-05-038
480-12-195	AMD	82-12-061	516-20-182	REP	82-11-063
480-12-350	AMD-P	82-09-036	516-20-185	REP-P	82-05-038
480-12-350	AMD	82-12-063	516-20-185	REP	82-11-063
480-62-090	AMD-E	82-02-085	516-20-190	REP-P	82-05-038
480-62-090	AMD-P	82-02-088	516-20-190	REP	82-11-063
480-62-090	AMD	82-05-020	516-20-195	REP-P	82-05-038
480-70-150	AMD-P	82-10-018	516-20-195	REP	82-11-063
480-70-150	AMD	82-13-089	516-20-200	REP-P	82-05-038
480-70-400	AMD-E	82-02-084	516-20-200	REP	82-11-063
480-70-400	AMD-P	82-02-087	516-20-210	REP-P	82-05-038
480-70-400	AMD	82-05-021	516-20-210	REP	82-11-063
480-80-125	AMD-P	82-05-047	516-20-215	REP-P	82-05-038
480-80-125	AMD-C	82-07-092	516-20-215	REP	82-11-063
480-80-125	AMD-C	82-10-066	516-22-005	NEW-P	82-05-038
480-80-125	AMD-C	82-13-067	516-22-005	NEW	82-11-063
480-80-125	AMD	82-13-088	516-22-010	NEW-P	82-05-038
490-03-010	AMD-P	82-09-066	516-22-010	NEW	82-11-063
490-03-010	AMD-W	82-12-017	516-22-015	NEW-P	82-05-038
490-03-010	AMD-P	82-13-093	516-22-015	NEW	82-11-063
490-28A-003	NEW-P	82-13-093	516-22-020	NEW-P	82-05-038
490-28A-011	NEW-P	82-09-066	516-22-020	NEW	82-11-063
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