

OCTOBER 6, 1982

OLYMPIA, WASHINGTON

ISSUE 82-19



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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$95 per year, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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Gary Reid,
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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.

1982 - 1983

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

<u>Issue No.</u>	<u>Closing Dates¹</u>			<u>Distribution Date</u>	<u>First Agency Action Date³</u>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
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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.

³"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-18-065
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 1872—Filed September 1, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing homes, amending chapter 248-14 WAC.

This action is taken pursuant to Notice Nos. WSR 82-13-037 and 82-17-002 filed with the code reviser on June 9, 1982 and August 5, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.42.620 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.42 RCW.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 1, 1982.

By David A. Hogan
 Director, Division of Administration

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 certified 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 based on the 1982 criteria for registration, 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.

~~((+2))~~ (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))~~ resident.

(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."

~~((+3))~~ (16) "Drug facility" – a room or area designed and equipped for drug storage and the preparation of drugs for administration.

~~((+4))~~ (17) "Facilities" – a room or area and/or equipment to serve one or more specific functions.

~~((+5))~~ (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 ~~((+0))~~ 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 ~~((+8))~~ eighteen feet from the building.

~~((+6))~~ (19) "Immediate supervision" – on-site supervision of one or more persons.

~~((+7))~~ (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.

~~((+8))~~ (21) "Lavatory" – a handwashing sink.

~~((+9))~~ (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))~~ residents 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 nonresident 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))~~ Residents 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 or continuous observation and intervention of a ~~((licensed physician and/or-a))~~ registered nurse, and the supervision of a licensed physician or authorized Christian Science practitioner or authorized practitioner. These ~~((patients))~~ residents require ~~((ongoing))~~ on-going 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))~~ Resident needs include ~~((ongoing))~~ on-going evaluations, care plan revisions, and the teaching necessary to provide for ~~((those))~~ residents whose condition is unstable and/or complex.

(d) "~~((Patients))~~ Residents requiring intermediate nursing care" – ~~((those))~~ residents whose physiological and psychological ~~((conditions and needs are relatively))~~ functioning is stable, but ~~((who))~~ require individually planned ~~((health programs))~~ treatment and services under the daily direction of a registered nurse ~~((for))~~ or a licensed nurse with registered nurse consultation as provided by exemption and the 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)) of a licensed physician or authorized Christian Science practitioner. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "~~((Patients))~~ Residents 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 over-all program plan.

~~((26))~~ (29) "Peninsular (or island) bathtub" – a bathtub ~~((which-has))~~ having sufficient clearances around both sides and one end to accommodate ~~((patients))~~ residents, 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 certified registered nurse under chapter 18.88 RCW ~~((when))~~ as 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.

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 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 nourishments shall be provided as needed.

~~((d))~~ (c) Tube feedings must be of uniform consistency and quality. Facility prepared tube feedings must be made from a written recipe. The ~~((diets))~~ tube feedings 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))~~ resident's room, shall be available to all ~~((those who can eat))~~ residents capable of eating at a table. Table service shall be provided in a manner ~~((that with))~~ 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))~~ three 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 resident abuse shall be kept prominently posted in the nursing home.

(8) Any event that requires or may require the evacuation to another address of all or part of the nursing home's residents shall be reported immediately to the licensing agency of 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)) 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)) resident 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 on 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 want to be informed;

(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))~~ resident 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))~~ Residents 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))~~ resident needs.

(3) The ~~((patient))~~ resident 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)) resident's current health status with attention to special physical and ~~((psycho-social))~~ psychosocial limitations and needs.

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet, and ~~((precautions and limitations))~~ any restrictions related to activities.

(c) ~~((A statement of rehabilitation potential and))~~ Plans for continuing care and discharge.

(5) Overall ~~((patient's))~~ resident'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))~~ residents.

(a) Nursing services shall be under the direction of a full-time registered nurse.

(b) When any ~~((patient))~~ resident 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))~~ their 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.

(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))~~ resident 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 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))~~ resident 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))~~ resident'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))~~ five days 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))~~ resident 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 1586, filed 1/8/81)

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:~~

~~(c) If drugs are maintained for emergency use, a system for their control and accountability shall be established:~~

~~(d) There shall be procedures for reporting and reviewing medication errors and adverse drug reactions:~~

~~(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.~~

(2) Administration of pharmaceutical services.

(a) There shall be provision for timely delivery of drugs and biologicals.

(b) Safe and effective drug therapy, distribution, control, and use shall be ensured.

(c) If drugs are maintained for emergency use, a system for drug control and accountability shall be established.

(d) Medication errors and adverse drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug.

(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)))~~ book or books 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 1586, filed 1/8/81)

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))~~ Resident 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 and processed in a manner ~~((that prevents))~~ preventing cross-contamination and rendering linen and clothing clean and sanitary.

~~((b))~~ Soiled linen and personal clothing shall be processed in a manner that renders them clean and sanitary.

~~((i))~~ (a) The ~~((time/temperature))~~ time and/or temperature of at least one hot water cycle to disinfect linen shall be fifteen minutes at ~~((140))~~ one hundred forty degrees ~~((F:))~~ Fahrenheit or five minutes at ~~((160))~~ one hundred sixty degrees ~~((F))~~ Fahrenheit.

~~((ii))~~ (b) 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.

~~((10))~~ (9) All bathtubs and therapy tanks shall be cleaned and disinfected between ~~((patient))~~ resident use.

~~((11))~~ (10) Hand cleaning supplies and drying ~~((equipment/material))~~ equipment and/or material shall be readily available at each sink.

~~((12))~~ (11) If bathing facilities are used for storage, provisions are made to render the bathing facilities clean and sanitary prior to ~~((patient))~~ resident use.

AMENDATORY SECTION (Amending Order 1586, filed 1/8/81)

WAC 248-14-520 HOUSEKEEPING. ~~((1))~~ 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 1586, filed 1/8/81)

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 1586, filed 1/8/81)

WAC 248-14-540 SAFETY. (1) A safe environment for all residents, personnel, and public shall be maintained.

(2) Hot water at ~~((patient))~~ resident lavatories, baths, and showers shall be maintained at temperature of ~~((110))~~ one hundred ten degrees ((F-)) Fahrenheit, plus or minus ~~((10))~~ 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))~~ residents, 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)) residents with related conditions.

~~((9))~~ (8) Portable electric appliances used for heating and cooking shall be used or stored in designated areas.

~~((10))~~ (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 residents object to the presence of pets.

AMENDATORY SECTION (Amending Order 1586, filed 1/8/81)

WAC 248-14-550 ~~((PATIENT))~~ RESIDENT 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))~~ resident 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))~~ Resident 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))~~ residents.

(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 accessible as necessary to meet resident needs.

~~((c))~~ (b) Clean and sterile items shall be stored separately from soiled items.

~~((d))~~ (c) There shall be, for each ((patient)) resident, separated, enclosed, storage facilities for ((patient)) resident clothing and personal belongings.

AMENDATORY SECTION (Amending Order 1586, filed 1/8/81)

WAC 248-14-560 EQUIPMENT. (1) Maintenance.

~~((a) 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))~~ There shall be an operative electrical call system ((shall be)) accessible to unattended ((patients)) residents in bed, at the bedside, and in ((toilet/bathing)) toilet and/or bathing areas, unless the ((patient)) resident 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))~~ resident.

(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 noncombustible shield.

(c) Emergency lighting facilities or equipment shall be available.

(6) ~~((Patient))~~ Resident furniture and equipment needs shall be determined at the time of admission and routinely thereafter to ensure ~~((patient))~~ resident comfort. Justification for deviation from the normal environment provided by the facility needs to be documented in the ~~((patient's))~~ resident's health record. Each resident 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))~~ resident 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))~~ resident use.

(8) Multibed rooms shall have flame-retardant cubicle curtains.

REPEALER

The following sections of Washington Administrative Code are repealed:

- (1) WAC 248-14-115 COMMUNICATION.
- (2) WAC 248-14-401 ASSESSMENTS.

WSR 82-19-001

NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY

[Memorandum—August 31, 1982]

The board of trustees of Western Washington University have cancelled their regular meeting on Thursday, September 2, 1982, at 1:30 p.m., in Old Main 340 on the campus of the university.

There will be a special meeting of the board of trustees on Thursday, September 9, 1982, at 1:30 p.m., at the Friday Harbor Laboratory, University Road, Friday Harbor, WA.

WSR 82-19-002

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 82-126—Filed September 2, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of hatchery surplus salmon are available at Camas Slough. Mainstem Columbia River fall chinook stocks are under protection by federal court order.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 2, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-16000W COLUMBIA RIVER—CAMAS SLOUGH Notwithstanding the provisions of WAC 220-57-190, effective immediately until 11:59 p.m. September 30, 1982, (1) The bag limit in those waters of the Columbia River known as Camas Slough upstream of a line projected true north from the western tip of Lady Island to the mainland to a line projected in a southerly direction from the Crown Zellerbach pump house to a Fisheries boundary marker near the eastern end of Lady Island is "A".

(2) In all other waters of the Columbia River between the Megler-Astoria Bridge and the Hood River Bridge, the bag limit is "A", except that all chinook salmon over 24 inches in length must be released and only barbless hooks may be used to fish for salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000V COLUMBIA RIVER (82-122)

WSR 82-19-003

EMERGENCY RULES DEPARTMENT OF FISHERIES

[Order 82-127—Filed September 2, 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 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 the emergency is these rules are the result of federal court order.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 2, 1982.

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

NEW SECTION

WAC 220-32-05100R SEASONS—SALMON Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish immediately until noon, September 3, 1982 in areas 1F, 1G and 1H using net gear with an eight inch minimum mesh restriction and may fish noon September 7, 1982, to noon September 11, 1982 in area 1F downstream of the Hood River Bridge using net gear with an eight inch minimum mesh restriction.

NEW SECTION

WAC 220-32-05800J CLOSED AREAS SALMON—RIVER MOUTHS Notwithstanding the provisions of WAC 220-32-058, effective immediately to noon September 3, 1982 and noon September 7, 1982, to noon September 11, 1982 the sanctuary provisions at the mouths of the Wind River, Little White Salmon River and White Salmon River are repealed for individuals participating in a legal commercial salmon fishery.

WSR 82-19-004

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-123—Filed September 3, 1982]

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

I, Rolland A. Schmitt, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of fall coho salmon are available.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 1, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-14000B CHEHALIS RIVER Notwithstanding the provisions of WAC 220-57-140, effective September 15, 1982 through November 30, 1982 the bag limit in those waters of the Chehalis River downstream from the markers approximately 1/2 mile above the Porter Bridge downstream to the Union Pacific Railroad Bridge in Aberdeen is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-23000A ELK RIVER Notwithstanding the provisions of WAC 220-57-230, effective October 1, 1982, through November 30, 1982, the bag limit on those waters of the Elk River downstream from the confluence of the west and middle forks to the Highway 105 Bridge is "A" except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-28000B HOQUIAM RIVER Notwithstanding the provisions of WAC 220-57-280, effective October 1, 1982 through November 30, 1982, the bag limit in the main Hoquiam River and tributaries and the bag limit in the East Fork of the Hoquiam River downstream from the game department access area below Berryman Creek is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-28500D HUMPTULIPS RIVER Notwithstanding the provisions of WAC 220-57-285, effective October 1, 1982 through November 30, 1982, the bag limit in those waters of the Humptulips River downstream from the Highway 101 Bridge to the Highway 109 Bridge is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-30000A *JOHNS RIVER* Notwithstanding the provisions of WAC 220-57-300, effective October 1, 1982 through November 30, 1982, the bag limit in those waters of the Johns River downstream from the Old M and B logging camp bridge at the upper boundary of the Johns River Game Range to the Highway 105 Bridge is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-52000B *WISHKAH RIVER* Notwithstanding the provisions of WAC 220-57-520, effective October 1, 1982 through November 30, 1982 the bag limit in those waters of the Wishkah River downstream from the mouth of the West Fork is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

NEW SECTION

WAC 220-57-52500B *WYNOOCHEE RIVER* Notwithstanding the provisions of WAC 220-57-525, effective immediately through November 30, 1982, the bag limit on those waters of the Wynoochee River downstream from the mouth of Schafer Creek is "A", except that all chinook salmon over 24 inches in length and all chum salmon must be released.

WSR 82-19-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-125—Filed September 3, 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 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 the emergency is harvestable numbers of hatchery surplus salmon are available.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 2, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-32-03600N *CLOSED AREAS SALMON—RIVER MOUTHS* Notwithstanding the provisions of WAC 220-32-036, it is unlawful to take, fish for or possess salmon taken for commercial purposes with gill net gear in those waters of Camas Slough upstream of a line projected true north from the western tip of Lady Island to mainland upstream to a line projected from the Crown Zellerbach pumphouse to a Fisheries boundary marker near the eastern end of Lady Island except during the open fishing periods 6:00 p.m. September 7, 1982, to 6:00 p.m. September 10, 1982 and 6:00 p.m. September 13, 1982 to 6:00 p.m. September 17, 1982.

The following special provisions apply to the open fishery periods.

(1) Lawful gear will be "terminal nets" defined as a gill net no more than 100 fathoms in length measured at the cork line, which may be free floating or stationary if it is not staked or tied to a fixed object and which is attended at all times. It is unlawful at any time to leave a terminal net unattended or to anchor or stake a terminal net. It is unlawful to use or have in possession a terminal net having a mesh size of less than 5 inches.

(2) It is unlawful for anyone other than a Washington licensed fisherman to gill net in this fishery.

(3) It is unlawful for the owner or operator of any fishing gear to fail to submit such gear or catch to the inspection in any manner specified by authorized representatives of the Department of Fisheries.

(4) It is unlawful for anyone except a Washington licensed wholesale fish dealer to possess or transport outside of the area of this fishery any salmon taken in this fishery, except when there is a legal mainstem Columbia River commercial gill net season.

WSR 82-19-006
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 23
 [September 2, 1982]

COUNTIES—DISTRICTS—JOINT PARK AND RECREATION DISTRICT—AUTHORITY OF COUNTY COMMISSIONERS TO EXCLUDE LAND

(1) Where the residents of two adjoining counties petition for the creation of a joint park and recreation district under RCW 36.69.420, the county commissioners of one of those counties may only exclude from the proposed district all land located within that county on the basis of a reasonable factual determination that no parcel of land in the county will benefit from its inclusion within the proposed district.

(2) The only procedural step which a board of county commissioners must take in making a determination to

exclude certain land from a proposed joint park and recreation district is that of the conduct of a public hearing in accordance with RCW 36.69.440(2).

Requested by:

Honorable H. N. Woolson
Columbia County Prosecuting Attorney
P. O. Box 7
Dayton, Washington 99328

WSR 82-19-007
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE
DISTRICT TWELVE
[Memorandum—September 1, 1982]

We have made a change in the regular meeting schedule for the board of trustees of Community College District 12. Meeting cancelled: Thursday, September 9, 1982, 7:30 p.m., Board Room, Administration Building, Centralia College, Centralia, WA.

WSR 82-19-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-119—Filed September 3, 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 regulations.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is development of a fishery for red rock crab requires modification of size and seasonal restrictions that are applicable to Dungeness Crab. Establishes permit as endorsement per RCW 75.28.275.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED September 2, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-52-04000A CRAB FISHERY—LAWFUL AND UNLAWFUL. Notwithstanding the provisions of WAC 220-52-040, effective immediately until further notice (1) It is unlawful for any person to take or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less than 6-1/4 inches, caliper measure, across the back immediately in front of the tips.

(2) It is unlawful for any person to take or possess for commercial purposes red rock crabs without having first obtained a license, endorsement, and permit to fish for red rock crabs for commercial purposes authorized by the Director of the Department of Fisheries. The permit must accompany the fisherman at all times while fishing for red rock crabs for commercial purposes and must be made available for inspection by any authorized representative of the Department of Fisheries.

NEW SECTION

WAC 220-52-04600A CRAB FISHERY—SEASONS AND AREAS. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful to take, fish for or possess Dungeness crabs for commercial purposes except during the seasons, areas, and times as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except 27A, 27B and 27C—open 9:01 a.m. October 1 through 11:59 p.m. April 15.

(2) Coastal, Pacific Ocean, Grays Harbor, Willapa Harbor and Columbia River waters – open 12:01 a.m. December 1 through 11:59 p.m. September 15.

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 82-19-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-128—Filed September 3, 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 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 the emergency is restrictions in Areas 4B, 5, and 6C provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for a limited harvest, limited effort, immobile treaty Indian coho fishery. Restrictions in Areas 6, 6A, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian chinook. Restrictions in Area 7C and the Samish River

provide protection for chinook returning to the Samish Hatchery. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 6D, 10D, 12D, Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creek provide protection for local chinook stocks. Closure in 12C around Hoodspport Hatchery is to protect returning chinook salmon. Restrictions in Areas 6B, 9, 10, 11, 13 and 13B provide protection for Deschutes River origin chinook. Restrictions in Area 8A and the Stillaguamish and Snohomish Rivers provide protection for Stillaguamish Snohomish origin chinook salmon.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 3, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-212 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

**Areas 4B, 5, and 6C - Drift gill net gear restricted to 5-7/8-inch maximum mesh, when open through September 4. Effective 2 p.m. September 5, gill net gear restricted to 6-1/2-inch maximum mesh, when open.*

Areas 6, 6A, 7, 7A, and 7D - All gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Areas 6B, 9, 10, and 11 - Closed to all commercial net fishing.

Area 6D - Closed to all commercial fishing.

Area 7C - Closed to all commercial fishing.

**Area 8A - Effective 2 p.m. September 5, closed to all commercial fishing.*

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

Area 12C - Closed to all commercial fishing within 1,000 feet of western shore between

Hoodspport Marina Dock and Glen Ayr Trailer Park.

Area 12D - Closed to all commercial fishing.

Area 13 - Closed to all commercial fishing except in that portion of Hale Pass inside and north of a line running 24° True from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge.

Area 13B - Closed to all commercial fishing in those portions east of a line from Hungerford Point to Arcadia Point and south of a line from the southern tip of Stretch Island due east to the Longbranch Peninsula.

**Stillaguamish and Snohomish Rivers - Effective 2 p.m. September 5, closed to all commercial fishing.*

Cedar River - Closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-211 Puget Sound Commercial Fishery Restrictions (82-114)

WSR 82-19-010

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-129—Filed September 3, 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 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 the emergency is restrictions in Areas 4B, 5, and 6C provide protection for Canadian origin coho salmon. Restrictions in Areas 6, 6A, 7, 7A, 7D provide the least restrictive regulations that allow protection of adult Canadian chinook salmon and allow fisheries under IPSFC control. All other Puget Sound areas are closed to all-

citizen commercial fishing to prevent overharvest of salmon stocks.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 3, 1982.

By Gary C. Alexander
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-47-708 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective September 5, 1982, until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

**Areas 4B, 5, and 6C - Effective 2 p.m. September 5, closed to all commercial fishing.*

Areas 6, 6A, 7, 7A, and 7D - Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill nets restricted to 5-7/8-inch maximum mesh, when open.

**Areas 7B, 7C, 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-707 Puget Sound All-Citizen Commercial Salmon Fishery (82-120)

WSR 82-19-011

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order FT-82-5—Filed September 7, 1982]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-40-18670 Definitions for 7/1/82 through 12/31/82.

Amd WAC 458-40-18677 Definitions for small harvester option for 7/1/82 through 12/31/82.

This action is taken pursuant to Notice No. WSR 82-16-058 filed with the code reviser on July 30, 1982.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.01.060, 84.33.030 and 84.33.071 as amended by chapter 4, Laws of 1982 2nd ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 7, 1982.

By John B. Conklin
Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18670 DEFINITIONS FOR 7/1/82 THROUGH 12/31/82. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules.

(a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private or public lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18671, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private or public lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18671, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the

timber harvested from private or public land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately or publicly owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 84.33.071.

(7) Harvester. Harvester shall mean every person who from his own (~~(privately owned)~~) land or from (~~(privately owned)~~) land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake

blocks and boards, and posts and other western redcedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade summit;

(ii) Timber that is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in paragraph (d) (~~(above)~~) of this section and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small volume adjustment is allowed where the total net volume harvested per taxpayer (excluding conifer and hardwood utility does not exceed 1,000 MBF per calendar year and does not exceed 500 MBF per quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof (as defined in Agriculture Handbook No. 541 Checklist of United States Trees (Native and Naturalized)):

(a) West of the Cascade summit:

(i) "Douglas-fir", "western hemlock", "true fir", "western redcedar", "noble fir", "Sitka spruce", "Alaska-cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (shake blocks and boards), western redcedar flatsawn and shingle blocks "western redcedar and other" (posts), "Douglas-fir", "true fir and others" (;) (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "western white pine", "Douglas-fir", "western hemlock", "true fir", "western redcedar", "western larch" and "Engelmann spruce" shall be reported as separate species

where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas-fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are eleven such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18671. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18674.

(17) Timber. Timber shall include forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western redcedar products.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18673, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(19) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18677 DEFINITIONS FOR SMALL HARVESTER OPTION FOR 7/1/82 THROUGH 12/31/82. (1) Small Harvester. Small harvester means every person who from his own ((privately owned)) land or from the ((privately owned)) land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial

use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1,000 MBF in a calendar year. It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn and shingle blocks.

(2) Timber. Timber means forest trees, standing or down, on privately or publicly owned land.

(3) Harvested Timber. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) Harvesting and Marketing. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

(5) Timber Values. Timber values shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When timber is sold on contract with a percentage share of gross receipts the timber owners share of actual gross receipts will be the taxable stumpage value. No harvest costs deduction is allowable.

(b) When timber is sold after it has been harvested the taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(c) When standing timber is sold the taxable stumpage value is the actual gross receipts received by the timber owner from the most recent sale prior to harvest. No harvest costs deduction is allowable.

(6) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

WSR 82-19-012

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 82-6—Filed September 7, 1982]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 458-14-045	Reconvening upon timely filed petition.
New	WAC 458-14-052	Change of venue.
New	WAC 458-14-092	Change of assessment rolls.
Amd	WAC 458-14-050	Membership.
Amd	WAC 458-14-070	Public notice of July meetings.
Amd	WAC 458-14-075	Meetings.
Amd	WAC 458-14-080	Organization of the board.

Amd	WAC 458-14-086	Additional record requirements.
Amd	WAC 458-14-090	Assessment roll and records.
Amd	WAC 458-14-091	Certification of the valuation of the assessment roll by assessor.
Amd	WAC 458-14-100	Duties of the board.
Amd	WAC 458-14-110	Notice of raise in valuation by the board.
Amd	WAC 458-14-120	Petitions.
Amd	WAC 458-14-122	Appeal of board members, assistants, or county governmental authorities.
Amd	WAC 458-14-125	Hearing on petition.
Amd	WAC 458-14-135	Appeals.
Rep	WAC 458-14-051	Composition of board.

This action is taken pursuant to Notice No. WSR 82-15-069 filed with the code reviser on July 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.08.070 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.08 RCW.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 84.08.010.

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 September 7, 1982.

By Trevor W. Thompson
Assistant Director

NEW SECTION

WAC 458-14-045 RECONVENING UPON TIMELY FILED PETITION. Notwithstanding the provisions of WAC 458-14-010 through 458-14-040, any July session of the county board of equalization which has timely received a petition as required by WAC 458-14-120, and which has adjourned in accordance with WAC 458-14-075, shall reconvene upon a date set by the board to consider said timely filed petition: PROVIDED, That no board shall reconvene later than three years after the adjournment of its regular session. No July session of the county board of equalization shall reconvene to consider any petition not timely filed except upon written order of the department of revenue.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-050 MEMBERSHIP. The county board of equalization shall be formed by the county governmental authority prior to July 1st and shall consist of not less than three nor more than seven members. The size and composition of the board of equalization is the responsibility of the county governmental authority. The ~~((board of county commissioners))~~ county governmental authority has the option of either appointing the members or constituting the board.

The county board of equalization shall not be a mixed board consisting of members of the county governmental authority and appointed members. The county governmental authority may, with proper adoption of a county ordinance, serve as the June and November board of equalization themselves and have an appointed board for the July session.

Appointed members shall not be a holder of an elective office nor be an employee of any elected official. They shall be selected for their knowledge of property values in the county.

The term of each appointed member shall be for three years or until his successor is appointed (~~((which term shall begin on July 1, 1970))~~). They may be removed by a majority vote of the ~~((county commissioners or other))~~ county governmental authority. The county governmental authority, in appointing a board, may provide for alternate members in case a regular member is unable to attend a hearing. The alternates must meet the same qualifications and subscribe to the same oath as the regular members.

NEW SECTION

WAC 458-14-052 CHANGE OF VENUE. A change of venue may be granted by a county board of equalization (granting) to a board of equalization of another county (receiving) under the following conditions:

(1) The county legislative authority of the granting county has adopted an ordinance providing for such change of venue;

(2) The county legislative authority of the receiving county has adopted an ordinance permitting such change of venue;

(3) Both counties have entered into an agreement as to where the hearing shall be heard, reimbursement of costs, etc.; and

(4) The reason for such change of venue is:

(a) That a quorum cannot be achieved due to members of the board disqualifying themselves because of conflicts of interest or because of the appearance of fairness doctrine; or

(b) Equalization is the basis for an appeal which is subject to the provisions of WAC 458-14-122.

The decision of the receiving board shall be transmitted to the granting board who shall issue an order without prejudice. The assessor or petitioner may appeal the decision as provided for in WAC 458-14-135.

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-070 PUBLIC NOTICE OF JULY MEETINGS. The board of equalization shall give notice of the meeting of the July board of equalization by publishing notice thereof, ~~((Form 500-BE-50))~~ (FORM REV 64-0050) once each week for two successive weeks in the official newspaper printed in the county, and by posting such notices in the office of the county assessor, and on the court house bulletin board. The first publication of said notice and the posting thereof, shall be on or before June 15th of each year.

The notice shall specify the meeting place, time of meeting, the meeting dates of at least three days of the board's sessions, where appeal forms may be secured and where the appeal petition is to be filed.

A copy of the notice published and posted together with proof of publication shall be filed with the clerk of the board of equalization and made a part of the official record.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-075 MEETINGS. The county board of equalization shall meet in open session on the first Monday in July of each year and shall be in existence for a period of four weeks (28 consecutive days), and shall not be adjourned, sine die, until the last day of the twenty-eight day period, but shall be considered adjourned after the expiration of the twenty-eight day period; PROVIDED, That the county board of equalization, with the approval of the county legislative authority, may convene prior to the first Monday in July if the number of petitions filed exceed twenty-five, or ten percent of the number of petitions filed in the preceding year, whichever is greater. The board shall be in session not less than three days during the said four-week period.

When the day of convening falls on a holiday, the board shall convene the next following business day. Hearings shall not be held after the expiration of the four-week period unless the board is reconvened by the state department of revenue or as provided for in WAC 458-14-045. ~~((Prompt application for reconvening shall be made when necessary to enable the county board to continue and complete its business:))~~ Any county board of equalization may be reconvened as provided under WAC 458-14-010 through ~~((458-14-040))~~ 458-14-045, but not later than three years after the date of adjournment of its regularly convened session.

The meeting of the county board of equalization shall be held in any suitable room in the courthouse properly identified for the purpose or other suitable place within the county.

The majority of the board will constitute a quorum.

The meetings shall be open to the public unless the county assessor proposes to enter evidence he has obtained under RCW 84.40.340 or confidential income data exempted from public inspection pursuant to RCW 42.17.310. Where such evidence is offered, the board's session must be closed to the public unless the taxpayer against whom the evidence is offered waives his right to confidentiality. (AGO 1971 No. 37)

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-080 ORGANIZATION OF THE BOARD. At the opening of the July session of the county board of equalization, each member shall take and subscribe on oath to fairly and impartially perform his duties as a member of such board ~~((Form 500-BE-56))~~ (FORM REV 64-0056).

At its July meeting, the board shall elect as chairman a member of the board who shall preside over the July, November, June, and all reconvened meetings. A vice-chairman shall be elected to preside in the absence of the chairman.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-086 ADDITIONAL RECORD REQUIREMENTS. RCW 84.40.031 requires that the value determination made by the county assessor be presumed as correct in the absence of "clear, cogent and convincing evidence" to the contrary.

RCW 84.48.010 requires that the record of the board contains "the facts and evidence upon which their (the board's) action is based".

(1) The purpose of this rule is to establish procedures for the implementation of these statutory directives, and is supplementary to WAC 458-14-085 and previous specific directives of the department relating to records of the board of equalization.

The supplementary directives contained in this rule are applicable with respect to any change in land value (as distinguished from improvement value) in which a reduction from the assessor's determination exceeds ten percent.

(a) The record shall contain the board's determination of the highest and best use of the land if such highest and best use as determined by the board is different from that as shown by the county assessor. If the assessor's determination of highest and best use is not indicated on his answer to the petition ~~((Form 500-BE-55))~~ (FORM REV 64-0055), then the assessor shall indicate his determination of highest and best use orally at the hearing.

(b) Where a reduction is ordered by reason of specific factors peculiar to the property involved, such as soil conditions, topography, accessibility, etc., such factors shall be indicated in the record.

(c) The record shall contain at least two sales of similar; i.e., comparable property, upon which the board has relied in making its determination.

(d) If the assessor has recommended to the board a reduction in a specific amount, such recommendation shall be indicated in the record. If the board accepts the assessor's reduced value, the requirements of subparagraphs (a), (b) and (c) ~~((above))~~ of this section shall not be applicable.

(2) The supplementary directives contained in this rule are applicable to any petition pertaining to a claim for exemption and shall contain the following information:

(a) The statute under which exemption is approved by the board.

(b) If the assessor's denial of the exemption is overruled, the record shall clearly state the board's reasons for approving the exemption.

(c) If the assessor's denial of exemption is sustained, the requirements of subparagraphs (a) and (b) ~~((above))~~ of this section shall not be applicable.

The information required by this rule shall, at the option of the board, be contained either (1) in the minutes,

or (2) on a separate sheet attached to the copy of the board's order in the individual file folder for each petition.

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-090 ASSESSMENT ROLL AND RECORDS. The (~~completed~~) assessment roll for the current year, properly indexed, shall be made available to the county board of equalization by the county assessor. The county assessor shall file with the clerk of the board as part of the records a certificate of verification (~~(Form 500-BE-51)~~) (FORM REV 64-0051) of the current assessment roll (~~(, thereafter changes in valuation on the assessment roll must be authorized by the board of equalization)~~) as it exists on the first Monday of July.

The assessor shall certify to the board, not later than ten working days after August 31st, any new construction added to the assessment rolls subsequent to the first Monday of July and prior to August 31st, as provided for in RCW 36.21.080 and 84.40.040.

The county board of equalization shall have access to the basic records, maps, tax lot records, supporting records, and detailed lists of personal property which support the contents of the assessment roll. The board shall examine and compare the assessments for purposes of equalization.

AMENDATORY SECTION (Amending Order 73-4, filed 8/13/73)

WAC 458-14-091 CERTIFICATION OF THE VALUATION OF THE ASSESSMENT ROLL BY ASSESSOR. The county board of equalization shall require certification of the valuation of the assessment roll on (~~(Form 500-BE-51)~~) FORM REV 64-0051 as required by RCW 84.40.320 and WAC 458-14-090 and the board shall not (~~(act upon equalization, or any appeals made to the board)~~) issue any orders until the assessor's certificate (~~(verification of the valuation of the assessment rolls (Form 500-BE-51))~~) is filed with and made a part of the records of the board.

~~((Subsequent changes in the valuation of the assessment roll shall be fully documented and authorized by the board of equalization.))~~

NEW SECTION

WAC 458-14-092 CHANGE OF ASSESSMENT ROLLS. (1) The assessment rolls shall not be changed subsequent to certification as required by WAC 458-14-090 and 458-14-091 except in the following cases:

(a) Ordered by the county board of equalization (WAC 458-14-130).

(b) Ordered by the state board of tax appeals (RCW 84.08.120).

(c) Reduced because of destroyed property (chapter 84.70 RCW).

(d) Removal from current use assessment (RCW 84.34.108).

(e) Removal of designation or classification as forest land (RCW 84.33.120 and 84.33.140).

(f) Removal of the senior citizens/disabled persons exemption (AGO 1971 No. 31 and AGO 1972 No. 23).

(g) Adding formerly exempt property to the rolls (RCW 84.36.855 and 84.40.350 through 84.40.390).

(h) Removal of exempt property from the rolls (RCW 84.36.815 and 84.60.050 through 84.60.070).

(i) Adding omitted property to the rolls (RCW 84.40.060, 84.40.080 and 84.40.085).

(j) Adding omitted value to the rolls (RCW 84.40.060, 84.40.080 and 84.40.085).

(k) Adding new construction to the rolls (RCW 36.21.080 and 84.40.040).

(2) The county board of equalization may reconvene as provided for in WAC 458-14-045 for assessment roll changes as a result of subparagraphs (d), (e), (f), (g), (h), (i), (j) and (k) of subsection (1) of this section.

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-100 DUTIES OF THE BOARD. The county board of equalization shall perform the duties set forth in chapter 84.48 RCW and as set forth in RCW 84.52.090 and 84.56.390(=) through 84.56.400. The board shall not reduce or cancel taxes for prior years, except as provided in RCW 84.56.390 and 84.56.400.

The board shall at its July meeting receive and equalize the assessed values for all property listed by the county assessor on the real and personal property assessment rolls as of January 1, 12:00 noon meridian time, in the current year except that the assessed valuation date of new construction shall be considered as of (~~(April 30th immediately preceding the date that the property is placed on the assessment rolls)~~) July 31st of that year. (RCW 36.21.080). The board shall hear and act upon all petitions regarding current assessments properly filed by any aggrieved party.

They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof.

They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof.

They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof, and upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual

who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of the personal property.

In changing the value of any property, the board shall not consider sales of the property occurring after May 31st of the assessment year except for the valuation of new construction, as required by RCW 36.21.080, in which case no sales occurring after August 31st of the assessment year shall be considered.

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-110 NOTICE OF RAISE IN VALUATION BY THE BOARD. The board is authorized to raise the valuation of real and personal property only after at least five days notice has been given in writing by order on ~~((Form 500-BE-52 or 54))~~ FORM REV 64-0058 to the owner or his agent and a copy to the county assessor. Such notice should be given by personal service. If service is by mail, it shall be certified or registered, and the notice must fix a time certain for appearance of the owner or agent, and at least ten days must elapse between date of mailing and the date fixed for the hearing.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-120 PETITIONS. The owner of any property or the person in whose name the property is assessed may petition the county board of equalization for reduction and equalization of the assessed valuation placed upon such property by the county assessor for the current year or other action as required by law or these rules. Each such petition shall:

- (a) Be made in writing on ~~((Forms 500-BE-52, 54, 59, 61 or other))~~ the required forms;
- (b) Include a legal description or itemized listing of all property affected by the petition;
- (c) State the facts and the grounds upon which the reduction and equalization or other action is sought;
- (d) Be certified by the petitioner or his qualified agent or attorney;
- (e) State the address to which notice of the action of the board shall be sent;
- (f) Have attached thereto ~~((any))~~ documentary evidence that supports the petitioners ~~((deems material))~~ contentions, including the petitioners determination of true and fair value.

Any petition not conforming to the foregoing requirements shall not be considered by the board.

The county assessor shall be furnished with a copy of each petition as it is received by the board so he may prepare an answer to the petition. The petition must be filed with the board on or before July 15th or thirty days after the date an assessment or value change notice has been mailed, whichever is later. Petitions received by the board after ~~((this))~~ these dates shall be denied on the grounds of not being timely filed. Evidence of timely filing shall be made, if filed by mail, by means of the cover under which the ~~((tion {petition}))~~ petition was sent, in

that the cover must be postmarked no later than midnight of the filing date. If the filing date falls upon a Saturday or Sunday, the petition must be filed on, or postmarked no later than midnight of, the next day which is not a Saturday or Sunday.

AMENDATORY SECTION (Amending Order PT 74-5, filed 4/29/74)

WAC 458-14-122 APPEAL OF BOARD MEMBERS, ASSISTANTS, OR COUNTY GOVERNMENTAL AUTHORITIES. (1) In the event of an appeal by any appointed member of the board of equalization or by any person employed as an assistant to the board, including the clerk of the board, or by any member of the county governmental authority on his own property or on any property in which he has an interest, the action of the county board of equalization upon that appeal shall be to sustain the valuation made by the assessor and deny the petition. The appellant shall be advised of his rights to appeal to the State Board of Tax Appeals. The purpose of this rule is to insure the effectiveness, quality and performance of the county board of equalization. This will require the county governmental authority to effect the appointment of members of the board of equalization to be as professional as possible.

(2) If equalization is the basis of an appeal by any of the foregoing, a change of venue may be granted by the board in conformance with WAC 458-14-052.

AMENDATORY SECTION (Amending Order PT 81-11, filed 10/8/81)

WAC 458-14-125 HEARING ON PETITION. The county board of equalization shall hold an individual hearing on each petition which shall be numbered ~~((as received))~~ and shall be heard ~~((in the order received or))~~ at a time fixed by the board. Each petitioner and county assessor shall be notified by the clerk of the board at least three days in advance of the hearing time scheduled for his petition.

The petitioner and all witnesses shall be sworn. The board may use the following or other appropriate oath:

Chairman or clerk of the board:

Do you solemnly swear that the testimony you are about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God.

Appellant: I do.

The petitioner shall be given adequate time to present his case either in person or through his attorney or other authorized representative. Upon conclusion of the petitioner's case the county assessor shall present his case which shall include any documentary evidence deemed material.

If the county assessor is not going to respond to a petition, he shall so inform the board.

The board shall consider all evidence and facts presented in each appeal and shall render a decision on every petition prior to adjournment. If a decision in each timely filed appeal cannot be made prior to adjournment date as provided by law, the board shall ~~((request to be reconvened))~~ reconvene as provided for in WAC 458-14-045 to enable it to complete its duties.

The board may appoint one or more of its members to act as an examiner to assist the board in completing its duties. The board member examiner may hold hearings separate from the full board and take testimony from both the appellant and the assessor's staff. The examiner shall submit the testimony of the appellant and assessor and report his/her findings to the full board. The board shall make the final decision as to the value of the property under appeal. The board member examiner's report to the full board will be in lieu of the appearance of the appellant and assessor's personnel: PROVIDED, That if the full board so desires, testimony may be taken from the appellant and assessor's personnel.

AMENDATORY SECTION (Amending Order PT 70-3, filed 6/26/70)

WAC 458-14-135 APPEALS. Appeals from decisions of the county board of equalization may be made under RCW 84.08.130 and the Rules of Practice and Procedure of the State of Washington Board of Tax Appeals. Appeals to this board shall be made on notice of appeal Form ((500-~~BE-65~~) BTA 100, which notice shall be filed in duplicate with the county auditor within ((ten)) thirty calendar days of the date of the order of the county board of equalization. If the order of the county board of equalization is sent to the petitioner by mail, the ((ten)) thirty day period for filing shall commence on the third day following the day the county board's order was placed in the mail as evidence by the postmark.

Court actions involving taxes may also be instituted under the provisions of chapter 84.68 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-14-051 COMPOSITION OF BOARD.

WSR 82-19-013
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 176—Filed September 7, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves, WAC 232-28-20501.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of

facts constituting such emergency is there are insufficient populations of the above mentioned wildlife species to allow non-tribal hunting and trapping. Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

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

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 7, 1982.

By Tom Nelson
 Vice Chairman, Game Commission

NEW SECTION

WAC 232-28-20501 CLOSURE OF ALL LANDS WITHIN THE COLVILLE INDIAN RESERVATION TO THE TRAPPING AND HUNTING OF ALL WILD ANIMALS, BLUE GROUSE, RUFFED GROUSE, FRANKLIN GROUSE, SHARP-TAILED GROUSE, SAGE HEN GROUSE, AND MOURNING DOVES. Notwithstanding the provisions of WAC's 232-28-205, 232-28-505, and 232-28-405, it is unlawful to trap or hunt wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse and mourning doves within the Colville Indian Reservation boundaries.

WSR 82-19-014
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed September 8, 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 community mental health programs, new chapter 275-56 WAC.

These rules were adopted on an emergency basis on September 1, 1982.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia,

Phone (206) 753-7015, by November 2, 1982. The meeting site is in a location which is barrier free;

that the agency will at 2:00 p.m., Tuesday, November 16, 1982, in the Large Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 24, 1982.

The authority under which these rules are proposed is chapter 204, Laws of 1982.

The specific statute these rules are intended to implement is chapter 204, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 16, 1982.

Dated: September 7, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is being filed pursuant to RCW 34.04.025.

The following sections are to be repealed: WAC 275-25-700 through 275-25-770. The following sections are to be amended to eliminate all references to mental health services: WAC 275-25-020, 275-25-030 and 275-25-040. New sections WAC 275-56-005 through 275-56-745.

Purpose of the Rule Change: To meet the requirements set forth in section 4, chapter 204, Laws of 1982 (ESSB 4786) which replaced chapter 71.24 RCW. Chapter 275-56 WAC will replace or amend chapter 275-25 WAC by eliminating all references to mental health.

The Reason These Rules are Necessary: To comply with section 4, chapter 204, Laws of 1982, which became effective on June 10, 1982.

Statutory Authority: Section 4, chapter 204, Laws of 1982.

Summary of Rule Change: Directs counties to develop biennial needs assessments; contract with licensed service providers or operate as a licensed provider if it would be more cost-effective; monitor and audit providers; assure that the special needs of minorities, children, the elderly, and low-income persons are met within established priorities; and coordinate services for patients moving through the community program into a state mental hospital. Requires each county program to provide outpatient services, 24-hour emergency care services, day treatment, patient screening, consultation and education services, residential and inpatient services if the county so chooses, and community support services for acutely and chronically mentally ill persons. Established priority for access to treatment to be (1) the acutely mentally ill; (2) the chronically mentally ill; and (3) the seriously disturbed. Enumerates the Department of Social and Health Services duties related to licensing service providers and evaluating county performance.

Proposed chapter 275-56 WAC eliminates mental health from the following sections which were adopted to meet the requirements of chapter 71.24 RCW: WAC

275-25-020 Plan Development and Submission, WAC 275-25-030 Program Operations, WAC 275-25-040 Appeal Procedure and WAC 275-25-700 through 275-25-770 relating to community mental health priorities, services, clinical and staffing requirements, clinical rights, state/county funding formula, and referrals to state hospitals.

Chapter 275-56 WAC, which consists of 151 new sections, provides for the implementation of chapter 204, Laws of 1982 (ESSB 4786), which includes changes for plan development submission, program operation, appeal procedures, mental health priorities, clients rights, funding formula, and referrals to state hospitals.

The community mental health service providers are public or non-profit corporations; therefore, it has not been necessary for the department to meet the requirements set forth in the Regulatory Fairness Act.

Person Responsible for Drafting, Implementation and Enforcement of Rule: Henry Tomes, Ph.D., Assistant Director, Community Mental Health Programs, Mental Health Division, Phone: 753-5414, Mailstop: OB 42-F.

Reviser's note: The material contained in this filing will appear in the 82-20 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-19-015

ADOPTED RULES

COUNCIL FOR

POSTSECONDARY EDUCATION

[Order 10-82, Resolution No. 83-1-Filed September 8, 1982]

Be it resolved by the Council for Postsecondary Education, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to residency status for higher education.

This action is taken pursuant to Notice No. WSR 82-15-062 filed with the code reviser on July 20, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 4, chapter 37, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 3, 1982.

By Chalmers Gail Norris
Executive Coordinator

Chapter 250-18 WAC
RESIDENCY STATUS FOR HIGHER EDUCATION

WAC	
250-18-010	Purpose and applicability.
250-18-015	Definitions.

250-18-020	Student classification.
250-18-025	Classification procedure.
250-18-030	Establishment of a domicile.
250-18-035	Evidence of financial independence.
250-18-040	Evidence of financial dependency.
250-18-045	Administration of residency status.
250-18-050	Appeals process.
250-18-055	Recovery of fees for improper classification of residency.
250-18-060	Exemptions from nonresident status.

NEW SECTION

WAC 250-18-010 PURPOSE AND APPLICABILITY. This chapter is promulgated by the council to establish the necessary regulations for the administration of residency status in higher education. Institutions shall apply the provisions of the regulations specified in chapter 250-18 WAC for the determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency.

NEW SECTION

WAC 250-18-015 DEFINITIONS. (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "domicile" shall denote a person's true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.

(3) The term "reside" shall mean the maintenance and occupancy of a primary residence in the state of Washington.

(4) The term "financially independent" shall be determined according to WAC 250-18-035.

(5) The term "dependent" shall mean a person who is not financially independent.

(6) The term "resident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(7) The term "nonresident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(8) The term "recovery of fees" shall apply to the amounts due to the institution or the student as a result of improper classification.

(9) The term "civil service" shall mean Washington state or federal government nonmilitary employment.

NEW SECTION

WAC 250-18-020 STUDENT CLASSIFICATION. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she shall:

(a)(i) Have established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Be financially independent; or

(b) Be a dependent student, one or both of whose parents or legal guardians have maintained a bona fide

domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance";

(c) Is not a citizen of the United States of America, unless such person holds permanent resident immigration status, "Refugee - Parolee", or "Conditional Entrant" status and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore, been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

(5) Active duty United States military personnel who have been stationed in the state of Washington for one year shall be considered to have resided in the state for purposes primarily other than educational, and shall be considered financially independent.

NEW SECTION

WAC 250-18-025 CLASSIFICATION PROCEDURE. (1) After a student has registered at an institution, such student's classification shall remain unchanged

in the absence of satisfactory evidence to the contrary. The provision of such evidence to the contrary may be initiated by the student or the institution.

(2) Application for a change in classification shall be accepted up to the thirtieth calendar day following the first day of the instruction of the quarter or semester for which application is made. Applications made after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

(3) Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution.

(4) Approval of an application for resident status shall be made only after satisfaction that the requirements of domicile and independency or dependency have been made in compliance with RCW 28B.15.012 and WAC 250-18-030 and 250-18-035. Reclassification from nonresident to resident status preliminarily approved sixty days or more prior to the satisfaction of a one-year durational domicile shall be supplemented with additional documented proof of domicile if deemed necessary by the institution prior to final approval.

(5) The burden of proof that a student, parent, or legally appointed guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) Students who were classified as residents by an institution on or before May 31, 1982, and who are enrolled during calendar year 1982 under the provisions of RCW 28B.15.013, section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess., shall not be required to submit evidence under provisions of RCW 28B.15.012 and 28B.15.013, chapter 37, Laws of 1982 1st ex. sess., so long as such students remain continuously enrolled during the academic year, unless the institution has cause to question the residency status of such students: PROVIDED, That such students who were reclassified from nonresident to resident status after June 1, 1979, shall be required to submit evidence that they meet the requirements of RCW 28B.15.012 and 28B.15.013, chapter 37, Laws of 1982 1st ex. sess.: PROVIDED FURTHER, That any reclassifications resulting from this special review shall be effective summer term, 1983.

(7) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW.

NEW SECTION

WAC 250-18-030 ESTABLISHMENT OF A DOMICILE. The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex. The establishment of a domicile is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a

Washington domicile that would reasonably negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered:

(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required, for the one year immediately prior to commencement of the semester or quarter for which application is made;

(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;

(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location of voter registration for the one-year period immediately prior to commencement of the semester or quarter for which application is made;

(6) Address of student listed on selective service registration;

(7) Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;

(8) Residence status of the student in schools attended outside the state of Washington;

(9) Location of membership in professional, business, civic or other organizations;

(10) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made.

NEW SECTION

WAC 250-18-035 EVIDENCE OF FINANCIAL INDEPENDENCE. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive financial assistance in cash or in kind of an amount equal to or greater than that which would qualify him or her to be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the

current calendar year and for the calendar year immediately prior to the year in which application is made.

(1) To substantiate a reasonable presumption that a person is financially independent, the institution may require such documentation as deemed necessary, including but not limited to the following:

(a) That individual's sworn statement.

(b) A true and correct copy of the state and federal income tax return of the person for the calendar year immediately prior to the year in which application is made.

Should a person not have filed a state or federal income tax return because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted.

(c) A true and correct copy of the person's W-2 form filed for the previous calendar year.

(d) Other documented financial resources. Such other resources may include but not be limited to, the sale of personal or real property, inheritance, trust fund, state or financial assistance, gifts, loans, or statement of earnings of the spouse of a married student.

(e) A true and correct copy of the first and signature page of the state and federal tax returns of the parents, legally appointed guardians, or person or persons having legal custody of the student for the calendar year immediately prior to the year in which application is made.

The extent of the disclosure required concerning the parent's or legal guardian's state and federal tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(f) A student whose parents are both deceased or who has been made an official ward of the court may be required to provide documentation attesting to the fact of such circumstances.

(2) To aid institutions in determining the financial independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation or other reasons from the student, documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, e.g., family physician, lawyer, or social worker may be submitted.

(3) Information submitted by the student to the institution on the Washington Financial Aid Form may be used to affirm the authenticity of information submitted on an application.

(4) In all cases, the burden of proof that a student is financially independent lies with the student.

NEW SECTION

WAC 250-18-040 EVIDENCE OF FINANCIAL DEPENDENCY. (1) To aid the institutions in determining whether a student is financially dependent and whether his or her parent, legally appointed guardian, or the person having legal custody of the student has maintained a bone fide domicile in the state of Washington for one year, the following factors are to be considered:

(a) Legal proof of guardianship or custody which shall be the responsibility of the student;

(b) Evidence of established domicile of parent, guardian, or custodian which shall be the responsibility of the student;

(c) The identification of the student as a dependent on the federal income tax return of the parents, legally appointed guardians or person having legal custody, which shall be proof of the student's financial dependency.

(2) Proof of a student's financial dependency for the current calendar year or the calendar year immediately prior to the year in which application is made which shall be the responsibility of the student. Additional documentation to substantiate dependency during the current calendar year may be required at a later time if deemed necessary by the institution.

(3) A student who provides evidence that he or she is a dependent and has a parent or legal guardian who has maintained a one-year domicile in the state of Washington shall not be required to establish a one-year domicile prior to classification of resident status, provided such a student may not be classified as a resident while receiving financial assistance from another state, governmental unit or agency thereof for educational purposes.

NEW SECTION

WAC 250-18-045 ADMINISTRATION OF RESIDENCY STATUS. Administration of residency status shall be the responsibility of the institution's board of trustees or regents in compliance with RCW 28B.15.011 through 28B.15.014 and chapter 250-18 WAC.

Boards of trustees or regents shall designate an institutional official responsible for making decisions on resident and nonresident status of students, and for maintaining records and documentation in support of such decisions.

Institutions shall use a uniform state-wide form consistent with the provisions of chapter 250-18 WAC for the determination of change in residence status.

NEW SECTION

WAC 250-18-050 APPEALS PROCESS. Any final institutional determination of classification shall be considered a ruling on a contested case and shall be subject to court review only under procedures prescribed by chapter 28B.19 RCW.

NEW SECTION

WAC 250-18-055 RECOVERY OF FEES FOR IMPROPER CLASSIFICATION OF RESIDENCY. To aid the institutions in the determination of accuracy of statements made by a student, institutions shall require that a student affirm the authenticity of all information and supporting documentation provided by his or her signature thereon.

If erroneous, untrue, or incorrect information submitted results in an improper classification of resident or nonresident status, or if a final determination is reversed through the appeals process, institutions shall recover from the student or refund to the student as the case

may be an amount equal to the total difference in tuition and fees had the proper classification been made.

NEW SECTION

WAC 250-18-060 EXEMPTIONS FROM NON-RESIDENT STATUS. In accordance with RCW 28B-15.014, certain nonresidents shall be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

- (1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;
- (2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week; or
- (3) Is a faculty member, classified staff member, or administratively exempt employee holding not less than a half-time appointment, or the spouse or dependent child of such a person.

WSR 82-19-016
NOTICE OF PUBLIC MEETINGS
TEMPORARY COMMITTEE ON
EDUCATIONAL POLICIES,
STRUCTURE AND MANAGEMENT
 [Memorandum—September 8, 1982]

Police Training Room M3A, Mezzanine Level, (Beyond the Trade Center, next to the south elevator), Sea-Tac Airport, Monday, September 13, 1982.

WSR 82-19-017
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—September 3, 1982]

The board of trustees of Western Washington University will hold a special meeting on Thursday, September 9, 1982, at 1:30 p.m. at Friday Harbor Laboratory, University Road, Friday Harbor, Washington.

WSR 82-19-018
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed September 8, 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:

- Amd WAC 458-16-150 Cessation of use—Taxes collectible.
 Amd WAC 458-16-190 Churches, parsonages and convents.

- Amd WAC 458-16-270 Schools and colleges.
 Rep WAC 458-16-301 Applications without penalties;

that such agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Evergreen Plaza Building, Room 301, 711 Capitol Way, Olympia, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, November 1, 1982, in the Evergreen Plaza Building, Room 301, 711 Capitol Way, Olympia, WA.

The authority under which these rules are proposed is RCW 84.36.865.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 27, 1982, and/or orally at 10:00 a.m., Wednesday, October 27, 1982, Room 301, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA.

Dated: September 8, 1982
 By: Trevor W. Thompson
 Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Amendatory sections, Cessation of Use—Taxes Collectible WAC 458-16-150; Churches, Parsonages and Convents WAC 458-16-190; Schools and Colleges WAC 458-16-270 and repealing Applications Without Penalties WAC 458-16-301.

Purpose: To amend existing rules to conform to rulings handed down by the Board of Tax Appeals, and to clarify other provisions in the rules and to define terms used in the statute.

Statutory Authority: RCW 84.36.865 directs the Department of Revenue to make such rules and regulations as such shall be necessary to permit the effective administration of the property tax exemption laws.

Summary and Reasons for the Rule: To conform rules to chapter 141, Laws of 1981, to provide a definition of schools and of ownership, and to further clarify the requirements for a caretaker's residence to qualify for exemption, and to repeal a rule that expired December 31, 1981.

Drafter of the Rule, Rule Implementation and Enforcement: Trevor W. Thompson, Director of Property Tax, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-150 CESSATION OF USE—TAXES COLLECTIBLE. Upon cessation of any use exempted under RCW 84.36.030, 84.36.037, 84.36.040 and 84.36.060, the taxes that would have been paid had the property not been exempt during the seven years

preceding, or for the life of the exemption, if such be less than seven years, shall be collectible.

Upon cessation of a use exempted under RCW 84.36.050, the taxes that would have been paid had the property not been exempt during the three years preceding, or for the life of the exemption, if such be less than three years, shall be collectible, plus a tax at the same rate as the property tax rate for that year, on the amount of profit from the sale of the property. If the school or college has operated for more than ten years the rollback will not be implemented.

The property owner, county assessor, or any other public official having information or knowledge of any change in use, including lease or rental of all or a part of such properties, which may constitute cessation of use, shall notify the department of any such changes in use which may be brought to their attention. The department shall notify the current property owner, and the legal owner previously granted exemption, of the reported change in use and shall examine the property to determine if the reported change has taken place. The property owner shall have 30 days from the time of notification by the department to submit any information which may be relevant to the question of changing use.

The department shall determine, upon the information supplied by the assessor or the public official, the property owner, or from the inspection of the property, whether such a cessation of use as warrants the rollback has occurred.

The county treasurer, upon notification from the Department of Revenue, shall compute the taxes payable, together with interest, at the same rate and computed in the same manner as that upon delinquent property taxes. If such a cessation of use involves a portion of the total property, the taxes collectible shall attach to only that portion affected.

This rule shall be effective for those applications granted under chapter 84.36 RCW in assessment year 1974, and years thereafter: PROVIDED, That if the cessation of use resulted solely from one of the five conditions identified as (3)(a) through (e) in RCW 84.36.810, the provisions of this section shall not apply.

Lease or rental of all or part of such properties may constitute a cessation of use and knowledgeable authorities should report same to the Department of Revenue.

"Relocation of the activity" means the use of another location or site for the same activity that was carried on at the original site to the extent that it is a new location or site, or it is an existing site whose facilities have expanded to accommodate the relocated activity.

Property exempted for an intended use, but never put to such use will be subject to a rollback for the life of the exemption when sold or put to a disqualifying use, or when it is determined the intended use will not be achieved.

AMENDATORY SECTION (Amending Order PT 81-13, filed 10/8/81)

WAC 458-16-190 CHURCHES, PARSONAGES AND CONVENTS. All churches and grounds that are owned by religious organizations and exclusively used for church purposes shall be exempt to the following extent:

(1) The area upon which a church and parsonage is or shall be built, not exceeding five acres of land. The area exempt includes the ground covered by the church, parsonage, and convent, the buildings and improvements required for the maintenance and security of such property and the structures and ground necessary for street access, parking, light and ventilation. (AGO 5-1-1952; PTB No. 217)

(2) If the requirements of subsection (1) are met the exemption will apply to a parsonage or convent and a church built on noncontiguous lots, or to the construction of separate parsonages for a minister and assistant minister (AGO 4-9-1947), and to caretakers quarters when the following conditions are met.

(a) The residential use is necessary for the protection of property.

AND

(b) The size is reasonable for the purpose.

AND

(c) The caretaker is required to (~~be on the premises 365 days a year to~~) provide security or provide custodial service indicated in (e)(i) or (e)(ii) (~~(without exception unless a substitute is in place)~~).

AND

(d) No rent is paid to the church by the caretaker (~~(but is provided to him as part of his employment)~~). Living quarters are provided in lieu of wages or salary. The service provided by the caretaker is considered of equal or greater value than the provision of living quarters. Reimbursement of utilities expense created by the caretaker will not be considered as rent.

AND

(e)(i) Protection is afforded by the caretakers, not merely by their presence, but (~~(they regularly patrol the grounds, and/or buildings and generally act in the capacity of insuring the property is secure)~~) their duties will include periodic inspection of the property to ensure its security.

OR

(e)(ii) Necessary on a daily basis to open and close the premises at irregular hours, activate or shut down environmental systems, and other maintenance activities necessary for the effective operation and utilization of the facilities.

(3) Land unoccupied or not covered by a church, parsonage or convent, and not occupied for church or related purposes, is exempt up to an area the equivalent of 120 feet by 120 feet, except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements.

(4) Where property is used for nonchurch purposes, the exemption is lost. If a portion of the church building or grounds is used for commercial rather than church purposes, that portion must be segregated and taxed whether or not the profit reserved by the church from the commercial use is applied to church purposes. (Norwegian Lutheran Church v. Wooster, 176 Wash. 581 (1934).)

(5) The rental or lease of any portion of the church building or grounds is subject to the following provisions:

~~((+))~~ (a) Must be to a nonprofit organization, association, corporation or school.

~~((+))~~ (b) Must be for an eleemosynary use (see definition below).

~~((+))~~ (c) Rental must be reasonable and solely for operation and maintenance of property.

(6) Definitions:

(a) "Church purposes" shall be construed to mean the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed.

(b) "Eleemosynary" shall be construed to mean charitable; not limited to the distribution of alms, but also includes activities when some social objective is served or general welfare is advanced, and where, but for the activity, government might be required to provide the service.

(c) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior.

(d) "Parsonage" means a residence, owned in fee or contract purchase by the church, which is occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor. Property, title of which will be transferred to an individual upon completion of a tour of duty or other obligations, will not qualify for property tax exemption.

(e) "Clergyman" means the female as well as the male gender.

(f) "Owned" means owned in fee or by contract purchase.

With regard to property covered by this rule, the Department of Revenue may request additional information, in the area of finances, relative to the lease rental or license to use the properties claimed for exemption. This shall not be construed as a license to require general information relating to the amount of revenue received as donations, gifts, bequests, or tithes. The department shall have access to financial information, where necessary, to establish nonprofit status, if requested in writing.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-270 SCHOOLS AND COLLEGES. The property owned or used by any nonprofit school or college within this state shall be exempt to the extent that:

(1) The property is used solely for educational purposes, or the revenue derived therefrom, be devoted exclusively to the support and maintenance of such institutions, provided such revenue is derived from an incidental, not commercial, use. An example of which would be the occasional lease of the gymnasium, field house, or auditorium;

(2) The real property so exempt shall not exceed four hundred acres in extent and shall be used exclusively for college or campus purposes. College or campus purposes shall be construed to mean that the need for such property would be nonexistent, but for the presence of such school or college and which are principally designed to further the educational functions of such college or schools.

Property unmaintained and only seldom used must be segregated and taxed;

(3) The institution must be open to all persons on equal terms. However, there is no limitation on the types of courses which the institution may offer. *Wilson's Modern Business College v. King County*, 4 Wn.2d 636 (1940); AGO 1927-1927, p. 854.

For purposes of this exemption, "schools and colleges" will mean those nonprofit educational institutions which are accredited by the state, and which offer to students an educational program of a general academic nature and those nonprofit institutions which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture. Specialty or trade schools not offering a general academic program, and not endowed under a deed of trust are not included in this exemption. (WAC 458-20-114)

Real property of institutions exempted under this rule which ((are)) is owned, controlled, rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to educational purposes. AGO 5-10-1944; *Wilson's Modern Business College v. King County*, 4 Wn.2d 636 (1940).

Institutions claiming exemption within this rule shall allow the Department of Revenue access to all books and records of the institution and shall annually make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it or for capital expenses for endowments, the income of which shall be used for the operation, maintenance or capital expenditures and to no other purpose, also including a statement of the receipts and disbursements of said organization. In addition, institutions claiming exemption under this rule shall submit a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it during the preceding year, the use to which the revenue was applied, the number of students in attendance at the institution, the total revenues of the institution and the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-16-301 APPLICATIONS WITHOUT PENALTIES.

WSR 82-19-019

**NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**

[Memorandum—September 7, 1982]

The State Hospital Commission will meet in Seattle at the Seattle Hyatt, SeaTac, on Thursday, September 23, 1982, at 9:30 a.m. 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 261-20-135. Such information is on file in the commission's office and is available for inspection.

A meeting of the State Hospital Commission is also scheduled for October 14, 1982, and November 18, 1982, at the Seattle Airport Hilton.

WSR 82-19-020

**ADOPTED RULES
DEPARTMENT OF**

GENERAL ADMINISTRATION

(Division of Savings and Loan Associations)

[Order 82-6—Filed September 8, 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 annual license fee for savings and loan associations, adding new section WAC 419-14-080.

This action is taken pursuant to Notice No. WSR 82-15-001 filed with the code reviser on July 8, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 33.04.020(2) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 26, 1982.

By R. H. "Bob" Lewis
Supervisor

NEW SECTION

WAC 419-14-080 ANNUAL LICENSE FEES. Every savings and loan association organized under the laws of this state shall pay a license fee before the 31st of July each year. The license fee for each domestic association shall be fifty dollars for the office designated as the home office or executive office and an additional fifty dollar fee for each branch.

Every foreign association doing business in the state of Washington shall pay a license fee before the 31st of July each year. The license fee shall be in the amount of fifty dollars for each branch in business within the state of Washington as of the close of business June 30th immediately preceding.

WSR 82-19-021

**EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)**

[Order 177—Filed September 8, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt, as emergency rule of this governing body, the annexed rule relating to season extension on Big Twin Lake, Fish Lake and Schalow Pond (Okanogan County), and Bay Lake (Pierce County) through December 31, 1982, WAC 232-28-60415.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the

preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is WAC 232-28-60415, filed with the code reviser on July 21, 1982, under Notice No. WSR 82-15-068, was adopted, as outlined in the amendatory section shown below, in Spokane, Washington, on August 28, 1982. This regulation was filed on August 31, 1982, under WSR 82-18-056 and incorrectly stated Burke Lake (Grant County) as having a season extension through December 31, 1982, and did not include those waters adopted for season extensions. Thus, to establish WAC 232-28-60415 as adopted by the Game Commission this order supersedes Administrative Order No. 190 filed August 31, 1982. Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

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

The order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED September 8, 1982.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 190, filed 8/31/82)

WAC 232-28-60415 SEASON EXTENSION ON ~~((BURKE LAKE (GRANT COUNTY)))~~ BIG TWIN LAKE, FISH LAKE AND SCHALOW POND (OKANOGAN COUNTY), AND BAY LAKE (PIERCE COUNTY) THROUGH DECEMBER 31, 1982. Notwithstanding the provisions of WAC 232-28-604, ((Burke Lake (Grant County))) Big Twin Lake, Fish Lake and Schalow Pond (Okanogan County), and Bay Lake (Pierce County) shall have an extension of the fishing season through December 31, 1982.

WSR 82-19-022

ADOPTED RULES

BOARD OF PHARMACY

[Order 169—Filed September 8, 1982]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does adopt the annexed rules relating to the amending of WAC 360-36-020.

This action is taken pursuant to Notice No. WSR 82-16-086 filed with the code reviser on August 4, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005 and 69.41.075.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 27, 1982.

By Donald H. Williams
Executive Secretary

AMENDATORY SECTION (Amending Order 108, filed 10/26/71)

WAC 360-36-020 DISPENSING SCHEDULE V CONTROLLED SUBSTANCES. ~~((+))~~ (1) Those drugs classified ~~((on))~~ in schedule V ~~((under))~~ of the uniform controlled substances act (RCW 69.50.212) which can be dispensed without a prescription can be so distributed only ~~((if it is))~~ for ~~((a))~~ the medical purpose(s) indicated on the manufacturer's label (e.g., cough syrups may only be dispensed for the treatment of coughs) and ~~((is))~~ shall be dispensed in accordance with the following rules.

~~((2-))~~ (2) Only a ~~((registered))~~ licensed pharmacist or a pharmacy intern may dispense a schedule V drug ~~((and he can only do so if it is sold in good faith as a medicine))~~. The pharmacist or pharmacy intern making the sale is responsible for the recording of the required information in the schedule V register book. The pharmacist or ~~((a))~~ pharmacy intern shall not sell a schedule V drug to a person below the age of 21 and ~~((he))~~ shall require the purchaser to ~~((identify himself so that he will know the purchaser's true name, address, and that he is at least 21 years of age))~~ supply identification so that the purchaser's true name, address and age can be verified. The pharmacist must keep the schedule V drugs in a safe place not accessible to members of the public. The name and address of the pharmacy must be placed on the bottle or vial of each schedule V drug sold and the pharmacist or pharmacy intern dispensing the product must place the date of sale and his/her initials on the label at the time of sale. The pharmacist or pharmacy intern is ~~((further))~~ required to show every purchaser of a schedule V product a copy of ~~((Rule 3))~~ subsections (3) and (4) of this rule ~~((rule))~~ sections relating to purchaser(s) of schedule V drugs.

~~((3-))~~ (3) No person shall ~~((purchase))~~ obtain a schedule V drug without a ~~((doctor's))~~ practitioner's prescription unless he/she complies with the following:

~~((1+))~~ (a) The product must be purchased ~~((in good faith))~~ as a medicine for its indicated medical use only;

~~((2))~~ (b) The purchaser must sign the schedule V register book with his/her true name and address and supply ~~((adequate))~~ proof of identification.

~~((3))~~ (c) The purchaser cannot purchase ~~((without a prescription))~~ more than ~~((+20 cc's))~~ 120 mls (four fluid

ounces) of ~~((liquid))~~ schedule V ~~((drugs))~~ cough preparations, nor more than ~~((four grains of nonliquid schedule V drugs))~~ 240 mls (eight fluid ounces) of schedule V anti-diarrheal preparations.

~~((4.))~~ (4) In the absence of a ~~((doctor's))~~ practitioner's prescription, no pharmacist or pharmacy shall sell to any person, nor shall any person ~~((purchase))~~ obtain, within a ~~((forty-eight))~~ ninety-six hour period, more than the maximum quantity set forth in ~~((Rule 3(3.))~~ subsection (3)(c) of this rule. Further, no pharmacist or pharmacy shall sell to any person, nor shall any person obtain more than twice the maximum quantity set forth in (3)(c) above in any sixty-day period.

~~((5.))~~ (5) ~~((1))~~ (a) Every pharmacy handling schedule V drugs ~~((RCW 69.50.212))~~ must keep a schedule V register book ~~((:))~~ in which ~~((When entries are being made on a specific page))~~ the following statement must appear at the top ~~((of the))~~ of each page: "I have not ~~((purchased))~~ obtained any schedule V preparations within the last ~~((forty-eight))~~ ninety six hours ~~((and))~~, nor obtained schedule V preparations more than twice within the last sixty days. ~~((1))~~ This is my true ~~((signature))~~ name and address". All sales of schedule V ~~((drugs))~~ preparations without a ~~((doctor's))~~ practitioner's prescription shall be recorded in the schedule V register book and the following information must be recorded therein:

- ~~((a))~~ (i) Printed name of purchaser
- ~~((b))~~ (ii) Signature of purchaser
- ~~((c))~~ (iii) Address of purchaser
- ~~((d))~~ (iv) Name of the schedule V preparation sold
- ~~((e))~~ (v) Quantity of schedule V preparation sold
- ~~((f))~~ (vi) Date of sale
- ~~((g))~~ (vii) Initials or name of pharmacist or pharmacy intern who sold the schedule V drug
- ~~((h))~~ (viii) Proof of identification: ~~((driver's license number, social security number or any other identification code unique to that particular individual))~~ a unique identification number from a driver's license or from other state or federally issued photo identification card.

~~((2))~~ (b) All register books used to record the sale of schedule V ~~((drugs))~~ preparations shall conform to the following standards:

~~((a))~~ (i) The book shall be 8 1/2 inches wide, 11 inches long.

~~((b))~~ (ii) The book shall be securely bound, not loose leaf or spiral bound.

~~((c))~~ (iii) The book shall have its pages consecutively numbered with a unique number assigned to each book and identified on each page.

~~((d))~~ (iv) Each page shall ~~((contain a carbon and second sheet. When each page of the book is filled, it shall be promptly mailed to the board of pharmacy of fee))~~ consist of an original and duplicate. If any sales are recorded, the duplicate sheet must be mailed to the Board of Pharmacy when completed or on the last day of each month, whichever is earlier.

(3) All pharmacy records relating to ~~((the purchase and/or sales))~~ of schedule V drugs ~~((and inventory of schedule V drugs))~~ shall be open to examination by state

board of pharmacy ~~((inspectors))~~ investigators during normal business hours. The refusal to permit such examination shall constitute ~~((s))~~ grounds for the suspension or revocation of the pharmacists license.

WSR 82-19-023
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-130—Filed September 8, 1982]

I, Rolland A. Schmitt, director of the 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 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 the emergency is restrictions in Areas 4B, 5, and 6C provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for a limited harvest, limited effort, immobile treaty Indian coho fishery. Restrictions in Areas 6, 6A, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian chinook. Restrictions in Areas 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 6D, 12D, Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creek provide protection for local chinook stocks. Closure in 12C around Hoodspout Hatchery is to protect returning chinook salmon. Restrictions in Areas 6B, 9, 11, 13 and 13B provide protection for Deschutes River origin chinook. Analysis of test fishing data indicates coho management needs predominate in Area 10. Restrictions in Areas 6B, 8A, 9 and the Stillaguamish and Snohomish Rivers provide protection for Stillaguamish Snohomish origin chinook salmon.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1982.

W. R. Wilkerson
for Rolland A. Schmitt
Director

NEW SECTION

WAC 220-28-213 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Areas 4B, 5, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

Areas 6, 6A, 7, 7A, and 7D - All gill net gear restricted to 5-7/8-inch maximum mesh, when open.

*Areas 6B, 9, and 11 - Closed to all commercial net fishing.

Area 6D - Closed to all commercial fishing.

Area 7C - Closed to all commercial fishing.

*Area 8A - Closed to all commercial fishing.

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

Area 12C - Closed to all commercial fishing within 1,000 feet of western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park.

Area 12D - Closed to all commercial fishing.

Area 13 - Closed to all commercial fishing except in that portion of Hale Pass inside and north of a line running 24° True from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge.

Area 13B - Closed to all commercial fishing in those portions east of a line from Hungerford Point to Arcadia Point and south of a line from the southern tip of Stretch Island due east to the Longbranch Peninsula.

*Stillaguamish and Snohomish Rivers - Closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER (Amending Order 108, filed 10/26/71)

The following section of the Washington Administrative Code is repealed:

WAC 220-28-212 Puget Sound Commercial Fishery Restrictions (82-128)

WSR 82-19-024**PROPOSED RULES****DEPARTMENT OF REVENUE**

[Filed September 9, 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 Listing of personalty—Omitted property, amending WAC 458-12-100;

that such agency will at 9:30 a.m., Wednesday, October 27, 1982, in the Evergreen Plaza Building, Room 301, 711 Capitol Way, Olympia, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, November 1, 1982, in the Evergreen Plaza Building, Room 301, 711 Capitol Way, Olympia, WA.

The authority under which these rules are proposed is RCW 84.08.010 and 84.08.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 27, 1982, and/or orally at 9:30 a.m., Wednesday, October 27, 1982, Evergreen Plaza Building, Room 301, 711 Capitol Way, Olympia, WA.

Dated: September 9, 1982

By: Trevor W. Thompson

Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue, as follows:

Title: Listing of Personalty—Omitted Property—Omitted Value, WAC 458-12-100.

Purpose: To amend the existing rule to bring it into compliance with RCW 84.40.080 and 84.40.085 and provide a method of making an omitted property or value assessment.

Statutory Authority: RCW 84.08.010(2) requires the department to formulate such rules and processes that are best calculated to secure uniform assessment of property. RCW 84.08.070 requires the Department of Revenue to make rules and regulations to carry the power granted by chapter 84.08 RCW.

Summary and Reasons for the Rule: The current rule was adopted in 1968. This amendment is to bring the rule into compliance with RCW 84.40.080 and 84.40.085 which were amended by the legislature in 1973. The new rule also provides for an administratively easy method of assessment and appeal to the county board of equalization.

Drafter of the Rule, Rule Implementation and Enforcement: Trevor W. Thompson, Evergreen Plaza

Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-100 LISTING OF PERSONALTY—OMITTED PROPERTY—OMITTED VALUE. (1) Omitted personal property shall include all personalty which was not entered on the assessment rolls ((for other than fraudulent reasons)). It shall not include personalty which was listed but improperly valued. (Tradewell Stores, Inc. v. Snohomish County 69 Wn. ((Dec.)) 2d 356 (1966); Wood Lbr. Company v. Whatcom County, 5 Wn. 2d 63 (1940))

(2) Omitted value shall include all personalty which was assessed at less than market value due to inaccurate reporting by the taxpayer or person reporting said property.

(3) Whenever the assessor shall find or be informed of omitted ((personalty)) property or omitted value he shall go back no more than three assessment years from the year of discovery of the omission and assess such personalty as omitted property ((except in cases of fraud or willful evasion. In cases of fraud or willful evasion, there shall be no limitation on the number of years he can go back)) or value. He shall add to the current assessment rolls any omitted property or value at the correct value for the year of said omission and shall notify the property owner or taxpayer of said assessment.

(4) Any person receiving notice of an omitted property or omitted value assessment may appeal said assessment to the county board of equalization as provided for in WAC 458-14-120.

WSR 82-19-025

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 191—Filed September 9, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to Mt. St. Helens' area hunting, fishing, and trapping closure, WAC 232-28-60416.

This action is taken pursuant to Notice No. WSR 82-15-068 filed with the code reviser on July 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 29, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60416 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE. Notwithstanding the provisions of WAC 232-28-704, WAC 232-28-804, WAC 232-28-205, WAC 232-28-505, WAC 232-28-105, WAC 232-28-604, WAC 232-28-605, and WAC 232-28-405, it shall be unlawful for any person to take, hunt for, fish for, trap for, or possess any game animal, game fish, game bird or furbearing animal in the Mt. St. Helens Red Zone area described as follows:

Beginning at the southwest corner of Section 36, T9N, R4E; thence west along section line to the northwest corner of Section 1, T8N, R4E; thence south along the west line of said Section 1 to its intersection with the north edge of Forest Service Trail 238; thence southerly along the east edge of said Forest Service Trail 238 to its intersection with north edge of Forest Service Development Road (FDR) 8123; thence southerly along said north edge of FDR 8123 to its intersection with the east edge of Forest Service Trail 238 (Section 24, T8N, R4E); thence southeasterly along the east edge of said Forest Service Trail 238 to its intersection with north edge of FDR 81 (Section 30, T8N, R5E); thence easterly along said FDR 81 to its intersection with the south line of Section 29, T8N, R5E; thence east along section lines to the intersection with the northerly edge of FDR 8315 (Section 25, T8N, R5E); thence easterly along the north edge of said FDR 8315 to the intersection with the east line of said section 25, T8N, R5E; thence north along section lines to the northeast corner of Section 24, T8N, R5E; thence northeasterly to the northeast corner of Section 7, T8N, R6E; thence northwesterly to the northeast corner of Section 26, T9N, R5E; thence north along section line to the top of divide separating the Lewis and Green River Drainage from the Toutle River Drainage; thence northerly along said divide to Norway Pass located in the north half (N-1/2) of Section 31, T10N, R6E; thence northerly to Bear Pass in Section 30, T10N, R6E; thence westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); thence westerly along Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); thence north along the west boundary of the R5E line to the northeast corner of Section 36, T10N, R4E; thence west to the northeast corner of Section 33, T10N, R4E; thence northwesterly to the headwaters of the south fork of Hoffstadt Creek located in the south half (S-1/2) of Section 28, T10N, R4E; thence westerly along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); thence continuing westerly along the north bank of Hoffstadt Creek to the north high-water line of the impoundment of the Corps of Engineers' debris retaining structure (commonly known as the N-1 debris dam); thence westerly along the north high-water line to its intersection with the N-1 debris dam located in the north half (N-1/2) of Section 29, T10N, R3E; thence southwestwardly along the west fill base of the northerly segment of the N-1 debris dam to the point of intersection with the natural high ground; thence southwestwardly to the north end of the

west fill base of the southerly segment (main structure); thence southerly along said fill base to its intersection with the base of the high ground; thence westerly along the base of the hill to its intersection with the Weyerhaeuser 3001 Road; thence southerly and easterly along the east edge of the Weyerhaeuser 3001 Road to the intersection of Weyerhaeuser Roads 3001 and 3000 in the south half (S-1/2) of Section 32, T10N, R3E; thence south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 intersects the Weyerhaeuser 3090 Road in Section 26, T9N, R4E; thence southeasterly along the north edge of the Weyerhaeuser 3090 Road to its end in the east half (E-1/2) of Section 35, T9N, R4E; thence east to the east line of said Section 35; thence south along the section line to the southwest corner of Section 36, T9N, R4E and the point of beginning.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-60406 MT. ST. HELEN'S AREA HUNTING, FISHING, AND TRAPPING CLOSURE

WSR 82-19-026
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 192—Filed September 9, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 232-12-007 Classification of wild animals.
Amd WAC 232-12-011 Wildlife classified as protected wildlife.
Amd WAC 232-12-014 Wildlife classified as endangered species.
Amd WAC 232-12-027 Game farm license provisions.

This action is taken pursuant to Notice No. WSR 82-15-068 filed with the code reviser on July 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 28, 1982.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-007 CLASSIFICATION OF WILD ANIMALS. Certain wild animals are classified as:

(1) Game animals include deer of the genus *Odocoileus*, commonly known as whitetail, blacktail, and mule deer; elk, *Cervus elaphus* including Roosevelt and Rocky Mountain races; moose, *Alces alces*; antelope, *Antilocapra americana*; mountain sheep, *Ovis canadensis*; mountain goat, *Oreamnos americanus*; black bear, *Ursus americanus*; cougar, *Felis concolor*; bobcat, *Lynx rufus*; raccoon, *Procyon lotor*; cottontail rabbit, *Sylvilagus floridanus*, and nuttallii; snowshoe hare, *Lepus americanus*; black-tailed jackrabbit, *Lepus californicus*; white-tailed jackrabbit, *Lepus townsendii*; bullfrog, *Rana catesbeiana*; beaver, *Castor canadensis*, muskrat, *Ondatra zibethicus*; mink, *Mustela vison*(:), except legally acquired, captive-bred mink; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; badger, *Taxidea taxus*; weasel, *Mustela erminea* and *frenata*; and fox, *Vulpes fulva*, except legally acquired, captive-bred silver fox.

(2) Furbearing animals include beaver, *Castor canadensis*; muskrat, *Ondatra zibethicus*; mink, *Mustela vison*(:), except legally acquired, captive-bred mink; otter (river), *Lutra canadensis*; marten, *Martes americana*; Canada lynx, *Lynx canadensis*; bobcat, *Lynx rufus*; badger, *Taxidea taxus*; raccoon, *Procyon lotor*, weasel, *Mustella erminea* and *frenata*; and fox, *Vulpes fulva*, except legally acquired, captive-bred silver fox.

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 174, filed 10/22/81)

WAC 232-12-011 WILDLIFE CLASSIFIED AS PROTECTED WILDLIFE. Protected wildlife includes all birds not classified as game birds, predatory birds or endangered species and; (~~Mountain caribou, Rangifer tarandus~~;) fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; gray squirrel, *Sciurus griseus* and *carolinensis*; Douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias*, all species found wild in Washington; cony or pika, *Ochotona princeps*; hoary marmot, *Marmota caligata* and *olympus*; pigmy rabbit, *Sylvilagus idahoensis*; fox squirrel, *Sciurus niger*; all wild turtles not otherwise classed as endangered species; mammals of the order Cetacea including whales, porpoises and mammals of the suborder Pinnipedia not otherwise designated as endangered species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or

threatening to damage commercial fish being lawfully taken with commercial gear.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-014 WILDLIFE CLASSIFIED AS ENDANGERED SPECIES. Endangered species include: Columbian white-tailed deer, *Odocoileus virginianus leucurus*; Mountain caribou, *Rangifer tarandus*; Blue whale, *Balaenoptera musculus*; Bowhead whale, *Balaena mysticetus*; Finback whale, *Balaenoptera physalus*; Gray whale, *Eschrichtius gibbosus*; Humpback whale, *Megaptera novaeangliae*; Right whale, *Balaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter catodon*; Wolf, *Canis lupus*; (~~American p~~) Peregrine falcon, *Falco peregrinus* ((~~anatum~~, ~~Arctic peregrine falcon, *Falco peregrinus tundrius*))~~; Aleutian Canada goose, *Branta canadensis leucopareia*; Brown pelican, *Pelecanus occidentalis*; Leatherback sea turtle, *Dermochelys coriacea*; Grizzly bear, *Ursus arctos horribilis*; Sea Otter, *Enhydra lutris*; White pelican, *Pelecanus erythrorhynchos*; Sandhill crane, *Grus canadensis*; Snowy plover, *Charadrius alexandrinus*; Upland sandpiper, *Bartramia longicauda*.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-027 GAME FARM LICENSE PROVISIONS. It is unlawful to operate a game farm except under the following provisions:

- (1) Game farms licensed prior to July 1, 1981, may continue to possess, propagate, sell and transfer wildlife they lawfully possess on July 1, 1981, by virtue of their license or permit issued by the department. Transfers of wildlife other than those species listed under 2(a), (b), (c), or (d) are restricted to licensed game farms authorized by written permit to possess said wildlife.
- (2) Game farms licensed after July 1, 1981, may purchase, possess, propagate, sell or transfer the following wildlife:
 - (a) Game animals - bullfrog, *Rana catesbeiana*
 - (b) Fur-bearing animals - muskrat, *Ondatra zibethicus* and beaver, *Castor canadensis*
 - (c) Game birds - Pheasant, of the genus *Phasianus* and *Syrmaticus reevesi*; wild turkeys of the species *Meleagris gallopavo*; Hungarian (~~partridge~~) partridge of the genus *Perdix*; chukar partridge of the genus *Alectoris*; quail, of the genus *Lophortyx*, *Colinus*, and *Oreortyx*; waterfowl of the family *Anatidae*, and tinamou of the genus *Nothoprocta*
 - (d) Game fish - trout and Atlantic salmon
- (3) Application for a game farm license shall be made on a form provided by the department.
- (4) The director may issue a license, if after investigation, the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:
 - (a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where game birds, game fish, or game animals will be held.

(f) Such other restrictions as the director may require.

(5) Holders of a game farm license must make annual reports on the last day of January to the director on forms to be furnished by the department.

(6) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

WSR 82-19-027
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 193—Filed September 9, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to 1982-83 Upland Game Bird and Migratory Waterfowl Seasons, WAC 232-28-405.

This action is taken pursuant to Notice No. WSR 82-15-068 filed with the code reviser on July 21, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 28, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-405 1982-83 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's Note: The text and accompanying pamphlet comprising the 1982-83 Upland Game Bird and Migratory Waterfowl Seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet

form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 82-19-028
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order ET 82-9—Filed September 10, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Unfair Cigarette Sales Below Cost Act rules and regulations, chapter 458-24 WAC.

This action is taken pursuant to Notice No. WSR 82-16-060 filed with the code reviser on July 30, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Don R. McCuiston

Director, Tax Rules

Interpretation and Appeals Division

Chapter 458-24 WAC
UNFAIR CIGARETTE SALES BELOW COST ACT
RULES AND REGULATIONS

WAC

458-24-020	Unlawful practices.
458-24-030	Licenses, bond.
458-24-050	Administrative remedies.
458-24-060	Form and contents of ((petition)) <u>complaint.</u>
458-24-070	Penalties.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-020 UNLAWFUL PRACTICES.

(1) It is unlawful for any retailer or wholesaler of cigarettes with intent to injure competitors, destroy or substantially lessen competition to:

- (a) Advertise, offer, or sell at less than cost;
- (b) Offer or give a rebate in price, the effect of which would be a sale at less than cost~~((;))~~; or~~((;))~~
- (c) Offer or give a concession of any kind, the effect of which would be a sale at less than cost.

(2) It is unlawful for a cigarette retailer with intent to injure competitors, destroy or substantially lessen competition to:

- (a) Purchase or attempt to purchase cigarettes at less than cost to wholesalers~~((;))~~; or

(b) Get or attempt to get a rebate or concession, the effect of which would be a purchase at less than cost to wholesalers.

(3) It is unlawful to engage in the business of purchasing, selling, consigning or distributing cigarettes without holding a current and valid cigarette wholesalers or retailers license issued by the department of ~~((revenue))~~ licensing.

(4) Commission of any of the unlawful practices proscribed by RCW 19.91.020 is a misdemeanor and, in addition, the law provides for a fine up to \$500 for each offense.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-030 LICENSES, BOND. (1) "Wholesaler" means any person who:

(a) Purchases cigarettes directly from the manufacturer~~((;))~~; or

(b) Purchases cigarettes from others for sale to persons who will resell such cigarettes in the regular course of business~~((;))~~; or

(c) Services retail outlets through an established place of business for the purchase, warehousing, and distribution of cigarettes.

Each wholesaler shall~~((, prior to July 1 of each year,))~~ renew or make application for a wholesale cigarette dealer's license on forms supplied by the department of ~~((revenue (SF 8695)))~~ licensing and remit therewith the annual license fee of ~~\$(300)~~ 650 to the department of licensing. If the wholesaler sells, or intends to sell, cigarettes at more than one place of business, whether temporary or established, a separate license with a license fee of ~~\$(25)~~ 115 shall be required for each additional place of business. Each license shall be exhibited in the place of business for which it is issued. "Place of business" means any location where business is transacted with, or sales are made to, customers. It includes any vehicle, truck, vessel, or the like at which sales are made.

Each licensed wholesaler shall file a bond with the department of revenue in an amount determined by the department of revenue, which amount shall not be less than ~~\$(1,000)~~ 5,000. The bond shall be executed by the wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

(2) "Retailer" means any person who makes sales of cigarettes at retail whether by operation of a store, stand, booth, concession, vending machine or other manner whatsoever.

Each retailer shall~~((, prior to July 1 of each year,))~~ renew or make application for a retail cigarette dealer's license on forms supplied by the department of licensing and remit therewith the annual license fee of ~~\$(5)~~ 10 to the department of licensing. Retailers operating cigarette vending machines are required to pay an additional annual license fee of \$1 for each such vending machine.

(3) Persons may sell cigarettes both at retail and wholesale only if appropriate licenses are first secured for both such capacities.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-050 ADMINISTRATIVE REMEDIES. (1) Any licensed cigarette retailer or wholesaler, believing ~~((himself injured by a competitor violating any provision of chapter 19.91 RCW or chapter 458-24 WAC, may file with the department of revenue, Olympia, Washington, a petition for a hearing and request an opportunity to present the evidence referred to in RCW 19.91.080 pertaining to "cost to the retailer" or "cost to the wholesaler", or in RCW 19.91.020(4) pertaining to evidence of advertisements, offers, or sales at less than cost, evidence of rebates or concessions given or offered resulting in sales at less than cost, or such other evidence as may tend to show that the competitor complained against has violated the law with intent to injure, destroy, or substantially lessen competition. Such petition shall conform to WAC 458-24-060 as to form and contents:~~

(2) Upon receipt of such a petition the department will promptly consider the petition and may grant or deny it, depending on whether in its judgment sufficient probable cause exists that a violation has occurred. One copy of the petition shall be furnished by the petitioner to the dealer complained against.

(3) If the hearing is granted, the department will give written notice to the petitioner and the dealer complained against of the time and date of hearing. All such hearings will be held before the director of the Interpretation and Appeals Division or his designee in the department's Olympia offices unless otherwise specified in the notice of hearing.

(4) The hearing will be conducted in accordance with the provisions of chapter 34.04 RCW and the petitioner and person complained against will each be given an opportunity to present evidence and argument at the hearing. The right to appear in a representative capacity in such hearings shall be limited to

(a) taxpayers who are natural persons representing themselves;

(b) attorneys duly qualified and entitled to practice in the courts of the state of Washington; or

(c) attorneys entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington state are permitted to appear before the courts of such other state in a representative capacity.

(5) After the hearing the department will issue an order setting out such determination as may appear to it to be just and lawful and will mail a copy thereof to the petitioner and the person complained against. The department may revoke or suspend the license or permit of any wholesale or retail dealer found to have violated the provisions of chapter 19.91 RCW or chapter 458-24 WAC. Upon a finding by the department of a failure to comply with the provisions of either, it shall

(a) for the first offense, suspend the license or licenses of the offender for not less than 5 nor more than 20 consecutive business days;

(b) in the case of a second or plural offender, suspend the license or licenses of the offender for not less than 20 consecutive days nor more than 12 months;

(c) in the event of finding the offender guilty of wilful and persistent violations, revoke the offender's license or licenses;)) that a competitor is violating any provision of chapter 19.91 RCW or chapter 458-24 WAC, may file with the Department of Revenue, Excise Tax Division, Olympia, Washington 98504, a complaint in writing setting forth the basis upon which it believes the competitor is violating the provisions of chapter 19.91 RCW. The complaint shall conform to the requirements of WAC 458-24-060 as to form and contents.

(2) Upon receipt of a complaint the department will determine if it is frivolous or unsubstantiated, and if so found, shall promptly notify the complaining party that there is no basis upon which the department will act.

(3) If the department determines that the complaint is not frivolous or unsubstantiated, the department shall notify the complaining party of its intent to investigate the matter. The complaining party will not receive any other notification of departmental action in the case unless requested. The department shall notify the party complained against that a complaint has been filed and that an investigation will commence in order to determine whether violations of chapter 19.91 RCW or chapter 458-24 WAC have occurred.

(4) The party complained against shall make available to the department of revenue, upon request, all business records pertaining to its operations and sales of cigarettes. All such business records will be subject to review and verification by the department as it may by law conduct.

(5) The department of revenue shall notify the party complained against of the result of its investigation in a written report. If the department determines that a violation of any provision of chapter 19.91 RCW has occurred, a hearing will be scheduled to consider the pending license revocation or suspension of the party complained against (hereinafter known as petitioner).

(6) All such hearings will be held before the director of the interpretation and appeals division in the department's Olympia offices unless otherwise specified in the Notice of Hearing. The department of revenue will schedule the hearing within thirty days of the issuance of its written report, or any extension requested by the petitioner and granted by the department.

(7) The hearing will be conducted in accordance with the provisions of chapter 34.04 RCW. The petitioner will be given an opportunity to present evidence and argument in opposition to the written report and pending license revocation or suspension. The right to appear in a representative capacity in such hearings shall be limited to:

(a) Individuals, officers, or employees of the business;
(b) Attorneys duly qualified and entitled to practice in the courts of the state of Washington; or

(c) Attorneys entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington state are permitted to appear before the courts of such other state in a representative capacity.

(8) Following the hearing, the director of interpretation and appeals will issue an order in accordance with the provisions of chapter 19.91 RCW, chapter 458-24 WAC, and RCW 34.04.120. The order shall state the

penalties (see WAC 458-24-070), if any, to be imposed against the petitioner. The department shall mail a copy of its order to the petitioner. The order shall represent the official position of the department of revenue and shall be binding unless timely appealed.

(9) Appeals from orders of the department of revenue may be taken to the superior court of Thurston county.

AMENDATORY SECTION (Amending order ET 72-2, filed 9/29/72)

WAC 458-24-060 FORM AND CONTENTS OF ((PETITION)) COMPLAINT. (1) The ((petition)) complaint shall set forth the following:

(a) The name and address of the complaining party ((who shall be the petitioner));

(b) The name and address of the person against whom the complaint is made;

(c) The nature of the complaint in clear and concise language with sufficient detail to notify the department of the specific violation or violations which constitute the subject matter of the complaint; and

(d) Those facts which complainant alleges as of his own knowledge and those facts that are alleged on information and belief.

(2) The ((petition)) complaint shall be signed by the party making the complaint and the facts alleged in the complaint, except those facts alleged to be on information and belief, shall be sworn to by the ((petitioner)) complaining party.

NEW SECTION

WAC 458-24-070 PENALTIES. The department shall revoke or suspend the license or permit of any wholesale or retail cigarette dealer found to have violated the provisions of chapter 19.91 RCW or chapter 458-24 WAC. Upon a finding by the department of a failure to comply with the provisions of chapter 19.91 RCW or chapter 458-24 WAC, it shall:

(1) For the first offense, suspend the license or licenses of the offender for a period of not less than thirty consecutive business days;

(2) In the case of a second or plural offender, suspend the license or licenses of the offender for not less than ninety consecutive business days nor more than twelve months;

(3) In the event of finding the offender guilty of wilful and persistent violations, revoke the offender's license or licenses.

WSR 82-19-029

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Order ET 82-10—Filed September 10, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Unfair Cigarette Sales Below Cost Act rules and regulations, new section WAC 458-24-080.

I, Donald R. Burrows, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to implement law effective July 10, 1982.

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

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Don R. McCuiston

Director, Tax Rules

Interpretation and Appeals Division

NEW SECTION

WAC 458-24-080 UNFAIR CIGARETTE SALES BELOW COST ACT RULES AND REGULATIONS. (1) RCW 19.91.020(1) forbids sales of cigarettes by wholesalers at less than cost. The law specifies that the "cost to the wholesaler" is to be computed by adding the "basic cost of cigarettes" (RCW 19.91.010(8)) to the "cost of doing business by the wholesaler" (RCW 19.91.010(9)). It shall be presumed that the "cost of doing business by the wholesaler" is at least four percent of the "basic cost of cigarettes" to the wholesaler. If the wholesaler performs or pays for the cartage to the retail outlet, it shall be presumed that the cartage costs are at least one-half of one percent of the "basic cost of cigarettes" to the wholesaler and shall be added to the "cost of doing business."

(2) If the wholesaler of cigarettes believes that his cost of doing business is less than four percent of the "basic cost of cigarettes" to the wholesaler or that his cost of cartage to the retail outlet is less than one-half of one percent of the "basic cost of cigarettes" to the wholesaler, he must file a letter with the department of revenue stating his intention to sell cigarettes at a cost less than that presumed under RCW 19.91.010(9) and setting forth proof of a lesser cost of doing business.

(3) RCW 19.91.020(1) and (2) forbid sales of cigarettes by retailers at less than cost. The law specifies that the "cost to the retailer" is to be computed by adding the "basic cost of cigarettes" (RCW 19.91.010(8)) to the "cost of doing business by the retailer" (RCW 19.91.010(10)). Any retailer who, in connection with his purchase, receives discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer," add the "cost of doing business by the wholesaler" to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer." It shall be presumed that the "cost of doing business by the retailer" is at least ten percent of the "basic cost of cigarettes" to the retailer. In the case of a

retailer who receives the discounts ordinarily allowed upon purchases by a wholesaler, the "cost of doing business by the retailer" shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler."

(4) If the retailer of cigarettes believes that his cost of doing business is less than ten percent of the "basic cost of cigarettes" to the retailer or that his cost of doing business is less than ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler" (where the retailer receives the discounts ordinarily allowed upon purchases by a wholesaler), he must file a letter with the department of revenue stating his intention to sell cigarettes at a cost less than that presumed under RCW 19.91.010(10) and setting forth proof of a lesser cost of doing business.

(5) The department of revenue shall examine the wholesaler's or retailer's proof and verify its accuracy. The verification may include review of the wholesaler's or retailer's accounting records to determine the "cost of doing business by the wholesaler" as defined by RCW 19.91.010(9) or "cost of doing business by the retailer" as defined by RCW 19.91.010(10).

(6) If the department finds that the wholesaler or retailer has presented satisfactory proof of a lesser cost of doing business, it shall issue a letter of approval stating that prices may be lowered in accordance with the letter.

(7) If the department finds that the wholesaler or retailer has not presented satisfactory proof of a lesser cost of doing business, it shall issue a letter denying the wholesaler's or retailer's request for lower costs and stating the reasons therefore.

(8) The wholesaler or retailer may petition the department of revenue in writing for a review of the denial of the use of a lesser cost. Petitions should be addressed: State of Washington, Department of Revenue, Interpretation and Appeals Division, Olympia, Washington 98504.

(9) The petition must be received by the department of revenue within twenty days after the issuance of the denial letter. An extension of thirty days will be granted if additional time is required for preparation of the petition and such extension is requested prior to expiration of the twenty-day period. If no petition is filed within these time periods, the department's denial letter shall become final.

(10) The department shall grant a conference for review of all denial letters if the wholesaler or retailer has filed a timely petition. Such conferences will be conducted by the director of the interpretation and appeals division. All conferences will be conducted informally and will be held at the departmental offices in Olympia.

(11) The wholesaler or retailer shall receive written notice of the assistant director's determination. The determination shall represent the official position of the department of revenue and shall be binding upon the wholesaler or retailer.

WSR 82-19-030
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order PL 405—Filed September 10, 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 auctioneers and auctioneers trainees fees, new section WAC 308-11-001.

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 and continue rules relating license fees for auctioneers pursuant to chapter 205, Laws of 1982. Adoption of these rules pending the adoption of permanent rules will permit the department to continue to issue the licenses necessary to engage in the profession of an auctioneer.

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

This rule is promulgated pursuant to RCW 43.24.085 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 September 9, 1982.
 By John Gonzalez
 Director

NEW SECTION

WAC 308-11-001 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Auctioneer initial application (resident)	\$150.00
Auctioneer initial application (non-resident)	150.00
Auctioneer Renewal	150.00
Auctioneer Renewal Penalty	50.00
Auctioneer Trainee initial application	25.00
Auctioneer Trainee Renewal	15.00
Auctioneer Trainee Renewal Penalty	10.00
Duplicate License	5.00
Certification	10.00

WSR 82-19-031
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1771—Filed September 10, 1982]

I, Michael V. Schwisow, director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to definition of adulteration, WAC 16-200-881.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in order to protect the public health, safety and general welfare and the well being of the feed and livestock industry of the state of Washington. Immediate prohibition of the importation, distribution, and use of commercial feed adulterated with aflatoxin in excess of 20 parts per billion requires that the regulations be made effective forthwith.

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

This rule is promulgated pursuant to RCW 15.53-.9012 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 September 10, 1982.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-200-881 ADULTERATION. Pursuant to RCW 15.53.902 a commercial feed or feed ingredient shall also be deemed to be adulterated if it contains more than 20 parts per billion aflatoxin B₁.

WSR 82-19-032
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 82-31—Filed September 10, 1982]

I, Sam Kinville, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to 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, amending WAC 296-54-507(6).

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 September 10, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-507 MANAGERMENTS 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 one 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, watchmen 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.

WSR 82-19-033
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
[Filed September 10, 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 securities involving mortgages, trust deeds or property sales contracts, adding new chapter 460-33A WAC;

that the agency will at 10:30 a.m., Tuesday, October 19, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 21.20.450.

The specific statute these rules are intended to implement is chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 18, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-16-007 filed with the code reviser's office on July 23, 1982.

Dated: September 10, 1982
By: John Gonzalez
Director

WSR 82-19-034
PROPOSED RULES
DEPARTMENT OF LICENSING
(Veterinary Board of Governors)
 [Filed September 10, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Veterinary Board of Governors for the state of Washington intends to adopt, amend, or repeal rules concerning chapter 308-154 WAC, including WAC 308-154-010 Citation and purpose; WAC 308-154-020 Basic requirement—Amount; WAC 308-154-030 Effective date of requirement; WAC 308-154-040 Exceptions; WAC 308-154-050 Qualifications of program for continuing education credit; WAC 308-154-060 Programs approved by the veterinary board; WAC 308-154-070 Reporting of continuing education requirement; and WAC 308-154-080 Continuing education—Certification of compliance; that the agency will at 10:00 a.m., Thursday, November 4, 1982, in the Vance Airport Inn, Seattle Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.92.030.

The specific statute these rules are intended to implement is RCW 18.92.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1982.

Dated: September 8, 1982

By: Yvonne Braeme
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Veterinary Board of Governors.

Purpose of Repeal: To repeal rules mandating continuing education.

Statutory Authority: RCW 18.92.030.

Summary of Rules: WAC 308-154-010 Citation and Purpose; WAC 308-154-020 Basic Requirement—Amount; WAC 308-154-030 Effective Date of Requirement; WAC 308-154-040 Exceptions; WAC 308-154-050 Qualifications of Program for Continuing Education; WAC 308-154-060 Programs Approved by the Veterinary Board; WAC 308-154-070 Reporting of Continuing Education Requirement; and WAC 308-154-080 Continuing Education—Certification of Compliance.

Reason for Proposed Repeal: WAC 308-154-010 to 308-154-080, to repeal chapter 308-154 WAC, which the board no longer considers appropriate.

Responsible Personnel: The Washington State Veterinary Board of Governors and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Yvonne Braeme, P.O. Box 9649, Olympia, WA 98504, telephone (206) 753-0776 (Comm), (206) 234-0776 (Scan).

Proponents of the Proposed Repealer: This repealer is proposed by the Washington State Veterinary Board of Governors.

Agency Comments: This repealer is proposed pursuant to RCW 18.92.030.

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

REPEALER

Chapter 308-154 and the following sections of the Washington Administrative Code are each repealed:

WAC 308-154-010 CITATION AND PURPOSE.

WAC 308-154-020 BASIC REQUIREMENT-AMOUNT.

WAC 308-154-030 EFFECTIVE DATE OF REQUIREMENT.

WAC 308-154-040 EXCEPTIONS.

WAC 308-154-050 QUALIFICATIONS OF PROGRAM FOR CONTINUING EDUCATION.

WAC 308-154-060 PROGRAMS APPROVED BY THE VETERINARY BOARD.

WAC 308-154-070 REPORTING OF CONTINUING EDUCATION REQUIREMENT.

WAC 308-154-080 CONTINUING EDUCATION - CERTIFICATION OF COMPLIANCE.

WSR 82-19-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-132—Filed September 10, 1982]

I, Rolland A. Schmitt, director of the 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 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 the emergency is restrictions in Areas 4B, 5, and 6C provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for a limited harvest, limited effort, immobile treaty Indian coho fishery. Restrictions in Areas 6, 6A, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian chinook. Effective September 12, restrictions in Areas 6, 6A, and 7 provide protection for Canadian origin coho. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 6D, 12D, Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creek provide protection for local chinook stocks. Restrictions in Areas 13 and 13B provide protection for Deschutes River origin chinook. Restrictions in the Stillaguamish and Snohomish Rivers provide protection for Stillaguamish Snohomish origin chinook salmon.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-214 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

**Areas 6, 6A and 7 - All gill net gear restricted to 5-7/8-inch maximum mesh, when open through September 11. Effective 2 PM September 12, closed to gill nets and purse seines.

*Area 7A - All gill net gear restricted to 5-7/8-inch maximum mesh when open.

*Areas 6B, 9, and 11 - Closed to all commercial net fishing through September 11.

Area 6D - Closed to all commercial fishing.

Area 7C - Closed to all commercial fishing.

*Area 8A - Closed to all commercial fishing through September 11.

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

*Area 12D - Closed to all commercial fishing through September 11.

Area 13 - Closed to all commercial fishing except in that portion of Hale Pass inside and north of a line running 24° True from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge.

Area 13B - Closed to all commercial fishing in those portions east of a line from Hungerford Point to Arcadia Point and south of a line from the southern tip of Stretch Island due east to the Longbranch Peninsula.

Stillaguamish and Snohomish Rivers - Closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-213 Puget Sound Commercial Fishery Restrictions (82-130)

WSR 82-19-036

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-133—Filed September 10, 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 regulations.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is all citizen fishery openings allow harvest of non-Indian allocation of harvestable surpluses. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-709 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 12, 1982, until further notice it is

unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas - 4B, 5, 6, 6A, 6B, 6C and 6D - Closed.

Area 7 - Closed to all commercial fishing except reef nets may fish from 5 AM to 9 PM September 14 through September 16.

Area 7A - Under control of International Pacific Salmon Fisheries Commission. Gill nets restricted to 5-7/8-inch maximum mesh, when open.

Area 7B - Closed except gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly, September 12 through the morning of September 19 and purse seines may fish from 5 AM to 9 PM daily, September 13 through September 18.

Areas 7C and 7D - Closed.

Area 8 - Closed except gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly, September 13 through the morning of September 17 and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily September 14 through September 16 and from 5 AM to 4 PM Friday, September 17.

Area 8A - Closed except gill nets using 5-inch minimum to 6-1/2 inch maximum mesh may fish from 6 PM to 9 AM nightly September 13 through the morning of September 15 and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily September 13 and September 14.

Areas 9 and 9A - Closed.

Areas 10 and 11 - Closed except gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM nightly September 13 through the morning of September 16 and purse seines using 5-inch strip may fish from 5 AM to 9 PM daily September 14 through September 16.

Area 10A, 10B, 10C, 10D, 11A - Closed.

Area 12 - Closed except gill nets using 5-inch minimum mesh may fish from 6 PM to 9 AM September 15 through the morning of September 16 and purse seines with the 5-inch strip may fish from 5 AM - 9 PM September 16.

Area 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas- Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-708 Puget Sound All-Citizen Commercial Salmon Fishery (82-129)

WSR 82-19-037

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-131—Filed September 10, 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 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 the emergency is repeals inadvertent closures created by Columbia River salmon regulatory change, necessary to maximize opportunity to take harvestable numbers of sturgeon and shad.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Rolland A. Schmitt

Director

NEW SECTION

WAC 220-56-28500D SHAD AND STURGEON—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-128 and WAC 220-56-285, it is lawful to take, fish for and possess sturgeon and shad for personal use by angling the entire year from the waters of the Columbia River concurrent with salmon angling boundaries provided for in WAC 220-57-160 and outside of the following closed waters:

(1) McNary Dam - Waters between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

(2) John Day Dam - From the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

(3) The Dalles Dam - From the upstream line of the Dalles Dam to the upstream side of the Interstate Bridge at the Dalles, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

WSR 82-19-038
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—September 9, 1982]

Due to the Labor Day holiday, the Seattle Community College board of trustees has postponed their regular meeting of September 6, 1982, and will hold a special meeting on Monday, September 13, 1982, at South Seattle Community College, 6000 16th Avenue S.W., at 6:30 p.m.

WSR 82-19-039
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
 [Memorandum—September 7, 1982]

You are hereby notified that the September 14, 1982, meeting of the board of trustees of Whatcom Community College, District Number Twenty-One, has been cancelled.

You are hereby notified that the board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting at the following time and place: September 23, 1982, 10:00 a.m., Board Room, Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

WSR 82-19-040
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Memorandum—September 9, 1982]

Pursuant to RCW 42.30.075 the following schedule of regular meeting dates for 1983 of the State Board for Community College Education is hereby transmitted:

January 12-13*	Whatcom Community College
February 23-24*	South Seattle Community College
March 30-31*	Olympia Technical Community College
May 4-5*	Lower Columbia College
June 29-30*	Grays Harbor College
September 7-8*	Olympia Technical Community College
October 19-20*	Olympic College
December 7-8*	Olympia Technical Community College

* Dates on which meetings will be held should two-day meetings not be necessary.

WSR 82-19-041
EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Order 7-82—Filed September 13, 1982]

I, Norward J. Brooks, Commissioner of Employment Security Department, do promulgate and adopt at Commissioner's Conference Room, 2nd Floor, 212 Maple

Park, Olympia, WA 98502, the annexed rules relating to 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. Change of "five" to "four" weeks to implement Federal Supplemental Compensation which becomes effective September 12, 1982.

I, Norward J. Brooks, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is recent enactment of Federal Supplemental Compensation Act of 1982 by the federal government mandates the adoption of this rule.

These 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 Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 10, 1982.

By Norward J. Brooks
 Commissioner

AMENDATORY SECTION (Amending Order 6-82, filed 8/17/82)

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, 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)) four weeks, or (2) a probable recall or hire date within ((five)) four weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

WSR 82-19-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-134—Filed September 13, 1982]

I, Rolland A. Schmitt, director of the 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 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 the emergency is restrictions in Areas 4B, 5, 6C, and 7 provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for limited harvest, limited effort, immobile treaty Indian coho fisheries. Restriction in Area 7A provides the least restrictive regulation that allows protection of adult Canadian chinook. Restrictions in Areas 6 and 6A provide protection for Canadian origin coho. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 6D, Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks provide protection for local chinook stocks. Restrictions in the Stillaguamish and Snohomish Rivers provide protection for Stillaguamish-Snohomish origin chinook salmon. Restrictions in Areas 6B and 9 protect the validity of the terminal area coho run size updating procedures.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 13, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-215 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Areas 4B, 5, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

**Areas 6 and 6A - Closed to all commercial fishing.*

**Area 7 - Closed to all commercial fishing excluding reef net gear.*

Area 7A - All gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 6B and 9 - Closed to all commercial net fishing.*

Area 6D - Closed to all commercial fishing.

Area 7C - Closed to all commercial fishing.

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake

Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

Area 13 - Closed to all commercial fishing except in that portion of Hale Pass inside and north of a line running 24° True from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge.

Area 13B - Closed to all commercial fishing in those portions east of a line from Hungerford Point to Arcadia Point and south of a line from the southern tip of Stretch Island due east to the Longbranch Peninsula.

Stillaguamish and Snohomish Rivers - Closed to all commercial fishing.

Cedar River - Closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-214 Puget Sound Commercial Fishery Restrictions (82-132)

WSR 82-19-043

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-135—Filed September 13, 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 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 the emergency is these rules are the result of the Columbia River Compact and are to allow harvest of treaty Indian allocated salmon in areas closed by permanent regulations.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 13, 1982.
By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-32-05100S SEASONS—SALMON. *Notwithstanding the provisions of WAC 220-32-051, 220-32-052, and 220-32-058, it is unlawful to take, fish for or possess salmon taken for commercial purposes from Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish in all of Area 1F from noon September 14, 1982 to noon September 16, 1982 using net gear with an eight-inch minimum mesh restriction, and may fish in those waters of Area 1F extending to midstream at right angles to the thread of the Columbia River between Tunnel Number Five Point located approximately 1.8 miles west of Spring Creek Fishway to a boundary marker approximately one-quarter mile east of Spring Creek Fishway except in that portion within 50-foot radius of painted rocks at mouth of fishway from noon September 16, 1982 to noon September 18, 1982 using net gear with an eight-inch minimum mesh restriction.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100R SEASONS—SALMON (82-127)

WSR 82-19-044
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 82-27—Filed September 14, 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 296-306-200(6)(d)(i), provides an exemption for the use of roll-over protection (ROPS) on tractors used in agricultural operation, providing the machine does not operate on slopes in excess of 40 degrees from the horizontal. This is an obvious error and the 40 degrees should be amended to read 40 percent.

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 a track type agricultural tractor cannot operate on a 40 degree slope safely. There is danger of sliding and the machine can roll over even if it has roll-over protection or is not equipped with ROPS. A 40 percent maximum limitation is realistic as this is about as high a slope a machine can operate on due to traction capability. This emergency rule is necessary to ensure that no person will operate a tractor on slopes in excess of 40 percent thereby reducing the possibility of an injury or fatality.

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

This rule is promulgated pursuant to RCW 49.17.050 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 13, 1982.
By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-306-200 ROLL-OVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS. (1) *Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.*

(2) *Roll-over protective structure. A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)*

(3) *Seatbelts. (a) Where ROPS are required by this section, the employer shall:*

(i) *Provide each tractor with a seatbelt which meets the requirements of this subsection;*

(ii) *Require that each employee uses such seatbelt while the tractor is moving; and*

(iii) *Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.*

(b) *Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:*

(i) *Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.*

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 through 296-306-275(2)(c).

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. Items (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7-miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

(i) Does not involve operating on slopes in excess of 40 ((degrees)) percent from horizontal((:)); and

(ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and

(iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than 40 ((degrees)) percent from horizontal((:)); and

(iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

(a) Manufacturer's or fabricator's name and address;

(b) ROPS model number, if any;

(c) Tractor makes, models, or series numbers that the structure is designed to fit; and

(d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the

operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

*Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

NOTE: See Number LI-414-28.

WSR 82-19-045

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-136—Filed September 14, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is additional summer stock coho salmon are available for harvest.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1982.
By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-46000I SOLEDUCK RIVER. Notwithstanding the provisions of WAC 220-57-460, effective immediately until September 30, 1982, the following special bag limit applies to the waters of the Soleduck River downstream from the pump station at the Soleduck Hatchery: two additional coho salmon over 20 inches in length may be taken in addition to the normal bag limit A restriction.

**WSR 82-19-046
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed September 14, 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:

- Rep ch. 392-163 WAC Grants Management—Elementary and Secondary Education Act—Title I Program, Regular.
- Rep ch. 392-164 WAC Grants Management—Elementary and Secondary Education Act—Title I Program, Migrant.
- Rep ch. 392-168 WAC Grants Management—Elementary and Secondary Education Act—Title IV.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 30, 1982.

The authority under which these rules are proposed is RCW 28A.02.100.

This notice is connected to and continues the matter in Notice No. WSR 82-16-035 filed with the code reviser's office on July 28, 1982.

Dated: September 13, 1982
By: Frank B. Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-163-005 Authority and Purpose.
- WAC 392-163-010 Eligible Participants.
- WAC 392-163-015 Ancillary Services.
- WAC 392-163-020 Size and Scope of Activity.
- WAC 392-163-025 Construction and Remodeling.
- WAC 392-163-030 Field Trips.
- WAC 392-163-035 Notification of Parents.
- WAC 392-163-040 Nonpublic Student Involvement.
- WAC 392-163-045 Local Education Agency Parent Advisory Council.
- WAC 392-163-050 School Parent Advisory Councils.
- WAC 392-163-055 PAC Grievance Procedures.
- WAC 392-163-060 State Advisory Committee—Purpose.
- WAC 392-163-065 Administrative Costs.
- WAC 392-163-070 In-service Training.
- WAC 392-163-075 Approval of Projects.

- WAC 392-163-080 Evaluation.
- WAC 392-163-085 Disposition of Property.
- WAC 392-164-005 Introduction.
- WAC 392-164-010 Purposes.
- WAC 392-164-015 Definitions.
- WAC 392-164-020 Eligibility Requirements.
- WAC 392-164-025 Formerly Migratory Children.
- WAC 392-164-030 Bilingual Education.
- WAC 392-164-035 Student Identification.
- WAC 392-164-040 Student Insurance.
- WAC 392-164-045 Property, Facilities, and Equipment.
- WAC 392-164-050 Project Descriptions.
- WAC 392-164-055 Day Care.
- WAC 392-164-060 Local Parent Advisory Councils.
- WAC 392-164-065 Local Parent Advisory Council Appeal Process for Projects.
- WAC 392-164-070 Local Parent Advisory Council Appeal Process for PAC.
- WAC 392-164-075 Grievance Procedure.
- WAC 392-164-080 State Advisory Committee.
- WAC 392-164-085 Accountability.
- WAC 392-164-090 Administrative Costs.
- WAC 392-164-095 Fiscal Constraints.
- WAC 392-168-005 Authority.
- WAC 392-168-010 Purpose.
- WAC 392-168-015 Definitions.
- WAC 392-168-020 Advisory Council.
- WAC 392-168-025 Evaluation Criteria for Approving Applications.
- WAC 392-168-030 Additional Criteria for Approving Applications.
- WAC 392-168-035 Provisions for Assuring Fifteen Percent for Special Needs of Handicapped Children.
- WAC 392-168-040 Criteria for Achieving Equitable Distribution of Assistance.
- WAC 392-168-045 Provision for Private Nonprofit School Participation.
- WAC 392-168-050 Length of Project Period.
- WAC 392-168-055 Provisions for Hearings. (Part C)
- WAC 392-168-060 Legal Applicants.

**WSR 82-19-047
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 82-12—Filed September 14, 1982]**

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, the annexed rules relating to description or organization, WAC 392-105-003.

This action is taken pursuant to Notice No. WSR 82-16-033 filed with the code reviser on July 28, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.250 and 42.17.320 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 September 13, 1982.
By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-003 DESCRIPTION OF ORGANIZATION. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education ~~((and its ex officio president))~~. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into ~~((five))~~ four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education ~~((and reports directly to the superintendent of public instruction))~~.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the ~~((five))~~ four operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, jointly with the state auditor develops accounting manuals for school districts and educational service districts, budget forms for school districts and educational services districts (ESDs) and administers the school systems statewide financial reporting and accounting systems, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

~~((d))~~ The division of grants and equity programs is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers federal and state grant programs designed to help the special needs of educationally disadvantaged students and the unique needs of students of indian and bilingual backgrounds. Technical assistance is also provided school districts to achieve equal educational opportunities for all children.

~~((e))~~ (d) The instructional programs and ~~((professional))~~ services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts

in the development ~~((and evaluation))~~ of basic education programs, learning resources and multicultural/equity. In addition, the division has responsibility for supervising and managing supplementary federal education programs and for administering the state's traffic safety program. ~~((Specific subject matter curricula, and teacher training programs. State services available to private schools are also coordinated.))~~

~~((f))~~ (e) The special services and professional programs division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted programs and health ~~((education))~~ services programs and pupil personnel services, ~~((and))~~ supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, manages the institutional education programs, the Title I/Chapter I programs, and supervises professional education and certification.

~~((g))~~ (f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

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 82-19-048

ADOPTED RULES

SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 82-13—Filed September 14, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, the annexed rules relating to Finance—School district budgeting, chapter 392-123 WAC.

This action is taken pursuant to Notice No. WSR 82-16-094 filed with the code reviser on August 4, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.65-.465 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 September 13, 1982.
By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-123-047 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term (1) "Revenue" shall mean additions of assets during a given fiscal period to a fund of a school district in the form of cash or donated commodities which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(2) "Accrual basis expenditures" shall mean costs during a given fiscal period, whether paid or unpaid. With respect to the bond interest and redemption fund, the refunding bond fund, and the refunded bond fund, accrual basis expenditures are incurred when bond principal and interest become due.

(3) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred. "Cash basis expenditures" includes the consumption of donated commodities.

(4) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(5) "Disbursements" shall mean payments in cash, including but not limited to payments by warrants.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-123-051 Basis of Budgeting and Accounting.

NEW SECTION

WAC 392-123-049 BASIS OF BUDGETING AND ACCOUNTING. This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting in all school districts.

(1) All school districts shall recognize revenue as defined in WAC 392-123-047(1).

(2) School districts with less than one thousand (1000) full-time equivalent students for the previous school year may utilize the cash basis for the recognition of expenditures from the general and all other funds recognized in subsection (3) below. PROVIDED, That, in any school district which utilizes the cash basis, the school district superintendent shall prepare a list of accounts payable as of the end of the fiscal (school) year, subject to the penalties of perjury, a copy of which will accompany the district's annual report and a copy of which shall be filed with the district's board of directors.

(3) All school districts not utilizing the cash basis as provided in subsection (2) of this section shall utilize the accrual basis for the recognition of expenditures from the:

- (a) general fund;
- (b) transportation vehicle fund;

- (c) building and capital projects fund;
- (d) building reserve fund;
- (e) bond interest and redemption fund;
- (f) refunding bond fund;
- (g) refunded bond fund;
- (h) permanent insurance fund; and
- (i) associated study body program fund.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-140 INTERFUND LOANS ALLOWABLE. (~~Loans between the general fund, the building and capital projects fund, or to the bond interest and redemption fund are allowable to alleviate a temporary cash deficiency in the borrowing fund.~~) Loans are allowable to the general fund, the transportation vehicle fund, the building and capital projects fund and the bond interest and redemption fund. Loans are allowable from the general fund and the building and capital projects fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

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 82-19-049

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 82-14—Filed September 14, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, the annexed rules relating to Finance—Nonresident attendance, chapter 392-137 WAC.

This action is taken pursuant to Notice No. WSR 82-16-034 filed with the code reviser on July 28, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58-.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 13, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-8, filed 4/15/80)

WAC 392-137-055 APPEAL NOTICE. (1) Requests for appeal shall be written, signed, and directed to the superintendent of public instruction. Any such notice

of appeal shall set forth or be accompanied by the following information:

(a) The name, age, grade level, and mailing address of the student;

(b) The school district of residence on the date of the school district's decision to deny a release;

(c) The date of the school district's decision to deny a release;

(d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement ((of)) by the superintendent of the resident district that the board has taken action denying such a request;

(e) Either a copy of the minutes of the board of directors of the nonresident school district to which a release has been requested ((which)) that establishes ((that)) the nonresident district is willing to accept the student or a written statement of the superintendent of the nonresident district that the board has taken action accepting the student or that the board has established a policy accepting all students who are released by an order of the superintendent of public instruction or the court.

(f) An explanation of the special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian ((which)) that exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district ((which)) that denied the student's release.

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 81-5, filed 7/22/81)

WAC 392-137-060 HEARING. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. ((The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee.)) In the event the appeal (i.e., hearing) is conducted before the superintendent's designee, ((the decision of the designee that no special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian resulting from attendance in the resident district exists or that, if such does exist, it is not likely to be significantly alleviated as a result of the transfer prayed for, shall be final and shall terminate the proceeding. If, however, the designee finds that there

is good and sufficient evidence to warrant a finding both that such a hardship or condition exists and that the same would likely be significantly alleviated as a result of transfer,)) the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The provisions of RCW 34.04.110 shall be applicable to review by the superintendent of public instruction and shall be so noted within the designee's written opinion. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions, and recommendation following his or her review of the entire record. The decision of the superintendent, in such cases, shall be final and shall terminate the proceeding.

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 82-19-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 15, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-81-052	Receipt of resources without giving adequate consideration.
Amd	WAC 388-92-043	Transfer of resources without adequate consideration.

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, Phone (206) 753-7015, by November 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 13, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-81-052 and 388-92-043.

Purpose of the Rule or Rule Change: To clarify WAC 388-81-052(8) and define "transfer" as it relates to resources in the medical assistance program.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

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

AMENDATORY SECTION (Amending Order 1776, filed 4/28/82)

WAC 388-81-052 RECEIPT OF RESOURCES WITHOUT GIVING ADEQUATE CONSIDERATION. (1) Any person who knowingly and wilfully receives nonexempt resources transferred or assigned for less than fair market value after December 1, 1981 and within two years preceding the application for medical care, to enable an applicant or recipient to qualify or continue to qualify for Title XVI related medical assistance or the Limited Casualty Program for the Medically Needy, is liable for a civil penalty and is ((guilty)) subject to referral for criminal prosecution for commission of a gross misdemeanor.

(2) Definitions:

(a) "Transfer" shall mean any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

- (i) An intentional act or transfer; or
- (ii) Failure to act to preserve title to the resource.

(b) Fair market value means the reasonable value of a resource at the time of transfer or assignment.

((fb)) (c) Uncompensated value means the fair market value of a resource minus the amount of compensation received in exchange for the resource.

((fc)) (d) Value of compensation received means the consideration paid or agreed to be paid by the purchaser.

(3) WAC 388-28-461, 388-28-462, and 388-28-465 are incorporated by reference and apply to this section, with the exception to the reference therein to WAC 388-28-460.

(4) The voluntary transfer or assignment of resources between spouses is permitted without affecting eligibility or continued eligibility of the spouse who transfers(ed) or assigns(ed) the resources.

(5) The amount of the civil penalty shall be equal to the uncompensated value of the cash or resources transferred or assigned at less than fair market value.

(6) The civil penalty shall not exceed the cost of assistance rendered by the department to the recipient.

(7) Written notice of imposition of the civil penalty shall be provided by personal service or certified mail to the individual or entity subject to the civil penalty.

(8) ((Hearings:

(a) There is a rebuttable presumption that a person who assigns(ed) or transfers(ed) cash or other resource(s) within two years of the date of applying for, or while a recipient of, public assistance for less than fair market value did so knowingly and wilfully for the purpose of qualifying for assistance.

(b) All hearings shall be in accordance with the administrative procedures contained in chapter 388-08 WAC.)) The person or entity alleged to be subject to the civil penalty under this section has the right to request a hearing to appeal the determination, and said hearing

shall be in accordance with the administrative procedures in chapter 388-08 WAC except as modified by this section.

(a) There is a rebuttable presumption that a person who received cash or other nonexempt resources from an applicant or recipient for less than fair market value within two years preceding the date of application for medical care, did so knowingly and wilfully for the purpose of enabling the applicant or recipient to qualify or continue to qualify for assistance.

(b) The person has the right to offer evidence to rebut the presumption that the transfer or assignment was made for purposes of enabling the applicant or recipient to qualify or continue to qualify for assistance and that the person knowingly and wilfully received the resource for such purpose.

(c) The prevailing party in such an action shall be awarded reasonable attorney fees.

AMENDATORY SECTION (Amending Order 1776, filed 4/28/82)

WAC 388-92-043 TRANSFER OF RESOURCES WITHOUT ADEQUATE CONSIDERATION. (1) This section is to implement Second Substitute House Bill No. 557 effective December 1, 1981.

(2) An individual is ineligible for Title XVI categorical medical assistance or the Medically Needy component of the Limited Casualty Program for a period determined under this section if the person knowingly and wilfully assigns or transfers nonexempt resources at less than fair market value after December 1, 1981, for the purpose of qualifying or continuing to qualify for such medical care within two years preceding the date of application for such care.

(3) Definitions:

(a) "Transfer" shall mean any act or omission to act whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

- (i) An intentional act or transfer; or
- (ii) Failure to act to preserve title to the resource.

(b) Fair market value means the reasonable value of a resource at the time of transfer or assignment.

((fb)) (c) Uncompensated value means the fair market value of a resource minus the amount of compensation received in exchange for the resource.

((fc)) (d) Value of compensation received means the consideration paid or agreed to be paid by the purchaser.

(4) WAC 388-28-461, 388-28-462, and 388-28-465 are incorporated by reference and apply to this section, with the exception to the reference therein to WAC 388-28-460.

(5) The voluntary transfer or assignment of resources between spouses is permitted without affecting eligibility or continued eligibility of the spouse who transfers(ed) or assigns(ed) the resources.

(6) The uncompensated fair market value of the resource assigned or transferred and the corresponding periods of ineligibility from the date of transfer are as follows:

(a)	Dollar Amount of Uncompensated Value	Months of Ineligibility
	\$ 0 - \$ 1,000	1
	1,001 - 2,000	2
	2,001 - 3,000	3
	3,001 - 4,000	4
	4,001 - 5,000	5
	5,001 - 6,000	6
	6,001 - 7,000	7
	7,001 - 8,000	8
	8,001 - 9,000	9
	9,001 - 10,000	10
	10,001 - 11,000	11
	11,001 - 12,000	12
	12,001 - 13,500	13
	13,501 - 15,000	14
	15,001 - 16,500	15
	16,501 - 18,000	16
	18,001 - 19,500	17
	19,501 - 21,000	18
	21,001 - 22,500	19
	22,501 - 24,000	20
	24,001 - 25,500	21
	25,501 - 27,000	22

Dollar Amount of Uncompensated Value	Months of Ineligibility
27,001 - 28,500	23
28,501 - 30,000	24
30,001 - 31,667	25
31,668 - 33,333	26
33,334 - 35,000	27
35,001 - 36,667	28
36,668 - 38,333	29
38,334 - 40,000	30
40,001 - 41,667	31
41,668 - 41,333	32
41,334 - 45,000	33
45,001 - 46,667	34
46,668 - 48,333	35
48,334 - 50,000	36
Over \$50,000	48

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

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

The specific statute these rules are intended to implement is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 13, 1982
 By: David A. Hogan
 Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Residential Treatment Facilities for Psychiatrically Impaired Children and Youth, readopting chapter 248-22 WAC.

The purpose of wholesale readoption of present valid rules promulgated by the Washington State Board of Health is to maintain present minimum safety, care, and treatment standards, rules, and regulations for operation and maintenance of Residential Treatment Facilities for Psychiatrically Impaired Children and Youth.

The Reason for Readoption of These Rules are: Chapter 201, Laws of 1982 illuminated once more the question of rule-making authority for codes adopted pursuant to chapter 71.12 RCW; rule-making authority pursuant to chapter 71.12 RCW is clearly shifted to the Department of Social and Health Services; and anticipated future new rules, amendment or repeal of rules pursuant to chapter 71.12 RCW requires prior formal shifting of authority proposed herein.

Summary of the Rules: Authority for adoption of any new or amended rules describing minimum licensure standards of safety in Residential Treatment Facilities for Psychiatrically Impaired Children and Youth is transferred to the Department of Social and Health Services without interruption of administration of current, valid rules previously adopted by the Washington State Board of Health. The authority for rule adoption and administration pursuant to chapter 71.12 RCW will subsequently reside in the Department of Social and Health Services.

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

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

The Department of Social and Health Services hereby adopts chapter 248-23 WAC as rules of the department. These rules were last adopted/amended by the following Board of Health Regulations/Orders.

SECTION	ORDER/REGULATION	DATE FILED
WAC 248-23-001	194	03/03/80
248-23-010	194	03/03/80
248-23-020	194	03/03/80
248-23-030	194	03/03/80
248-23-040	194	03/03/80
248-23-050	194	03/03/80

- (b) The period of ineligibility shall not include partial months.
- (7) The period of ineligibility may be waived if it is determined that the application of the period of ineligibility shall cause undue hardship.
- (8) A person determined to be ineligible for medical care under this section has the right to request a hearing to appeal the determination, except as modified by this section, the procedure for the hearing is chapter 388-08 WAC.
- (a) At a hearing the burden of proving that the person knowingly and wilfully assigned or transferred cash or other resource(s) at less than fair market value for the purpose of qualifying or continuing to qualify for assistance is on the department and the burden of proof is a preponderance of the evidence.
- (b) When the appellant is the prevailing party in the hearing, the appellant shall be awarded reasonable attorney fees.
- (9) See WAC 388-81-052 for civil penalties to be applied to persons who have received nonexempt resources and did not give the recipient adequate consideration.

**WSR 82-19-051
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Health)**

[Filed September 15, 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 residential treatment facilities for psychiatrically impaired children and youth, readopting chapter 248-23 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, Phone (206) 753-7015, by October 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

248-23-060 194 03/03/80
248-23-070 194 03/03/80

WSR 82-19-052
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed September 15, 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 licensing regulations for private psychiatric and alcoholism hospitals and minimum licensing standards for alcoholism treatment facilities, readopting chapter 248-22 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, Phone (206) 753-7015, by October 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place at November 3, 1982.

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

The specific statute these rules are intended to implement is chapter 71.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 13, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Licensing Regulations for Private Psychiatric and Alcoholism Hospitals and Minimum Licensing Standards for Alcoholism Treatment Facilities, readopting chapter 248-22 WAC.

The purpose of wholesale re adoption of present valid rules promulgated by the Washington State Board of Health is to maintain present minimum safety, care, and treatment standards, rules, and regulations for operation and maintenance of Psychiatric Hospitals, Alcoholism Hospitals, and Alcoholism Treatment Facilities.

The Reason for Re adoption of These Rules are: Chapter 201, Laws of 1982 illuminated once more the question of rule-making authority for codes adopted pursuant to chapter 71.12 RCW; rule-making authority pursuant to chapter 71.12 RCW is clearly shifted to the Department of Social and Health Services; and anticipated future new rules, amendment or repeal of rules pursuant to chapter 71.12 RCW requires prior formal shifting of authority proposed herein.

Summary of the Rule: Authority for adoption of any new or amended rules describing minimum licensure standards of safety in Private Psychiatric Hospitals, Private Alcoholism Hospitals, and Alcoholism Treatment Facilities is transferred to the Department of Social and Health Services without interruption of administration of current, valid rules previously adopted by the Washington State Board of Health. The authority for rule adoption and administration pursuant to chapter 71.12 RCW will subsequently reside in the Department of Social and Health Services.

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

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

The Department of Social and Health Services hereby adopts chapter 248-22 WAC as rules of the department. These rules were last adopted/amended by the following Board of Health Regulations/Orders.

Table with 3 columns: SECTION, ORDER/REGULATION, DATE FILED. Lists various WAC sections and their corresponding order numbers and filing dates.

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 82-19-053
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed September 15, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage

Commissioners intends to adopt, amend, or repeal rules concerning collection of fees;

that such agency will at 9:00 a.m., Thursday, November 11, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 11, 1982, and/or orally at 9:00 a.m., Thursday, November 11, 1982.

Dated: September 15, 1982

By: Judith L. Weigand
Assistant Attorney General

STATEMENT OF PURPOSE

WAC 296-116-070: Collection of Fees. The purpose of the amendment of this rule is to provide sufficient revenues to cover authorized expenditures from the pilotage account.

This Rule has been Drafted by: Judith L. Weigand, Assistant Attorney General, 5th Floor, Highways-Licenses Building, Olympia, WA 98504, Telephone: (206) 753-4051.

This Rule has been Proposed by a Governmental Agency: Board of Pilotage Commissioners, Pier 52, Seattle, WA 98104, Telephone: (206) 464-7818.

This rule will be enforced by the Board of Pilotage Commissioners.

AMENDATORY SECTION (Amending Order 79-5, filed 10/18/79)

WAC 296-116-070 COLLECTION OF FEES. All pilots shall pay an annual license fee of ((six)) eight hundred dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a calendar year, his fee for that year shall be reduced to ((three)) four hundred dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

WSR 82-19-054

PROPOSED RULES

EVERETT COMMUNITY COLLEGE

[Filed September 15, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State Community College District V intends to adopt, amend, or repeal rules concerning reduction-in-force, WAC 132E-129-001.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Dr. Paul D. Walker, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151 Ext. 203

that the institution will at 2:00 p.m., Tuesday, October 26, 1982, in the Administrative Conference Room, Everett Community College, 801 Wetmore, Everett, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 15, 1982.

The authority under which these rules are proposed is RCW 28B.50.140.

The specific statute these rules are intended to implement is RCW 28B.50.140 and 28B.50.850 to 28B.50.870.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 26, 1982.

Dated: September 14, 1982

By: Paul D. Walker
President

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
WAC 132E-129-001 Reduction-in-Force.

Statutory Authority: RCW 28B.50.140.

Summary of the Rule(s): This notice proposes a repeal of WAC 132E-129-001 Reduction-in-Force. This rule was part of a negotiated agreement which expired February 15, 1982.

Description of the Purpose of the Rule(s): The board of trustees of Washington Community College District V proposes this repeal. The rule is no longer applicable due to adoption of chapter 132E-130 WAC.

Reasons Supporting the Proposed Rule(s): The rule is no longer applicable due to adoption of chapter 132E-130 WAC.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Dr. Paul D. Walker, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132E-129-001 REDUCTION-IN-FORCE

WSR 82-19-055**ADOPTED RULES****BOARD OF HEALTH**

[Order 244—Filed September 15, 1982]

Be it resolved by the Washington State Board of Health, acting at Spokane County Health District, Rooms 320 and 321, West 1101 College Avenue, Spokane, WA, that it does adopt the annexed rules relating to:

Amd WAC 248-19-330 Regular review process.
 Amd WAC 248-19-340 Expedited review process.
 Amd WAC 248-19-350 Emergency review process.
 Amd WAC 248-19-480 Right and notice of appeal.

This action is taken pursuant to Notice No. WSR 82-16-084 filed with the code reviser on August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.38.135 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 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1982.

By John A. Beare, MD
 Secretary

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-330 REGULAR REVIEW PROCESS. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with the following subdivisions of this subsection unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) Within sixty days from the first day of the review period the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations on a certificate of need application to the department unless the health systems agency or hospital commission has requested and received an extension of this review period from the department.

(b) The department shall complete its final review and the secretary shall make his decision on a certificate of

need application within thirty days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission.

(2) The review period for a regular review may be extended according to the following provisions.

(a) The review period for the health systems agency or, in the case of a hospital project, the hospital commission, may be extended for up to an additional thirty days upon the written request of either of these advisory review agencies when such additional time is needed to complete the review and submit written findings and recommendations to the department. The department may grant further extensions to this review period: PROVIDED, The person who submitted the certificate of need application gives written consent to such further extensions.

(b) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may ((notify)) make one request for additional information from the person who submitted the application ((that additional relevant information is needed and, with the applicant's written consent;)). The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

(c) The department may extend either the review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: PROVIDED, HOWEVER, That such an extension shall not exceed sixty days.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-340 EXPEDITED REVIEW PROCESS. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section: PROVIDED, HOWEVER, That the appropriate health systems agency consents in writing to a thirty-day review period and does not need to conduct a public hearing in accordance with WAC 248-19-320. If the health systems agency does not consent to a thirty-day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.

(a) If the review period for the health systems agency is thirty days, the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within thirty days of the beginning of the review period. If the review period for the health systems agency is sixty days, the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within sixty days of the beginning of the review period.

(b) The department shall complete its final review and the secretary shall make his decision on a certificate of need application under an expedited review within twenty days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission.

(2) The review period for an expedited review may be extended according to the following provisions.

(a) If the health systems agency has consented to a thirty-day review period, the review period may be extended for up to an additional thirty days when the health systems agency conducts a public hearing in accordance with the provisions of WAC 248-19-320 or when additional time is needed by the health systems agency or, in the case of a hospital project, the hospital commission, to complete the review and submit written findings and recommendations to the department. The department may grant further extensions to this review period: PROVIDED, The person who submitted the certificate of need application gives written consent to further extension.

(b) The department may extend its final review if a public hearing is requested in accordance with the provisions of WAC 248-19-320 and the hearing is conducted by the department. Such extension may be for an additional period of up to thirty days.

(c) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may ~~((notify))~~ make one request for additional information from the person who submitted the application ((that additional relevant information is needed and, with the applicant's written consent;)). The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

(d) The department may extend either the expedited review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: PROVIDED, HOWEVER, That such an extension shall not exceed sixty days.

(3) Projects reviewed under expedited review provisions in WAC 248-19-300(2)(b)(ii) and (iii) shall not be subject to WAC 248-19-370. The evaluation of criteria in WAC 248-19-380, 248-19-390 and 248-19-400 shall be reviewed only to the extent applicable criteria were not considered in the plan approval process and a reasonable expectation exists that consideration of these criteria could materially alter the approval of projects.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-350 EMERGENCY REVIEW PROCESS. (1) The emergency review process shall not exceed fifteen working days from the beginning of the review period.

(2) Written findings and written recommendations of the health systems agency, and in the case of hospital projects, the hospital commission, shall be submitted to the department within ten working days after the beginning of the emergency review period.

(3) The department shall complete its final review and the secretary shall make his decision on an emergency certificate of need application within fifteen working days after the beginning of the review period unless the department extends its final review period in accordance with the provisions of subsection (4) of this section.

(4) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may ~~((notify))~~ make one request for additional information from the person who submitted the application ((that additional relevant information is needed and, with the applicant's written consent;)). The department may extend its final emergency review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-480 RIGHT AND NOTICE OF APPEAL. (1) Any affected person may request and shall be afforded the opportunity for an administrative hearing on the secretary's decision to issue or deny a certificate of need for a project or a separable portion of a project, to grant or deny an exemption requested under WAC 248-19-405, to suspend or revoke a certificate of need, or to withdraw or not withdraw a certificate of need.

(2) To be effective, a request for an administrative hearing shall be in writing and received by the department within thirty days after the person requesting the hearing received the particular decision of the department which is being appealed or, if a reconsideration hearing was requested and denied, thirty days after the denial of the request for the reconsideration hearing.

(3) An administrative hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW.

(4) The decision of the secretary shall be subject to review in an administrative hearing to establish a record of the decision of the secretary. The ((decision)) determination of the official who conducts such an administrative hearing shall be made in writing within forty-five days after the conclusion of the hearing ((and)). The official who conducts such an administrative hearing may make a proposed decision, findings of fact and conclusions of law, pursuant to RCW 34.04.110, or the official may remand the matter to the secretary for further action or consideration. The written ~~((decision))~~ determination shall be sent to the applicant, the appropriate health systems agency, the hospital commission in the case of a hospital project, and the department. The department shall make ~~((the))~~ any written ~~((findings))~~ determination available to others upon request.

~~((5) The decision of the official who conducts an administrative hearing shall be considered the final decision¹ of the secretary; however, the official who conducts an administrative hearing may remand the matter to the department for further action or consideration.))~~

NOTE:

¹Chapter 34.04 RCW provides entitlement to judicial review to any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form.

WSR 82-19-056
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1876—Filed September 15, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-28-570 New cash income—Exempt earned income.
- Amd WAC 388-28-590 Alien sponsorship—Loaning of income and resources—Overpayments.

This action is taken pursuant to Notice No. WSR 82-16-079 filed with the code reviser on August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1982.
 By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student, see WAC 388-28-535. For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which

settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

(a) For public service employment under the Emergency Assistance Act and CETA the \$30 plus one-third earned income exemption is applicable.

(b) For public service employment under WIN the \$30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

(4) The above definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

(c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

(5) (a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.

(b) In general assistance, the exemption applies to the period during which it was earned rather than the period of payment.

(6) Aid to families with dependent children and refugee assistance.

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) The following amounts for work expenses depending upon the number of hours worked per month.

Hours per month worked	Work expense deduction
0 - 40	\$20.00
41 - 80	40.00
81 - 120	60.00
121 or more	75.00

(ii) The actual cost, not to exceed the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent.

Hours worked per month	Child care maximum deductions
0 - 40	\$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, \$30 plus one-third of the remainder not already disregarded.

(iv) The \$30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

(b) The exemptions and deductions in ~~((subsection))~~ subdivision (6)(a) of this section will not be applied for any month if the individual within a period of 30 days preceding the month in which the income was received:

(i) Terminated his employment or reduced his earned income without good cause, or

(ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment, or

(iii) Failed without good cause as determined by the CSO, to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the \$30 and one-third exemption shall be counted in the four-month limit. Any circumstance beyond the control of the recipient shall constitute good cause.

(c) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the \$30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

(d) If a recipient quits work without good cause the thirty and one-third exemption shall be deemed to have been received and shall be counted toward the four-month limit.

(e) Months in which the A/R received the thirty and one-third exemption in another state shall apply towards the four-month limit unless there is a break in assistance which was not done voluntarily to break the continuity of the four-month limit.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

(8) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien who applies for AFDC or refugee assistance for the first time after September 30, 1981, and to his or her sponsor.

(2) A sponsor is defined as any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) For a period of three years following entry into the United States, a sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(4) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(5) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subdivision (a) reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

(6) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his state of residence, less one thousand five hundred dollars.

(7) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor

to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

(8) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(9) The provisions of this section shall not apply to any alien who is:

(a) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act as indicated by Form I-94;

(b) Admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 207(c) of the Immigration and Nationality Act as indicated by Form I-94;

(c) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act as indicated by Form I-94;

(d) Granted political asylum by the attorney general under section 208 of the Immigration and Nationality Act as indicated by Form I-94;

(e) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as indicated by Form I-94; or

(f) The dependent child of the sponsor or sponsor's spouse.

(10) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) ~~((Any claims of))~~ Good cause ((or)) and no fault ((made by a sponsor)) shall be ((evaluated by the Division of Income Assistance on a case-by-case basis)) defined as any circumstance beyond the control of the sponsor.

WSR 82-19-057

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-137—Filed September 15, 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 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 the emergency is north coastal crab stocks have not entered the molting cycle and harvestable quantities are available.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-52-04600B CRAB FISHERY—SEASONS AND AREAS. Notwithstanding the provisions of WAC 220-52-046, effective September 16, 1982 through September 30, 1982, it is lawful to take, fish for and possess Dungeness crabs taken for commercial purposes from those waters of the Pacific Ocean north of a line projected true west from Northhead Light at the southern end of the North Beach Peninsula, the waters of Grays Harbor, and the waters of Willipa Harbor.

WSR 82-19-058

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-138—Filed September 15, 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 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 the emergency is harvestable numbers of hatchery surplus salmon are available.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1982.
By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-32-03600P CLOSED AREAS SALMON—RIVER MOUTHS Notwithstanding the provisions of WAC 220-32-036, it is unlawful to take, fish for or possess salmon taken for commercial purposes with gill net gear in those waters of Camas Slough upstream of a line projected true north from the western tip of Lady Island to mainland upstream to a line projected perpendicular to the thread of the stream from a Fisheries boundary marker near the eastern end of Lady Island except during the open fishing periods 6:00 p.m. September 7, 1982, to 6:00 p.m. September 10, 1982 and 6:00 p.m. September 13, 1982 to 6:00 p.m. September 17, 1982.

The following special provisions apply to the open fishery periods.

(1) Lawful gear will be "terminal nets" defined as a gill net no more than 100 fathoms in length measured at the cork line, which may be free floating or stationary if it is not staked or tied to a fixed object and which is attended at all times. It is unlawful at any time to leave a terminal net unattended or to anchor or stake a terminal net. It is unlawful to use or have in possession a terminal net having a mesh size of less than 5 inches.

(2) It is unlawful for anyone other than a Washington licensed fisherman to gill net in this fishery.

(3) It is unlawful for the owner or operator of any fishing gear to fail to submit such gear or catch to the inspection in any manner specified by authorized representatives of the Department of Fisheries.

(4) It is unlawful for anyone except a Washington licensed wholesale fish dealer to possess or transport outside of the area of this fishery any salmon taken in this fishery, except when there is a legal mainstem Columbia River commercial gill net season.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03600N CLOSED AREAS SALMON—RIVER MOUTHS

WSR 82-19-059
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed September 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning buy-back regulations.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 20, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.28.500 through 75.28.540.

This notice is connected to and continues the matter in Notice No. WSR 82-16-101 filed with the code reviser's office on August 4, 1982.

Dated: September 16, 1982

By: Gary C. Alexander
for Rolland A. Schmitten
Director

WSR 82-19-060
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1877—Filed September 17, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Additional requirements for emergent situations—AFDC, amending WAC 388-29-270.

This action is taken pursuant to Notice No. WSR 82-16-063 filed with the code reviser on July 30, 1982. These rules shall take effect thirty days after they are filed with the code reviser 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1355, filed 11/3/78)

WAC 388-29-270 ADDITIONAL REQUIREMENTS FOR EMERGENT SITUATIONS—AFDC.

(1) Additional requirements shall be allowed in the following emergent situations. In no instances is the payment under this section to exceed one month's (~~(assistance standards))~~ payment standard as set in WAC 388-29-100 for renting, owning, or buying.

(a) To secure housing and necessary clothing in the event of a natural disaster such as flood or fire and relief is not available under WAC 388-53-010 et seq.;

(b) ~~((In case of loss or theft of the cash proceeds of a warrant, assistance will be limited to the emergent need only;~~

(c)) Imminent eviction, where a formal notice of eviction has been received, only in an amount needed to prevent the eviction or to secure new housing, but only if

the basis of eviction is not a delinquency in payment resulting from a fault of the client;

((~~(d)~~)) (c) Sudden malfunction resulting in loss of heat, water, electricity or cooking facilities and the recipient is legally responsible for the repairs and winterization funds are not available; limited to actual costs of repairs or replacement when there is no other alternative;

((~~(e)~~)) (d) A notice of impending utility shutoff issued by the company providing the service, and only in the amount needed to prevent shutoff; or it is otherwise verified by the CSO that the applicant or recipient is without necessary fuel for heating or cooking and only in the amount to meet the emergent need. Assistance is limited to situations where the emergent need occurred due to conditions beyond the control of the recipient;

((~~(f)~~)) (e) Housing needs caused by an abusive spouse will be limited to established fees paid to shelters especially for abused spouses;

((~~(g)~~)) (f) Inoperable vehicle which is necessary to continue employment and where public transportation is not available; limited to actual costs of repairs.

(2) Emergency assistance as defined in WAC 388-24-260, shall be provided to AFDC recipients from another state when it is determined that such individuals are detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated or they have decided to become residents.

WSR 82-19-061
PROPOSED RULES
HUMAN RIGHTS COMMISSION
[Filed September 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt rules concerning proposed WAC 162-26-080 reasonable accommodation; WAC 162-26-100 structural barriers to accessibility (public accommodation); WAC 162-38-070 structural barriers to accessibility (real estate transactions); and a new section in chapter 162-26 WAC (public accommodations, handicap discrimination) to the same effect as WAC 162-38-120, unfair to request or require waiver of rights.

Note: After October 1, a revised draft will be available to persons requesting it;

that the agency will at 1:30 p.m., Thursday, October 21, 1982, in the Spokane County Health Building, Room 310-311, West 1101 College Avenue, Spokane, conduct a public hearing on the proposed rules.

The adoption of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 49.60.120(3).

The specific statute these rules are intended to implement is RCW 49.60.215, 49.60.222, 49.60.223, 49.60.224, 49.60.225 and 49.60.226.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 21, 1982.

This notice is connected to and continues the matter in Notice Nos. WSR 82-12-053 and 82-16-070 filed with the code reviser's office on June 1, 1982 and August 2, 1982.

Dated: September 17, 1982
By: Morton M. Tytler
Senior Assistant Attorney General

WSR 82-19-062
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-139—Filed September 17, 1982]

I, Rolland A. Schmitt, director of the 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 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 the emergency is restrictions in Areas 4B, 5, 6C, and 7 provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for limited harvest, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6 and 6A provide protection for Canadian origin coho. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre river, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks provide protection for local chinook stocks. Restrictions in the Stillaguamish and Snohomish Rivers provide protection for Stillaguamish-Snohomish origin chinook salmon. Restrictions in Areas 6B and 9 protect the validity of the terminal area coho run size updating procedures. Restrictions in Area 13B provide protection for Deschutes River chinook salmon. Coho management needs prevail in Area 6D.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1982.
By W. R. Wilkerson
for Rolland A. Schmitt
Director

WSR 82-19-063
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-140—Filed September 17, 1982]

NEW SECTION

WAC 220-28-216 *PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Areas 4B, 5, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

Areas 6 and 6A - Closed to all commercial fishing.

Area 7 - Closed to all commercial fishing excluding reef net gear.

**Area 7A - Under control of International Pacific Salmon Fisheries Commission.*

Areas 6B and 9 - Closed to all commercial net fishing.

Area 7C - Closed to all commercial fishing.

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

**Area 13B - Closed to gill nets, and all other gear must release female chinook in those portions east of a line from Hungerford Point to Arcadia Point and south of a line from the southern tip of Stretch Island due east to the Longbranch Peninsula.*

**Stillaguamish and Snohomish rivers - Effective through September 18, closed to all commercial fishing.*

Cedar River - Closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-215 *Puget Sound Commercial Fishery Restrictions (82-134)*

I, Rolland A. Schmitt, director of the 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 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 the emergency is all citizen fishery openings allow continued harvest of non-Indian allocation of harvestable surpluses. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

These 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 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1982.

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

NEW SECTION

WAC 220-47-710 *PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 19, 1982, until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Areas 4B, 5, 6, 6A, 6B, 6C and 6D - Closed

**Area 7 - Closed to all commercial fishing except reef nets may fish from 5 AM to 9 PM September 20 through September 22.*

**Area 7A - Under control of International Pacific Salmon Fisheries Commission.*

**Area 7B - Closed except gill nets using 5-inch minimum mesh may fish from 5 PM to 9 AM nightly, September 19 through the morning of September 26 and purse seines may fish from 5 AM to 9 PM daily, September 19 through September 25.*

Areas 7C and 7D - Closed.

**Area 8 - Closed except gill nets using 5-inch minimum mesh may fish from 5 PM to 9 AM nightly, September 20 through the morning of September 24 and purse seines using the 5-inch strip may fish from 5 AM*

to 9 PM daily September 20 through September 23.

*Area 8A - Closed except gill nets using 5-inch minimum to 6-1/2 inch maximum mesh may fish from 5 PM to 9 AM nightly September 20 through the morning of September 22 and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily September 20 and September 21.

Areas 9 and 9A - Closed.

*Areas 10 and 11 - Closed except gill nets using 5-inch minimum mesh may fish from 5 PM to 9 AM nightly September 20 through the morning of September 22 and purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily September 20 and September 21.

*Areas 10A, 10B, 10C, 10D, 10E, 11A, 12 - Closed.

*Areas 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 PM September 18, 1982:

WAC 220-47-709 Puget Sound All-Citizen Commercial Salmon Fishery (82-111)

WSR 82-19-064

ADOPTED RULES HEALTH CARE

FACILITIES AUTHORITY

[Order 12—Filed September 20, 1982]

Be it resolved by the Washington Health Care Facilities Authority, acting at Olympia, Washington, that it does adopt the annexed rules relating to WAC 247-02-050, to allow a majority of the members to authorize the issuance of bonds without requiring the signature of the governor and secretary. As currently set forth in the rules, two members of the authority hold an effective veto regarding the actions of the other three members.

This action is taken pursuant to Notice No. WSR 82-16-006 filed with the code reviser on July 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.37.050 and is intended to administratively implement that statute.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1982.

By Gerald L. Sorte
Executive Director

AMENDATORY SECTION (Amending Order 9, Resolution 81-1, filed 11/25/81)

WAC 247-02-050 OPERATIONS AND PROCEDURES. (1) Uniform Procedure Rules: Practice and procedure in and before the authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by ((the chairman and the secretary)) a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds and coupons shall bear the facsimile signatures of the governor and executive director.

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman.

WSR 82-19-065

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Network Computer Services)
(State Library Commission)

[Memorandum—September 17, 1982]

Pleas note the following: Washington Library Network Computer Services (WLNCS) - November 30, 1982, in the Sea-Tac Auditorium beginning at 10:00 a.m. Washington State Library Commission - December 1, 1982 in the Sea-Tac Auditorium beginning at 10:00 a.m. (this is a change from the date of December 2).

WSR 82-19-066

EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Order 101—Filed September 20, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Everett Community College, Everett, Washington, that it does adopt the annexed rules relating to Layoff lists—Institution-wide, WAC 251-10-055.

We, the Higher Education Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed

action would be contrary to public interest. A statement of the facts constituting the emergency is as a result of the enactment of SSB 1226 during the last session of the legislature, numerous changes were made to chapter 28B.16 RCW on an emergency basis effective July 10, 1982. This change was inadvertently omitted at that time.

These 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1982.

By Dennis Carlson
Acting Director

AMENDATORY SECTION (Amending Order 88, filed 7/2/81)

WAC 251-10-055 LAYOFF LISTS—INSTITUTION-WIDE. (1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be (~~re-employed~~) referred in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) *Declination of appointment to three positions on shifts for which the employee has formally indicated availability.*

WSR 82-19-067
ADOPTED RULES
HIGHER EDUCATION
PERSONNEL BOARD

[Order 102—Filed September 20, 1982—Eff. October 25, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Everett Community College, Everett, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 251-10-035 Layoff—Special employment programs.
- Amd WAC 251-10-055 Layoff lists—Institution-wide.
- Amd WAC 251-22-090 Annual leave—Cash payment.
- New WAC 251-22-091 Annual leave—Separation.

This action is taken pursuant to Notice No. WSR 82-16-030 filed with the code reviser on July 28, 1982. These rules shall take effect at a later date, such date being October 25, 1982.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1982.

By Dennis Carlson
 Acting Director

AMENDATORY SECTION (Amending Order 76, filed 6/29/79, effective 8/1/79)

WAC 251-10-035 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds (~~(,- curtailment))~~ or lack of work, (~~((good faith reorganization for efficiency purposes;))~~) or when an incumbent must be separated due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in subsection (5)(b) of this section, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

AMENDATORY SECTION (Amending Order 88, filed 7/2/81)

WAC 251-10-055 LAYOFF LISTS—INSTITUTION-WIDE. (1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

(a) The employee has requested placement on the list;

(b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and

(c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be (~~re-employed~~) referred in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions on shifts for which the employee has formally indicated availability.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-090 ANNUAL LEAVE—CASH PAYMENT. (~~Cash payment for unused accumulated annual leave must be made to an employee who has completed six months of continuous employment under the following conditions:~~

(1) ~~Upon written resignation, with a minimum of two calendar weeks notice. The employing official may waive the notice period:~~

(2) ~~Upon separation by death, retirement, layoff or dismissal of an employee:.)~~ Classified employees who are members of Public Employees Retirement System Plan I are entitled to a lump sum cash payment for all unused annual leave when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused annual leave shall be computed and paid as prescribed by the office of financial management.

NEW SECTION

WAC 251-22-091 ANNUAL LEAVE—SEPARATION. Classified employees who have completed six continuous months of employment who are not members of Public Employees Retirement System Plan I must be permitted to use all accumulated annual leave as vacation leave prior to their separation from service by resignation, layoff, dismissal or retirement. In case of death, compensation for unused annual leave shall be computed and paid in a lump sum as prescribed by the office of financial management. Lump sum cash payment for unused vacation leave may be made upon termination of employment for vacation leave earned prior to July 1, 1982.

WSR 82-19-068
PROPOSED RULES
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
[Filed September 20, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning tuition and fee charges made to community college students and waivers of tuition and fees granted to resident students;

that the agency will at 10:00 a.m., Thursday, October 21, 1982, in the Big Bend Community College, 24th and Andrews, Moses Lake, Washington 98837, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.15.502 and 28B.15.740.

The specific statute these rules are intended to implement is RCW 28B.15.502 and 28B.15.740.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 20, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-16-081 filed with the code reviser's office on August 3, 1982.

Dated: September 21, 1982

By: Gilbert J. Carbone

STATEMENT OF PURPOSE

Tuition and fee charges assessed community college students and procedures for implementing tuition and fee waivers pursuant to RCW 28B.15.740.

This action involves amending certain existing rules pursuant to statutory changes resulting from the passage of chapter 37, Laws of 1982 1st ex. sess., specifically related to the manner in which tuition and fee charges and waivers thereof are administered by community colleges.

The amendments provide appropriate definitions and direction for implementing statutory requirements related to a minimum two-credit charge for enrolled students and additional charges for those who enroll for more than eighteen credits of instruction. In addition, they carry out statutory changes related to tuition and fee charges and waivers for non-resident students and for needy students.

These actions are required so that existing rules will be consistent with the statutory revisions cited above.

The agency officer responsible for drafting the amendments is Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, 98504; the officer responsible for implementation and enforcement is John N. Terrey, Executive Director, same address. Phone 753-2000 or Scan 234-2000.

The agency has no particular comments to make regarding this matter.

Adoption of these changes is not related to any federal law or court action.

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-021 DEFINITIONS. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition," "operating fees," and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Community service course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than community service courses.

(6) "Short course" shall be defined as any academic, occupational, or community service course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any academic, occupational, or community service course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 89, Resolution 81-65, filed 9/14/81)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

((i)) That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW(;

(ii) that the required nonresident differential is charged to students registered for seven or more credits).

(c) Shall be assessed for part-time students, ((exclusive of services and activities fees,)) for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and operating fees and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the combined general tuition and operating fee charged to full-time students consistent with chapter 28B.15 RCW, except that no such additional charges shall be assessed to a student enrolled in both a vocational preparatory program and a required course in that program as defined in WAC 131-28-021. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of general tuition, operating fee, and services and activities fee charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For community service courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 93, Resolution No. 82-16, filed 5/11/82)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and Training	\$1.40 per credit	\$3.60 per credit	No Charge
(b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard Rate	Standard Rate	No Charge

Course	Tuition	Operating Fee	Services and Activities Fee
(c) Parent education involving cooperative pre-school program	The combined standard district charge per credit hour for tuition and operating fees less the pre-school cooperative fee, with any remainder divided equally between tuition and operating fee		No Charge
(d) Farm management and small business management	Standard Rate	Standard Rate	No Charge
(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge
(f) Emergency Medical Technician	per \$1.40 credit	per \$3.60 credit	No Charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	\$1.00 per credit hour	\$1.00 per credit hour	No Charge

((For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.))

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

(7) The term "standard rate" as used in this section shall mean the tuition and/or operating fees charged for one quarter credit.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-030 WAIVER OF TUITION AND FEES FOR NEEDY OR DISADVANTAGED STUDENTS. Pursuant to authority granted by RCW ((28B.15.530)) 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of general tuition, operating, and services and activities fees for needy ((or disadvantaged)) students: PROVIDED, That the students shall qualify for such waiver as determined by the criteria set forth in WAC 131-28-040 through ((131-28-050)) 131-28-045.

AMENDATORY SECTION (Amending Order 74, Resolution 79-20, filed 6/28/79)

WAC 131-28-040 CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW ((28B.15.530)) 28B.15.740. Waiver of general tuition, operating, and

services and activities fees, or any portions thereof as authorized by RCW ((28B.15.530)) 28B.15.740, normally charged to students enrolled ((in collegiate-level courses or programs)) shall be based upon the determination that the student is a needy ((or disadvantaged)) student by application of a method of need analysis approved by the United States ((Office)) Department of Education for determining awards under federal student financial aid programs or one adopted by the state board for community college education specifically for the purposes of this section, provided that no waivers under this section shall be granted to a person who is not a "resident student" as defined in RCW ((28B.15.040)) 28B.15.012.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-045 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW ((28B.15.530)) 28B.15.740. (1) Tuition and fee waivers for needy ((or disadvantaged)) students in any fiscal year as authorized by RCW ((28B.15.530)) 28B.15.740 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of community colleges or his designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy resident students and the remainder may be for other resident students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-050 PROCEDURE FOR DETERMINING LIMITATION OF THE AMOUNT OF TUITION AND FEE WAIVERS.

WSR 82-19-069

ADOPTED RULES

BELLEVUE COMMUNITY COLLEGE

[Order 82, Resolution No. 151—Filed September 20, 1982]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does adopt the annexed rules relating to adoption of permanent rules withdrawal from a course (policy and procedures), chapter 132H-160 WAC Admissions, residency classification and registration—Schedule of fees and financial aid for Community College District VIII.

This action is taken pursuant to Notice No. WSR 82-15-034 filed with the code reviser on July 15, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

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

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 14, 1982.

By Paul N. Thompson
Secretary, Board of Trustees

NEW SECTION

WAC 132H-160-492 WITHDRAWAL FROM A COURSE (POLICY AND PROCEDURES). Withdrawal from a course is the termination of the student's registration in that course. Withdrawals are classified as official only when the student returns a completed Add/Drop form, available at the Registration Center, to the Registration Center or to their designee. The criteria used for determining grading and recording procedures for official withdrawals are as follows: (1) Through the tenth day of the quarter the dropped course does not become a part of the transcript record. Instructor's signature is not required.

(2) After the tenth school day of the quarter and through the end of the sixth week of the quarter, the previously described procedures will be followed. The grade of "W" will become a part of the student's transcript record regardless of grade status at this time. Instructor's signature is not required.

(3) From the beginning of the seventh week of the quarter through the end of the tenth week, students must return a completed Add/Drop form signed by the instructor to the Registration Center. The instructor must sign the withdrawal form. Upon signing the withdrawal form the instructor will assign to the Add/Drop form one of the following grades: students withdrawing with a passing grade will be graded "W" (withdrawal); those not passing at the point of withdrawal will be graded "K" (failing). For those students who are failing after the sixth week who have had extensive illness or other bona fide reasons, may be assigned, at the instructor's discretion, a "W" (withdrawal).

(4) No official withdrawal will be permitted after the tenth calendar week of the quarter.

(5) A student who finds it necessary to withdraw completely from the college due to illness or other bona fide reasons, must comply with the procedures listed above except that under unusual circumstances, the student's program adviser, counselor, or the administrator responsible for registration may give permission and the student would receive a "W". Failure to do this will not constitute an official withdrawal and will cause forfeiture of any refund.

WSR 82-19-070
ADOPTED RULES
BOARD OF HEALTH
[Order 243—Filed September 20, 1982]

Be it resolved by the Washington State Board of Health, acting at Spokane County Health District, Rooms 320 and 321, West 1101 College Avenue, Spokane, WA, that it does adopt the annexed rules relating to Eligibility—Kidney centers, amending WAC 248-30-110.

This action is taken pursuant to Notice No. WSR 82-16-083 filed with the code reviser on August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to SB 5021 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 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 8, 1982.

By John A. Beare, MD
Secretary

AMENDATORY SECTION (Amending Order 198, filed 5/22/80)

WAC 248-30-110 ELIGIBILITY. The kidney center shall determine and review at least annually the eligibility of an individual patient for the state kidney disease program according to criteria established by the department. Generally a patient shall be considered eligible if ~~((he/she))~~ he or she has exhausted or is ineligible for all other resources ~~((which provide))~~ providing similar benefits to meet the costs of ESRD related medical care. Resources shall include:

(1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

(2) Savings, property, and other assets;

(3) Government and private medical insurance programs;

(4) Government or private disability programs;

(5) Local funds raised for the purpose of providing financial support for a specified ESRD patient((-));

PROVIDED, That in determining eligibility the following resources shall be exempt:

~~((A))~~ (a) A home, ~~((which is))~~ defined as real property owned by a patient as a place of residence together with the property surrounding and contiguous thereto not to exceed five acres. Commercial property or property used for the purpose of producing income shall be considered excess property and subject to the limitations of subsection (5)(d) of this section;

~~((B))~~ (b) Household furnishings;

~~((C))~~ (c) An automobile; and

~~((D))~~ (d) Savings, property or other assets, the value ~~((of which does))~~ not to exceed the ~~((cost of home dialysis for one year))~~ sum of five thousand dollars.

WSR 82-19-071
EMERGENCY RULES
COMMISSION FOR
THE BLIND

[Order 82-08—Filed September 20, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to chapter 67-40 WAC, Prevention of blindness; amending WAC 67-40-010 Purpose—Description; WAC 67-40-015 Prevention—Staff ophthalmologist; WAC 67-40-016 Prevention—Eye physicians advisory committee; new section WAC 67-40-021 Cooperative agreement with Department of Social and Health Services; and repealing WAC 67-40-020 Prevention—Eligibility; WAC 67-40-025 Prevention—Medical eligibility; WAC 67-40-050 Prevention—Services provided; WAC 67-40-060 Prevention—Services not provided; WAC 67-40-070 Prevention—Authorizations and billings; and WAC 67-40-440 Prevention of blindness.

We, the Washington State Commission for the Blind, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the program, as it is presently operated, has nearly exhausted its funds. Changes in the rules would allow the commission to arrange for payment of services through some other means and to limit services to comply with the limitations which may be attached to other funding sources.

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

This rule is promulgated pursuant to RCW 74.16.450 which directs that the Washington State Commission for the Blind has authority to implement the provisions of chapter 74.16 RCW, Aid to Blind Persons.

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.450.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 18, 1982.

By Paul Dziejcz
 Director

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

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))~~ assure establishment and maintenance of such services as may prevent blindness; to assist in determining the causes of blindness; and to inaugurate and cooperate in any preventative measures as may appear practicable. The commission shall arrange for the examination and necessary treatment for blind or partially-blind persons who are unable to pay for such services.

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

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 to the commission by the eye physicians advisory committee for a one year term subject to renewal. 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))~~ will provide a medical benefit in preventing blindness.

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

WAC 67-40-016 PREVENTION—EYE PHYSICIANS ADVISORY COMMITTEE. (1) The eye physicians advisory committee shall be appointed by the director of 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 ~~((to the commission))~~ the criteria to be used in making decisions regarding medical services to be provided;

(b) Recommends ~~((to the commission))~~ 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 67-40-021 COOPERATIVE AGREEMENT WITH DEPARTMENT OF SOCIAL AND HEALTH SERVICES. The prevention of blindness

program will be provided cooperatively with the department of social and health services. An agreement which specifies the respective duties and responsibilities of each agency will be controlling. The director shall have the authority to negotiate and sign the agreement, subject to ratification by the commission board within ninety (90) days of signing.

This agreement may include a description of services which are provided to blind and partially blind persons, provide for medical reviews, payment of costs of administration and services, and provide for coordination of the prevention of blindness program with other programs serving the needs of blind individuals.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 67-40-020 PREVENTION—ELIGIBILITY.
- (2) WAC 67-40-025 PREVENTION—MEDICAL ELIGIBILITY.
- (3) WAC 67-40-050 PREVENTION—SERVICES PROVIDED.
- (4) WAC 67-40-060 PREVENTION—SERVICES NOT PROVIDED.
- (5) WAC 67-40-070 PREVENTION—AUTHORIZATIONS AND BILLING.
- (6) WAC 67-40-440 PREVENTION OF BLINDNESS.

WSR 82-19-072

ADOPTED RULES

HUMAN RIGHTS COMMISSION

[Order 42—Filed September 20, 1982]

Be it resolved by the Washington State Human Rights Commission, acting at 1601 Second Avenue Building, Fourth Floor, Seattle, WA, that it does adopt the annexed rules relating to WAC 162-16-160 "Employer"—Jurisdictional count of number of persons employed. Standards for determining who is employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment and WAC 162-16-170 employee distinguished from independent contractor.

This action is taken pursuant to Notice No. WSR 82-16-082 filed with the code reviser on August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.60.120(3) which directs that the Washington State Human Rights Commission has authority to implement the provisions of the law against discrimination, chapter 49.60 RCW.

The undersigned hereby declares that 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), and the State

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1982.

By Joseph G. Trim
Chairperson Pro Tem

NEW SECTION

WAC 162-16-160 "EMPLOYER"—JURISDICTIONAL COUNT OF NUMBER OF PERSONS EMPLOYED. (1) Purpose and scope of section. This section implements RCW 49.60.040, which defines "employer" for purposes of the law against discrimination in part as "any person . . . who employs eight or more persons." This section establishes standards for determining who is counted as employed when deciding whether a person is an employer under the quoted language. The standards in this section do not define who is entitled to the protection of the law against discrimination (for example, a part-time employee who does not work enough hours to be counted under subsection (5) of this section is entitled to the protection of the law against discrimination).

(2) Purposes of exemption. The principal purposes of exempting persons who employ less than eight from the enforcement authority of the commission are:

(a) To relieve small businesses of a regulatory burden; and

(b) In the interest of cost effectiveness, to confine public agency enforcement of the law to employers whose practices affect a substantial number of persons.

(3) General approach. Our objectives in choosing the standards in this section and in making future decisions on questions not addressed in this section are:

(a) To eliminate and prevent discrimination — the overall purpose of the law against discrimination.

(b) To give effect to the purposes of the exemption of employers of less than eight from public enforcement of the law against discrimination, as identified in subsection (2) of this section.

(c) To be consistent with interpretations of federal antidiscrimination law and the antidiscrimination laws of other states, where these are comparable to Washington law, and where we do not feel that a different rule would better serve the state of Washington.

(d) To avoid the uncritical adoption of definitions from areas of law other than antidiscrimination law. It is appropriate to define employment differently in different areas of the law in order to carry out the separate purpose of each area of law.

(e) Administrative convenience. The public and our staff need standards that are certain and that are easy to understand and apply. Therefore we must sometimes simply draw a line, although reasonable persons could differ as to where the line should be drawn.

(4) Time of calculation.

(a) A person will be considered to have employed eight if the person either:

(i) Employed eight or more persons for any part of the day on which the unfair practice is alleged to have occurred, or did occur; or

(ii) Employed an average of eight or more persons over a representative period of time including the time when the unfair practice is alleged to have occurred.

(b) The representative period of time for (a) (ii) of this subsection will ordinarily be the month during which the unfair practice is alleged to have occurred plus the preceding two months, but where this period will not accurately reflect the overall employment level, as in a seasonal industry, we will use the month during which the alleged unfair practice is alleged to have occurred plus the preceding eleven months.

(c) An average of eight persons employed will be found for (a) (ii) of this subsection if:

(i) The total hours worked by all employees during the examined period equals or exceeds sixty-four times the number of working days (the equivalent of eight persons working eight-hour days); or

(ii) The total of all persons employed full time or part time during the period exceeds seven on more days than it is seven or less.

(5) Part-time employees.

(a) A person working part time will be counted as employed on the day on which the unfair practice is alleged to have occurred, or did occur, if the person worked any part of that day.

(b) A person working part time will be counted as employed for purposes of averaging under subsection (c) (ii) of this section if the person worked one-fifth of full time.

(c) Persons subject to call to work (such as volunteer fire fighters) will be considered to be employed at all times when they are subject to call.

(6) Area of calculation. A person who employs eight or more persons is an "employer" for purposes of the law against discrimination even though less than eight of the employees are located in the state of Washington.

(7) Multiple places of employment. The count will include all persons employed by the same legal entity, whether or not the persons work in the same place of business or line of business.

(8) Connected corporations. Corporations and other artificial persons that are in common ownership or are in a parent-subsidiary relationship will be treated as separate employers unless the entities are managed in common in the area of employment policy and personnel management. In determining whether there is management in common we will consider whether the same individual or individuals do the managing, whether employees are transferred from one entity to another, whether hiring is done centrally for all corporations, and similar evidence of common or separate management.

(9) Persons on layoff. Persons on layoff will not be counted.

(10) Persons on leave. Persons on paid leave will be counted. Persons on unpaid leave will not be counted.

(11) Employee or independent contractor. Independent contractors will not be counted. In determining whether a person is employed or is an independent contractor for the jurisdictional count we will use the same standards that we use for the purpose of determining whether a person comes within the protection of the law

against discrimination. These standards are set out in WAC 162-16-170.

(12) Pay. Anyone who is paid for work and who otherwise meets the standards in this section will be counted. Pay includes compensation for work by the hour, by commission, by piecework, or by any other measure. For the treatment of unpaid persons, see volunteers, subsection (13) of this section.

(13) Volunteers. A volunteer will be counted if the volunteer is generally treated in the manner that employers treat employees. That is, if the volunteer is selected by management (particularly if selected in competition with other persons), works hours assigned by management, is subject to discipline like an employee, or receives employment benefits such as industrial insurance, then the person will be counted as an employee. The typical volunteer fire fighter would be counted. A person who comes into the food bank when he or she pleases, is put to work if there is anything to do, who leaves when he or she pleases, who has no expectation of paid employment, and who receives no employment benefits, would not be counted.

(14) Family members. Because of the definition of "employ" in RCW 49.60.040, we will not count "any individual employed by his or her parents, spouse, or child." Other family members will be counted.

(15) Domestic help. Because of the definition of "employ" in RCW 49.60.040, we will not count a person in the domestic service of the employing person.

(16) Directors. Directors of corporations, and similar officers of other private or public artificial legal entities, will not be counted simply because they serve in that capacity.

(17) Officers. Officers of corporations, and officers of other private or public artificial legal entities, will be counted unless:

(a) They receive no pay from the corporation or other entity; and

(b) They do not participate in the management of the corporation or other entity beyond participation in formal meetings of the officers.

(18) Partners. Partners will not be counted as employed by the partnership or by each other.

(19) Members of a professional service corporation. All persons who render professional services for a professional service corporation will be counted as employees of the corporation.

(20) Interns. Interns and persons on work-study programs will be counted if they are paid by the person whose employees are being counted; they will not be counted if they are not paid or are paid by another entity.

NEW SECTION

WAC 162-16-170 EMPLOYEE DISTINGUISHED FROM INDEPENDENT CONTRACTOR. (1) Purpose of section. RCW 49.60.180 defines unfair practices in employment. A person who works or seeks work as an independent contractor, rather than as an employee, is not entitled to the protection of RCW 49.60.180. This section outlines the standards that we will use to determine whether a person is an employee as

distinguished from an independent contractor for the purpose of entitlement to the protection of RCW 49.60.180.

(2) Rights of independent contractor. While an independent contractor does not have the protection of RCW 49.60.180, the contractor is protected by RCW 49.60.030(1) from discrimination because of race, creed, color, national origin, sex, handicap, or foreign boycotts. The general civil right defined in RCW 49.60.030(1) is enforceable by private lawsuit in court under RCW 49.60.030(2) but not by actions of the Washington state human rights commission.

(3) General approach. We will determine whether a person is an employee or an independent contractor on the basis of general common law principles, taking into account the economic realities of the situation and the purposes of the law against discrimination.

(4) Working presumptions. When any two of the following indications of employment are present, the worker will be presumed to be an employee unless the person who claims that the worker is not an employee presents evidence requiring the consideration of other factors:

(a) The purchaser of work in fact controls the manner and means of performance of the work.

(b) The worker is paid on the basis of time worked (hourly, monthly, etc.).

(c) The worker is treated as an employee for tax purposes.

(5) Full analysis. When a full analysis is required, we will consider all the relevant facts, particularly those bearing on the following factors. No one factor is determinative, but the most important is the extent to which the purchaser of work controls the manner and means of performance of the work.

(a) Control. An employment relationship probably exists where the purchaser of work has the right to control and direct the work of the worker, not only as to the result to be achieved, but also as to the details by which the result is achieved.

(b) The kind of occupation, with reference to whether the work usually is done under the direction of a supervisor or is done by a specialist without supervision. Some persons, such as lawyers or doctors, may be employees even though they are not closely supervised. The test for such specialists is not whether the lawyer or doctor is closely supervised, but whether he or she is treated the way that employed lawyers or doctors are commonly treated. Lawyers and doctors are typically independent contractors, however, with respect to their clients or patients.

(c) The skill required in the particular occupation. Skilled workers are typically less closely supervised than unskilled workers, but they are employees if indicia of employment other than close supervision are present.

(d) Whether the purchaser of the work or the worker furnishes the equipment used and the place of work. Generally, the purchaser of work furnishes tools and equipment for employees while independent contractors furnish their own. Some employees furnish some of their own tools, however.

(e) The length of time during which the person has worked or the length of time that the job will last. Independent contractors typically are hired for a job of relatively short duration, but there are instances of independent contracts for an indefinite period - for example, contracts for janitorial service.

(f) The method of payment, whether by time or by the job. Independent contractors are usually paid by the job but are sometimes paid by time. Employees are usually paid by time but are sometimes paid by the job.

(g) Whether the work relationship is terminable by one party or both parties, with or without notice and explanation. An employee is usually free to quit and is usually subject to discharge or layoff without breach of the employment contract. An independent contractor usually has more fixed obligations.

(h) Whether annual leave is afforded. Leave with pay is almost exclusively accorded to employees.

(i) Whether the work is an integral part of the business of the purchaser of it. Usually, the regular work of a business is done by employees rather than independent contractors.

(j) Whether the worker accumulates retirement benefits. Retirement benefits are almost exclusively accorded to employees.

(k) Whether with respect to the worker the purchaser of work pays taxes levied on employers, such as the social security tax, unemployment compensation tax, and worker's compensation tax, or withholds federal income tax. The tax laws do not have the same purposes as the law against discrimination, so employee status for tax purposes is helpful but not controlling.

(l) Whether the worker treats income from the work as salary or as business income. See Part 5(k) of this section.

(m) Whether with respect to the worker the purchaser of work keeps and transmits records and reports required of employers, such as those required under the worker's compensation act. Worker's compensation coverage, like tax coverage, is helpful but not conclusive.

(n) The intention of the parties. The fact that a contract says that the worker is an independent contractor will be considered in this respect, but it is not conclusive for the purpose of coverage of RCW 49.60.180.

(6) Burden of persuasion. The burden of persuasion that a person claiming the protection of RCW 49.60.180 is or would be an independent contractor is on the person making the claim.

WSR 82-19-073
EMERGENCY RULES
HEALTH CARE
FACILITIES AUTHORITY
 [Order 14—Filed September 20, 1982]

I, Gerald L. Sorte, director of the Washington Health Care Facilities Authority, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adding a new section to clarify equipment applications and remove redundant and inapplicable provisions

regarding applications for assistance relating to equipment issues, WAC 247-16-035.

I, Gerald L. Sorte, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to allow the authority to act on equipment applications in an expeditious manner. Current rules virtually preclude equipment bond financings and add materially to the cost of such applications.

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

This rule is promulgated pursuant to RCW 70.37.050 and is intended to administratively implement that statute.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1982.

By Gerald L. Sorte
Executive Director

Chapter 247-16 WAC
EQUIPMENT FINANCING

NEW SECTION

WAC 247-16-035 APPLICATIONS FOR EQUIPMENT FINANCING ASSISTANCE. Because the needs of health care facilities in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Names, titles and telephone numbers of chief executive officer, chief financial officer and person assigned responsibility for liaison with the authority;

(c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firms (if any);

(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation;

(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c) (3) status;

(2) Project for which financial assistance is sought (if applicable):

(a) Amount of financing sought;

(b) Description of equipment to be purchased with authority financial assistance;

(c) Current status of planning for equipment and dates proposed for purchase and installation;

(d) Current status of certificate of need for project. If certificate has been issued, attach copy;

(e) Cost of equipment (including installation);

(f) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(g) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Decision and order of the state hospital commission approving inclusion of the equipment item or items in applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past year;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;

(d) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(e) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(f) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(g) Feasibility studies on project, if any (attach copy if one has been completed).

WSR 82-19-074

PROPOSED RULES

INTERAGENCY COMMITTEE FOR
OUTDOOR RECREATION

[Filed September 20, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Interagency Committee for Outdoor Recreation intends to adopt, amend, or repeal rules concerning this notice proposes to revise and amend chapters 286-04, 286-06, 286-16, 286-20, 286-24 and 286-26 WAC to indicate changes in committee organization, certain definitions, clarify availability of

public records, and clarify reimbursement needs, levels, partial payment, exceptions, and direct payment regarding grants-in-aid administered by the IAC. Further, amendments are necessary to include an application review for off-road vehicle projects and rules relating to their funding (final decision, project contract, and public meeting). Due to legislative action, rule amendments are needed throughout Title 286 WAC to indicate "administrator" of the agency is now the "director". Repealing WAC 286-06-020 definitions. Definitions of public records presently in WAC 286-06-020 are not necessary since such definitions are incorporated in RCW 42.17.370 as referenced in WAC 286-06-050;

that the agency will at 1:00 p.m., Thursday, November 18, 1982, in the Thurston County Courthouse, Commissioners' Board Room #280, 2000 Lake-ridge Drive S.W., Olympia, WA 98502, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 18, 1982.

The authority under which these rules are proposed is RCW 34.04.025, chapters 43.99, 46.09 and 42.17 RCW.

The specific statute these rules are intended to implement is RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1982.

Dated: September 20, 1982

By: Robert L. Wilder
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 286-04 WAC includes WAC 286-04-010 Definition; 286-04-020 Organization and Operation; 286-04-030 Goals and Objectives; 286-04-060 Participation Manuals; 286-04-070 Administrative Authority; and 286-04-080 Federal Overlay and Requirements. Chapter 286-06 WAC includes WAC 286-06-010 Purpose; 286-06-040 Operations and Procedures; 286-06-050 Public Records Available; 286-06-060 Public Records Officer; 286-06-110 Review of Denials of Public Records Requests; and 286-06-020 Definitions. Chapter 286-16 WAC includes WAC 286-16-035 Applications—Deadlines; 286-16-060 Local Agency Requirements; and 286-16-080 Grant-in-Aid Policy. Chapter 286-20 WAC includes WAC 286-20-020 Application Form. Chapter 286-24 WAC includes WAC 286-24-020 Project Contract; 286-24-040 Disbursement of Funds; 286-24-050 Restriction on Conversion of Facility to Other Uses; and 286-24-070 Permanent Project Signs. Chapter 286-26 WAC includes WAC 286-26-010 Scope of Chapter; 286-26-020 Definitions; 286-26-040 Qualification; 286-26-055 Funded Projects; 286-26-060 Disbursement of Funds; and 286-26-070 Fund Accountability.

Statutory Authority for the Rule(s): RCW 43.99.010, 43.99.110, 43.99.060, 43.99.080, 43.99.120, 42.17.370,

46.09.020, 46.09.170, 46.09.240 and chapter 42.17 RCW.

This notice proposes to revise and amend Title 286 WAC, Interagency Committee for Outdoor Recreation rules, to indicate changes in the committee's organization due to legislative action, clarify certain definitions, clarify the availability of public records, as well as update certain requirements in the grant-in-aid program of the IAC. Amendments are also necessary to identify and explain the application review process for off-road vehicles projects. Further, due to legislative action the title "administrator" of the agency has been changed to "director". The repeal of WAC 286-06-020 Definitions has been suggested by the assistant attorney general as these definitions are incorporated in RCW 42.17.370 and referenced in WAC 286-06-050.

Description of the Purpose of the Rule(s): To update and clarify Title 286 WAC throughout as required by legislative changes and in conformance with requirements concerning federal/state grant-in-aid projects and off-road vehicle projects funding. Also, it is necessary to include an application review process for off-road vehicles projects within the WAC since this procedure is a requirement in the agency's off-road vehicles participation manual. In chapter 286-26 WAC, a definition for off-road vehicles race courses is given to prevent formula type race car courses being acquired or developed with off-road vehicle funds. This is considered an inappropriate use of ORV monies.

Reasons Supporting the Proposed Rule(s): WAC 286-04-010 Definitions, to amend the section to indicate Land and Water Conservation Fund program is now administered by the National Park Service, Department of the Interior, rather than Heritage Conservation and Recreation Service; WAC 286-04-010(8), changed to include the definition of the statewide plan as "plan" (statewide comprehensive outdoor recreation plan, SCORP); WAC 286-04-010(9), definition of "planning" clarified (includes preparation of and review of designs and specifications re parks, recreation and conservation areas acquisition and development projects; WAC 286-04-010(16), there are several advisory committees representing federal, state and local governmental entities assisting the IAC, in addition to the Technical Advisory Committee, thus a definition of "advisory committees" is necessary; WAC 286-04-010(17), definition of the off-road vehicle program has been added since it is a function of the IAC through chapter 46.09 RCW; WAC 286-04-020 Organization and Operations, the legislature revised the IAC committee structure from twelve to nine members (chapter 206, Laws of 1981); also the legislature provided for recreational bond issue funds as sources of funding when authorized by that body under authority of the Constitution of the state of Washington, Article VIII, Section 1, State Debt [Amendment 60 part, 1971 HJR 52, part, p. 1836, Approved November, 1972]; entire Title 286 WAC, the 1981 legislature (chapter 206, Laws of 1981) changed the title of the head of the agency from "administrator" to "director", and the entire title has been

revised accordingly; WAC 286-04-030 Goals and Objectives, goals and objectives remain the same but unnecessary wording has been deleted; WAC 286-04-060 Participation Manuals, since meeting notices are now included in the Washington State Register, this section has been revised to note that addition; WAC 286-04-070 Administrative Authority, WAC 286-04-070(4) now indicates that all projects proposed for aid from the IAC must conform with appropriate rules and regulations of both federal and state entities, "and state" has been added; WAC 286-04-080 Federal Overlay and Requirements, necessary to change WAC 286-04-080 to denote that the National Park Service replaced the Heritage Conservation and Recreation Service in administering the Land and Water Conservation Fund. WAC 286-06-010 Purpose, defining "committee" as the Interagency Committee for Outdoor Recreation throughout the chapter; WAC 286-06-040 Operations and Procedures, superfluous wording deleted concerning schedule of meetings of the interagency committee. Meetings are held according to a schedule adopted by the committee with special meetings authorized through the chairman; WAC 286-06-050 Public Records Available, by addition of reference to RCW 42.17.370 as now or hereinafter amended, chapter 286-06 WAC in its entirety will conform to the Public Disclosure Act concerning review of public records of the IAC. Exemptions are also included in WAC 286-06-100; WAC 286-06-060 Public Records Officer, also includes a necessary reference to chapter 42.17 RCW as now or hereinafter amended; WAC 286-06-110 Review of Denials of Public Records Requests, necessary to amend to include the fact that the public records officer of the agency or his or her designee will process and review denials of public records requests; repeal WAC 286-06-020 Definitions, since definitions of public records are already incorporated in RCW 42.17.370 as referenced in WAC 286-06-050, it is not necessary to retain WAC 286-06-030; WAC 286-16-035 Applications—Deadlines, the director of the agency has the authority to grant waivers of deadlines for receipt of applications for grants-in-aid. Clarification is given in this section; WAC 286-16-060 Local Agency Requirements, a current inventory of public outdoor recreation lands and facilities managed by the applicant agency must be within the agency's comprehensive park and recreation plan. The wording "and facilities" has been added to comply with the agency's participation manual requirement; WAC 286-16-080 Grant-in-Aid Policy, to clarify that the director has the authority to approve an up to 10 percent cost increase based upon the original approved funding established by the committee. If a project has had approved cost increases of over 10 percent by the committee and an additional up to 10 percent cost increase is requested, the basis for that increase will be the initial cost of the project. This section will conform to the participation manual requirement; WAC 286-20-020 Application Form, indicates change of title to "director"; WAC 286-24-020 Project Contract, indicates change of title to "director" and deletes reference to Heritage Conservation and Recreation Service, both necessary due to changes noted heretofore; WAC 286-

24-040 Disbursement of Funds, paragraphs have been rearranged for clarity concerning reimbursement needs, levels, partial payment, exceptions, and direct payment. Original wording has been used, but rearranged in sequence; WAC 286-24-050 Restriction on Conversion of Facility to Other Uses, indicates change of title to "director" due to legislative revisions; WAC 286-24-070 Permanent Project Signs, removes wording "heritage conservation and recreation service, if applicable". Signs have been changed accordingly; WAC 286-26-010 Scope of Chapter, adds the word "used" to clarify the sentence that ORV funds are used for off-road vehicle trails and areas; WAC 286-26-020 Definitions, definition of an "off-road vehicle trail" required further clarification of race courses to ensure that ORV monies are not used inappropriately for non-ORV vehicles such as go-karts and formula cars. Race courses for ORV motorcycles and four-wheeled vehicles over 40 inches width which are equipped with four-wheel drive or other characteristics such as non-slip drive trains and high clearance may be included in definition of an "off-road vehicle trail". The rule stipulates that such courses will be designed to include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings; WAC 286-26-040 Qualification, application review of off-road vehicle projects are required as referenced in the participation manual, and therefore need to be added to the Washington Administrative Code. WAC 286-26-040 provides for application review through IAC staff and the Off-Road Vehicle Advisory Committee, with applicants being informed of the process and methods of project review in the off-road vehicle participation manual; WAC 286-26-055 Funded Projects, new section to explain the IAC authority and responsibility to accept or deviate from staff recommendations concerning off-road vehicle projects funding. Also this rule gives an explanation of the IAC project contract. The off-road vehicle participation manual contains these requirements; WAC 286-26-060 Disbursement of Funds, a reference to the off-road vehicle participation manual procedure is required in this rule to ensure proper billing methods are used by project sponsors; and WAC 286-26-070 Fund Accountability, superfluous language has been removed from WAC 286-26-070. Expenditure of ORV funds not in conformance with the Budget and Accounting Act of 1959 (chapter 43.88 RCW) must be repaid to the outdoor recreation account; however, funds returned may not necessarily be reapportioned and distributed as a part of the next funding cycle, therefore that language has been deleted.

The Agency Personnel Responsible for the Drafting: Stanley D. Scott, Chief, Management Services, Interagency Committee for Outdoor Recreation, 4800 Capitol Blvd., KP-11, Olympia, Washington 98504; Implementation and Enforcement: Robert L. Wilder, Director, Interagency Committee for Outdoor Recreation, 4800 Capitol Blvd., KP-11, Olympia, Washington 98504.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Interagency Committee for Outdoor Recreation, state of Washington.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: Changes and revisions are necessary to Title 286 WAC due to 1981 legislation (chapter 206, Laws of 1981) and for the guidance of agencies submitting grant-in-aid and off-road vehicles projects to the IAC for funding consideration. The public records section (chapter 286-06 WAC) has been revised and updated in accordance with RCW 42.17.370.

No fiscal impact is involved. There are no undue changes in implementation and enforcement. Revisions made involving project sponsors have been made to conform to participation manuals of the agency.

Secretary of the Interior, James G. Watt on February 19, 1981, terminated the Heritage Conservation and Recreation Service and placed its functions and authority under the National Park Service. Title 286 WAC has been updated to indicate that the National Park Service now has jurisdiction over the Land and Water Conservation Fund formerly administered by the Heritage Conservation and Recreation Service. Monies from LWCF are administered through the IAC.

Small Business Economic Impact: None.

Though the rules are not necessary to comply with a federal law or federal court decision, they have been revised to indicate that the National Park Service, Department of the Interior, now has jurisdiction over the Land and Water Conservation Fund.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-04-010 DEFINITIONS. For purposes of these rules: (1) "Interagency Committee" means the interagency committee for outdoor recreation, (IAC) created by RCW 43.99.110.

(2) "Chairman" means the chairman of the interagency committee. See RCW 43.99.110.

(3) (~~"Administrator"~~) "Director" means the (~~administrator~~) director of the interagency committee. See RCW 43.99.130.

(4) (~~"Heritage Conservation and Recreation Service" (HCRS))~~) "National Park Service" means the (~~Heritage Conservation and Recreation Service~~) National Park Service, United States Department of the Interior.

(5) "Project" means the undertaking which is, or may be, funded in whole or in part with outdoor recreation account money administered by the interagency committee.

(6) "Development" means the construction of facilities necessary for the use and enjoyment of outdoor recreational resources.

(7) "Acquisition" means the gaining of rights of public use by purchase, negotiation, or other means, of fee or less than fee interests in property.

(8) "Planning" means the development of programs of action to increase the availability of outdoor recreational resources and/or the preparation of designs and specifications for such resources. "Plan" means the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

(~~(8)~~) (9) "Planning" means the development of documents and programs to identify and propose actions for increasing the availability of outdoor recreational resources and the preparation of, and review of, designs and specifications for such resources.

(~~(9)~~) (10) "Action program" means the identification of actions proposed to effectuate the policies and recommendations contained in the plan.

(~~(10)~~) (11) "Applicant" means a state or local government agency soliciting a grant of funds from the interagency committee for an outdoor recreation project.

(~~(11)~~) (12) "Sponsor" means an applicant who has been awarded a grant of funds for an outdoor recreation project by the interagency committee.

(~~(12)~~) (13) "Participation manuals" means a compilation of state and federal policies, procedures, rules and instructions that have been assembled in manual form and which have been approved by the interagency committee for dissemination to public agencies that may wish to participate in the grant-in-aid program of the interagency committee.

(~~(13)~~) (14) "Local agencies" means those public bodies eligible to apply for and receive funds from the interagency committee as defined by RCW 43.99.020, except for purposes of chapter 286-06 WAC.

(~~(14)~~) (15) "Grant-in-aid program" means all funding programs administered by the interagency committee except the off-road vehicle program.

(~~(15)~~) (16) (~~"Technical advisory committee"~~) "Advisory Committees" means (~~(a)~~) committees of representatives of federal, state, and local governmental entities, user organizations and private enterprise, or any combination thereof, that provide(~~(s)~~) technical expertise and consultation upon request on matters of concern to the interagency committee.

(17) "Off-Road Vehicle Program" means the off-road vehicle grants program administered by the interagency committee.

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

Reviser's note: 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 79-1, filed 9/5/79)

WAC 286-04-020 ORGANIZATION AND OPERATIONS.

(1) The interagency committee (~~for outdoor recreation~~) is an unsalaried committee consisting of the (a) commissioner of public lands, (b) (~~secretary of the department of transportation~~) director of the game department, (c) (~~director of the ecology department~~) director of the fisheries department, (d) (~~director of the game department~~) director of the parks and recreation commission, (~~(e) director of the fisheries department~~, (f) director of the parks and recreation commission, (g) director of the department of commerce and economic development), and five citizens appointed by the governor from the public-at-large for a term of three years. The chairman of the committee is appointed by the governor from the five citizen members.

(2) The interagency committee was created by Initiative 215 (Marine Recreation Land Act of 1964). It is authorized to allocate and administer funds to local and state agencies from the state general fund outdoor recreation account. This account includes monies derived from (a) unclaimed marine fuel tax refunds; (b) sales of bonds under Referenda 11, 18, and 28 (:) , and recreational bond issue funds as authorized by the state legislature under authority of Article VIII, Section 1, Constitution of the State of Washington (1971 House Joint Resolution 52, Approved November, 1972); (c) the state apportionments of the federal land and water conservation funds, and (d) from such other sources as the legislature may provide.

(3) The interagency committee is authorized and obligated to prepare, maintain and update a comprehensive (~~state-wide~~) statewide outdoor recreation ((and open space)) plan.

(4) The interagency committee does not operate any outdoor recreation facilities.

(5) The work of the interagency committee is performed by a staff under the direction of (~~an administrator~~) a director appointed by the committee. The office of the committee and its staff is 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504.

(6)(a) Regular meetings of the interagency committee are held according to a schedule adopted by the interagency committee (~~which schedule is reviewed from time to time as need dictates~~).

(b) Special meetings may be called by the chairman at any time.

(7) Reimbursement of expenses. Members of the interagency committee appointed from the public-at-large shall be reimbursed (~~pursuant to a special schedule at the daily per diem rate prescribed~~) \$40 for in-state or \$50 for out-of-state business in accordance with RCW 43.03.050(1) for each day or portion thereof spent on official business and shall be entitled to receive all necessary travel expenses other than per diem on the same basis as is provided by law for state officials and employees generally.

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 79-1, filed 9/5/79)

WAC 286-04-030 GOALS AND OBJECTIVES. The goals of the interagency committee (~~(for outdoor recreation)~~) are to: (1) provide funds and planning assistance for acquisition and development and use of outdoor recreation resources (~~(in a manner)~~) to maximize preservation of the natural quality of the environment; (2) provide funds and planning assistance for a system of public recreational facilities and opportunities for state residents and visitors; (3) aid local government, with funds and planning assistance, in providing the type of facilities which, under its jurisdiction, will best serve the local needs for outdoor recreation; (4) encourage programs which promote outdoor education, skill development, participation opportunity and proper husbandry of recreation resources.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-04-060 PARTICIPATION MANUALS. The interagency committee shall cause to be formulated for use by project applicants, potential applicants, sponsors, and others, participation manuals that describe the procedures to be followed in order to conform to the policies of the committee. Such participation manuals shall not have the force (~~(and)~~) or effect of Washington administrative code rules.

Proposed participation manuals shall be considered by the committee in an open public meeting and may be approved, by resolution or motion, with a quorum of the members present. Informal notice of such considerations will be given by distribution of the agenda for the meeting, press releases, meeting notice in the Washington State Register, or other such means.

Project applicants, sponsors, or other interested parties may petition the (~~(administrator)~~) director for a waiver or waivers of those items dealing with general administrative matters and procedures within the participation manuals. Determinations on petitions for waivers made by the (~~(administrator)~~) director are subject to review by the interagency committee at the request of the petitioner.

Petitions for waivers of subject matter dealing with committee policy, and those petitions that in the judgment of the (~~(administrator)~~) director require committee review, shall be referred to the interagency committee for its deliberation.

Petitions for waivers referred to the interagency committee may be granted after consideration by the interagency committee at an open public meeting with a quorum of the members present.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-04-070 ADMINISTRATIVE AUTHORITY. The (~~(administrator)~~) director for the interagency committee is delegated the authority and responsibility to carry out policies of the interagency committee. Such authority includes, but is expressly not limited to, the authority to:

- (1) Administer the programs of the interagency committee;
- (2) Employ, discipline, and terminate staff, consistent with applicable merit system rules;
- (3) Approve master list projects of state agencies;
- (4) Assure that all projects proposed for federal or state aid conform with (~~(federal)~~) appropriate rules and regulations; and
- (5) Enforce all applicable rules, regulations and requirements established by the interagency committee or reflected in the laws of the state.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-04-080 FEDERAL OVERLAY AND REQUIREMENTS. The interagency committee's grant-in-aid program is closely interrelated with both the land and water conservation fund and the urban park and recreation recovery acts, each of which is administered by the (~~(heritage conservation and recreation service of the)~~) United States department of interior. The result of this interrelationship is that there are many federal requirements imposed upon the interagency committee and applicants to the interagency committee, over which the interagency committee has no control.

Many of these requirements may be found in the (~~(heritage conservation and recreation service)~~) national park service grant-in-aid

manual. In addition, most of the federal requirements are restated or clarified in the participation manuals.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-06-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Interagency Committee for Outdoor Recreation, hereinafter referred to as the "Committee", with the provisions of chapter 1, Laws of 1973 (Initiative 276), codified as chapter 42.17 RCW, Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-34 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-06-040 OPERATIONS AND PROCEDURES. The Committee staff (~~(workers)~~) performs under the direction of (~~(an administrator)~~) a director appointed by the Committee. The office of the Committee and its staff (~~(are)~~) is located at 4800 Capitol Boulevard, Mail Stop KP-11, Tumwater, Washington 98504. The Committee functions through regular meetings which are held according to a schedule adopted by the Committee (~~(which schedule is reviewed periodically as the need dictates)~~). Special meetings are authorized to be called by the chairman at any time. See WAC 286-04-030 for specific rules and objectives adopted by the Committee for its own guidance.

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/74)

WAC 286-06-050 PUBLIC RECORDS AVAILABLE. All public records of the Committee, as defined in (~~(WAC 286-06-020)~~) RCW 42.17.370, as now or hereafter amended, are deemed to be available for public inspection and copying pursuant to (~~(these rules)~~) this regulation, except as otherwise provided by (~~(state or federal law, section 31, chapter 1, Laws of 1973 and)~~) WAC 286-06-100 = Exemptions.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-06-060 PUBLIC RECORDS OFFICER. The Committee's public records shall be in charge of a public records officer designated by the (~~(Administrator)~~) director. The person so designated shall be located in the Administrative Office of the Committee. The public records officer shall be responsible for the following: (~~(The)~~) the implementation of the Committee's rules and regulations regarding release of public records, coordinating the staff of the Committee in this regard, and generally (~~(insuring)~~) ensuring compliance by the staff with the public records disclosure requirements of chapter (~~(1, Laws of 1973)~~) 42.17 RCW as now or hereafter amended.

AMENDATORY SECTION (Amending Order 73-4, filed 12/19/74)

WAC 286-06-110 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 his or her designee which constituted or accompanied the denial.

(2) Promptly after receiving a written request for review of a decision denying a public record, the public records officer or his or her designee denying the request shall refer it to the Committee's (~~(administrator)~~) director or his or her designee. The (~~(administrator)~~) director or his or her designee shall promptly consider the matter, either affirm or reverse such denial after consulting with the Committee chairman and/or the Attorney General's Office (~~(wherever)~~) whenever possible to review the denial. In any case, the request shall be returned with a final decision (~~(wherever)~~) whenever possible within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Committee has returned (~~(the)~~) the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-16-035 APPLICATIONS-DEADLINES. (1) Acquisition project applications from local agencies must be submitted to the interagency committee at least five months prior to a scheduled funding meeting to be considered at that meeting. Development project

applications from local agencies must be submitted at least six months prior to a scheduled funding meeting to be considered at that meeting. Project applications from local agencies that are not completed in the manner required by these rules and the participation manuals will not be considered by the interagency committee unless all of the required material is on file with the interagency committee at least 30 days preceding a funding meeting at which the projects are to be considered for funding.

(2) These deadlines must be complied with unless an agency requests and is granted ~~((by the administrator))~~ a waiver ~~((of a particular deadline))~~ by the director.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-16-060 LOCAL AGENCY REQUIREMENTS. Local government agencies desiring to participate in the grant-in-aid program must provide evidence to the ~~((administrator))~~ director of the interagency committee, at least 30 days before ~~((submission of))~~ submitting an application, unless a shorter time is authorized by the ~~((administrator))~~ director, that they have a current comprehensive park and recreation plan in effect or that such a plan is currently in the process of being prepared.

Before the interagency committee will consider any project proposed by a local agency, the agency must have on file with the interagency committee an accepted comprehensive park and recreation plan completed in accordance with the participation manuals. To be complete, the comprehensive park and recreation plan must include:

(1) An officially adopted comprehensive plan of the area within the agency's jurisdiction which includes a park and recreation element, or a separate park and recreation plan;

(2) A current six year capital improvement program reported on forms prescribed by the interagency committee; and

(3) A current inventory of public outdoor recreation lands and facilities managed by the applicant agency, reported on forms prescribed by the interagency committee.

The completed comprehensive park and recreation plan must be on file and accepted at least 30 days preceding the funding meeting at which a project is to be considered for funding unless a shorter time is authorized by the ~~((administrator))~~ director. Upon acceptance of the plan by the ~~((administrator))~~ director of the interagency committee, the local agency is granted eligibility to submit applications for funding for a five year period unless otherwise specified by the ~~((administrator))~~ director.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-16-080 GRANT-IN-AID POLICY. State aid for acquisition or development of outdoor recreation land is intended to supplement and expand the existing capacity of a state or local agency; it is not intended to supplant the agency's own program, or to reimburse the agency for the cost of projects it would have undertaken without the state matching money. Therefore, except as hereinafter provided, the interagency committee will not approve the disbursement of outdoor recreation funds for a project when land has been purchased or the development has been undertaken before the interagency committee has approved the project and a project contract has been signed.

(1) Retroactive costs. Acquisition: Retroactive costs on an acquisition project are those costs incurred after receipt of application but prior to the execution of the project contract.

(a) When it is determined by an applicant that an emergency exists, which may jeopardize the project, the ~~((administrator))~~ director may, upon a showing in writing of necessity for action prior to normal processing of the application, grant permission to proceed by issuance of a written waiver of retroactivity which letter will not be construed as a qualitative approval of the proposed project, but if the project is subsequently approved, the costs thus incurred will be eligible for assistance. If the project is to remain eligible for grant-in-aid support from federal funds, the ~~((administrator))~~ director shall not grant a waiver of retroactivity to the applicant agency until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(b) After a project application for acquisition has been approved by the interagency committee, the sponsor agency will not lose its approved state assistance because it thereafter acquires the subject property prior to action on the agency's application for assistance from a federal agency if (1) the sponsor requests in writing, and receives the permission of the ~~((administrator))~~ director to purchase and (2) the

federal agency has notified the ~~((administrator))~~ director that acquisition of the land will not jeopardize the proposed federal funding.

(2) Retroactive costs. Development: Retroactive costs on a development project are defined as those site improvement and ~~((for))~~ construction costs incurred prior to execution of the project contract. Retroactive development costs as defined herein are not eligible for reimbursement.

(3) Preliminary expense. Development: Preliminary expense on a development project is defined as consisting of costs incurred prior to project approval, other than on-site preparation costs, that are necessary for the preparation of a development project. Preliminary expense attributable to a development project may be eligible for reimbursement, but only if it is specifically ~~((mentioned))~~ requested in the project application.

(4) Cost increases. Cost increases for approved projects may be granted by the interagency committee provided that financial resources are available.

(a) If an agency has applied for financial assistance for an outdoor recreation project, and the project has been approved, the sponsor agency may request the interagency committee to increase such financial assistance and the request shall be considered on its merits.

(b) If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor agency may request the interagency committee increase the state fund assistance by an equivalent amount and the request shall be considered on its merits.

(c) The ~~((administrator))~~ director has the authority to grant cost increase requests submitted by an agency so long as the total of those requests does not exceed 10 percent of the approved ~~((total))~~ initial cost for a development project. The ~~((administrator))~~ director also has the authority to grant cost increase requests submitted by an agency for individual parcels of land in an acquisition project so long as the total of those requests for each parcel does not exceed 10 percent of the approved initial cost for each parcel of land for which a cost increase is requested.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-20-020 APPLICATION FORM. (1) All applications for matching funds for outdoor recreation projects must be submitted to the interagency committee on forms supplied by the interagency committee, with all provisions of the application completed and all additional materials identified in the application form furnished.

(2) If the ~~((administrator))~~ director determines that the applicant is eligible to apply for federal funds administered by the interagency committee, the applicant must execute the forms necessary for that purpose, prepared by the interagency committee.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-24-020 PROJECT CONTRACT. For every funded project, a project contract must be executed as provided in this section.

(1) The project contract shall be prepared by the interagency committee staff subsequent to approval of the project by the committee at a public meeting. The ~~((administrator))~~ director or his designee shall execute the contract on behalf of the interagency committee and tender the document to the grantee agency for execution. Upon execution by the grantee agency, the parties will thereafter be bound by the project contract terms. The grantee agency may not proceed with the project until the project contract has been executed unless specific authorization pursuant to WAC 286-16-080(1)(a) has been given by the ~~((administrator))~~ director.

(2) If the project is approved by the interagency committee to receive grant-in-aid from the federal land and water conservation fund, the ~~((administrator))~~ director or his designee shall not execute a project contract with the grantee agency until the federal funding has been authorized through the execution of a concurrent project agreement between the interagency committee and the United States Department of the Interior ~~((Heritage Conservation and Recreation Service))~~.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-24-040 DISBURSEMENT OF FUNDS. Except as otherwise provided herein, the ~~((administrator))~~ director or his designee will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the sponsor agency has acquired or developed the outdoor recreation land with its own funds and has presented

a billing showing satisfactory evidence of property rights and compliance with partial and/or total provisions of the project contract.

~~((1)) Exception. Funds appropriated to state agencies by the legislature. State agencies are required to submit interagency committee voucher forms with the supporting documentation specified in the participation manual in effect at the time of completion of project acquisition, relocation, or development.))~~

~~((2)) (1) Reimbursement method. Reimbursement must be requested by local agencies on voucher forms provided by the interagency committee and must include all documentation as detailed in the participation manual in effect at the time reimbursement is requested.~~

~~((3) Partial payment. Partial payments may be made to local sponsor agencies during the course of an acquisition or development project on a reimbursement basis upon presentation of billings showing satisfactory evidence of partial acquisition or development.))~~

~~((4)) (2) Reimbursement level. The amount of reimbursement may never exceed the cash expended on the project.~~

~~(3) Partial payment. Partial payments may be made to local sponsor agencies during the course of an acquisition or development project on a reimbursement basis upon presentation of billings showing satisfactory evidence of partial acquisition or development.~~

~~(4) Exceptions. (a) State agencies' appropriations. State agencies are required to submit interagency committee voucher forms with the supporting documentation specified in the participation manual in effect at the time of completion of project acquisition, relocation or development.~~

~~((5)) (b) Direct payment. Direct payment to escrow of the interagency committee share of the approved cost of real property may be made following interagency committee approval of an acquisition project when the sponsor agency indicates the lack of financial resources to purchase the property and then seek reimbursement. The sponsor must provide the ((administrator)) director a copy of a legally binding agreement between the sponsor and the seller of the real property as well as evidence of deposit of the local agency share (if any) into an escrow account before the payment of the interagency committee share to escrow will be authorized.~~

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-24-050 RESTRICTION ON CONVERSION OF FACILITY TO OTHER USES. (1) Sponsors shall not at any time convert any property or facility acquired or developed with money granted to the sponsor by the interagency committee to uses other than those for which the property or facility was originally approved for funding without the prior approval of the interagency committee, in the manner provided by RCW 43.99.100 for marine recreation land, whether or not the property was acquired with Initiative 215 funds.

(2) Sponsors shall not at any time issue easements for non-recreational purposes on any property or facility acquired or developed with money granted by the interagency committee. The non-recreational uses, when determined to be compatible with the current or proposed outdoor recreation uses, may be granted under terms of a special use permit upon approval by the ((administrator)) director of the interagency committee.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-24-070 PERMANENT PROJECT SIGNS. Permanent signs identifying that land was acquired or facilities developed with assistance from the interagency committee ~~((and the heritage conservation and recreation service, if applicable,))~~ are required.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-26-010 SCOPE OF CHAPTER. This chapter contains rules affecting the eligibility of agencies to share in off-road vehicle funds used for off-road vehicle trails and areas.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following definitions shall apply:

(1) "Nonhighway vehicle" means any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include, but are not limited to, two

or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW ~~((white))~~ for which an exemption or rebate is claimed. This ~~((exemption))~~ exception includes, but is not limited to, farm, construction, and logging vehicles.

(2) "Off-road vehicle" (ORV) means any nonhighway vehicle when used for cross-country travel on trails or any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and other natural terrain.

(3) "Interagency committee for outdoor recreation off-road vehicle funds" (IAC-ORV funds) means those funds deposited in the outdoor recreation account to be administered and distributed by the interagency committee in conformance with ~~((this WAC;))~~ chapter 46.09 RCW, and IAC-ORV ~~((procedural guidelines))~~ participation manuals for the planning, acquisition, development and management of ORV trails and areas.

(4) "Off-road vehicle trail" (ORV trail) means a corridor designated and maintained for public ORV recreational use which is not normally suitable for travel by conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel; this may include race courses for ORV motorcycles and four-wheeled vehicles over 40 inches width which are equipped with four-wheel drive or other characteristics such as non-slip drive trains and high clearance. Such courses will be designed to include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses designed primarily for other vehicles, such as go-karts and formula cars, constitute an inappropriate use of ORV funds.

(5) "Off-road vehicle use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-26-040 QUALIFICATION. (1) Forms. To be considered ~~((to receive))~~ for an ORV grant of up to 100 percent ~~((ORV funds))~~ of a project's cost, an eligible ~~((recipient))~~ agency must file with the interagency committee an application form or project information form (as applicable) supplied by the interagency committee.

(2) Review. (a) All applications or project information forms for funding submitted to the interagency committee will be referred to staff for review and recommendations. In addition, in reaching its recommendation, staff will seek the advice and counsel of the off-road vehicle advisory committee; and

(b) The interagency committee shall inform all applicants of the process and the methods of project review by delineating these items in the off-road vehicle participation manuals.

NEW SECTION

WAC 286-26-055 FUNDED PROJECTS. (1) Final Decision. The interagency committee will review all staff recommendations for off-road vehicle projects. The interagency committee retains the authority and the responsibility to accept or deviate from staff recommendations and it alone has the authority to make the final decision concerning the funding of a project.

(2) Project Contract. For every funded project, a project contract must be executed. The project contract shall be prepared by the interagency committee staff subsequent to approval of the project by the committee. The director shall execute the contract on behalf of the interagency committee and tender the document to the sponsoring agency for execution. Upon execution by the sponsoring agency, the parties will thereafter be bound by the project contract. The sponsoring agency may not proceed with the project until the project contract has been executed unless specific authorization has been given by the director.

AMENDATORY SECTION (Amending Order 79-1, filed 9/5/79)

WAC 286-26-060 DISBURSEMENT OF FUNDS. Except as otherwise provided herein the ~~((administrator))~~ director ~~((or his designee))~~ will authorize disbursement of funds allocated to a project only on a reimbursable basis, after the agency has acquired or developed the outdoor recreation land with its own funds or has expended monies for planning or management activities and has presented a billing, according to procedures delineated in the off-road vehicle participation manual, showing satisfactory evidence of compliance with the project contract. Partial payments may be made during the course of a project on a reimbursement basis upon presentation of billings showing satisfactory evidence of partial compliance with the contract, according to procedures delineated in the off-road vehicle participation manual.

AMENDATORY SECTION (Amending Order 78-1, filed 2/17/78)

WAC 286-26-070 FUND ACCOUNTABILITY. (1) State agencies shall account for ORV funds following ~~((all pertinent accounting))~~ requirements of the Budget and Accounting Act of 1959 (chapter 43.88 RCW). Municipalities and counties shall account for ORV funds as special revenue funds following all pertinent accounting procedures of the budgeting, accounting, reporting system manual for counties and cities and other local governments (BARS).

(2) Any expenditure ~~((made by a recipient))~~ of ORV funds not in conformance with the act must be repaid to the outdoor recreation account ~~((for reapportionment and distribution to qualified recipients as part of the next funding cycle))~~.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 286-06-020 DEFINITIONS.

WSR 82-19-075
ADOPTED RULES
PARKS AND RECREATION
COMMISSION

[Order 63—Filed September 21, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Des Moines, Washington, that it does adopt the annexed rules relating to Sno-park permit—Fee, WAC 352-32-270.

This action is taken pursuant to Notice No. WSR 82-16-078 filed with the code reviser on August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.300 and is intended to administratively implement that statute.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1982.

By Durand Cox
Chairman

NEW SECTION

WAC 352-32-270 SNO-PARK PERMIT—FEE. The fee for a winter recreational area parking permit issued by the state of Washington shall be \$10.00 annually.

WSR 82-19-076
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1878—Filed September 21, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, David A. Hogan, find that an emergency exists and that 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 the emergency is these rules are necessary to implement federal requirements which appeared in the April 23, 1982 Federal Register starting on page 17756.

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

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1982.

By David A. Hogan
Director, Division of Administration

Reviser's note: The material contained in this filing will appear in the 82-20 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-19-077
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 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 foods stamps, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about September 20, 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, Phone (206) 753-7015, by November 27, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, November 10, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 17, 1982.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 10, 1982.

Dated: September 20, 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 388-54 WAC.

Purpose of the Rule or Rule Change: To implement changes to the Food Stamp Program required by the 1980 amendments to the Food Stamp Act of 1977.

Statutory Authority: RCW 74.04.510.

Summary of the Rules or Rule Changes: WAC 388-54-605 adds the requirement that certain food stamp regulations must be available at the state agency and community service office for public examination; WAC 388-54-620 identifies the person who will have a face-to-face interview and the department's responsibility to provide certain information to applicants; WAC 388-54-625 states the application must be acted upon within 30 calendar days of being filed; WAC 388-54-630 is revised stating income and resources of ineligible aliens will be treated in the same manner as for disqualified members; WAC 388-54-635 establishes responsibility for authorized representatives for drug/alcohol treatment centers and group living arrangements; WAC 388-54-660 allows certain alcohol treatment and rehabilitation centers on Indian Reservations to participate in the Food Stamp Program; WAC 388-54-680 is revised to refer illegal aliens to INS and count income and resources of ineligible aliens; WAC 388-54-690 removes the exclusion of resources for ineligible resources; WAC 388-54-695(11)(h) excludes as resources payments received by Confederated Tribes of Yakima Indian Nation

as designated under Public Law 94-433, Section 2; WAC 388-54-715 modifies jointly owned nonexempt resources; WAC 388-54-717 clarifies vehicle resources for ineligible aliens and disqualified persons; WAC 388-54-720 prohibits ineligible aliens and disqualified members to transfer resources for ineligibility; WAC 388-54-725 modifies income definition under Title I; WAC 388-54-735(5) excludes payments by the Indian Claims Commission to Confederated Tribes and Bands of the Yakima Indian Nation; WAC 388-54-750(3)(C) excludes depreciation as an expense for self-employed persons; WAC 388-54-770 clarifies reporting requirements; WAC 388-54-830 defines what should be included in the notice for adverse action for SSN disqualification and ineligible aliens; and WAC 388-54-835 revises information required in a nonfraud demand letter.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Roy Uppendahl, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 3-4382.

These rules are necessary as a result of federal law, 7 CFR Parts 271, 272, 273, 274, and 278.

Reviser's note: The material contained in this filing will appear in the 82-20 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-19-078

PROPOSED RULES

COUNCIL FOR

POSTSECONDARY EDUCATION

[Filed September 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the displaced homemaker program, chapter 250-44 WAC;

that the agency will at 9:30 a.m., Friday, November 5, 1982, in the General Administration Building, Large Conference Room, Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 5, 1982.

The authority under which these rules are proposed is RCW 28B.10.806.

The specific statute these rules are intended to implement is chapter 28B.04 RCW, as amended.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 25, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-15-018 filed with the code reviser's office on July 12, 1982.

Dated: September 21, 1982

By: Chalmers Gail Norris
Executive Coordinator

STATEMENT OF PURPOSE

Re: State of Washington Displaced Homemaker Program.

Statement of Purpose: This statement of purpose is written in compliance with section 2, chapter 186, Laws of 1980, and to accompany the Notice of Intention to Adopt, Amend or Repeal Rules by the Council for Postsecondary Education.

Title: Amendments modifying regulations for the administration of the displaced homemaker program.

Summary: These amendments make the following changes to the regulations for the administration of the displaced homemaker program: Clarifies specific dates and dollar amounts contained in the sections concerning utilization of contract funds, length of contract periods and contract calendar and closing dates for the 1982 fiscal year.

Institution Personnel Responsible for Drafting, Implementation and Enforcement of Rule: Sharyn Ward, Council for Postsecondary Education, 908 East Fifth, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education.

Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as the result of federal law or court action.

AMENDATORY SECTION (Amending Order 2/82, filed 7/12/82)

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. (1) Each biennium the executive coordinator shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act for the 1982 fiscal year shall be \$40,000. ~~((for the contract period:))~~

(b) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act for the 1982 fiscal year shall be \$26,000. ~~((for the contract period:))~~

(c) An initial reservation of funds for contracts to provide statewide outreach and information services and training for service providers.

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

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

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

AMENDATORY SECTION (Amending Order 2/82, filed 7/12/82)

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

(1) Contracts for operation of multipurpose service centers for the 1982 fiscal year may cover operations beginning as early as August 1, 1982 and ending June 30, 1983.

(2) Contracts for operation of programs of services for the 1982 fiscal year may cover operations beginning as early as September 1, 1982 and ending June 30, 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 2/82, filed 7/12/82)

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, APPLICATIONS, AND AWARDS. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers, ~~((programs of service, statewide outreach and information services or training for service providers,))~~ shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applications, by Friday, June 11, 1982 as ((the dates)) specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by Thursday, June 17, 1982 or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section by 9:00 A.M., Monday, June 28, 1982 as ((will be)) specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service and a statewide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Tuesday, July 6, 1982.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a statewide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by Friday, July 16, 1982, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service and a statewide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection 5 of this section by 9:00 A.M., Monday, July 26, 1982 as specified in the contract application guidelines.

~~((4))~~ (7) The executive committee of the council will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

~~((5))~~ (8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing center and programs by amendment of contracts in effect.

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

WSR 82-19-079

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL 406—Filed September 21, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adding new sections WAC 308-115-050, 308-115-060, 308-115-070, 308-115-080, 308-115-090, 308-115-100, 308-115-110, 308-115-120, 308-115-130, 308-115-140, 308-115-150, 308-115-160, 308-115-170, 308-115-180, 308-115-190, 308-115-200, 308-115-210, 308-115-400, repealing WAC 308-115-010, 308-115-020, 308-115-030 and 308-115-040.

This action is taken pursuant to Notice No. WSR 82-17-034 filed with the code reviser on August 12, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.50.135 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 September 21, 1982.

By John Gonzalez
Director

NEW SECTION

WAC 308-115-050 DEFINITIONS. (1) Preceptor. A preceptor is an obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in non-birth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey Visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing Education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(5) Practical Midwifery Experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn documentation.

(6) Health Care Provider as used in these rules means any licensed physician who is engaged in active clinical obstetrical practice.

(7) Academic Director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program.

NEW SECTION

WAC 308-115-060 APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 308-115-400, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the Department of Licensing, Division of Professional Licensing.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 308-115-400 must be submitted. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent.

NEW SECTION

WAC 308-115-070 RELEASE OF EXAMINATION RESULTS. (1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass shall receive the results of the examination and instructions for obtaining a license to practice as a midwife.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.

(5) Results of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.

(6) The applicant's examination results will be maintained by the department.

NEW SECTION

WAC 308-115-080 FAILURES. (1) An applicant who has failed the examination may be reexamined if he/she

(a) applies to the department at least 30 days prior to the next scheduled examination, and

(b) pays any required fee as specified in WAC 308-115-400.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the director for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to submit evidence to the director of completion of an individualized program of study prior to being permitted to be reexamined.

NEW SECTION

WAC 308-115-090 PURPOSE OF ACCREDITATION OF MIDWIFERY EDUCATIONAL PROGRAMS. The director provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives.

(3) To ensure that each midwifery educational program has flexibility to develop and implement its program of study and that it is based on minimum standards for accredited schools of midwifery provided herein.

(4) To ensure that standards for each accredited midwifery program promote self evaluation.

(5) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives.

NEW SECTION

WAC 308-115-100 PHILOSOPHY, PURPOSE AND OBJECTIVES OF AN ACCREDITED MIDWIFERY EDUCATIONAL PROGRAM. The philosophy, purpose and objectives of an accredited midwifery educational program shall be stated clearly and shall be in written form.

NEW SECTION

WAC 308-115-110 ADVISORY BODY. Each institution that offers a midwifery educational program shall appoint an advisory body composed of health professionals, midwives and public members. The group should have a minimum of five members and should meet regularly. Functions of the advisory body shall include but not be limited to the following:

(1) Promoting communication between the community and the school;

(2) Making recommendations on the curriculum, student selection and faculty;

(3) Informing the school about needs in midwifery education and practices; and

(4) Being informed about the school's finances.

In institutions whose advisory bodies are provided for by statute, or rule as in the case of public community colleges, universities and vocational-technical institutes, it can be presumed that the advisory body provided for meets these requirements.

NEW SECTION

WAC 308-115-120 LEARNING SITES. (1) Learning sites utilized by accredited midwifery educational programs shall:

(a) Include a variety of sites in addition to the school that may be used for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals and health centers.

(b) Provide learning experiences of sufficient number and variety that students can achieve the course/curriculum objectives and requirements of the statute.

(2) Written agreements shall be maintained between the school and any supervising clinicians and faculty. Such agreements shall be reviewed periodically by the parties and shall state the responsibilities and privileges of each party.

NEW SECTION

WAC 308-115-130 STAFFING AND TEACHER QUALIFICATIONS. (1) The academic director shall be a midwife licensed under chapter 18.50 RCW or a CRN (nurse midwife) licensed under chapter 18.88 RCW and shall have not less than three years of experience in midwifery clinical practice, or no less than three years experience as a midwifery educator.

(2) The Core Midwifery/Obstetric faculty shall be only licensed midwives, CRNs (nurse midwives), licensed physicians or licensed osteopathic physicians and shall be currently licensed in Washington.

(3) The supporting faculty shall hold a degree in the subject area to be taught.

(4) The clinical faculty shall hold a current license in the area of clinical practice to be taught and shall have professional experience and shall demonstrate expertise in that subject area.

(5) Preceptors shall hold a current license in the state where they practice and shall be currently, legally engaged in active clinical obstetric practice.

NEW SECTION

WAC 308-115-140 CURRICULUM. (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years, and each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods while enrolled in the school from which the student graduates.

(2) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartum and early postpartum periods, in compliance with RCW 18.50.040.

(3) Provision shall be made for systematic, periodic evaluation of the curriculum.

(4) Any proposed major curriculum revision shall be presented to the director at least three months prior to implementation.

NEW SECTION

WAC 308-115-150 STUDENTS. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled.

(4) Each school shall maintain a comprehensive system of student records.

NEW SECTION

WAC 308-115-160 STUDENT MIDWIFE PERMIT. (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040(2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040(2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060; and

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC 308-115-400.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intrapartum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife).

NEW SECTION

WAC 308-115-170 REPORTS TO THE DIRECTOR OF DEPARTMENT OF LICENSING BY ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS. (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the Department of Licensing shall include the reason for the proposed change.

(3) The director may require submission of additional reports.

NEW SECTION

WAC 308-115-180 APPLICATION FOR ACCREDITATION. Applicants for accreditation as midwifery educational programs shall:

(1) Apply for accreditation using a form provided by the director.

(2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination.

NEW SECTION

WAC 308-115-190 SCHOOL SURVEY VISITS. The director's designee shall make survey visits to midwifery educational programs:

(1) At least annually during the first three years of operation, and

(2) At least every two years after the new school's first three years of operation or more often at the discretion of the director.

NEW SECTION

WAC 308-115-200 APPEAL OF DEPARTMENT OF LICENSING DECISIONS. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 308-115-210 CLOSURE OF AN ACCREDITED SCHOOL OF MIDWIFERY. (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the director concerning the matter.

NEW SECTION

WAC 308-115-400 FEES. The following fees shall be charged by the professional licensing division of the Department of Licensing:

Title of Fee	Fee
Application	\$ 50.00
Examination	150.00
License renewal	35.00
Renewal penalty	50.00
Reexamination (after first retest)	150.00
Duplicate license	5.00

Verification to other states 10.00

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- (1) WAC 308-115-010 EXAMINATIONS FOR LICENSE TO PRACTICE MIDWIFERY.
- (2) WAC 308-115-020 ASSIGNMENT OF EXAMINATION NUMBERS TO APPLICANTS.
- (3) WAC 308-115-030 MINIMUM PASSING SCORE.
- (4) WAC 308-115-040 MIDWIVES—EXAMINATION FEE.

WSR 82-19-080
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 1881—Filed September 21, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to ambulances, amending chapter 248-17 WAC.

This action is taken pursuant to Notice No. WSR 82-16-093 filed with the code reviser on August 4, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.73.080 and is intended to administratively implement that statute.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 15, 1982.

By David A. Hogan
 Director, Division of Administration

Chapter 248-17 WAC
AMBULANCE RULES AND REGULATIONS

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-020 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has

radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels* and cabin pressurization*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. *Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a ((flying)) service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means an emergency vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(6) "Emergency medical technician" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

(8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

(9) "Ambulance driver" means that person who drives an ambulance.

(10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

(11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(13) "First aid vehicle operator" means a person who owns one or more first((=))aid vehicles and operates them as a private business.

(14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

(16) "Department" means the Department of Social and Health Services.

(17) "Shall" means compliance is mandatory.

(18) "Should" means a suggestion or recommendation, but not a requirement.

(19) "Committee" means the Emergency Medical Services Committee.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-080 EXTRICATION EQUIPMENT. Each ambulance shall carry equipment for extricating the injured from automobiles and other trapped conditions. Extrication equipment shall include:

- (1) One 12-inch wrench, with adjustable open end.
- (2) One screwdriver, 12-inches long, with regular blade.
- (3) One screwdriver, 12-inches long, with Phillips blade.
- (4) One hacksaw with ~~((+2))~~ 2 blades.
- (5) One pair pliers, 10-inch, vise-grip type.
- (6) One 5-pound hammer with 15-inch handle.
- (7) One axe.
- (8) One 24-inch wrecking bar.
- (9) One crowbar, 51-inches, with pinch point.
- (10) One bolt cutter with 1-1/4 inch jaw opening.
- (11) One shovel.
- (12) One double action tin snip, 8-inches minimum.
- (13) Two ropes, each 50 feet long, with breaking strength equal to 3/4" manila rope.
- (14) One ABC 2-1/2 pound fire extinguisher.
- (15) A commercial extrication device (K-Bar-T tool or similar) may be substituted for items (8) and (9).

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-110 FIRST AID VEHICLE AND EQUIPMENT. (1) First aid vehicles shall ~~((meet the following requirements))~~ carry the following equipment:

- (a) A portable oxygen unit of 300-liter capacity equipped with a yoke, pressure gauge, flow meter (not gravity dependent), delivery tube, nasal prongs and venturi flow-through oxygen mask. The unit shall be capable of delivering an oxygen flow of at least 10 liters per minute. An extra 300-liter capacity cylinder shall be available on the first aid vehicle.
- (b) ~~((Self-inflating bag-valve mask unit capable of delivering 50 per cent concentration oxygen.~~
- (c) ~~Venturi or flow-through oxygen mask inhalation unit capable of delivering 25-35 per cent oxygen.~~
- (d) ~~Portable suction with non-glass suction bottles.~~
- (e) ~~Rigid pharyngeal suction tip.~~

~~(f) Oral pharyngeal tubes (airways), two each, infant, child and adult sizes.~~

~~((g))~~ Pocket mask with oxygen inlet.

~~(c)~~ Portable suction with nonglass suction bottles.

~~(d)~~ Pharyngeal suction tip.

~~(e) Oral pharyngeal tubes (airways), two each - infant, child and adult sizes.~~

~~(f)~~ Six tongue blades.

~~((h))~~ (g) Towels.

~~((i))~~ Pediatric mask for bag-valve mask unit.

~~(j))~~ (h) Sterile suction tips and catheters for nasal-tracheal suctioning.

~~((k))~~ Clear mouth-face ventilating mask.

~~(l)~~ Four blankets.

~~(m) One each aneroid blood pressure manometer and stethoscope.~~

~~(n) One lower extremity traction splint.))~~

~~(i)~~ Two blankets.

~~((o))~~ (j) Boards, metal splints or cardboard splints for upper and lower extremities to include at least two splints for arm fractures and two splints for leg fractures. Inflatable splints may be provided, but not substituted.

~~((p) Ten))~~ (k) Six triangular bandages.

~~((q))~~ (l) Long backboard.

~~((r))~~ (m) Cervical((:)) collars, one each((:)) - small, medium and large.

~~((s))~~ (n) 24 sterile gauze pads, 4 X 4.

~~((t))~~ (o) 6 universal dressings((,-8 X 30)).

~~((u))~~ (p) 12 soft-roller, self-adhering bandages, assorted sizes.

~~((v))~~ (q) 2 rolls 1" adhesive tape.

~~((w))~~ (r) 2 sterile burn sheets.

~~((x))~~ (s) Bandage scissors.

~~((y))~~ (t) One-inch adhesive bandages, 12 each.

~~((z))~~ (u) Two dressings for sucking chest wounds.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-120 EXTRICATION EQUIPMENT. (1) Each first aid vehicle shall carry equipment for extricating the injured from automobiles and other trapped conditions. Extrication equipment shall include:

- (a) One 12-inch wrench, with adjustable open end.
- (b) One screwdriver, 12-inches long, with regular blade.
- (c) One screwdriver, 12-inches long, with Phillips blade.
- (d) One hacksaw with ~~((+2))~~ 2 blades.
- (e) One pliers, 10-inch, vise grip type.
- (f) One 5-pound hammer with 15-inch handle.
- (g) One axe.
- (h) One 24-inch wrecking bar.
- (i) One crowbar, 51-inches, with pinch point.
- (j) One bolt cutter with 1-1/4 inch jaw opening.
- (k) One shovel.
- (l) One double action tin snip, 8-inches minimum.
- (m) Two ropes, each 50 feet long, with breaking strength equal to 3/4" manila rope.
- (n) One ABC 2-1/2 pounds fire extinguisher.
- (o) A commercial extrication device (K-T tool or similar) may be substituted for items h and i.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-190 PERSONNEL REQUIREMENTS. Any ambulance operated by an ambulance operator or ambulance director shall operate with sufficient personnel for adequate patient care, at least one of whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving emergency medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification recognized by the secretary.

Any first aid vehicle operated by a first aid vehicle operator or first aid director shall provide at least one person currently trained and certified in advanced first aid. ~~((That person shall be in attendance to the patient.))~~

A first aid vehicle used to transport patients under RCW 18.73.170 shall have a minimum of an emergency medical technician in attendance to the patient.

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) Upon successful completion of an emergency medical technician course, the department shall certify those eligible graduates who have passed either the state written examination or the National Registry of Emergency Medical Technicians written examination and the state practical examination and who have been recommended for certification by the physician coordinator.

(2) The period of certification shall be valid for ~~((two))~~ three years and shall terminate on the last day of the month on the ~~((second))~~ third anniversary of completion of the course. ~~((The period of certification for individuals in cities having a population of four hundred thousand or more, shall be for three years and shall terminate on the last day of the month on the third anniversary of completion of the course.))~~

(3) Recertification of currently certified emergency medical technicians ~~((shall be by completion of twenty hours of approved continuing education.))~~ eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:

(a) Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision.

(i) Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant

manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory).

(ii) Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory).

(iii) Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS administrator.

(iv) Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional).

NOTE: EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim.

(v) Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional).

(vi) Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional).

(vii) Completion of formal courses such as dispatcher training, extrication training, emergency vehicle defensive driving, EMT/defibrillation, inflatable trousers or other EMS-related topics. Five hours total per period of certification. Verified by course instructor (optional).

NOTE: It is recommended that a minimum of ten hours of continuing education be accomplished annually. Failure to complete thirty hours of continuing education during a period of certification shall result in termination of certification.

(b) ((passing)) Pass the written and practical examination and being recommended for recertification by the physician coordinator. ((Individuals who are nationally registered EMT's may elect to recertify through the NREMT.))

NOTE: Currently certified senior EMT instructors who have fulfilled the provisions of the Senior

EMT Instructor Agreement may recertify by passing the written recertification examination and by being recommended by the physician coordinator.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time testing was performed.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-220 REVOCATION, SUSPENSION OR MODIFICATION OF CERTIFICATE. (1) Grounds for denial, revocation, or suspension of an emergency medical technician certificate include but are not limited to proof that such emergency medical technician:

(a) Has been guilty of misrepresentation in obtaining the certificate;

(b) Has engaged or attempted to engage in, or represented himself as entitled to perform, any service not authorized by the certificate;

(c) Has demonstrated incompetence or has shown himself otherwise unable to provide adequate service; ((or))

(d) Has violated or aided and abetted in the violation of any provision of chapter 18.73 RCW or the rules and regulations promulgated thereunder((-));

(e) Has demonstrated unprofessional conduct in the course of providing services; or

(f) Has failed to complete a minimum of six hours of mandatory continuing education in a calendar year as described in WAC 248-17-213(3), or failed to complete thirty hours of continuing education in a three-year period of certification.

**WSR 82-19-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed September 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 Foster care—Legal basis, amending WAC 388-70-010.

It is the intention of the secretary to adopt these rules on an emergency basis on October 1, 1982.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by October 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

The authority under which these rules are proposed is chapter 118, Laws of 1982.

The specific statute these rules are intended to implement is chapter 118, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 21, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-70-010.

The Purpose of the Rule or Rule Change: To establish a goal for the maximum number of children who will remain in foster care in Washington state in excess of 24 months.

The Reason These Rules are Necessary: This action is required by the Federal Adoption Assistance and Child Welfare Act, P.L. 96-272. All states receiving federal Title IV-E funds to support their foster care program are required to establish such a goal in law, or in administrative code having the force of law, by October 1, 1982, with the goal taking effect on October 1, 1983.

Statutory Authority: Chapter 118, Laws of 1982.

Summary of the Rule or Rule Change: The proposed WAC sets a goal that 35 percent or fewer of the total foster care population will be in care in excess of 24 months by October 1, 1983.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Leila Todorovich, Director, Bureau of Children's Services, Phone: 3-7002, Mailstop: OB-41.

These rules are necessary as a result of federal law, P.L. 96-272.

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-010 FOSTER CARE—LEGAL BASIS. (1) The department is authorized by RCW 74.13.020 to provide foster care.

(2) Foster care payments are vendor payments of public assistance funds. See WAC 388-22-030(72).

(3) Beginning October 1, 1983, the placement goal for the foster care program is to limit the number of children who remain in care in excess of twenty-four months to no more than thirty-five percent of the foster care population.

WSR 82-19-082
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 82-141—Filed September 21, 1982]

I, Rolland A. Schmitt, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to buy-back regulations.

This action is taken pursuant to Notice No. WSR 82-19-059 filed with the code reviser on September 16, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the director of the Washington Department of Fisheries as authorized in RCW 75.08.080.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 20, 1982.

By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-95-011 APPLICATION TO SELL. A person desiring to sell a license or vessel restriction to the department of fisheries shall submit an application to the department. The application must be notarized, received during an open-application period established by the department, submitted on a departmental form and from an individual listed as a vessel owner on a license who has not accepted retraining benefits under a buy-back program administered by the department. The applicant must provide his name, address, phone number, and date of birth together with a description of the vessel, a list of licenses, and license numbers held at the time of application and a statement of whether the applicant is offering the license(s) only or the license(s) and vessel restriction pursuant to WAC 220-95-021.

NEW SECTION

WAC 220-95-016 RANKING OF APPLICATIONS. (1) The department shall separate applicants into one of the following license categories:

- (a) Troll and vessel delivery permit;
- (b) Purse seine;
- (c) Puget Sound gill net;
- (d) Willapa and Grays Harbor gill net;
- (e) Charter;
- (f) Reef net.

(2) The department shall establish priority rankings within each category. The department shall use license and catch records maintained by the department and may, for charters, use other license and catch records as the director finds appropriate to establish the rankings. Within a category, the department shall rank applicants beginning with applicants who have held a license the greatest cumulative number of years. For applicants

other than charters with the same number of years, the department shall rank applicants beginning with the largest average poundage catch within the state for the years 1973-1977. For charters with the same number of years, the department shall rank applicants beginning with the highest average income generated by the license for sale in 1978, 1979, and 1980. The department shall accept only federal income tax records to document income.

(3) A marginal fisherman is a fisherman having an average catch for 1973-1977 ranked in the bottom five percent of all catches in that respective license category or a charter boat owner who cannot document at least four thousand dollars of income derived in Washington state from charter fishing generated by the license for sale in 1978, 1979, or 1980. The department shall accept only federal income tax records to document required income.

NEW SECTION

WAC 220-95-021 PROGRAM OPTIONS. (1) The department may purchase either an applicant's license(s) or an applicant's license(s) and a restriction on the vessel prohibiting the vessel's use as a commercial or charter salmon fishing vessel or salmon delivery vessel.

(2) The department may purchase license(s) or vessel restriction if the applicant's vessel is currently licensed to fish for or deliver salmon within the state and the applicant is qualified pursuant to RCW 75.28.510.

(3) Each vessel use restriction shall be purchased for thirty percent of the fair market value of the vessel. Purchase offers will be made in order of priority ranking established for each category of applicants pursuant to WAC 220-95-016.

(4) The department shall not purchase vessel use restrictions from marginal applicants as defined in WAC 220-95-016.

(5) License and vessel values shall be established as provided in WAC 220-95-026. After the value of the vessel has been established and the applicant has provided paid receipts for the first two surveys, the department may communicate a purchase offer to the applicant. If the applicant accepts the offer, the applicant shall sign and return the offer within ten calendar days of the date of the offer.

(6) The department may not purchase more than one vessel restriction or license from an applicant until all applicants have had an opportunity to sell.

(7) A person who previously sold either a vessel or license to the program may sell only other licenses and restrictions on other vessels owned at the time the person first sold to the program.

NEW SECTION

WAC 220-95-026 SURVEYS—VESSELS—LICENSE—PERMIT VALUES. (1) The department shall conduct a yearly market survey in consultation with the advisory board established pursuant to RCW 75.28.530 in order to determine the fair market value of licenses in each license category.

(2) The department shall establish fair market value for vessels using the following method:

(a) Each vessel shall be surveyed by two marine surveyors chosen by the applicant from a list provided by the department.

(b) A third survey shall be done if the value of the lower survey is less than fifty thousand dollars and the difference between the surveys is more than twenty percent of the lower survey, or the value of the lower survey is more than fifty thousand dollars and the difference between the surveys is more than ten percent of the lower survey value. The department shall randomly select the third surveyor from the same list supplied to the applicant. The department shall not conduct a third survey until the applicant provides the department with paid receipts for the first two surveys.

(c) The applicant and program manager or their representatives shall be in attendance during each survey.

(d) Each surveyor shall send copies of the survey to the applicant and to the department.

(e) The cost of the first two surveys shall be borne by the applicant. The department shall reimburse this cost if the applicant accepts the purchase offer. The cost of the third survey shall be borne by the department.

(f) The fair market value of the vessel shall be computed by the department averaging the two closest survey values.

(g) The department shall maintain confidentiality of the surveys prior to completion of the purchase by the department.

NEW SECTION

WAC 220-95-031 USE RESTRICTIONS AND PENALTIES. (1) For a period of ten years from the date of the purchase of the vessel's restriction by the department it shall be unlawful to:

(a) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters within the state of Washington, including the concurrent waters of the Columbia river.

(b) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters outside the three mile limit off the Washington coast in an area from the southern jetty at the mouth of the Columbia river north to the United States/Canadian border.

(c) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel with the intent to deliver fish in another state, in waters outside the three mile limit off the Washington coast in an area from the southern jetty at the mouth of the Columbia river north to the United States/Canadian border.

(2) Failure to comply with the provisions of subsection (1) of this section will cause the state substantial damage and the amount of damage will be difficult to ascertain precisely. The vessel owner will pay to the department of fisheries as liquidated damages, in addition to all other sums payable hereunder, two hundred

dollars for each day or portion thereof on which the vessel is used by any person or entity in violation of the provisions of subsection (1) of this section.

(3) The department shall have relief by injunction to prevent the operation of the vessel for the purposes prohibited in subsection (1) of this section, together with any other relief provided by law. If the vessel is used for any purpose in violation of subsection (1) of this section, in addition to any other penalties provided by law, said vessel's fish, equipment, gear and personal property on board will be subject to immediate confiscation by, and forfeiture to, the state without notice to any owner or user of the vessel. If catches of the vessel prohibited by subsection (1) of this section have been sold or transferred, the owner or user of the vessel is liable to the department in the amount thereof and all Washington state commercial fishing licenses and/or permits issued to the owner or user shall be immediately revoked without notice by the department.

(4) The vessel owner and any subsequent transferee assigns to the department any and all rights to enforce the provisions of subsection (1) of this section. At any time the department may inspect the vessel for the limited purpose of ascertaining whether the vessel is being used for any purpose or use in violation of subsection (1) of this section. If any subsequent transferee is a treaty Indian, the department will require proof of treaty status prior to approving a transfer of vessel ownership or use. Nonapplicability of use restrictions to treaty Indians will not affect imposition of use restrictions to non-Indian transferees, owners or users of any vessel.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 220-95-010 APPLICATION TO SELL—QUALIFICATION.

(2) WAC 220-95-015 SURVEY—VESSEL—GEAR—LICENSE—PERMIT.

(3) WAC 220-95-017 BONUS PAYMENTS.

(4) WAC 220-95-020 OFFER TO SELL.

(5) WAC 220-95-030 OFFER TO SELL—FORMS.

(6) WAC 220-95-040 PROTECTION—UNDISCLOSED LIENS, CLAIMS, ETC.

(7) WAC 220-95-045 SELLING OF VESSELS, EQUIPMENT, GEAR—CONDITIONS.

(8) WAC 220-95-050 USE OF BUY-BACK VESSELS.

(9) WAC 220-95-055 VIOLATIONS—CONDITIONS—PENALTIES.

WSR 82-19-083

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 82-142—Filed September 21, 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.

This action is taken pursuant to Notice No. WSR 82-17-011 filed with the code reviser on August 6, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the director of the Department of Fisheries as authorized in RCW 75.08.080.

The undersigned hereby declares that 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) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 21, 1982.

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

AMENDATORY SECTION (Amending Order 77-14, filed 5/15/77)

WAC 220-32-057 SEASON—STURGEON. It ~~((shall be))~~ is unlawful to take, fish for ~~((and))~~ or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H ~~((during any season said area is open to commercial salmon fishing))~~ except as provided for in this section:

(1) Individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with setline gear from 12:00 noon August 1, 1982 to 12:00 noon January 15, 1983.

(2) Set line gear is limited to not more than 100 hooks per setline.

(3) Minimum hook size is 9/0 and treble hooks are prohibited.

AMENDATORY SECTION (Amending Order 77-14, filed 5/15/77)

WAC 220-32-022 LAWFUL GEAR—STURGEON. (1) It ~~((shall be))~~ is unlawful to take, fish for ~~((and))~~ or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E with ~~((gill nets and set lines))~~ gillnet gear except that it is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in these areas.

(2) It is unlawful to retain any sturgeon not of lawful size, as provided for in WAC 220-20-202 (1), and all sturgeon in transit must not have head or tail removed.

AMENDATORY SECTION (Amending Order 77-14, filed 5/15/77)

WAC 220-32-040 SEASON AND AREAS—STURGEON. It ~~((shall be))~~ is unlawful to take, fish for ~~((and))~~ or possess sturgeon taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1A, ~~((1B;))~~ 1C, 1D, ~~((and 1E~~

~~during any season and in any waters therein open to commercial salmon fishing))~~ that portion of 1B south of a line projected from Grays Point light east to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except at those times, with the gear and provisions designated below:

(1) 12:00 noon August 2, 1982, until 12:00 noon January 15, 1983.

(2) Setline gear is limited to 4 lines with not more than 300 hooks per line and bouys must be attached to each end of the setline and marked with the fishing license number.

(3) Minimum hook size is 9/0 and treble hooks are prohibited.

(4) It is unlawful to retain any sturgeon not of lawful size, as provided for in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

WSR 82-19-084
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-143—Filed September 21, 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 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 restrictions in Areas 4B, 5, 6C, and 7 provide the least restrictive regulations that allow protection of adult Canadian chinook salmon while providing opportunity for limited harvest, limited effort, immobile treaty Indian coho fisheries. Restrictions in Areas 6 and 6A provide protection for Canadian origin coho. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Skagit River above Old Faber Ferry Landing, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre river, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks provide protection for local chinook stocks. Restrictions in Areas 6B and 9 protect the validity of the terminal area coho run size updating procedures. Restrictions in Area 13B provide protection for Deschutes River 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 September 21, 1982.

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

NEW SECTION

WAC 220-28-217 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Areas 4B, 5, and 6C - Gill net gear restricted to 6-1/2-inch maximum mesh, when open.

Areas 6 and 6A - Closed to all commercial fishing.

Area 7 - Closed to all commercial fishing excluding reef net gear.

Area 7A - Under control of International Pacific Salmon Fisheries Commission.

Areas 6B and 9 - Closed to all commercial net fishing.

Area 7C - Closed to all commercial fishing.

Area 10C - Closed to all commercial fishing.

Area 10D - Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.

**Area 13B in that portion south of a line from Doffmeyer Point to Cooper Point - Closed to gill nets, and all other gear must release female chinook when open.*

Samish River - Closed to all commercial fishing.

Skagit River - Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-216 Puget Sound Commercial Fishery Restrictions (82-139)

WSR 82-19-085

PROPOSED RULES

INSURANCE COMMISSIONER STATE FIRE MARSHAL

[Filed September 22, 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 family day care centers, standards for fire protection, chapter 212-55 WAC; that the agency will at 10:00 a.m., Tuesday, October 26, 1982, in the Office of Insurance Commissioner, Insurance Building, Conference Room 200, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 74.15.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 26, 1982.

Dated: September 20, 1982

By Thomas R. Brace

Director, Division of State Fire Marshal

STATEMENT OF PURPOSE

Rules of the State Fire Marshal, governing the fire and life safety requirements in mini day care centers licensed by the state of Washington, pursuant to RCW 74.15.050.

The purpose of this amendment is to change the name "family day care center" to "mini day care center". The amendment is necessary in order to come in line with the definition, as set forth in the minimum licensing requirements. The amendment will also delete the term "infant", and add the definition of "mini day care center" to the list as found in the fire/life safety rules.

These rule amendments are promulgated pursuant to authority contained in RCW 74.15.050. The amendments will ensure uniform application of rules to mini day care centers, negating their application to family day care centers.

Implementing these amendments will not expand the responsibilities embodied in the laws governing the State Fire Marshal Office.

The agency personnel responsible for drafting, implementation, and enforcement of this rule is Mr. George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, Room 140, Insurance Building, MS AQ-21, Olympia, WA 98504, phone: (206) 753-3605.

The Office of State Fire Marshal is proposing the amendments to these rules.

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

Chapter 212-55 WAC

((FAMILY)) MINI DAY CARE CENTERS, STANDARDS FOR
FIRE PROTECTION

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-001 PURPOSE. The purpose of this regulation is to adopt minimum standard fire and life safety requirements for ~~((family))~~ mini day care centers, which require state fire marshal approval in accordance with chapter 74.15 RCW.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-005 DEFINITIONS. The following definitions shall apply when used in this regulation. All terms not defined in this section, but which are defined in chapter 388-73 WAC, shall receive the definition and construction given them by chapter 388-73 WAC, unless the context clearly indicates otherwise.

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

~~((3))~~ ~~("Child" means a person under the age of eighteen years.~~

~~((4))~~ "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof inclosures, horizontal exits, exit passageways, exit courts and yards.

~~((5))~~ (4) "Family abode" means a single dwelling unit occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation; and which is either owned, rented, or leased by the family occupying the family abode.

~~((6))~~ (5) "Fire official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

~~((7))~~ (6) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

~~((8))~~ ~~"Infant" means a child under the age of one year.~~

~~((9))~~ (7) "Licensing agency" means the Washington state department of social and health services.

~~((10))~~ "Family" (8) "Mini day care center" means ~~((a))~~ (a) day care center for the care of twelve or fewer children in a facility ~~((m))~~ other than the family abode of the person or persons under whose direct care and supervision the child is placed, ~~((b))~~ or the care of from seven through twelve children in the family abode of such person or persons.

~~((11))~~ (9) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-010 COMPLIANCE REQUIRED. All ~~((family))~~ mini day care centers shall comply with the fire and life safety requirements contained in this regulation.

EXCEPTION: Mini day care centers previously approved, based upon compliance with chapters 212-59 or 212-60 WAC, adopted pursuant to Administrative Order No. FM-77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That

(1) The fire and life safety requirements have been maintained to the levels prescribed in chapters 212-59 or 212-60 WAC; and

(2) The continued operation of the facility as a mini day care center is not dangerous to life.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-025 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. Each applicant for a ~~((family))~~ mini day care center license shall contact the local building official and fire official of the city, town, or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-030 OCCUPANCY RESTRICTIONS. (1) Spaces above the first story shall not be occupied by children in ~~((family))~~ mini day care centers. EXCEPTION: Use of toilet facilities while under the supervision of an adult staff person.

(2) Infants, handicapped children, or children unable to exit without assistance, shall not occupy a floor or basement which does not have at least one exit leading directly to the exterior of the building without having to traverse stairs.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-035 HAZARDOUS AREAS. Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the ~~((family))~~ mini day care area by at least one hour fire-resistive construction. EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-040 EXITS. (1) Each floor level used for ~~((family))~~ mini day care purposes shall be served by two remote exits.

(2) Outside exit doors shall be openable from the inside without the use of keys or any special knowledge or effort.

(3) Basements shall not be used for ~~((family))~~ mini day care centers unless one of the following conditions exist:

(a) Exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above.

(4) No obstructions shall be placed in the corridors or passageways leading to the exits. Placement of portable coat racks, desks, chairs, or individual lockers in the means of egress in such a manner that the exit passageway is restricted, is prohibited.

(5) No space shall be used for ~~((family))~~ mini day care purposes which is accessible only by ladder, folding stairs, or trap doors.

(6) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(7) Every closet door latch shall be such that children can open the door from inside the closet.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-055 ALARM IN CASE OF FIRE. Each ~~((family))~~ mini day care center shall provide a means for sounding a fire alarm. A police type whistle is adequate for meeting this requirement: PROVIDED, That whatever method is selected shall be limited to a fire emergency only.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-065 FIRE PREVENTION. (1) The local fire department should be requested to visit the ~~((family))~~ mini day care center to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease, and rubbish accumulations; and suitably isolated, enclosed, or protected so as not to present a fire hazard to occupants of the ~~((family))~~ mini day care center.

(3) Flammable or combustible materials shall be stored away from exits, and in areas which are not accessible to children.

(4) Heating and cooking appliances, and other open-flame devices capable of igniting clothing shall not be left on, unattended, or used in a manner which could result in an accidental ignition of children's clothing. Candles will not be used.

(5) All electrical circuits, devices, and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords shall not be used in lieu of permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-075 FIRE EVACUATION PLAN. Each ((family)) mini day care center shall develop a written fire evacuation plan. The plan shall include the following:

- (1) Action to take by the person discovering a fire.
- (2) Method of sounding an alarm on the premises.
- (3) Action to take pending arrival of the fire department.
- (4) Action to take for evacuation of the building and assuring accountability of the occupants.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-085 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

- (1) Operation of fire extinguishers installed on the premises.
- (2) Method of resetting fire alarm system (if installed).
- (3) Method of testing smoke detectors (single station types).
- (4) Conducting frequent inspections of the ((family)) mini day care center to identify fire hazards, and taking remedial action to correct any hazards noted during the inspection.

WSR 82-19-086
ADOPTED RULES
HUMAN RIGHTS COMMISSION
[Order 41—Filed September 22, 1982]

Be it resolved by the Washington State Human Rights Commission, acting at 1601 Second Avenue Building, Fourth Floor, Seattle, WA, that it does adopt the annexed rules relating to new chapter 162-06 WAC rules of general application, including WAC 162-06-030 rulings granting exceptions to rules, new chapter 162-26 WAC public accommodations, handicap discrimination and new chapter 162-38 WAC real estate transactions, handicap discrimination.

This action is taken pursuant to Notice Nos. WSR 82-12-053 and 82-16-070 filed with the code reviser on June 1, 1982 and August 3, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.60.120(3) which directs that the Washington State Human Rights Commission has authority to implement the provisions of law against discrimination, chapter 49.60 RCW.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 16, 1982.

By Joseph G. Trim
Chairperson Pro Tem

Chapter 162-06 WAC
RULES OF GENERAL APPLICATION

NEW SECTION

WAC 162-06-010 SCOPE OF CHAPTER. This chapter contains rules that apply generally to all of the law against discrimination and all of the commission's functions, including the matters and functions treated elsewhere in this title.

NEW SECTION

WAC 162-06-030 RULINGS GRANTING EXCEPTIONS TO RULES. (1) Reservation of power. The commission reserves the power to grant exceptions in specific instances to any rule adopted by the commission (that is, to any rule in Title 162 WAC).

(2) Authority to act. An exception to a rule may be granted only by action of the commissioners.

(3) Request from person affected. Any person may request an exception to a commission rule. The request must be in writing and shall be filed with the clerk.

(4) Contents of request for exception. A request for exception shall contain the following:

- (a) Name of the person making the request;
- (b) Identification of the rule from which the exception is requested;
- (c) The exception requested;
- (d) A statement of the reasons why the exception is requested;

(e) A statement as to whether any person other than the requesting person will be affected by the exception, and, if so, the name and address of each person. If a class of persons is affected, it will be sufficient to name a representative or representatives of the class;

(f) A statement as to whether or not the subject of the request is included in a lawsuit or administrative complaint, and, if so, an identification of the case or cases;

(g) Any other information the requestor wishes to include.

(5) Additional information. The requestor shall provide any additional information with respect to the request that the requestor is asked to provide by the commissioners or staff.

(6) Exception on own motion or at request of staff. The commission may make an exception to the application of its rules on its own motion or at the request of its staff when the commissioners are acting on a case, a declaratory ruling, or on any other matter.

(7) Nature of proceeding. The commissioners will ordinarily act on the basis of the information in the written request and any additional information reported by its staff. The commission may ask a representative of the requestor to appear and make further explanation. There will be no hearing, and the procedure on a request for an exception is not a "contested case" for purposes of the administrative procedure act, chapter 34.04 RCW. Persons desiring a formal ruling with right of appeal may petition for a declaratory ruling under RCW 34.04.080 and WAC 162-08-700.

(8) Procedure when complaint is pending. If the question of an exception arises or is pending while a complaint filed under RCW 49.60.230 is pending, the request for exception will not be considered initially by the commissioners but will be processed by the staff in the course of its work on the complaint. The staff will include a recommended disposition of an exception (whether requested by an interested person or the staff itself) in its recommended finding made under RCW 49.60.240. The recommendation on an exception will be brought especially to the attention of the commissioners at the time the finding comes before the commissioners for action. When the recommendation is in a finding of "reasonable cause," it shall be brought to the commissioners for ruling before the staff commences its endeavors to eliminate the unfair practice by conference, conciliation, and persuasion.

(9) Grounds for exception. The commission will grant an exception when in its judgment the reasons for the exception outweigh the adverse effect that the exception will have on the purposes of the law against discrimination or the administration of the law against discrimination. Reasons for an exception include:

(a) Compliance with the rule would cause unreasonable hardship;

(b) The special circumstances of the requestor are such that literal application of the rule will not carry out the purposes of the law against discrimination, or may work counter to the purposes of the law against discrimination;

(c) The purposes of the law against discrimination will be equally well served and the requestor will be benefited by application of the rule in a modified form;

(d) Conflict with the purpose or policy of other law.

(10) Ruling on request for exception. The commission will grant or deny a request for an exception as a matter of judgment. The commission may decline to rule on a request. A grant of an exception may be subject to conditions set out in the ruling, and it may be limited in time. The ruling will be in writing and copies will be sent to the requesting person and to any other persons who are named in the request as interested persons or who ask for a copy of the ruling.

(11) Revocation or revision. A ruling granting an exception may be revoked or revised at any time by the commissioners. The revocation or revision shall take effect when written notice of the revocation or revision is delivered to the requestor, or three days after it is mailed to the last known address of the requestor, whichever is earlier.

- 162-26-060 General principles.
- 162-26-070 General rules.
- 162-26-090 Arranged service.
- 162-26-110 Behavior causing risk.
- 162-26-120 Failure to meet requirements of other law.
- 162-26-130 Use of dog guide.

NEW SECTION

WAC 162-26-010 SCOPE OF CHAPTER. (1) Confined to unfair practice. This chapter interprets and implements the handicap discrimination coverage of RCW 49.60.215, Unfair Practices of Places of Public Resort, Accommodation, Assemblage, Amusement. This chapter does not define the scope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted below in WAC 162-26-030) or interpret other statutes. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120 to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) Language interpreted. The language of RCW 49.60.215 that is interpreted and implemented by this chapter is:

"It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

(3) Related regulations. Regulations of the commission on handicap discrimination in real estate transactions are in chapter 162-38 WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and in other regulations governing employment. General regulations of the commission governing schools are in chapter 162-28 WAC.

NEW SECTION

WAC 162-26-020 PURPOSE OF CHAPTER. (1) Purpose. The purpose of this chapter is to specify how the interpreted statute applies to specific circumstances and to established principles of interpretation that will guide in other circumstances.

Chapter 162-26 WAC
PUBLIC ACCOMMODATIONS, HANDICAP DISCRIMINATION

WAC

- 162-26-010 Scope of chapter.
- 162-26-020 Purpose of chapter.
- 162-26-030 Related law.
- 162-26-035 Concurrent remedy in court.
- 162-26-040 Definitions.
- 162-26-050 Who is protected.

(2) Sources of policy. The commission is guided by the policy of the legislature expressed in the statute being interpreted and in related statutes, particularly RCW 49.60.010, 49.60.030, and chapter 70.04 RCW, the "White Cane Law." The commission is also guided by the specialized knowledge and experience of its staff, particularly its disability specialists, and by the commissioners' own knowledge of the nature of handicap discrimination and the practical needs of the disabled. This includes the information gathered at hearings held in Spokane, Yakima, Lacey, and Seattle prior to the preparation of the first draft of these rules, and the written and oral comments received after circulation of proposed rules.

(3) Legislative policy. The principal expressions of legislative policy outside of the language being interpreted are the following:

RCW 49.60.010: "The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of . . . the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in . . . places of public resort, accommodation, or amusement . . . because of . . . the presence of any sensory, mental, or physical handicap; and the board (Human Rights Commission) established hereunder is hereby given general jurisdiction and power for such purposes."

RCW 70.84.010: "The legislature declares:

"(1) It is the policy of this state to encourage and enable the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled to participate fully in the social and economic life of the state, and to engage in remunerative employment.

"(2) As citizens, the blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

"(3) The blind, the visually handicapped, the hearing impaired, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons."

RCW 28A.13.005: "It is the purpose of this chapter (certain education statutes) to ensure that all handicapped children . . . shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state."

NEW SECTION

WAC 162-26-030 RELATED LAW. (1) General civil right. RCW 49.60.030 provides:

"(1) The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

"(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;"

This right is enforceable through lawsuits in court (RCW 49.60.030(2)) but not through the administrative process of the human rights commission.

(2) The "White Cane Law." Chapter 70.84 RCW prohibits the refusal of service to or the exaction of an extra charge from any blind or hearing impaired person because the person is accompanied by a guide dog. RCW 70.84.030. The chapter imposes special duties on a driver who approaches a blind pedestrian with a white cane or a blind or hearing impaired pedestrian using a guide dog. RCW 70.84.040. Blind, partially blind, and hearing impaired pedestrians are declared to have all the rights and privileges conferred by law on other persons in any of the places, accommodations, or conveyances listed in RCW 70.84.010 (quoted above in WAC 162-26-020(2)). RCW 70.84.050.

(3) Other laws. Other state laws define rights of the handicapped in particular circumstances. Some are referred to elsewhere in this chapter. Some accommodations are subject to United States law, particularly sections 503 and 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 793, 794.

NEW SECTION

WAC 162-26-035 CONCURRENT REMEDY IN COURT. Courts have jurisdiction under RCW 49.60.030(2) to remedy violations of RCW 49.60.215 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will ordinarily administratively close the case before it, as provided in WAC 162-08-062(3).

NEW SECTION

WAC 162-26-040 DEFINITIONS. (1) Place of public accommodation. RCW 49.60.040 gives the following definition:

"Any place of public resort, accommodation, assemblage, or amusement' includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in

the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;"

(2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"'Handicap' is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."

(3) Definitions special to this chapter. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is handicapped, with reasonable effort and in reasonable safety.

"Arranged service" means making the services or goods of a place of public accommodation available to a handicapped person at a place or in a way that is different from the place or way that the service is offered to the public in general in order to serve the person. See WAC 162-26-090.

"Dog guide" means a trained dog guide used by a blind or deaf person. See WAC 162-26-130.

"Fair service" means the service required by RCW 49.60.215 for handicapped persons in places of public accommodation. Depending on the circumstances, fair service may be in the form of (a) same service, (b) reasonable accommodation, or (c) arranged service. These terms are defined in this chapter. See also "service" and "fairly serve."

"Fairly serve" means to provide fair service.

"Place of public accommodation" is short for "place of public resort, accommodation, assemblage, or amusement" and means the full term.

"Reasonable accommodation" means action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations. See WAC 162-26-080.

"Same service" means service without regard to the existence of a handicap. See WAC 162-26-060.

"Service" means everything available to persons from a place of public accommodation.

"Structural" is defined in WAC 162-26-100(5).

"Unfair service" means service not in compliance with RCW 49.60.215. See "fair service."

NEW SECTION

WAC 162-26-050 WHO IS PROTECTED. (1) Statute. RCW 49.60.215 requires service in places of public accommodation "regardless of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person. . . ."

(2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not fairly served in a place of public accommodation. A person is handicapped by a sensory, mental, or physical condition if she or he is not fairly served because of the condition. The law protects all persons from unfair service because of handicap, whether the handicap is severe or slight.

(3) When handicap is present. The presence of a sensory, mental, or physical handicap includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

(a) Is medically cognizable or diagnosable;

(b) Exists as a record or history; or

(c) Is perceived to exist, whether or not it exists in fact.

(4) Person using dog guide. WAC 162-26-130 defines who is protected as a person using a trained dog guide.

(5) Nonhandicapped not protected. The law protects against discrimination because of the "presence" of a handicap. It does not prohibit treating handicapped persons more favorably than nonhandicapped persons. Compare WAC 162-22-060 (employment).

NEW SECTION

WAC 162-26-060 GENERAL PRINCIPLES. (1) Same service preferred. The purposes of the law against discrimination are best achieved when handicapped persons are treated the same as if they were not handicapped. The legislature expresses this policy in RCW 49.60.215 with the words "regardless of." Persons should, if possible, be treated without regard to their handicap or use of a dog guide. This is called "same service" in this chapter.

(2) Reasonable accommodation. In some circumstances, however, treating handicapped persons the same as nonhandicapped persons (same service) will defeat the purposes of the law against discrimination. This would be true if persons in wheelchairs and nonhandicapped persons are equally entitled to use the stairway to reach the second floor of a store. In such circumstances, the operator of the place of public accommodation should if possible use the next best solution: Reasonable accommodation. A reasonable accommodation would be to permit the shopper in the wheelchair to use an elevator

to reach the second floor, even though the public in general is not permitted to use the elevator. Reasonable accommodation is explained in WAC 162-26-080.

(3) Arranged service. Where same service will not carry out the purposes of the law and where no accommodation is reasonable, the operator of a place of public accommodation should use the third best solution: Arranged service. In the example used in this section, arranged service would be having a store employee bring merchandise of the size and description requested by the wheelchair shopper from the second floor for examination by the customer on the first floor. This would be appropriate if there were no elevator and no other safe and dignified way to transport the customer to the second floor. Arranged service is explained in WAC 162-26-090.

(4) Overall objective. In applying RCW 49.60.215, the commission seeks to assure that handicapped persons will have the enjoyment of places of public accommodation to the greatest extent practical. The legislature in RCW 49.60.040 has defined "full enjoyment of" with respect to the civil right set out in places of public accommodation in RCW 49.60.030 as follows:

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons . . . with any sensory, mental, or physical handicap, or a blind or deaf person using a trained dog guide, to be treated as not welcome, accepted, desired, or solicited;"

NEW SECTION

WAC 162-26-070 GENERAL RULES. (1) Rules. Except where exempted by RCW 49.60.215 or excepted by ruling of the commissioners under WAC 162-06-030, it is an unfair practice under RCW 49.60.215 for any person in the operation of a place of public accommodation, because of handicap or use of a dog guide:

- (a) To refuse to serve a person;
- (b) To charge for reasonably accommodating the special needs of a handicapped person, or for arranged service as defined in this chapter;
- (c) To treat a handicapped person as not welcome, accepted, desired, or solicited the same as a nonhandicapped person;
- (d) To segregate or restrict a person or deny a person the use of facilities or services in connection with the place of public accommodation where same service is possible without regard to the handicap;
- (e) To fail to reasonably accommodate the known physical, sensory, or mental limitations of a handicapped person, when same service would prevent the person from fully enjoying the place of public accommodation, as provided in WAC 162-26-080; or
- (f) To fail to arrange service under the rules in WAC 162-26-090 when reasonable accommodation is not possible and same service treatment would prevent the handicapped person from fully enjoying the place of public accommodation.

(2) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030.

NEW SECTION

WAC 162-26-090 ARRANGED SERVICE. (1) Unfair to deny. No person shall be denied the enjoyment of a place of public accommodation because the facilities are not accessible to the person and cannot be made accessible with reasonable accommodation, when the desired service can be made available under the standards for arranged service that are specified in this section.

(2) Defined. "Arranged service" means making the services or goods of a place of public accommodation available to a handicapped person at a place or in a way that is different from the place or way that the service is offered to the public in general, in order to serve the person.

(3) Limitation on use. Arranged service is fair only when neither same service nor reasonable accommodation is possible, and the choice is between arranged service and no service.

(4) Choice of means of arranged service. The operator of a place of public accommodation may choose the place and means of providing arranged service so long as the operator gives reasonable weight to the convenience, needs, and dignity of the handicapped person seeking service. Among available means or places, the one that most closely approximates service to the general public should be chosen. There is no need for the operator to deliver the services away from the place of public accommodation if the services can be made available somewhere at the place of public accommodation.

(5) Examples.

(a) In a retail setting, goods can be carried from an inaccessible location to an accessible location, as described in WAC 162-26-060(3).

(b) In an office setting, interviewers and forms could be brought to an accessible office or conference room in the building or at another place, although the particular business would ordinarily be done at an inaccessible location.

(c) In an office setting, arrange to interview a mentally handicapped person in place of requiring a written application or report.

(d) In an entertainment setting, seating areas made available for patrons in wheelchairs would be arranged service.

NEW SECTION

WAC 162-26-110 BEHAVIOR CAUSING RISK. (1) Proviso interpreted. This section interprets the following proviso of RCW 49.60.215:

" PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice."

(2) General rule. It is not an unfair practice under RCW 49.60.215 to deny a person service in a place of public accommodation because that person's behavior or actions constitute a risk to property or other persons.

(3) Individual judgment required. To come within this exception, the denial of service must be based on knowledge of the present behavior or actions of the individual who is not served. It is an unfair practice to exclude all persons who have a handicap or who have a particular handicap unless the operator of the place of public accommodation can show that all persons with the handicap will present a risk to persons or property.

(4) Likelihood of injury. Risk to property or other persons must be immediate and likely, not remote or speculative.

(5) Degree of risk. Risk of injury to persons may be given more weight than risk of injury to property. Risk of severe injury may be given more weight than risk of slight injury.

(6) Risk to handicapped person. Risk to the handicapped person is not a reason to deny service. Liability for injury to handicapped customers is governed by law other than the law against discrimination. The law against discrimination affects tort liability only insofar as it includes handicapped persons within the public for which public accommodations must be made safe.

(7) Annoyance to staff or other customers. Annoyance on the part of staff or customers of the place of public accommodation at the abnormal appearance or behavior of a handicapped person is not a "risk to property or other persons" justifying nonservice.

(8) Least discriminatory solution required. It is an unfair practice to deny a handicapped person the enjoyment of an entire place of public accommodation because the person presents a risk of injury when using part of the place. When risk justifies not serving a handicapped person in the same way or same place as other customers, the person should be served through reasonable accommodation (WAC 162-26-060, 161-26-080) or arranged service (WAC 162-26-060, 162-260-090), if possible.

NEW SECTION

WAC 162-26-120 FAILURE TO MEET REQUIREMENTS OF OTHER LAW. (1) Unfair practice. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to refuse or fail to comply with any specific requirement of law for the benefit of handicapped persons applicable to the place of public accommodation.

(2) All sources of law covered. This section applies to all requirements imposed by or authorized by any law of the United States, the state of Washington, or any ordinance of a unit of local government within the state of Washington.

(3) References to selected laws. Some of the laws to which this section applies are:

(a) Chapter 28A.13 RCW (education for handicapped children);

(b) Sections 503 and 504 of the United States Rehabilitation Act of 1973, 29 U.S.C. §§ 793 and 794, and all regulations of agencies of the United States government issued pursuant to them;

(c) Chapter 70.84 RCW, the "White Cane Law."

NEW SECTION

WAC 162-26-130 USE OF DOG GUIDE. (1) Coverage of statute. RCW 49.60.215 requires fair service in a place of public accommodation "regardless of . . . the use of a trained dog guide by a blind or deaf person . . ." as well as because of handicap itself.

(2) Same rules apply. All of the rules of this chapter with respect to handicap itself apply equally to service of a blind or deaf person who is using a trained dog guide. See particularly WAC 162-26-060 and 162-26-070.

(3) Standards of "White Cane Law" apply. It is an unfair practice under RCW 49.60.215 for the operator of a place of public accommodation to deny any person the following rights set out in the "White Cane Law," RCW 70.84.030:

"Every totally or partially blind or hearing impaired person shall have the right to be accompanied by a guide dog in any of the places listed in RCW 70.84.010(3) without being required to pay an extra charge for the guide dog. It shall be unlawful to refuse service to a blind or hearing impaired person in any such place solely because he is accompanied by a guide dog."

(4) "Dog guide" defined. For purposes of RCW 49.60.215 the term "dog guide" means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

". . . the term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind persons or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."

(5) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or other identifying device that is adopted and promulgated so as to become generally known.

Chapter 162-38 WAC REAL ESTATE TRANSACTIONS, HANDICAP DISCRIMINATION

NEW SECTION

WAC 162-38-010 SCOPE OF CHAPTER. (1) Confined to unfair practice. This chapter interprets and implements the handicap discrimination coverage of the sections of the law against discrimination governing unfair practices in real estate transactions, RCW 49.60.222, 49.60.223, 49.60.224, 49.60.225, and 49.60.226. This chapter does not define the scope of the civil right to be free from discrimination because of handicap declared in RCW 49.60.030 (quoted in WAC 162-38-030) or interpret other statutes. This chapter applies to the unfair practices which the commission is empowered by RCW 49.60.120(4) to eliminate and prevent through the administrative process provided in RCW 49.60.230 through 49.60.270.

(2) Principal statute interpreted. The legislation principally interpreted in this chapter is the following portion of RCW 49.60.222:

"It is an unfair practice for any person, whether acting for himself or another, because of . . . the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

"(1) To refuse to engage in a real estate transaction with a person;

"(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

"(4) To refuse to negotiate for a real estate transaction with a person;

"(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

"(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

"(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(8) To expel a person from occupancy of real property;

"(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. . . .; or

"(10) To attempt to do any of the unfair practices defined in this section.

"
"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59.18 RCW."

(3) Related regulations. Regulations of the commission on handicap discrimination in public accommodations are in chapter 162-26 WAC. Commission regulations governing handicap discrimination in employment are in chapter 162-22 WAC and other regulations governing employment. General regulations governing unfair practices in real estate transactions are

in chapter 162-36 WAC. Regulations governing credit transactions are in chapter 162-40 WAC.

NEW SECTION

WAC 162-38-020 PURPOSE OF CHAPTER. (1) Purpose. The purpose of this chapter is to specify how the interpreted statutes apply to specific circumstances and to established principles of interpretation that will guide in other circumstances.

(2) Sources of policy. The commission is guided by the policy of the legislature expressed in the statute being interpreted and in related statutes, particularly RCW 49.60.010, 49.60.030 and 70.92.100, quoted below in subsection (3) of this section.

(3) Legislative policy. The principal expressions of legislative policy outside of the language being interpreted are the following:

RCW 49.60.010: "The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of . . . the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in . . . real property transactions because of . . . the presence of any sensory, mental, or physical handicap; and the board (human rights commission) established hereunder is hereby given general jurisdiction and power for such purposes."

RCW 70.92.100 (effective July 1, 1976): "It is the intent of the legislature that, notwithstanding any law to the contrary, plans and specifications for the erection of buildings through the use of public or private funds shall make special provisions for elderly or physically disabled persons."

NEW SECTION

WAC 162-38-030 RELATED LAW. (1) General civil right. RCW 49.60.030 provides:

"(1) The right to be free from discrimination because of . . . the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

"
"(c) The right to engage in real estate transactions without discrimination;"

(2) State building code. The state building code, chapter 19.27 RCW, includes by reference the barrier free design standards, chapter 51-10 WAC. RCW 19.27.030(5). These standards were established under authority of chapter 70.92 RCW. With some exceptions, they apply to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

NEW SECTION

WAC 162-38-035 CONCURRENT REMEDY IN COURT. Courts have jurisdiction under RCW

49.60.030(2) to remedy violations of RCW 49.60.222, 49.60.223, and 49.60.224 as interpreted and implemented by this chapter, concurrently with the commission. When the commission learns that an action on the same facts has been filed in court, the commission will administratively close the case before it in compliance with RCW 49.60.226 and WAC 162-08-062(2).

NEW SECTION

WAC 162-38-040 DEFINITIONS. (1) Real estate transaction. RCW 49.60.040 gives the following definitions:

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental, or lease of real property."

(2) General definitions. General definitions applicable throughout the commission's regulations are set out in WAC 162-04-010. These include the following:

"Handicap" is short for the term 'the presence of any sensory, mental, or physical handicap' used in the law against discrimination, and means the full term."

(3) Definitions special to this chapter. The following words or phrases are used in this chapter in the meaning given, unless the context clearly indicates another meaning.

"Accessible" means usable or understandable by a person who is handicapped, with reasonable effort and in reasonable safety.

"Barrier free design standards" means chapter 51-10 WAC, setting of barrier free design standards making building and facilities accessible to physically disabled persons, a component of the state building code. See WAC 162-38-030(2), 162-38-070.

"Dog guide" means a trained dog guide used by a blind or deaf person. See WAC 162-38-100.

"Landlord" means anyone other than the occupant of real property who attempts to control use of the property under claim of right arising out of an ownership interest in real property by that person or another person for whom that person acts. The term includes owners of rental property, trustees, receivers, persons controlling the common areas used in connection with condominiums, and agents or others acting in the interest of any such persons.

"Rental property" includes real property that is rented or leased, offered for rental or lease, or built or maintained for rental or lease.

"Structural" is defined in WAC 162-38-070(5).

"Tenant" is a person who rents or seeks to rent real property.

NEW SECTION

WAC 162-38-050 WHO IS PROTECTED. (1) Statutes. RCW 49.60.222 defines practices in connection with real estate transactions that are unfair when done because of "the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a

blind or deaf person." RCW 49.60.223 and 49.60.224 are worded similarly with respect to handicap.

(2) What is a handicap. A person's condition is a "sensory, mental, or physical handicap" if it is abnormal and is a reason why the person was not treated fairly in a real estate transaction. A person is handicapped by a sensory, mental, or physical condition if she or he is discriminated against because of the condition. The law protects all persons from discrimination because of handicap, whether the handicap is severe or slight.

(3) When handicap present. The presence of a sensory, mental, or physical handicap includes, but is not limited to, circumstances where a sensory, mental, or physical condition:

- (a) Is medically cognizable or diagnosable;
- (b) Exists as a record or history; or
- (c) Is perceived to exist, whether or not it exists in fact.

(4) Person using dog guide. WAC 162-38-100 defines who is protected as a person using a trained dog guide.

(5) Nonhandicapped not protected. The law protects against discrimination because of the "presence" of a handicap. It does not prohibit treating handicapped persons more favorably than nonhandicapped persons. Compare WAC 162-22-060 (employment).

NEW SECTION

WAC 162-38-060 GENERAL RULES. (1) General principles apply. The unfair practices in real estate transactions defined in RCW 49.60.222 apply to race discrimination, sex discrimination, and other kinds of discrimination as well as handicap discrimination. This chapter deals with special questions as to the application of the law to handicap discrimination. Where no special provision is made by the statute, by this chapter, or by exception by the commissioners under WAC 162-06-030, general principles of nondiscrimination apply.

(2) Statutory rules. It is an unfair practice under RCW 49.60.222 for any person to do any of the following things because of handicap or the use of a trained dog guide by a blind or deaf person:

- "(1) To refuse to engage in a real estate transaction with a person;
- "(2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- "(3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- "(4) To refuse to negotiate for a real estate transaction with a person;
- "(5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

"(6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly

or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

"(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

"(8) To expel a person from occupancy of real property;

"(9) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. . . .

"(10) To attempt to do any of the unfair practices defined in this section."

(3) Exceptions may be granted. The commission will grant exceptions to the rules of this chapter under the standards set out in WAC 162-06-030.

NEW SECTION

WAC 162-38-080 MODIFICATIONS OR ADDITIONS MADE BY TENANTS. (1) Landlord need not pay. Except as required by law (explained in WAC 162-38-070) a landlord is not required to pay for alterations or additions to real property needed to make it accessible by handicapped persons.

(2) Unfair to unreasonably prohibit modifications needed by handicapped tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure, it is an unfair practice under RCW 49.60.222 for a landlord to refuse to allow a handicapped tenant to make alterations or additions to the structure or fixtures under the following conditions:

(a) The alterations or additions are paid for by the tenant.

(b) The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building and enforce standards of quality and architectural compatibility.

(3) Examples of appropriate modifications. The following are examples of alterations or additions commonly needed to make real property usable by handicapped persons:

(a) Ramps for wheelchairs or walkers.

(b) Lights to indicate to a deaf person that the doorbell or telephone is ringing, or for similar purposes.

(c) Grab bars in bathrooms.

(d) Roll-out shelves in kitchens.

(e) Simplified locking systems for use by a mentally handicapped person.

NEW SECTION

WAC 162-38-090 PUBLIC AREAS OF RENTAL PROPERTY. (1) Are covered as places of public accommodation. RCW 49.60.040 includes the following in its broad definition of place of public accommodation:

". . . public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants."

(2) Applicable law. Public areas as defined in this section are governed by the public accommodations coverage of the law against discrimination, RCW 49.60.215, and chapter 162-26 WAC, public accommodations, handicap discrimination, as well as by the real estate transaction coverage of the law against discrimination and this chapter of the commission's regulations.

(3) Public areas. "Public" areas for purposes of public accommodations coverage of rental property include all areas intended for use by more than one tenant, or by one or more tenants and the resident owner. The area need not be open to the public at large. The area is covered if it is open to all tenants, or any two tenants, or the owner and one or more tenants. In addition to public halls, public elevators and public washrooms, public areas include garbage disposal facilities, recreation facilities, laundry or other work areas, and open space.

NEW SECTION

WAC 162-38-100 PERSONS WITH DOG GUIDES. (1) Are protected. RCW 49.60.222 protects blind or deaf persons from discrimination because of their use of a trained dog guide the same as it protects them from discrimination directly because of handicap.

(2) General rule. The same rules that apply to the treatment of persons because of handicap under RCW 49.60.222 and this chapter apply to the treatment of blind or deaf persons because they use a trained dog guide.

(3) Landlord's duty. It is an unfair practice for a landlord to refuse to rent to a blind or deaf person because the person uses a trained dog guide. A landlord's no-pet policy cannot be applied to the dog guide of a blind or deaf person.

(4) Cleaning or damage deposits not unfair. It is not an unfair practice for a landlord to enforce on a blind or deaf tenant its standard cleaning or damage deposit for dogs. It is not an unfair practice for a landlord who otherwise doesn't allow dogs in the rented property to require a reasonable cleaning or damage deposit for the dog when renting to a deaf or blind person using a trained dog guide.

(5) "Dog guide" defined. For purposes of RCW 49.60.222 the term "dog guide", means a trained dog guide used by a blind or deaf person. It has the same meaning as "guide dog" in RCW 70.84.020:

"The term 'guide dog' shall mean a dog which is in working harness and is trained or approved by an accredited school engaged in training dogs for the purpose of guiding blind person or a dog which is trained or approved by an accredited school engaged in training dogs for the purpose of assisting hearing impaired persons."

(6) Identification of trained dog guide. A trained dog guide used by a blind person is identified by the harness with rigid stirrup for the hand of the guided person that such dogs wear when in service. A trained dog guide used by a deaf person shall be identified by a credential presented by the deaf person on request, or by a tag or

other identifying device that is adopted and promulgated so as to become generally known.

NEW SECTION

WAC 162-38-110 INQUIRIES TO HANDICAPPED APPLICANTS. (1) Statute. RCW 49.60.222 includes the following as an unfair practice with respect to handicap:

"(6) To . . . make a . . . inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;"

(2) Unfair practice. It is an unfair practice under RCW 49.60.222(6) for a landlord to inquire into matters personal to a handicapped applicant beyond what is necessary and appropriate to the landlord-tenant relationship. For example, the landlord may inquire as to how many persons will occupy the unit, but ordinarily will have no other reason to know whether a handicapped person is assisted by an aide, and when.

(3) Reference to employment rules. The commission's rules on pre-employment inquiries, chapter 162-12 WAC, implement a parallel statute and furnish analogies for the application of this portion of the real estate transactions law.

NEW SECTION

WAC 162-38-120 UNFAIR TO REQUEST OR REQUIRE WAIVER OF RIGHTS. It is an unfair practice for any person as a condition of entering into or continuing a real estate transaction to request or require another person to waive rights or hold anyone harmless because the real property will be occupied by a handicapped person.

**WSR 82-19-087
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed September 22, 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 the agency will at 9:30 a.m., Tuesday, November 2, 1982, in the Office of the Liquor Control Board, 5th Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

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

The specific statute these rules are intended to implement is RCW 66.08.010 and 66.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 2, 1982.

Dated: September 22, 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, 66.98.070 and Title 34 RCW.

Summary of Rule: The amendment would provide that WAC 314-16-125(7) 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 request by the licensee to have traditional ethnic dancing at the licensed premises and written board approval therefor; 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; that a person performing as a traditional ethnic dancer at a licensed premises cannot act as an employee in any other public capacity such as a waiter/waitress, host/hostess, etc., in connection with the sale or service of liquor at that licensed premises; 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, 1025 East Union Avenue, Olympia, WA 98504, 753-6259, (Scan) 234-6259; and Bob Obenland, Chief of Enforcement, 1025

East Union Avenue, Olympia, WA 98504, 753-6270, (Scan) 234-6270.

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.

Small Business Economic Impact Statement: Cost impact for small businesses is estimated to be between zero to minimal. Compliance calls for modest record keeping and brief retention of records—if the licensee requests approval for this type of activity (traditional ethnic dancing). Cost impact for larger businesses would, for the same reasons cited with respect to small businesses, be estimated at zero to minimal.

Discussion: It is anticipated that there are very few licensees who will avail themselves of the authority to have ethnic dancing performed at their premises. Even if there is extensive utilization of the exemption for traditional ethnic dancing, the cost of submitting a request and keeping the records required will be negligible.

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.

(c) 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:

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

(ii) Residence address and phone number;

(iii) Social security number;

(iv) Terms of the agreement of employment; and

(v) Signature of both the licensee and the dancer.

(d) That a person employed as a traditional ethnic dancer at a licensed premises shall not act as an employee in any other public capacity such as a waiter, waitress, host/hostess, etc., in connection with the sale or service of liquor at that licensed premises.

(e) 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 82-19-088

PROPOSED RULES

DEPARTMENT OF LICENSING

(Medical Examining Board)

[Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Medical Examining Board intends to adopt, amend, or repeal rules concerning the training and utilization of physician assistants and physician acupuncture assistants;

that the agency will at 1:00 p.m., Friday, November 5, 1982, in the Peninsula Room, Airport Hilton, 17620 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.71A.020.

The specific statute these rules are intended to implement is RCW 18.71A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 29, 1982.

Dated: September 22, 1982

By: Deanna Dicommes
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Medical Examiners.

Purpose: The purpose of the amendment to WAC 308-52-138 is to authorize the board to grant interim approval to schools while the board develops standards for school approval; the purpose of the amendments to WAC 308-52-139 is to provide for approval of applications between board meetings by staff, board members or committee. It also states that the board will issue a standard list of procedures a primary care or pediatric physician assistant may perform; the purpose of the amendments to WAC 308-52-140 is to permit the use of two physician assistants per physician in usual situations and more than two with the board's permission in institutional settings; the purpose of new section WAC 308-52-150 is to permit a physician supervisor to authorize his or her physician assistant to assist or consult with a non-sponsoring physician; the purpose of new section WAC 308-52-160 is to set forth the grounds for denial of physician assistant application; the purpose of the amendments to WAC 308-52-500 is to set forth in detail the requirements for acupuncture education. The rule also sets forth the documentation requirements; the purpose of new section WAC 308-52-502 is to establish the procedures for acupuncture school approval, establish a minimum standard for faculty involved in didactic and clinical training, and require adequate supervision of students and instructors during clinical training; the purpose of new section WAC 308-52-504 is to define acupuncture and to identify the techniques or procedures used by acupuncturists; the purpose of the amendment to WAC 308-52-520 is to repeal the one year of experience requirement; the purpose of the amendment to WAC 308-52-570 is to eliminate certain restrictions on the practice of acupuncture physician assistants; and the purpose of the amendment to WAC 308-52-580 is to prohibit acupuncture physician assistants from being represented as a physical therapist, chiropractor, drugless healer or masseur.

Statutory Authority: RCW 18.71A.020.

Summary of the Rules: WAC 308-52-138 Physician Assistants—Program Approval, sets forth the standards and procedures for the approval of physician assistant training programs; WAC 308-52-139 Physician Assistants—Registration, describes the basic procedures and forms to be used in registering, reregistering or changing registration for physician assistants; WAC 308-52-140 Physician Assistants—Utilization, establishes the limits of the utilization of physician assistants, in terms of: the number of physician assistants per physician, the physician assistants geographical separation from the supervisor, use within the institutional setting and while in the process of being trained; WAC 308-52-150 Utilization

by a Non-Sponsoring Physician, describes the circumstances under which a physician assistant may assist or consult with a physician other than his or her sponsor, and defines that physician's responsibility for the physician assistant's performance; WAC 308-52-160 Physician Assistant Applications—Denial, establishes that procedures for the denial of a registration, and appeal of the denial. It also sets forth the grounds under which the board may deny the application; WAC 308-52-500 Acupuncture Assistant Education, identifies the training required prior to registration and the documentation to be submitted in proof of meeting the requirement; WAC 308-52-502 Acupuncture—Program Approval, establishes the procedures for approving a program, identifies the type of programs which may be approved, establishes minimum qualifications for faculty, and sets forth supervision requirements for clinical training; WAC 308-52-504 Acupuncture—Definition, defines acupuncture and identifies the procedures or techniques considered to be part of the practice of acupuncture; WAC 308-52-520 Acupuncture Experience, requires one year of experience prior to registration; WAC 308-52-570 X-rays and Laboratory Tests, outlines those tests and procedures which acupuncture physician assistants may not perform; and WAC 308-52-580 Ethical Considerations, defines certain acts and practices as unprofessional conduct.

Reasons Proposed: The amendment to WAC 308-52-138 is proposed at the request of Andrew Dolan, attorney, on behalf of the Northwest Institute of Acupuncture and Oriental Medicine. Until a program is approved by the board, students may not participate in clinical training. The board is presently considering standards for acupuncture training programs, and therefore has not been in a position to consider the Northwest Institute's application. This regulation would authorize the board to give interim approval so that clinical training may begin while explicit standards for school approval are being considered; the amendment to WAC 308-52-139 is proposed at the request of the board's Physician Assistant Advisory Committee. The changes would simplify and expedite the registration process, thus removing a major impediment to the employment of physician assistants; the amendments to WAC 308-52-140 are proposed at the request of the board's Physician Assistant Advisory Committee, and are designed to facilitate the use of physician assistants in settings where physician assistants are the most appropriate level of practitioner; the adoption of WAC 308-52-150 is proposed at the request of the board's Physician Assistant Advisory Committee, to permit the sponsoring physician to utilize the physician assistant in the most effective and efficient manner; the adoption of WAC 308-52-160 is proposed at the request of the board's Physician Assistant Advisory Committee, to improve the understanding of all concerned regarding how and why an application may be denied. The rule would also permit a physician assistant to appeal a decision under certain circumstances, which is presently not permitted; the amendments to WAC 308-52-500 are proposed at the request of the board's Acupuncture Advisory Committee, to provide more specific and improved standards for the education required

of acupuncture physician assistants; the adoption of WAC 308-52-502 is proposed at the request of the board's Acupuncture Advisory Committee, to provide explicit standards for approving training programs and program faculty, which are presently lacking; the adoption of WAC 308-52-504 is proposed at the request of the board's Acupuncture Advisory Committee, to provide a much needed definition of acupuncture. This definition is to be used in identifying acceptable school curriculum, examination content, a proper scope of practice, and assist the board in identifying and preventing the unregistered practice of acupuncture; the amendments to WAC 308-52-570 are proposed at the request of the board's Acupuncture Advisory Committee to delete all restrictions on practice procedures other than x-rays and lab tests. Limitations imposed will be replaced by the positive definition of acupuncture procedures which are acceptable; the amendments to WAC 308-52-580 is proposed at the request of the board's Acupuncture Advisory Committee to provide for the clear representation of the acupuncture assistant to the public; and the repeal of WAC 308-52-520 is proposed at the request of the board's Acupuncture Advisory Committee to eliminate what the committee and board believe is an unnecessary and unworkable experience requirement.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Deanna Dicomis, Executive Secretary, and Chris Rose, Assistant Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 234-2205 Scan, 753-2205 Comm.

Proponents: Amendments to WAC 308-52-138 were proposed under WAC 308-08-560 at the request of Andrew Dolan, attorney, on behalf of the Northwest Institute of Acupuncture and Oriental Medicine. All other amendments and new sections were proposed by the Washington State Board of Medical Examiners.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 368, filed 1/21/81)

WAC 308-52-138 PHYSICIAN ASSISTANTS—PROGRAM APPROVAL. No physician shall be entitled to register a physician assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physician assistants shall be judged. If the council of medical education of the American medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates and the specialty for which the physician assistant is trained.

(c) Reapproval. Each approved program will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(3) (a) Where an application for program approval has been pending for one year and has not been approved due to the absence of program standards promulgated by the board, a program may apply for provisional approval.

(b) Such approval is solely for the limited purpose of availing the program's students of the exemption contained in RCW 18.71.030(8) and shall end when the Board makes a final determination as to program approval pursuant to this section.

(c) Provisional approval as defined in subsection (b) above can be granted if the program:

(i) needs such approval in order for the clinical elements of its educational regimen to proceed on schedule;

(ii) has established the likelihood of satisfying the relevant program approval guidelines in their current form;

(iii) will otherwise comply with the terms of RCW 18.71.030(8); and

(iv) agrees to such other safeguards as the board may stipulate to ensure patient safety.

AMENDATORY SECTION (Amending Order PL 368, filed 1/21/81)

WAC 308-52-139 PHYSICIAN ASSISTANT REGISTRATION. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. All applications shall be made to the board on forms supplied by the board. ~~((Applications shall be submitted 30 days prior to the meeting of the board in which consideration is desired.))~~ Applications shall not be reviewed or approved until the forms and supporting documents are complete. Applications shall be made jointly by the physician and the assistant. An application which clearly meets the board's requirements may receive interim approval by ~~((a designated board member))~~ the board's executive secretary or assistant executive secretary providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board's application committee at its next regular meeting. Applications which do not clearly meet the board's guidelines will be reviewed at the committee meeting, which review may include an interview. Applications may also be considered at any regular meeting of the board.

(3) Registration Renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. ~~((A current statement of utilization, skills and supervision shall be included in the application.))~~ A statement must be made concerning any changes in utilization requested, which will be subject to approval of the board. Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.

(4) Change of Registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively ~~((with the approval of a member of the board))~~, providing that the new physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the continuing competence of the physician assistant. Application for transfer of registration shall be made on forms provided by the board and may also be considered at any regular meeting of the board or its committee.

(5) Utilization plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized physician assistants based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. In the case of family practice (primary care) and pediatric physician assistants, the board will issue a list of tasks which physician assistants

are commonly trained to perform, with the expectation that the physician sponsor will be responsible for determining which of the tasks the physician assistant will perform and at what level of supervision. No assistant shall be registered to perform tasks not contained in the program approval, or in the case of family practice and pediatric physician assistants, the board list, unless evidence satisfactory to the board is submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board or the application committee.

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

AMENDATORY SECTION (Amending Order PL 368, filed 1/21/81)

WAC 308-52-140 PHYSICIAN ASSISTANT—UTILIZATION. (1) Limitations, Number.

(a) No physician shall supervise more than ~~((one))~~ two graduate physician assistants without special authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in section three of this regulation shall be established by the board on an individual basis.

(2) Limitations, Geographic.

(a) No physician assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or the homes of patients for whom a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a physician assistant in a place remote from the physician's primary place for meeting patients if:

- (i) There is a demonstrated need for such utilization.
- (ii) Adequate provision for immediate communication between the physician and his or her physician assistant exists.
- (iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician assistant.
- (iv) The responsible physician spends at least one-half day per week in the remote office.
- (v) The provisions of WAC 308-52-141(c) are met.
- (vi) The waiting room, offices and examining rooms of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and that the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

(3) Limitations, ~~((Hospital Functions;))~~ Health Care Institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised by a supervising physician in the same manner as any other physician assistants and his or her functions shall be limited to those ~~((specifically))~~ approved by the board. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150 Physician Assistant—Utilization by a nonsponsoring physician.

(4) Limitations, Trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

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 308-52-150 PHYSICIAN ASSISTANT—UTILIZATION BY A NON-SPONSORING PHYSICIAN. (1) Physician sponsor. A physician assistant may assist or consult with a physician other than his or her sponsor or alternate, provided it is done with the knowledge and concurrence of the sponsor. The sponsor must maintain on file a written statement which instructs the physician assistant as to who may be assisted or consulted and under what circumstances, or if no list is possible, then the method to be used in determining who may be consulted or assisted. The sponsor retains primary responsibility for the performance of his or her physician assistant.

(2) Responsibility of a Non-Sponsoring Physician. A non-sponsoring physician utilizing or advising a physician assistant as indicated in Section (1) of this rule, shall assume responsibility for patient services provided by a physician assistant if the physician:

- (a) Knowingly requests that patient services be rendered by the physician assistant; or
- (b) Knowingly consults with the physician assistant regarding the rendering of patient services.

NEW SECTION

WAC 308-52-160 PHYSICIAN ASSISTANT APPLICATIONS—DENIAL. (1) Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

- (a) the physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;
- (b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;
- (c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;
- (d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington;
- (e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;
- (f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably effect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also effect his or her ability to supervise;
- (g) the physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.

(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision; provided, however: That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself.

AMENDATORY SECTION (Amending Order PL 301, filed 5/22/79)

WAC 308-52-500 ACUPUNCTURE ASSISTANT EDUCATION. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training ~~((for thirty-six months in acupuncture totalling 1,400 or more hours of study))~~ may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the People's Republic of China, Korea, Japan or Taiwan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the issuing agency rather than from the applicant. Individuals not licensed by the listed counties must document their education by

means of transcripts, diplomas, patient logs verified by the preceptor, or by other means as requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum of two academic years (72 quarter credits) of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours (21 quarter credits) and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, and hygiene. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours (58 quarter credits) in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours (8 quarter credits) of observation, which shall include case presentation and discussion. There must also be a minimum of 350 hours (29 quarter credits) of supervised practice, consisting of 400 separate patient treatments. A minimum of 50 different patients must have been treated.

NEW SECTION

WAC 308-52-502 ACUPUNCTURE - PROGRAM APPROVAL. (1) The board will consider for approval any school, program, apprenticeship or tutorial which meets the requirements outlined in this regulation and provides the training required under WAC 308-52-500 Acupuncture Assistant Education. Approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis. Clinical and didactic training may be approved as separate programs or as a joint program. The observation portion of the clinical portion may be conducted during the didactic portion but will be considered part of the clinical training for calculation of hours or credits. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made. Application for approval or reapproval shall be made on forms provided by the board.

(2) Didactic training may only be provided by persons who meet the criteria for faculty as stated in the Council for Postsecondary Education's WAC 250-55-090 Personnel Qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of five years of full time acupuncture practice experience.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. Any instruction conducted in this state must be approved by the board prior to initiation. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and the training arrangements. Approval of the institution will extend to instruction conducted within the program.

(c) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given clinic period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct: each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor must at least be in the facility, available for

consultation and assistant. A medical doctor may only supervise one acupuncture assistant instructor per clinical instruction period.

NEW SECTION

WAC 308-52-504 ACUPUNCTURE - DEFINITION. (1) Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

(a) use of acupuncture needles to stimulate acupuncture points and meridians.

(b) use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.

(c) moxibustion.

(d) acupressure.

(e) cupping.

(f) gwa hsa (dermal friction technique).

(g) infra-red.

(h) sonopuncture.

(i) laser puncture.

(j) dietary advice.

(k) manipulative therapies.

(l) point injection therapy (aqua puncture).

These terms are to be understood within the context of the oriental medical art of acupuncture, and as the board defines them.

AMENDATORY SECTION (Amending Order PL 301, filed 5/22/79)

WAC 308-52-570 X-RAYS AND LABORATORY TESTS. X-ray and laboratory tests are not approved techniques for use by physicians' acupuncture assistants, and use of such techniques is expressly prohibited. ~~((No physician's acupuncture assistant may prescribe, order, or treat by any of the following modalities:~~

~~(1) diathermy treatments~~

~~(2) ultrasound treatments~~

~~(3) infrared treatments~~

~~(4) electromuscular stimulation for the purpose of stimulating muscle contractions.))~~

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 PL 301, filed 5/22/79)

WAC 308-52-580 ETHICAL CONSIDERATIONS. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the licensee's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

(4) Representation of the physician's acupuncture assistant, by the assistant or the supervising physician, as a physical therapist, chiropractor, drugless healer or masseur except when the assistant is licensed as such.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 308-52-520 ACUPUNCTURE EXPERIENCE.

WSR 82-19-089
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed September 22, 1982]

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

Amd	WAC 356-06-080	Personnel Board—Powers—Duties.
Amd	WAC 356-26-020	Registers—Appointments—How made.
Amd	WAC 356-30-190	Transfer—Within class—Agency—Permitted—Report.
Amd	WAC 356-30-200	Transfer—Between classes—Approval.
Amd	WAC 356-30-230	Demotion—Voluntary.
*Amd	WAC 356-30-330	Reduction-in-force—Rules, regulations—Procedure;

that the agency will at 10:00 a.m., Thursday, October 14, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150, *43.01.040 and 43.01.041.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 12, 1982.

This notice is connected to and continues the matter in Notice Nos. WSR 82-15-073 and *82-16-091 filed with the code reviser's office on July 21, 1982, and *August 4, 1982.

Dated: September 22, 1982
 By: Leonard Nord
 Secretary

WSR 82-19-090
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed September 22, 1982]

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

New	WAC 356-34-117	Scheduling of hearings—Time allotted.
New	WAC 356-34-118	Hearings—Continuances.
New	WAC 356-34-119	Argument—Time limitation—Hearings.
New	WAC 356-42-055	Arbitration—Grievance—Procedure.
Amd	WAC 356-42-080	Unfair labor practice((—Hearings)).
New	WAC 356-42-082	Filing unfair labor practice charge.
New	WAC 356-42-083	Investigation of and disposition of unfair labor practice charges.
New	WAC 356-42-084	Answer to complaint—Unfair labor practice.
New	WAC 356-42-085	Amendment of complaint or answer—Unfair labor practice.
New	WAC 356-42-086	Hearing—Unfair labor practice.
New	WAC 356-42-088	Hearings and investigation—Unfair labor practice.
New	WAC 356-42-089	Enforcement—Unfair labor practice.
Amd	WAC 356-42-090	<u>Impasse</u> mediation.

Amd WAC 356-42-100 Impasse arbitration;

that the agency will at 10:00 a.m., Thursday, October 14, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.140.

The specific statute these rules are intended to implement is RCW 41.06.150 (general) and 41.06.120, 41.06.150, 41.06.340 and 41.56.140 through 41.56.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 12, 1982.

This notice is connected to and continues the matter in Notice Nos. WSR 82-12-034, 82-15-045 and 82-15-073 filed with the code reviser's office on May 27, 1982, July 16, 1982, and July 21, 1982.

Dated: September 22, 1982
 By: Leonard Nord
 Secretary

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. (1) In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing.

(2) The notice of hearing provided by the hearings coordinator shall designate the amount of time allotted to each party for the hearing. The amount of time allotted shall be determined by the hearings coordinator from a review of the hearing file and consultation with the parties. Any party who believes more time will be required for the hearing must notify the hearings coordinator within one week of the party's receipt of the notice of hearing and request additional time. In the absence of such a timely request, the hearing, except for good cause shown, shall be limited to the amount of time stated in the notice.

NEW SECTION

WAC 356-34-118 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the personnel board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion.

NEW SECTION

WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS. As a general rule, the personnel board will restrict the argument portion of a proceeding to thirty minutes per side. The personnel board may grant additional time as it deems necessary under the circumstances.

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing.

NEW SECTION

WAC 356-34-118 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to

continue the hearing to a later date shall make a request for continuance to the personnel board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the personnel board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion.

NEW SECTION

WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS. As a general rule, the personnel board will restrict the argument portion of a proceeding to thirty minutes per side. The personnel board may grant additional time as it deems necessary under the circumstances.

NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(g) A copy of the original grievance and copies of subsequent written statements of the grievance and the agency's written responses dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(2) The personnel board's designee shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's designee determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's designee is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's designee to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(3) Within twenty days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the personnel board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(4) After receipt of the answer, or if no answer is timely filed, the personnel board's designee shall set the matter for arbitration. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(5) The grievant shall have the burden of going forward with the evidence.

NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(g) A copy of the original grievance and copies of subsequent written statements of the grievance and the agency's written responses dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(2) The personnel board's designee shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's designee determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's designee is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's designee to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(3) Within twenty days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the personnel board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(4) After receipt of the answer, or if no answer is timely filed, the personnel board's designee shall set the matter for arbitration. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(5) The grievant shall have the burden of proof and shall go forward with the evidence.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-080 UNFAIR LABOR PRACTICE((=HEARINGS)). ((+)) The personnel board, or its designee whose final decision is appealable to the personnel board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

~~((2) Unfair labor practice charges shall be filed on such form or forms provided by the board or its designee and shall contain the following:~~

~~(a) The name and address of the employing agency.~~
~~(b) The name and address of the party or organization filing the charge.~~

~~(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates and places.~~

~~(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not without substantial merit, a complaint shall be issued and a hearing scheduled, as provided by these Rules.~~

~~(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.~~

~~(5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee, are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.~~

~~(6) The board or its designee whose final decision is appealable to the board or any party to the proceedings 30 days after the board or its designee has entered its findings of fact shall have power to petition the Superior Court of the State within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the Superior Court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.)~~

NEW SECTION

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

NEW SECTION

WAC 356-42-083 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of a properly completed unfair labor practice charge, the director of personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the personnel board.

(2) If a charge does not contain all of the information required by WAC 356-42-082(3), the director of personnel or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director of personnel or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

NEW SECTION

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within five days of service of the complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

NEW SECTION

WAC 356-42-085 AMENDMENT OF COMPLAINT OR ANSWER—UNFAIR LABOR PRACTICE. The personnel board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the personnel board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

NEW SECTION

WAC 356-42-086 HEARING—UNFAIR LABOR PRACTICE. (1) After receipt of the answer of the charged party, the personnel board, or its designee, shall set the matter for hearing. The

parties shall each be given at least twenty days notice of the hearing, unless they agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the personnel board except for the rules of privilege.

NEW SECTION

WAC 356-42-088 HEARINGS AND INVESTIGATION—UNFAIR LABOR PRACTICE. For the purpose of all hearings and investigations, which, in the opinion of the personnel board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the personnel board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The personnel board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the personnel board or its designee. The personnel board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

NEW SECTION

WAC 356-42-089 ENFORCEMENT—UNFAIR LABOR PRACTICE. The personnel board or any party to the proceedings, at least thirty days after the personnel board has entered its findings of fact, conclusions of law and order, shall have power to petition the superior court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-090 IMPASSE MEDIATION. If agreement cannot be reached within a reasonable time in collective negotiation between the appointing authority or designee and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director of personnel or ~~(his)~~ designee, who shall confer with both parties in an effort to resolve the dispute.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-100 IMPASSE ARBITRATION. If the director of personnel is unable to ~~((resolve the dispute))~~ bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit ~~((such))~~ the dispute to the personnel board. As soon as practicable after submission of the dispute to arbitration each party shall file with the personnel board a summary of:

- (1) The matters in dispute;
- (2) The position of the party on the matters in dispute; and
- (3) Desired contract language.

The personnel board shall then schedule and hold a hearing ~~((and))~~. The decision of the personnel board shall be final and binding.

WSR 82-19-091
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 174—Filed September 22, 1982]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	WAC 356-06-010	Definitions.
Amd	WAC 356-06-055	Exempt—Classified service—Movement between.
Amd	WAC 356-18-060	Paid sick leave—Use.
Amd	WAC 356-18-100	Accrued vacation leave disposition—Computation—How made.
Amd	WAC 356-22-120	Examinations—Promotional—Evaluations—Regulations.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-26-040	Registers—Name removal for cause—Grounds enumerated—Requirements.
Amd	WAC 356-26-060	Certification—General methods.
New	WAC 356-30-007	Appointment—Authority—Delegation of.
Rep	WAC 356-30-045	Appointments—Past exempt employees—To classified positions.
Amd	WAC 356-30-160	Eligibility for promotional examination and certification.
Amd	WAC 356-30-260	Probationary period— ((Six months)) Provisions—Status of employee.
Amd	WAC 356-30-280	Probationary period—Transfer, intra-agency ((Re)) appointment to higher class.
Amd	WAC 356-30-300	Performance evaluation—Requirements—Monitoring.
New	WAC 356-30-305	Trial service period—Provision.
Amd	WAC 356-30-330	Reduction-in-force—Rules, regulations—Procedure.
New	WAC 356-34-011	Appointing authority—Delegation of.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these changes were necessary to implement the provisions of ESHB 1226 and SSB 5007. These changes are already effective on an emergency basis and have been adopted on a permanent basis; however, it was necessary to adopt these again on an emergency basis to keep them effective until the permanent adoption date is effective.

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

This rule is promulgated pursuant to RCW 41.06.150(17) which directs that the State Personnel Board has authority to implement the provisions of ESHB 1226 and SSB 5007.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 169, filed 4/12/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or(;) (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry, or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to

meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment

and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for ~~((six))~~ 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of ~~((a permanent))~~ an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the

same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledge, attitudes or behaviors of employees.

TRANSFER – The change of an employee (~~(fwho has gained permanent status in a class with no break in service))~~) from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: **PROVIDED**, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 82, filed 9/26/75)

WAC 356-06-055 **EXEMPT-CLASSIFIED SERVICE—MOVEMENT BETWEEN.** (1) Any classified employee having civil service status in a ~~((position may take an appointment in an exempt position with the right to return to his/her regular position, or to a like position at the conclusion of such appointment))~~ classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently ~~((serves))~~ served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest

classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-045 or ((WAC)) 356-30-330.

~~((4))~~ (6) Employees under the jurisdiction of the state institutions of higher education who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be offered the opportunity to accept any vacant classified positions under the jurisdiction of the state personnel board provided:

(a) The employees are qualified as determined by the director, or designee ~~((, and))~~; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the RIF registers, or transferred, or promoted into vacancies ~~((, and))~~; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action ~~((, and))~~; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the reduction-in-force register.

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-18-060 PAID SICK LEAVE—USE.

(1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of relatives or household members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of provisions of (2), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, or foster child.

(3) Grandparent or parent.

(c) For purposes of the provisions of (2)((;)) and (3)(a) below:

Members of household means "Persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

(1) Spouse.

(2) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(3) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the

home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1) (a)((;)) or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION—COMPUTATION—HOW MADE.

(1) When an employee who is a member of the public employees retirement system Plan I separates from service by reason of resignation, layoff, dismissal, retirement or death, ~~((and is entitled to cash credit or payment for any unliquidated vacation leave;))~~ he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management.

(2) When an employee who is not a member of the public employees retirement system Plan I separates from service by reason of resignation, layoff, dismissal, or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982 or in case of death.

~~((+))~~ (3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), RCW 41.06.100, or WAC 356-30-045.

~~((+))~~ (4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

~~((+))~~ (5) The separation cited in ~~((+))~~ (3) above will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)**WAC 356-22-120 EXAMINATIONS—PROMOTIONAL—EVALUATIONS—REGULATIONS.**

(1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to ((permanent and trial service)) current employees and employees who have been separated by reduction-in-force within the last year who meet the minimum requirements of the position. Promotional examinations shall consist of any combination of written, performance or oral test, or rating of training and experience.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the parts of the examination and the method of rating. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in (3) above are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)**WAC 356-26-030 REGISTER DESIGNATION.**

(1) Agency reduction-in-force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force, or held permanent status prior to separation due to a reduction-in-force, or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force, or were in a trial service period with another department and separated due to reduction-in-force, or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-wide reduction-in-force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those ((permanent)) employees who have served six months of a probationary period, or past permanent employees who have been separated due to reduction-in-force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register (~~(upon achieving permanent status)~~) after six months.

*(5) Service-wide reversion.**(a) Composition.*

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

*(6) Transfer.**(a) Composition.*

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

*(7) Voluntary demotion.**(a) Composition.*

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

*(8) Service-wide promotional.**(a) Composition.*

(i) This register shall contain the names of those ((~~permanent~~)) employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register (~~(upon achieving permanent status)~~) after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

*(9) Reemployment.**(a) Composition.*

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

*(10) Open competitive.**(a) Composition.*

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 157, filed 6/15/81)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS. (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction-in-force register, a dual agency reversion register, or a promotional ((candidate)) register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) ~~((Rejection or waiver of employment offered to a person from either of the reduction-in-force registers when the person had earlier indicated availability to accept work in that geographic area and agency, except when the person is ill or disabled. The Director of Personnel may require a letter from medical authorities verifying the illness or disability.~~

~~((i)) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.~~

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in (1)(b) or (c) above. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to ~~((two))~~ four more than there are vacancies to be filled from the ranked registers except:

(1) ~~((One name will constitute a complete certification when referrals are made from the agency reduction-in-force register, the service-wide reduction-in-force register, or the dual agency reversion register provided such eligible candidate meets a selective certification requirement that was approved by the Department of Personnel based upon special qualifications as intended by the first paragraph in WAC 356-26-130 when the position was established, reallocated or last filled.))~~ When there are names to be certified from the agency reduction-in-force register and/or the service-wide reduction-in-force register and when the number of names is less than equal to four more names than there are vacancies to be filled, the director of personnel shall initially certify only the reduction-in-force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute ~~((three))~~ five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ~~((three names shall be certified as determined))~~ ties shall be broken by lot upon each instance of certification.

(4) ~~((Additional names may be referred from the unranked registers when completing a certification. When))~~ An unranked register ((is)) may be used to complete a certification. In such cases, all names appearing on that register shall be certified((, however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized)). Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the director of personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by

their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, state law against discrimination, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or ((his/her)) designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than ((three)) five names available to fill the position:

Messenger Clerk
 Receptionist
 (({Clerk})) Clerk 1
 (({Clerk})) Clerk 2
 Clerk-Steno 1 Visually Handicapped
 Clerk-Steno 2 Visually Handicapped
 Clerk-Typist 1
 Clerk-Typist 2
 Dictating Machine Transcriber
 Word Processing Operator 1
 Word Processing Operator 2
 (({Clerk-Steno}{Clerk-Stenographer})) Clerk-Steno 1
 (({Clerk-Steno}{Clerk-Stenographer})) Clerk-Steno 2
 PBX Operator
 Data Entry Operator 1
 Data Entry Operator 2

If such certification contains ((three)) five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

NEW SECTION

WAC 356-30-007 APPOINTMENT—AUTHORITY—DELEGATION OF. Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy,

if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-160 ELIGIBILITY FOR PROMOTIONAL EXAMINATION AND CERTIFICATION. No probationary employee shall be certified from a promotional register until ((he)) the employee has ((gained permanent status)) served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of ((his)) the probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-260 ((PROBATION)) PROBATIONARY PERIOD—((SIX MONTHS)) PROVISIONS—STATUS OF EMPLOYEE. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months((-This)) as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to ~~((his))~~ the position, and to terminate any employee whose work performance fails to meet the required standards.

~~((2))~~ (4) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

~~((3))~~ (5) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-30-280 PROBATIONARY PERIOD—TRANSFER, INTRA-AGENCY ~~((RE-APPOINTMENT))~~ APPOINTMENT TO HIGHER CLASS. (1) An employee shall not be transferred ~~((or promoted))~~ during the probationary period except as provided in ~~((sub-paragraph))~~ subsection (3) below ~~((; however, an employee certified from the open competitive or reemployment register may be re-appointed to a higher class within the employing agency while serving satisfactorily in a probationary period)).~~ An employee may be promoted after serving six months in a probationary period and shall begin a trial service period ((in the higher class)) upon promotion.

(2) ~~((The employee, while serving in the higher class, shall complete the probationary period for and be granted permanent status in the lower class together with rights normally accruing to trial service for the remaining initial six-month period in the higher class, provided that:~~

(a) Performance in the higher class is satisfactory.

(b) ~~The higher and lower classes are in the same or a closely related field.))~~ When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.

(3) An employee in a probationary period may be transferred in lieu of reduction-in-force or for training purposes related to the probationary period and will continue to serve out the probationary period.

AMENDATORY SECTION (Amending Order 126, filed 11/15/78)

WAC 356-30-300 PERFORMANCE EVALUATION—REQUIREMENTS—MONITORING. (1) ~~((Agencies will evaluate the performance of their full-time, part-time and tandem subordinate employees at least once:~~

(a) ~~During the first four months, when the individual employee is in either probationary or trial service status:~~

(b) ~~A year when the individual employee is in permanent status.))~~ Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle. ~~((The alternate date will not extend the appraisal beyond the limits prescribed in (a) and (b) above.))~~

(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel. The procedures shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The department of personnel shall monitor the evaluation of employees for timeliness, effectiveness and standardization.

NEW SECTION

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION. (1) Employees who are promoted, demoted, or who are appointed from a promotional register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES, REGULATIONS—PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only when such options are in accordance with the agency's procedure which has been approved by the director of personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) ~~((That ties in seniority will be broken by first measuring the employees' last continuous time within~~

~~their current classification, if the tie still exists, by measuring the employees' last continuous time in their current agency, if the tie still exists by measuring the employees' total accumulative service within the state, and if the tie still exists by lot.)) For purposes of reduction-in-force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010, and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.~~

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the director of personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

(7) When making comparison of seniority for the purposes of offering options and/or separating employees due to reduction-in-force, appointing authorities will adjust seniority so vacation leave that is taken after a common effective reduction-in-force date is not counted. Such adjustment will have the effect of placing employees on a like basis so variation in length of accumulated

vacation leave that would be due employees will not influence the common ending date for measuring seniority.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-30-045 APPOINTMENTS—PAST EX-EMPT EMPLOYEES—TO CLASSIFIED POSITIONS.

NEW SECTION

WAC 356-34-011 APPOINTING AUTHORITY—DELEGATION OF. A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

WSR 82-19-092

ADOPTED RULES

DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 175—Filed September 22, 1982]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	WAC 356-06-010	Definitions.
Amd	WAC 356-06-055	Exempt—Classified service—Movement between.
Amd	WAC 356-18-060	Paid sick leave—Use.
Amd	WAC 356-18-100	Accrued vacation leave <u>disposition</u> —Computation—How made.
Amd	WAC 356-22-120	Examinations—Promotional—Evaluations—Regulations.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-26-040	Registers—Name removal for cause—Grounds enumerated—Requirements.
Amd	WAC 356-26-060	Certification—General methods.
New	WAC 356-30-007	Appointment—Authority—Delegation of.
Rep	WAC 356-30-045	Appointments—Past exempt employees—To classified positions.
Amd	WAC 356-30-160	Eligibility for promotional examination and certification.
Amd	WAC 356-30-260	Probationary period—(Six months) Provisions—Status of employee.
Amd	WAC 356-30-280	Probationary period—Transfer, intra-agency (re-)appointment to higher class.
Amd	WAC 356-30-300	Performance evaluation—Requirements—Monitoring.
New	WAC 356-30-305	Trial service period—Provision.
Amd	WAC 356-30-330	Reduction-in-force—Rules, regulations—Procedure.
New	WAC 356-34-011	Appointing authority—Delegation of.
Amd	WAC 356-34-113	(Copies of exhibits at all board hearings) Prehearings procedures—Exhibits and possible stipulations—Witnesses.

New WAC 356-34-115 Statement of position—Hearings.

This action is taken pursuant to Notice Nos. WSR 82-15-045, 82-15-073 and 82-16-091 filed with the code reviser on July 16, 1982, July 21, 1982, and August 4, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) which directs that the State Personnel Board has authority to implement the provisions of ESHB 1226 and SSB 5007.

The undersigned hereby declares that 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), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 9, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 169, filed 4/12/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT – An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL – Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER – A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION – The assignment of a position to a job classification.

ANNIVERSARY DATE – Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY – A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT – The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE – The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD – The state personnel board.

BUMPING – The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING – A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION – Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS – Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE – All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION – The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME – Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION – The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for ~~((six))~~ 6 to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of ~~((a permanent))~~ an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-

30-045 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any (~~individual having substantial~~) employee assigned responsibility ((on behalf of)) by management ((regularly)) to participate in ((the performance of)) all ((or most of)) the following functions with respect to their subordinate employees: ((Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not)) (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of ((independent)) individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledge, attitudes or behaviors of employees.

TRANSFER – The change of an employee (~~{who has gained permanent status in a class with no break in service}}~~) from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of \$500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 82, filed 9/26/75)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a ~~((position may take an appointment in an exempt position with the right to return to his/her regular position, or to a like position at the conclusion of such appointment))~~ classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently ~~((serves))~~ served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-045 or ~~((WAC))~~ 356-30-330.

~~((4))~~ (6) Employees under the jurisdiction of the state institutions of higher education who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be offered the opportunity to accept any vacant classified positions under the jurisdiction of the state personnel board provided:

(a) The employees are qualified as determined by the director, or designee~~((, and))~~; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the RIF registers, or transferred, or promoted into vacancies~~((, and))~~; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action~~((, and))~~; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the reduction-in-force register.

AMENDATORY SECTION (Amending Order 128, filed 2/14/79)

WAC 356-18-060 PAID SICK LEAVE—USE.

(1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of relatives or household members: Accumulated sick leave shall be granted up to five days for

each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of provisions of (2), "relatives" shall include:

- (1) Spouse.
- (2) Son, daughter, grandchild, or foster child.
- (3) Grandparent or parent.

(c) For purposes of the provisions of (2)((;)) and (3)(a) below:

Members of household means "Persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

- (1) Spouse.
- (2) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.
- (3) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1) (a)((;)) or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION—COMPUTATION—HOW MADE. (1) When an employee who is a member of the public employees retirement system Plan 1 separates

from service by reason of resignation, layoff, dismissal, retirement or death, ~~((and is entitled to cash credit or payment for any unliquidated vacation leave;))~~ he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982 or in case of death.

~~((+))~~ (3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), RCW 41.06.100, or WAC 356-30-045.

~~((+))~~ (4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

~~((+))~~ (5) The separation cited in ~~((+))~~ (3) above will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-22-120 EXAMINATIONS—PROMOTIONAL—EVALUATIONS—REGULATIONS.

(1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to ~~((permanent and trial service))~~ current employees and employees who have been separated by reduction-in-force within the last year who meet the minimum requirements of the position. Promotional examinations shall consist of any combination of written, performance or oral test, or rating of training and experience.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the parts of the examination and the method of rating. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the

class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in (3) above are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-26-030 REGISTER DESIGNATION.

(1) Agency reduction-in-force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-wide reduction-in-force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to

seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those ((permanent)) employees who have served six months of a probationary period, or past permanent employees who have been separated due to reduction-in-force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register ((upon achieving permanent status)) after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those ((permanent)) employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register ((upon achieving permanent status)) after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographical area.

(10) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 157, filed 6/15/81)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS. (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction-in-force register, a dual agency reversion register, or a promotional ((candidate)) register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) ~~((Rejection or waiver of employment offered to a person from either of the reduction-in-force registers when the person had earlier indicated availability to accept work in that geographic area and agency, except when the person is ill or disabled. The Director of Personnel may require a letter from medical authorities verifying the illness or disability.~~

~~((i)) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.~~

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in (1)(b) or (c) above. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to ~~((two))~~ four more than there are vacancies to be filled from the ranked registers except:

(1) ~~((One name will constitute a complete certification when referrals are made from the agency reduction-in-force register, the service-wide reduction-in-force register, or the dual agency reversion register provided such eligible candidate meets a selective certification requirement that was approved by the Department of Personnel based upon special qualifications as intended by the first paragraph in WAC 356-26-130 when the position was established, reallocated or last filled.))~~ When there are names to be certified from the agency reduction-in-force register and/or the service-wide reduction-in-force register and when the number of names is less than equal to four more names than there are vacancies to be filled, the director of personnel shall initially certify only the reduction-in-force register's

names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the director of personnel and the certified candidates why additional names are being requested.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute ~~((three))~~ five names per vacancy to be filled.

(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ~~((three names shall be certified as determined))~~ ties shall be broken by lot upon each instance of certification.

(4) ~~((Additional names may be referred from the unranked registers when completing a certification. When))~~ An unranked register ((is)) may be used to complete a certification. In such cases, all names appearing on that register shall be certified ((; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized)). Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the director of personnel with employees being automatically advanced after completion of one year's service in the lower level class.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, state law against discrimination, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the department of personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The director of personnel or ~~((his/her))~~ designee may refer, for the following classes, a sufficient number

of names to assure that requesting agencies have not less than ~~((three))~~ five names available to fill the position:

Messenger Clerk
 Receptionist
~~((Clerk))~~ Clerk 1
~~((Clerk))~~ Clerk 2
 Clerk-Steno 1 Visually Handicapped
 Clerk-Steno 2 Visually Handicapped
 Clerk-Typist 1
 Clerk-Typist 2
 Dictating Machine Transcriber
 Word Processing Operator 1
 Word Processing Operator 2
~~((Clerk-Steno))~~~~((Clerk-Stenographer))~~ Clerk-Steno 1
~~((Clerk-Steno))~~~~((Clerk-Stenographer))~~ Clerk-Steno 2
 PBX Operator
 Data Entry Operator 1
 Data Entry Operator 2

If such certification contains ~~((three))~~ five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

NEW SECTION

WAC 356-30-007 APPOINTMENT—AUTHORITY—DELEGATION OF. Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-160 ELIGIBILITY FOR PROMOTIONAL EXAMINATION AND CERTIFICATION. No probationary employee shall be certified from a promotional register until ~~((he))~~ the employee has ~~((gained permanent status))~~ served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of ~~((his))~~ the probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-260 ~~((PROBATION))~~ PROBATIONARY PERIOD—~~((SIX MONTHS))~~ PROVISIONS—STATUS OF EMPLOYEE. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months~~((This))~~ as determined by the personnel board. The personnel board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The personnel board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to ~~((his))~~ the position, and to terminate any employee whose work performance fails to meet the required standards.

~~((2))~~ (4) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

~~((3))~~ (5) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-30-280 PROBATIONARY PERIOD—TRANSFER, INTRA-AGENCY ~~((RE-APPOINTMENT))~~ APPOINTMENT TO HIGHER CLASS. (1) An employee shall not be transferred ~~((or promoted))~~ during the probationary period except as provided in

~~((sub-paragraph)) subsection (3) below ((; however, an employee certified from the open competitive or reemployment register may be re-appointed to a higher class within the employing agency while serving satisfactorily in a probationary period)). An employee may be promoted after serving six months in a probationary period and shall begin a trial service period ((in the higher class)) upon promotion.~~

~~(2) ((The employee, while serving in the higher class, shall complete the probationary period for and be granted permanent status in the lower class together with rights normally accruing to trial service for the remaining initial six-month period in the higher class, provided that:~~

~~(a) Performance in the higher class is satisfactory.~~

~~(b) The higher and lower classes are in the same or a closely related field:)) When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.~~

~~(3) An employee in a probationary period may be transferred in lieu of reduction-in-force or for training purposes related to the probationary period and will continue to serve out the probationary period.~~

AMENDATORY SECTION (Amending Order 126, filed 11/15/78)

WAC 356-30-300 PERFORMANCE EVALUATION—REQUIREMENTS—MONITORING. (1) ~~((Agencies will evaluate the performance of their full-time, part-time and tandem subordinate employees at least once:~~

~~(a) During the first four months, when the individual employee is in either probationary or trial service status.~~

~~(b) A year when the individual employee is in permanent status:)) Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.~~

~~(2) The evaluation will be conducted during the month preceding the employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle. ((The alternate date will not extend the appraisal beyond the limits prescribed in (a) and (b) above:))~~

~~(3) Agencies will utilize the procedures and evaluation forms prescribed by the director of personnel, supplement shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.~~

~~(4) The procedures and forms shall:~~

~~(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.~~

~~(b) Be designed to inform employees of their performance strengths and weaknesses.~~

~~(c) Be based on performance toward the goals and objectives of the agency and its sub-units.~~

~~(d) Include provisions for the counseling and the development of employees.~~

~~(5) The department of personnel shall monitor the evaluation of employees for timeliness, effectiveness and standardization.~~

NEW SECTION

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION. (1) Employees who are promoted, demoted, or who are appointed from a promotional register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES, REGULATIONS—PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only when such options are in accordance with the agency's procedure which has been approved by the director of personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) ~~((That ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; if the tie still exists by measuring the employees' total accumulative service within the state; and if the tie still exists by lot.))~~ For purposes of reduction-in-force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010; and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the director of personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-30-045 APPOINTMENTS—PAST EXEMPT EMPLOYEES—TO CLASSIFIED POSITIONS.

NEW SECTION

WAC 356-34-011 APPOINTING AUTHORITY—DELEGATION OF. A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76)

WAC 356-34-113 ~~((COPIES OF EXHIBITS AT ALL BOARD HEARINGS.))~~ PREHEARING PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES. (1) At any ~~((appeal))~~ hearing before the personnel board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies ~~((shall be furnished to))~~; one each for the opposing party(ies), ~~((to each))~~ for the personnel board members or hearings officer ~~((and to))~~, for the court reporter ~~((~~

~~Whenever practicable, the parties should interchange copies of exhibits before, or at the commencement of the hearing), if any, and for the personnel board's hearings coordinator.~~

~~(2) The parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. Whenever practicable, the parties shall have the exhibits which they intend to offer into evidence premarked for identification by the personnel board's hearings coordinator before the scheduled time for commencement of the hearing.~~

~~(3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.~~

~~(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing.~~

NEW SECTION

WAC 356-34-115 STATEMENT OF POSITION—HEARINGS. (1) Parties are encouraged to file prehearing statements of position with the personnel board. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition.

(2) If a party wishes to provide a prehearing statement of position, he or she must serve a copy of the statement on each opposing party, on each personnel board member, and on the personnel board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.

(3) Statements of position filed at the time of the hearing will not be considered by the personnel board unless for good cause shown the personnel board directs otherwise.

WSR 82-19-093
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning collection of fees;

that such agency will at 9:00 a.m., Wednesday, November 10, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 10, 1982, and/or orally at 9:00 a.m., Wednesday, November 10, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-19-053 filed with the code reviser's office on September 15, 1982.

Dated: September 22, 1982

By: Judith L. Weigand
Assistant Attorney General

WSR 82-19-094
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 22, 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 chore services, amending WAC 388-15-208 through 388-15-217.

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, Phone (206) 753-7015, by October 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.08.530 through 74.08.570.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 7, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-208 through 388-15-217.

Purpose of the Rule or Rule Change: To clarify certain chore service rules and implement section 44, chapter 50, Laws of 1982 1st ex. sess.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: WAC 388-15-208(4), clarify who is eligible to receive attendant care; WAC 388-15-209(4)(c), delete reference to Laws of 1981; WAC 388-15-209(2)(d), replace "percentage of hours authorized by the department in the hourly chore services program" with new table which authorizes a higher rate of participation by the department; also delete reference to Laws of 1981; WAC 388-15-209(2)(e), delete reference to Laws of 1981; WAC 388-15-209(2)(f), delete reference to Laws of 1981, and (g) replace "under section 17, chapter 6, Laws of 1981 1st ex. sess." with "in accordance with RCW 74.08.541"; WAC 388-15-209(2)(h), in client resource section not to be considered as resource (iv) add "real or" to "personal property used by the . . . to earn income . . ."; WAC 388-15-209(2)(i), delete so WAC does not have to be amended whenever income levels change; WAC 388-15-212(5)(q)(iv), add "during any six-month period" to clarify the two weeks limit for family care; WAC 388-15-212(6), delete "hourly program limitation" reflecting CRQ score of 175 through 229 and ceiling hours of 120 through 151 since maximum number of hours which can be authorized is 116; WAC 388-15-213(1)(c), reword to read "would otherwise be financially eligible to receive general assistance to meet his or her own need"; WAC 388-15-213(4)(c), delete (iv) and change (v) to (iv); WAC 388-15-215(8), delete "under the provisions of section 17, chapter 6, Laws of 1981 1st ex. sess." and replace with "in accordance with RCW 74.08.541"; and WAC 388-15-217, change title to "chore and attendant care services for employed disabled adults"; add "chore or" to all references made to "attendant care services," to be consistent with legislative intent to include hourly as well as monthly care services for the employed disabled adults ((1); (3)(g); (3)(1); (5)); and in (3)(k), delete "monthly" in "percentage of monthly rate paid by the department."

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Samuel Koshi, Program Manager, Bureau of Aging and Adult Services, Mailstop: OB 43G, Phone: 3-1241.

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

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-208 DEFINITIONS. (1) "Chore services" consist of light household tasks and/or personal care, as defined by the department, which eligible persons are unable to do for themselves.

(2) "Contracted program" denotes that method of hourly chore service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore provider.

(3) "Individual-provider-program" denotes that method of chore service delivery where the client employs and supervises the chore provider. Payment is made to the client, who in turn pays the provider.

(4) "Attendant care" in the chore services program is the service provided to eligible persons (a) who need full-time care and, (b) require assistance that cannot be scheduled with personal care tasks, e.g., toileting, ambulation, wheelchair transfer and/or (c) need protective supervision when it is dangerous for a person to be left alone. Protective supervision does not include responsibilities that a legal guardian should assume. Attendant care is authorized a monthly rate payment in the individual-provider-program.

(5) "Hourly care" in the chore services program is the service provided to eligible persons who need assistance that can be scheduled with household and/or personal care tasks. A maximum of one hundred sixteen hours per month per client can be provided. Hourly services do not include attendant care.

(6) "Own home" shall mean the individual's present or intended place of residence whether that is in a building rented or owned by the client or in the home of another person. Chore services are provided within the confines of the home property except for essential shopping, errands, and transportation necessary for the completion of authorized tasks.

(7) The "Client Review Questionnaire" is an adult assessment form which determines the amount and type of chore services to be provided. The form is used by department staff to identify, document, and score the allowable chore service needs of all eligible persons.

(8) The "CRQ Authorization Ceiling Chart" indicates the maximum number of hours that can be authorized for a client's score.

(9) "Personal care" shall mean such tasks as meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines which a person would normally provide for himself or herself and are necessary to maintain a person in his or her own home. Sterile procedures and administering medications by injection are not authorized personal care tasks, unless the individual-provider-program worker is a licensed health practitioner or a member of the client's immediate family.

(10) "Shared living arrangement" occurs when two or more adults share expenses and live together in his or her own home with common facilities, such as living, cooking, and eating areas.

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS. (1) Service eligibility.

(a) Chore services are for adults aged eighteen and over, although in some instances families may be served.

(b) Chore services are determined through the completion and scoring of the client review questionnaire. (Refer to WAC 388-15-212).

(c) Families may receive chore services when the normal caretaker of the children:

- (i) Is in the home but unable to physically care for the children;
- (ii) Is in the home and physically unable to perform the necessary household tasks;
- (iii) Is out of the home temporarily, as defined by the department.

(2) Financial eligibility.

(a) Persons receiving chore services must meet the financial eligibility requirements established by the department.

(b) For families to receive services, the total family income must be at or below the financial eligibility requirements established by the department. Children are not financially eligible in the children's own right. The children are part of the family unit.

(c) An adult or family at risk of being placed in a residential care facility is eligible to receive the level of hourly or attendant care chore services as determined by WAC 388-15-212 who are adult recipients of supplemental security income and/or state supplementation or who has gross family income, adjusted for family size, not in excess of thirty percent of state median income. Adult protective services clients are

eligible to receive chore services without regard to income, if these services are an integral but subordinate part of the adult protective services plan. These services are limited to a maximum of ninety days during any twelve-month period.

~~((Services are authorized within the funds appropriated under section 54(1), chapter 340, Laws of 1981:))~~

(d) An adult or family at risk of being placed in a residential care facility is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program who has a gross family income, adjusted for family size between thirty percent and forty percent of the state median income. See table in subsection (2)(d) of this section:

~~((REDUCED HOURLY AUTHORIZATION OR PAYMENT))~~

Percentage of State Median Income	((Percentage of Hours)) ((Authorized by the)) ((Department in the Hourly)) ((Chore Services Program))	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 30 through 31	((80))	99
Above 31 through 32	((75))	98
Above 32 through 33	((70))	97
Above 33 through 34	((65))	96
Above 34 through 35	((60))	95
Above 35 through 36	((55))	94
Above 36 through 37	((50))	93
Above 37 through 38	((45))	92
Above 38 through 39	((40))	91
Above 39 through 40	((35))	90

~~((Services are authorized within the funds appropriated under section 54(1), chapter 340, Laws of 1981:))~~

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5
6	5	4	4	4	4	3	3	3	2	2
7	6	5	5	5	4	4	4	3	3	2
8	6	6	6	5	5	4	4	4	3	3
9	7	7	6	6	5	5	5	4	4	4
10	8	8	7	7	6	6	5	5	4	4
11	9	8	8	7	7	6	6	5	4	4
12	10	9	8	8	7	7	6	5	5	4
13	11	10	9	8	8	7	7	6	5	5
14	12	11	10	9	8	8	7	6	6	5
15	13	11	11	10	9	8	8	7	6	5
16	14	12	11	10	10	9	8	7	6	6
17	15	13	12	11	10	9	9	8	7	6
18	16	14	13	12	11	10	9	8	7	6
19	17	15	13	12	11	10	10	9	8	7
20	18	16	14	13	12	11	10	9	8	7
21	19	17	15	14	13	12	11	9	8	7
22	20	18	16	15	13	12	11	10	9	8
23	21	19	17	16	14	13	12	10	9	8
24	22	20	18	17	15	13	12	11	10	8
25	23	21	19	18	16	14	13	11	10	9
26	24	22	20	19	17	15	14	12	10	9
27	25	23	21	20	18	16	15	13	11	10
28	26	24	22	21	19	17	16	14	12	11
29	27	25	23	22	20	18	17	15	13	12
30	28	26	24	23	21	19	18	16	14	13
31	29	27	25	24	22	20	19	17	15	14
32	30	28	26	25	23	21	20	18	16	15
33	31	29	27	26	24	22	21	19	17	16
34	32	30	28	27	25	23	22	20	18	17
35	33	31	29	28	26	24	23	21	19	18
36	34	32	30	29	27	25	24	22	20	19
37	35	33	31	30	28	26	25	23	21	20
38	36	34	32	31	29	27	26	24	22	21
39	37	35	33	32	30	28	27	25	23	22
40	38	36	34	33	31	29	28	26	24	23
41	39	37	35	34	32	30	29	27	25	24
42	40	38	36	35	33	31	30	28	26	25
43	41	39	37	36	34	32	31	29	27	26
44	42	40	38	37	35	33	32	30	28	27
45	43	41	39	38	36	34	33	31	29	28

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
46	44	42	40	39	37	35	34	32	30	29
47	45	43	41	40	38	36	35	33	31	30
48	46	44	42	41	39	37	36	34	32	31
49	47	45	43	42	40	38	37	35	33	32
50	48	46	44	43	41	39	38	36	34	33
51	49	47	45	44	42	40	39	37	35	34
52	50	48	46	45	43	41	40	38	36	35
53	51	49	47	46	44	42	41	39	37	36
54	52	50	48	47	45	43	42	40	38	37
55	53	51	49	48	46	44	43	41	39	38
56	54	52	50	49	47	45	44	42	40	39
57	55	53	51	50	48	46	45	43	41	40
58	56	54	52	51	49	47	46	44	42	41
59	57	55	53	52	50	48	47	45	43	42
60	58	56	54	53	51	49	48	46	44	43
61	59	57	55	54	52	50	49	47	45	44
62	60	58	56	55	53	51	50	48	46	45
63	61	59	57	56	54	52	51	49	47	46
64	62	60	58	57	55	53	52	50	48	47
65	63	61	59	58	56	54	53	51	49	48
66	64	62	60	59	57	55	54	52	50	49
67	65	63	61	60	58	56	55	53	51	50
68	66	64	62	61	59	57	56	54	52	51
69	67	65	63	62	60	58	57	55	53	52
70	68	66	64	63	61	59	58	56	54	53
71	69	67	65	64	62	60	59	57	55	54
72	70	68	66	65	63	61	60	58	56	55
73	71	69	67	66	64	62	61	59	57	56
74	72	70	68	67	65	63	62	60	58	57
75	73	71	69	68	66	64	63	61	59	58
76	74	72	70	69	67	65	64	62	60	59
77	75	73	71	70	68	66	65	63	61	60
78	76	74	72	71	69	67	66	64	62	61
79	77	75	73	72	70	68	67	65	63	62
80	78	76	74	73	71	69	68	66	64	63
81	79	77	75	74	72	70	69	67	65	64
82	80	78	76	75	73	71	70	68	66	65
83	81	79	77	76	74	72	71	69	67	66
84	82	80	78	77	75	73	72	70	68	67
85	83	81	79	78	76	74	73	71	69	68
86	84	82	80	79	77	75	74	72	70	69
87	85	83	81	80	78	76	75	73	71	70
88	86	85	82	81	79	77	76	74	72	71
89	87	85	83	82	80	78	77	75	73	72
90	88	86	84	83	81	79	78	76	74	73
91	89	87	85	84	82	80	79	77	75	74
92	90	88	86	85	83	81	80	78	76	75
93	91	89	87	86	84	82	81	79	77	76
94	92	90	88	87	85	83	82	80	78	77
95	93	91	89	88	86	84	83	81	79	78
96	94	92	90	89	87	85	84	82	80	79
97	95	93	91	90	88	86	85	83	81	80
98	96	94	92	91	89	87	86	84	82	81
99	97	95	93	92	90	88	87	85	83	82
100	98	96	94	93	91	89	88	86	84	83
101	99	97	95	94	92	90	89	87	85	84
102	100	98	96	95	93	91	90	88	86	85
103	101	99	97	96	94	92	91	89	87	86
104	102	100	98	97	95	93	92	90	88	87
105	103	101	99	98	96	94	93	91	89	88
106	104	102	100	99	97	95	94	92	90	89
107	105	103	101	100	98	96	95	93	91	90
108	106	104	102	101	99	97	96	94	92	91
109	107	105	103	102	100	98	97	95	93	92
110	108	106	104	103	101	99	98	96	94	93

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
111	109	107	105	104	102	100	99	97	95	94
112	110	108	106	105	103	101	100	98	96	95
113	111	109	107	106	104	102	101	99	97	96
114	112	110	108	107	105	103	102	100	98	97
115	113	111	109	108	106	104	103	101	99	98
116	114	112	110	109	107	105	104	102	100	99

(e) An adult or family who has gross family income, adjusted for family size between forty and fifty-seven percent of the state median income is severely handicapped, at risk of being placed in a residential care facility, and in need of attendant care may be eligible to receive a reduced level of payment for attendant care. See table in subsection (2)(e) of this section. The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days. ((Services are authorized within the funds appropriated under section 54(2), chapter 340, Laws of 1981.))

REDUCED MONTHLY PAYMENT FOR ATTENDANT CARE CLIENTS

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 40 through 41	88
Above 41 through 42	85
Above 42 through 43	80
Above 43 through 44	75
Above 44 through 45	70
Above 45 through 46	65
Above 46 through 47	60
Above 47 through 48	55
Above 48 through 49	50
Above 49 through 50	45
Above 50 through 51	40
Above 51 through 52	35
Above 52 through 53	30
Above 53 through 54	25
Above 54 through 55	20
Above 55 through 56	15
Above 56 through 57	10

(f) Severely handicapped clients or applicants in the attendant care chore services program who have gross family income, adjusted for family size between thirty and fifty-seven percent of the state median income who are at risk of being placed in a residential care facility and cannot afford to pay the client's or applicant's share of the monthly rate, may be eligible to receive an additional amount up to the client's share of the monthly rate. The client shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff. The client shall produce a statement showing why he or she cannot afford to pay all or part of his or her share of the monthly rate.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days. ((Additional payment is authorized within the funds appropriated under section 54(2), chapter 340, Laws of 1981.))

(g) An adult or family who has gross family income adjusted for family size, above fifty-seven percent of the state median income, severely handicapped, and at risk of being placed in a residential care facility may be authorized to receive attendant care. Thirty persons at

any one time may receive attendant care services ((under section 17, chapter 6, Laws of 1981 1st ex. sess.)) in accordance with RCW 74.08.541.

The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility, by producing a statement from the client's physician and departmental staff. The client or applicant shall produce a statement showing what part of the monthly rate the client can pay.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

(h) Clients or applicants are not eligible for chore services if the clients or applicants have resources in excess of ten thousand dollars for one person, fifteen thousand dollars for a two-person family. Another one thousand dollars is allowed for each additional family member. Adult protective services clients who are receiving chore services as an integral but subordinate part of an adult protective services plan and supplemental security income and/or state supplementation recipients are exempt from the resource requirement in this section. Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

The following resources shall be considered in determining the value of a client's or applicant's resources:

- (i) Checking accounts;
- (ii) Savings accounts;
- (iii) Certificates of deposit;
- (iv) Money markets;
- (v) Negotiable stocks and bonds;
- (vi) Latest assessed value of lots or property not attached to residence;
- (vii) Market value of a boat(s), recreational vehicle(s), or excess automobiles;
- (viii) Cash on hand.

(i) The following resources, regardless of value, shall not be considered in determining the value of a client's or applicant's resources:

- (i) A home and lot normal for the community where the client or applicant resides;
- (ii) Used and useful household furnishings, personal clothing, and one automobile per client;
- (iii) Personal property of great sentimental value;
- (iv) Real or personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself;
- (v) One cemetery plot for each member of the family unit;
- (vi) Cash surrender value of life insurance.

((†) Income tables for chore services:

THIRTY PERCENT OF STATE MEDIAN INCOME

Family Size	Monthly Income	Annual Income
1	\$ 317	\$ 3,808
2	415	4,980
3	513	6,151
4	610	7,323
5	708	8,495
6	806	9,666

FORTY PERCENT OF STATE MEDIAN INCOME

Family Size	Monthly Income	Annual Income
1	\$ 423	\$ 5,077
2	553	6,640
3	683	8,202
4	814	9,764
5	944	11,326
6	1,074	12,888

FIFTY-SEVEN PERCENT OF STATE MEDIAN INCOME

Family Size	Monthly Income	Annual Income
1	\$ 603	\$ 7,235
2	788	9,461
3	974	11,687
4	1,159	13,914
5	1,345	16,140
6	1,530	18,366

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-212 SERVICE DETERMINATIONS. (1) Chore services need and amount determination for all applicants and recipients of chore services will be made by using the client review questionnaire on each adult.

(2) Department staff will administer the client review questionnaire.

(3) When administering the client review questionnaire, department staff will take into account the client's risk of being placed in a residential care facility and ability to perform activities of daily living, living conditions, and arrangements, and the availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(4)(a) The client review questionnaire is a series of questions designed to determine the client's need for the tasks which are available from the chore program. In answering each question, either "N", "M", "S", or "T" is circled to indicate the extent of assistance the client needs from the chore program for each task. "N", "M", "S", or "T" are defined as:

(i) N = Needs No Assistance: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = Needs Minimal Assistance: The client cannot perform this task without help and needs a minimal amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iii) S = Needs Substantial Assistance: The client cannot perform this task without help and needs a substantial amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iv) T = Needs Total Assistance: Client is completely unable to perform this task and is not now receiving any help and needs total assistance from the chore program.

(b) Points are awarded for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (5) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (6) of this section. For clients needing attendant care, as defined in subsection (5) of this section, the amount of services authorized is based on the total number of hours per month the chore provider must be with the client.

(5) The allowable chore services program tasks, as defined by the department, are scored as follows:

(a) Escort/Transport to Medical Services. The scoring is as follows, based on the need and frequency of service: N = 0, M = 1, S = 2, T = 3.

(b) Essential Shopping and Errands. The scoring is based on need and frequency of service: N = 0, M = 5, S = 10, T = 15. When the chore provider must perform these tasks for the client because the client is unable to go along, the scoring is N = 0, M = 1, S = 3, and T = 5.

(c) Splitting/Stacking/Carrying Wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.

(d) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional

points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room. The scoring is N = 0, M = 1, S = 2, and T = 3.

(f) Cooking. The scoring is based on the preparation of three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light Meal N = 0, M = 4, S = 7, T = 10.

(iii) Main Meal N = 0, M = 5, S = 10, T = 15.

(g) Feeding. The scoring is based on feeding three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light Meal N = 0, M = 4, S = 7, T = 10.

(iii) Main Meal N = 0, M = 5, S = 10, T = 15.

(h) Dressing/Undressing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(i) Care of Appearance. The scoring is N = 0, M = 1, S = 3, and T = 5.

(j) Body Care. The scoring is N = 0, M = 5, S = 10, and T = 15.

(k) Bed Transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(l) Ambulation. The scoring is N = 0, M = 4, S = 7, and T = 10.

(m) Wheelchair Transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(n) Bathing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(o) Toileting. The scoring is N = 0, M = 5, S = 10, and T = 15.

(p) Remind to Take Medicines. The scoring for reminding to take medication is N = 0, M = 1, S = 2, and T = 3.

(q) Family Care. The family care question has four parts. Each part considers the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) Part one determines the need for additional help cleaning the household because of the presence of children. The scoring is N = 0, M = 4, S = 7, and T = 10.

(ii) Part two determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children. The scoring is N = 0, M = 5, S = 10, and T = 15.

(iii) Part three determines the need for physical supervision of the children. When the client is in the home, but unable to supervise, the scoring is N = 0, M = 5, S = 10, and T = 15.

(iv) Part four determines the need for supervision of children when the client is temporarily absent from the home because of hospitalization. This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. The monthly authorization is the total number of hours required for supervision. The chore provider performs household and personal care tasks for the children during the hours of supervision. Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period.

(r) Attendant Care. The chore provider is available to help a client who requires assistance with such unscheduled tasks as toileting, ambulation, and wheelchair transfer or supervises or watches a client who cannot safely be left alone. Protective supervision may be necessary when a person may hurt himself or herself, others, or damage property if left alone, or is confused and may wander away, turn on a stove and forget to turn it off, or becomes easily disoriented. The chore provider performs any household or personal care tasks or gives assistance with activities of daily living during the authorized attendant care hours. The scoring is based on the number of days per month and hours per day during which the chore provider must be with a client in need of attendant care. The authorization is the total number of attendant care hours required by the client each month.

(6) Except for cases where attendant care or supervision of children when the client is temporarily absent are required, as defined in subsection (5) (q)(iv) of this section, the amount of hours of chore services authorized per month shall be determined by translating the total number of points awarded on the client review questionnaire into a monthly authorization, utilizing the following CRQ authorization ceiling chart:

CRQ SCORE	CEILING HOURS PER MONTH
1 - 4	5
5 - 9	8
10 - 14	11
15 - 19	14

CRQ SCORE	CEILING HOURS PER MONTH
20 - 24	18
25 - 29	21
30 - 34	24
35 - 39	28
40 - 44	31
45 - 49	34
50 - 54	37
55 - 59	41
60 - 64	44
65 - 69	47
70 - 74	51
75 - 79	54
80 - 84	57
85 - 89	60
90 - 94	64
95 - 99	67
100 - 104	70
105 - 109	74
110 - 114	77
115 - 119	80
120 - 124	83
125 - 129	87
130 - 134	90
135 - 139	93
140 - 144	97
145 - 149	100
150 - 154	103
155 - 159	106
160 - 164	110
165 - 169	113
170 - 174	116

(-----)

HOURLY PROGRAM LIMITATION

175 - 179	120
180 - 184	123
185 - 189	126
190 - 194	129
195 - 199	132
200 - 205	135
206 - 209	138
210 - 214	142
215 - 219	145
220 - 224	148
225 - 229	151

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(8). Attendant care and supervision of children when the client is temporarily absent are authorized for the number of days per month and hours per day the services are required.

(7) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (6) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

- (a) There are circumstances of a demonstrated duration, frequency, or severity which require additional hours of allowable chore services to avoid adverse effects to his or her health or safety; and,
 - (b) The need for additional hours is specific and clearly measurable.
 - (c) Hours are available under provisions of WAC 388-15-215(8).
- (8) All clients or applicants shall be informed in writing of the process as defined in subsection (7) of this section and shall have the right to request from the department approval to exceed the authorized hours as set forth in subsection (6) of this section.

(9) When the department denies a request for additional hours or makes approval for fewer additional hours than requested, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(10) Chore services may be provided either through the individual-provider-program or through the contracted program, as deemed most appropriate by department policy established by the state office.

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-213 PAYMENT. (1) Payment may be made for services performed by a relative, but payment to a spouse, father, mother, son or daughter can be made only when the person:

- (a) Has to give up paid employment (more than thirty hours per week) to give the service, or
- (b) Would otherwise need to take paid employment (more than thirty hours per week), or
- (c) Would otherwise be financially eligible to receive general assistance to meet his or her own ((financial)) need.

(2) Payment to the spouse providing chore services to an incapacitated, eligible client shall not exceed the amount of a one-person standard for a continuing general assistance grant. Refer to WAC 388-29-100.

(3) In the contracted program, payment is made to the contractor who directly pays the chore provider. (Refer to WAC 388-15-208.)

(4) In the individual-provider-program, payment is made to the client who pays the chore provider. (Refer to WAC 388-15-208.)

(a) An hourly wage is paid for the actual number of hours worked on all chore services tasks (maximum of one hundred sixteen hours per month per client), except for attendant care and supervision of children when the client is temporarily absent.

(i) The hourly wage rate must at least comply with federal minimum wage guidelines.

(ii) The maximum hourly wage rate shall not exceed the amount set by the community services office (CSO) administration and should consider the prevailing rate in the community for similar services but shall not exceed three dollars and seventy-five cents per hour.

(b) A monthly rate is paid for attendant care and supervision of children. The monthly rate is determined by the service worker after discussion with the client and chore provider, but it shall not exceed the lesser of the following, a maximum of five hundred ten dollars per month or the amount determined by the table in subsection (4)(b) of this section:

MONTHLY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY
(30 DAYS PER MONTH)	
16 - 24	up to \$17
12 - 15	up to \$15
8 - 11	up to \$12
4 - 7	up to \$ 8
2 - 3	up to \$ 5
1	up to \$ 3

Another fifty dollars per month is added for each additional client authorized for service in the household.

(c) An individual-provider-program eligible client or applicant may request approval from the department to exceed the maximum monthly rate set by the department or the maximum hourly wage established by the regional office. The department shall authorize a higher payment rate necessary to maintain the client or applicant in his or her own home when:

- (i) The need for the higher payment is specific and clearly measurable; and,
- (ii) The client or applicant provides documentation that services are not available at the established maximum payment rate; and,
- (iii) The client or applicant has made a reasonable effort to find a qualified provider at the established maximum payment rate; and,

(iv) ((Funds are available under section 54(1) and (2), chapter 340, Laws of 1981.

(v)) The total cost for the chore services does not exceed the lesser of the following, a maximum of seven hundred twenty dollars or the amount determined by the table in (4)(b) and (4)(c)(v):

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY
(30 DAYS PER MONTH)	
16 - 24	up to \$7
12 - 15	up to \$5
8 - 11	up to \$4
4 - 7	up to \$3
2 - 3	up to \$2
1	up to \$1

(d) All clients or applicants shall be informed in writing of the process as defined in subsection (4)(c) of this section and shall have the right to request from the department approval to exceed the maximum monthly or hourly rate.

(e) When the department denies a request to exceed the maximum payment rates or makes approval at a lesser rate than requested by the client or applicant, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(f) When the client provides board and room to the chore provider, the department may make a payment to partially reimburse the cost of this expense. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(g) Payment is made only after service delivery has been verified.

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The chore services program is not a teaching or companionship program and cannot be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication or other type skill. Companionship means being with a person in his or her home for the purpose of preventing loneliness or to accompany him or her outside the home, except on basic errands or medical appointments or activities of daily living for attendant care clients.

(2) Chore services cannot be provided in a group home, congregate care facility, intermediate care facility, skilled nursing facility, adult family home or foster home. Shared living arrangements are not considered group homes.

(3) Chore services are provided for the person needing and authorized to receive the service, not for other household members unless the services are part of the total chore services plan which includes the household members as eligible service clients.

(4) Chore services are not provided when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

(5) All approvals for additional hours and higher payment rates are reevaluated by the department after a period of up to one year, as determined by the department. These reevaluations are continued, denied, or altered to correspond with the client's present chore services need. The client shall receive notice of his or her right to contest reevaluations which are denied or approved at a lower rate of payment or fewer service hours than initially approved.

(6) Chore services cannot be used for child care for working parent(s).

(7) In family care, the chore services provider may not act as a parent substitute or make major decisions affecting the children.

(8) A maximum of two hundred twenty-four thousand hours per month can be authorized in the hourly chore services program. Each community services office is allocated by the regional office a monthly lid of chore services hours for the hourly chore services program ~~(under the provisions of section 17, chapter 6, Laws of 1981 1st ex. sess.)~~ in accordance with RCW 74.08.541. Eligible clients or applicants can receive service if hours are available at the community services office. Clients or applicants are classified into three priorities: First priority, attendant care and adult protective services clients or applicants; second priority, personal care clients or applicants; third priority, clients or applicants requiring household tasks only (escort, transport, shopping, errands, housework, laundry, splitting wood). Clients or applicants in the community services office are provided service based on the client's or applicant's priority and hours available.

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-217 CHORE OR ATTENDANT CARE SERVICES FOR EMPLOYED DISABLED ADULTS. (1) Notwithstanding other provisions of WAC 388-15-207 through 388-15-215, employed disabled adults shall be eligible for chore or attendant care services as provided in this section, with cost participation, as authorized by RCW 74.08.570.

(2) The following definitions shall apply for purposes of this section:
 (a) "Employed" means engaged on a regular monthly basis in any work activity for which monetary compensation is obtained.

(b) "Total income" is the sum of an applicant's unearned income plus gross earned income.

(3) To be eligible for chore or attendant care services under this section, ~~(an applicant)~~ a client or applicant must meet all of the following conditions:

(a) Be eighteen years of age or older.

(b) Be a resident of the state of Washington.

(c) Be determined by the department to be disabled as specified in subsection (4) of this section.

(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

(e) Be employed.

(f) Have earned income which is less than forty percent of the state median income after subtracting work expenses, the cost of chore services, and any medical expenses which are not covered through insurance or another source and such medical expenses are incurred to allow the disabled person to work.

(g) Have chore or attendant care need as determined by the department using the client review questionnaire.

(h) Not have unearned income exceeding forty percent of the state median income or be an adult supplemental security income and/or state supplementation recipient.

(i) Not have resources exceeding the limitations specified for the chore services program in WAC 388-15-209(2)(h).

(j) Promptly report to the department in writing any changes in income or resources which may effect eligibility.

(k) Agree to pay all chore or attendant care services costs beyond the state's contribution as determined using a sliding fee schedule.

Percentage of State Median Income (After Deductions)	Percentage of (Monthly) Rate Paid By The Department
Above 0 through 10	90
Above 10 through 20	80
Above 20 through 30	70
Above 30 through 40	60

(l) Meet all other requirements for the chore or attendant care program as defined in WAC 388-15-207 through 388-15-215.

(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:

(a) The applicant previously has been determined "disabled" for the purpose of receiving social security disability insurance (SSDI) or supplemental security income (SSI) or federal aid medical care only (FAMCO), and the department determines that there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which, except for the applicant's ability to perform gainful activity, is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015(3)(c).

(5) The department shall pay its share of chore or attendant care service costs to the client following receipt of documentation that the services were provided. If less service is verified in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore or attendant care provider and shall pay the provider the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(6) An applicant's work related expenses shall be computed by the department as follows:

(a) Work related expenses shall be deducted in accordance with the "percentage method" or the "actual method," whichever is chosen by the client.

(b) If the client chooses the "percentage method," twenty percent of the gross earned income shall be deducted.

(c) If the client chooses the "actual method," the actual cost of each work related expense shall be deducted. This method shall be used only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) Child care;

(ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and,

(iv) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished or reimbursed by the employer, and uniforms and clothing needed on the job but not suitable for wear away from the job.

(e) Even if verified, work related expenses shall not be counted in excess of the applicant's gross earned income.

(f) The client shall have the option to change methods whenever he or she reports income to the CSO.

WSR 82-19-095
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-86-020 Dental services.

Amd WAC 388-86-030 Eyeglasses and examinations.

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, Phone (206) 753-7015, by October 13, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, October 27, 1982, in the Buildings and Grounds Conference Room, Service Level, Office Building #2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 7, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-020 and 388-86-030.

Purpose of the Rule or Rule Change: To clarify the department's policy that group screenings for dental services and eyeglasses are not available except in the EPSDT program.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

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

AMENDATORY SECTION (Amending Order 1647, filed 4/27/81)

WAC 388-86-020 DENTAL SERVICES. (1) The department shall provide dental services to recipients of EPSDT.

(2) Services will include:

(a) Initial and periodic oral examinations.

(b) Treatment necessary for the relief of pain and infection, restoration of teeth, and maintenance of dental health.

(c) Orthodontic treatment is defined as the use of any appliance, intra oral or extra oral, removable or fixed, or any surgical procedure designed to move teeth. The following limitations apply:

(i) Prior approval must be obtained from the office of medical policy and procedure,

(ii) Treatment is limited to medically necessary services as defined in chapter 388-80 WAC.

(3) Except for services as defined in WAC 388-86-027 group screening for dental services is not permitted under the program.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-030 EYEGLASSES AND EXAMINATIONS.

(1) The department shall provide eye examinations and eyeglasses when a refractive error of sufficient magnitude exists to require corrective lenses. Payment shall be made on the basis of rates established by the department or through HMO or optical supplier contracts.

(2) Under the limited casualty program only one refraction and one pair of glasses will be provided during a twelve-month period.

(3) Prior authorization by the CSO medical consultant or his designee in the county of residence is not required for eye examinations performed for the purpose of prescribing corrective lenses except in the provision of certain eyeglasses (lenses or frames).

(4) Examinations, unless medically indicated, are limited to two in a twelve-month period, except for eye examinations and eyeglasses provided to recipients of EPSDT, see chapter 388-86 WAC.

(5) A choice of frames listed in current division of medical assistance numbered memoranda is offered recipients. Frames are not provided for cosmetic effect or psychological support.

(6) Sunglasses, photochromic or varalux type lenses are not provided.

(7) Two pair of glasses in lieu of bifocal or trifocal lenses are not provided.

(8) Contact lenses and orthoptics therapy are not provided.

(9) Except for services as defined in WAC 388-86-027 group screening for eyeglasses is not permitted under the program.

WSR 82-19-096
PROPOSED RULES
BOARD OF
INDUSTRIAL INSURANCE APPEALS

[Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Industrial Insurance Appeals intends to adopt, amend, or repeal rules concerning WAC 263-12-007, 263-12-015, 263-12-016, 263-12-020, 263-12-045, 263-12-060, 263-12-080, 263-12-090, 263-12-093, 263-12-095, 263-12-115, 263-12-120, 263-12-125, 263-12-140, 263-12-145, 263-12-150, 263-12-170, 263-16-005, 263-16-010, 263-16-020, 263-16-030, 263-16-040, 263-16-050, 263-16-060, 263-16-070, 263-16-080 and 263-16-090 relating to the rules of practice and procedure before the Board of Industrial Insurance Appeals;

that the agency will at 9:00 a.m., Wednesday, November 3, 1982, in the Auditorium, Office Building No. 2, 12th Street and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1982.

The authority under which these rules are proposed is RCW 51.52.020, chapter 42.17 RCW and chapter 63, Laws of 1982.

The specific statute these rules are intended to implement is RCW 51.52.010 through 51.52.120 and chapter 63, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 30, 1982.

Dated: September 22, 1982

By: Michael L. Hall
Chairman

STATEMENT OF PURPOSE

The following is submitted in compliance with RCW 34.04.025 as amended by section 3, chapter 324, Laws of 1981, and RCW 34.04.045 as amended by section 10, chapter 186, Laws of 1980.

Accompanying this statement is a "Notice of Intention to Adopt, Amend or Repeal Rules" relating to the rules of practice and procedure before the Board of Industrial Insurance Appeals now contained in chapter 263-12 WAC. Also enclosed in bill form are the substantive changes of the various sections of that chapter and new sections creating new chapter 263-16 WAC. It is expected that following public hearing, amendments to chapter 263-12 WAC and new sections in chapter 263-16 WAC will be adopted.

The statutory authority for the rules is founded in Title 51 RCW, the board's general procedural rule-making authority contained in RCW 51.52.020 and particularly the specific grant of authority contained in section 6, chapter 63, Laws of 1982.

Although the board members collectively are responsible for the proposing and drafting of the rule additions and amendments, the following agency personnel are also charged with the implementation and enforcement

of the rules of practice and procedure: The confidential secretary to the board members, the statutory executive secretary of the board, and the industrial appeals judges responsible for conducting hearings. These persons are officed at the board's headquarters in Olympia, Capital Center Building, phone: 753-6823, and in Seattle at the board's branch office, Genetics Systems Building, 3005 1st Avenue, phone: 464-6550.

Other than is noted in the individual section by section summary which follows containing a statement of the reasons supporting the proposed action, the agency does not have additional comments or recommendations regarding statutory language, implementation, enforcement, or fiscal matters pertaining to the rules. As discussed infra, an amendment to one section is prompted by a federally imposed requirement to conform state standards to federal administrative code.

The ensuing pages of this statement lists by WAC section number those portions of the board's existing rules which are proposed for amendment or adoption. Each section will contain a brief discussion of the purpose of the proposed amendment or addition and should be used in conjunction with the accompanying text of the proposed rule.

WAC 263-12-007 Application of Chapter, this section is added to distinguish the application of the board's rules pertaining to industrial insurance, WISHA, and crime victims from those rules of procedure in chapter 263-16 WAC relating only to expedited appeals filed pursuant to chapter 63, Laws of 1982.

WAC 263-12-015 Administration and Organization, WAC 263-12-015(4)(b) is being amended to incorporate a name change for the board's professional staff of attorneys. Rather than the title "hearing examiner" the title of "industrial appeals judge" is being substituted. This change reflects the change in terminology which was added to chapter 51.52 RCW by chapter 109, Laws of 1982. The following sections, subsections, subdivisions, and items of existing board rules are proposed for amendment to incorporate this title change: WAC 263-12-015(4)(b), 263-12-015(5), 263-12-016(4), 263-12-020(2)(a)(ii), 263-12-020(4), 263-12-020(5)(a), 263-12-020(5)(b), 263-12-045(1), 263-12-045(2), 263-12-045(3)(a), 263-12-080, 263-12-090, 263-12-093(1), 263-12-093(2), 263-12-095(1), 263-12-095(2), 263-12-115(1), 263-12-115(2), 263-12-115(4), 263-12-115(5), 263-12-115(6), 263-12-115(7), 263-12-120, 263-12-140, 263-12-145(3) and 263-12-150. Some of the above listed sections also have other substantive changes. Discussion of those changes will be included infra but no further reference to the professional staff name change will be made.

WAC 263-12-016 Public Records—Location—Office Hours, subsections 1 and 3 contain a punctuation correction involving no substantive change to the section.

WAC 263-12-045 Hearing Examiners (Industrial Appeals Judges), subsection 3, subdivision (b) of this subsection is being deleted in view of the board's proposal to permit the exercise of an affidavit of prejudice as a matter of right in the first instance. See proposed amendment to WAC 263-12-125.

WAC 263-12-060 Filing Appeals—Procedures—Limitation of Time, subsection 2, a typographical correction to an RCW citation is being made in this section.

WAC 263-12-093 Conferences—Disposition of Appeals by Agreement, a paragraph is being added to subsection 1 to set forth additional requirements for provisions of orders on agreement of the parties in WISHA cases. This paragraph is being added to comply with the request of the occupational safety and health administration which has indicated that such provision must be contained in this state's administrative rules in order for this state to reach full compliance with federal standards and to help assure the certification of the state's safety and health plan. A paragraph is also being added to subsection 2 of this section relating to the posting of agreements in WISHA cases where the concurrence of all affected employees is not obtained at a conference or hearing. This paragraph is added to comply with a federal requirement for bringing into greater conformity this state's administrative regulations relating to WISHA. This requirement was imposed by the federal agency, OSHA, as a condition required for certification of this state's industrial safety and health plan.

WAC 263-12-125 Applicability of Court Rules, this section is being amended to provide for the use of affidavits of prejudice as a matter of right in the first instance of an assignment of industrial appeals judge. This procedure has not been previously available as a matter of right but has been discretionary with the board requiring good cause to be shown.

WAC 263-12-150 Finality of Proposed Decisions and Orders, this section is being amended to add additional language to parallel that language now contained in the statute, RCW 51.52.104 as amended by chapter 109, Laws of 1982.

WAC 263-12-170 Appeals to Superior Court—Certification of Record, this section is being amended to bring into conformity the practice of serving notices of appeal to superior court upon the board directly in WISHA cases rather than relying on the clerk of the superior court. This change was prompted by an amendment to RCW 49.17.150 as contained in chapter 109, Laws of 1982.

WAC 263-12-025, 263-12-027, 263-12-030 and 263-12-035 are proposed for repeal inasmuch as they are replaced by provisions now contained in WAC 263-12-020. These sections should have been repealed in 1972 but research reveals this has never been done. The correction is being made at this point to avoid any potential conflict in the terms of the applicable sections.

Chapter 263-16 WAC, an entire new chapter is being added to the board's rules of practice and procedure. This chapter is intended to apply to a new type of "expedited appeal" under the Industrial Insurance Act relating to issues concerning vocational rehabilitation. The rules were necessitated as well as authorized by chapter 63, Laws of 1982, relating to vocational rehabilitation. The program under which the new statute applies becomes effective January 1, 1983. It is the board's intent that this chapter will become effective on that date and its application is limited to appeals that are filed pursuant to the new act.

Chapter 263-12 WAC PRACTICE AND PROCEDURE

WAC

263-12-005	Purpose.
263-12-007	Application of chapter.
236-12-010	Function and jurisdiction.
263-12-015	Administration and organization.
263-12-016	Public records—Location—Office hours.
263-12-018	Public records—Exemptions.
263-12-020	Appearances of parties before the board.
263-12-045	((Hearing examiners)) Industrial appeals judge.
263-12-050	Appeals arising under the Industrial Insurance Act—Contents of notice of appeal.
263-12-053	Appeals arising under the Crime Victims Compensation Act—Contents of notice of appeal.
263-12-056	Appeals arising under the Washington Industrial Safety and Health Act—Contents of notice of appeal.
263-12-060	Filing appeals—Procedures—Limitation of time.
263-12-065	Disposition on department record.
263-12-070	Granting the appeal.
263-12-075	Cross appeals.
263-12-080	Correction and amendment of notice.
263-12-090	Conferences—Notice of conferences.
263-12-093	Conferences—Disposition of appeals by agreement.
263-12-095	Conference procedure where agreement concerning final disposition of appeal is not reached by the parties.
263-12-100	Hearings—Notice of hearing.
263-12-115	Procedures at hearings.
263-12-120	Additional evidence by ((hearing examiner)) industrial appeals judge.
263-12-125	Applicability of court rules.
263-12-130	Disposition of contested cases—Definition.
263-12-135	Record.
263-12-140	Proposed decisions and orders.
263-12-145	Petition for review.
263-12-150	Finality of proposed decisions and orders.
263-12-155	Final decisions and orders after review.
263-12-165	Attorney's fees.
263-12-170	Appeals to superior court—Certification of record.
263-12-175	Computation of time.
263-12-180	Petitions for declaratory ruling.
263-12-190	Petitions for rule making.

NEW SECTION

WAC 263-12-007 APPLICATION OF CHAPTER. Unless otherwise provided in this title, the rules of practice and procedure set forth in this chapter are applicable to appeals filed under: (1) The Industrial Insurance Act, Title 51 RCW, except those relating to expedited appeals filed pursuant to chapter 63, Laws of 1982 relating to vocational rehabilitation, (2) the Washington Industrial Safety and Health Act, chapter 49.17 RCW, and (3) the Crime Victims Compensation Act, chapter 7.68 RCW.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

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

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

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

(4) Staff organization.

(a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

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

(c) The office of the secretary of the board is located at the headquarters and principal office of the board.

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

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

(3) Upon written request, made to the board's headquarters, in Olympia, the board or its designee may authorize ~~((t))~~, and promptly make appropriate arrangements for inspection and copying of its public records.

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

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

(6) A fee shall be charged for copies of documents made with the board's equipment in an amount necessary to cover the cost to the agency of providing such service.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-020 APPEARANCES OF PARTIES BEFORE THE BOARD. (1) Who may appear.

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

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

(c) Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by an attorney-at-law or other authorized representative of the party's choosing.

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

(e) All parties who appear either at conferences or hearings are entitled to the assistance of the ~~((hearing examiner))~~ industrial appeals

judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with ~~((his or her))~~ the industrial appeals judge's responsibilities to the end that all parties clearly understand the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be carefully advised by the ~~((hearing examiner))~~ industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

(2) Manner of appearance.

(a) Appearances shall be made either by:

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

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

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

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

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

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

(5) Conduct.

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

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-045 ((~~HEARING EXAMINERS~~)) INDUSTRIAL APPEALS JUDGES. (1) Definition. Whenever used in these rules, the term "~~((hearing examiner))~~ industrial appeals judge" shall include any member of the board, as well as any duly authorized (~~hearing examiner~~) industrial appeals judge assigned to conduct a conference or hearing.

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

- (a) To administer oaths and affirmations;
- (b) To issue subpoenas on request of any party;
- (c) To rule on all objections and motions including those pertaining to matters of discovery or procedure;
- (d) To rule on all offers of proof and receive relevant evidence;
- (e) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (f) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he or she deems necessary to fairly and equitably decide the appeal, including the obtaining of physical, mental, or vocational examinations or evaluations of workers;
- (g) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;
- (h) To issue orders joining other parties, on motion of any party, or on his own motion when it appears that such other parties may have an interest in or may be affected by the proceedings;

(i) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;

(j) To take any other action necessary and authorized by these rules and the law.

(3) Substitution of (~~Hearing Examiner~~) industrial appeals judge. (~~(a)~~) At any time (~~one hearing examiner~~) the board may ((be substituted)) substitute one industrial appeals judge for another in any given appeal.

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

(2) As required by the provisions of RCW (~~{49.17.140(3)}~~ ~~{59.17.140(3)}~~) 49.17.140(3), an appeal from a citation, abatement period or penalty assessment under the Washington Industrial Safety and Health Act is initiated by giving the director of the department of labor and industries notice of intent to appeal within fifteen working days from the date of notification of such citation, abatement period or penalty assessment. If the director does not reassume jurisdiction over the matter as to which notice of intent to appeal is given, there shall be promptly transmitted the notice of intent to appeal together with the department's record in the matter to the secretary of the board, whereupon the matter shall be deemed an appeal before the board. If the director reassumes jurisdiction pursuant to a notice of intent to appeal, there shall be, within fifteen working days of such re-assumption, a further determinative order issued in the matter. Any appeal from such further determinative order must be made directly to the board by filing a written notice of appeal, by mail or otherwise, with the secretary of the board, with a copy filed, by mail or otherwise, with the director of the department, within fifteen working days from the date of notification of such further determinative order.

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

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

WAC 263-12-080 CORRECTION AND AMENDMENT OF NOTICE. If any notice of appeal is found by the board to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of the statute and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirement, or may issue an order providing for dismissal of such appeal upon failure to comply within a specified time.

Any party may amend his notice of appeal on such terms as the (~~hearing examiner~~) industrial appeals judge may prescribe, and the (~~hearing examiner~~) industrial appeals judge may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed, or may issue an order requiring such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the board may dismiss the appeal.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-093 CONFERENCES—DISPOSITION OF APPEALS BY AGREEMENT. (1) If an agreement concerning final disposition of any appeal is reached by all the parties present or represented at a conference, an order shall be issued in conformity therewith, providing the board finds said agreement is in accordance with the law and the facts.

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

In cases involving the Washington Industrial Safety and Health Act, an agreement concerning final disposition of the appeal among the parties must include regardless of other substantive provisions covered by the agreement: (a) A statement reciting the abatement date for the violations involved, and (b) a statement confirming that the penalty assessment for contested and noncontested violations has been paid or will be paid.

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

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

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

In the event concurrence of all affected employees or employee groups cannot be obtained in cases involving agreements for final disposition of appeals under the Washington Industrial Safety and Health Act, 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 ten days before it is submitted to the board for entry of the final order. The manner of posting shall be in accordance with WAC 296-350-400(4) and 296-350-400(5). If an objection to the agreement is interposed by affected employees or employee groups prior to entry of the final order of the board, further proceedings shall be scheduled.

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-095 CONFERENCE PROCEDURE WHERE AGREEMENT CONCERNING FINAL DISPOSITION OF APPEAL IS NOT REACHED BY THE PARTIES. (1) Scheduling information. If no agreement is reached by the parties as to the final disposition of an appeal, the ((hearing examiner)) industrial appeals judge may thereupon proceed to elicit from the parties such information as is necessary and helpful to the orderly scheduling of hearing proceedings and as may aid in expediting the final disposition of the appeal. For this purpose, where indicated, a stipulation of facts may be obtained to show the board's jurisdiction in the matter. In addition, agreement as to the issues of law and fact presented and the simplification or limitation thereof may be obtained. The ((hearing examiner)) industrial appeals judge may also determine the necessity of amendments to the notice of appeal or other pleadings; determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof, the admissibility of exhibits, a stipulation as to all or part of the facts in the case, the limitation of the number of witnesses, and the exchange of medical and vocational reports and other relevant documents; receive and rule on motions pertaining to pre-hearing discovery including motions by a party for a vocational evaluation of a claimant which may be granted upon a showing of surprise which ordinary prudence could not have guarded against or upon an equivalent showing of circumstances constituting good cause and upon notice to all parties of the time, place, manner, conditions, and scope of the evaluation and the person or persons by whom it is to be made, provided that the ((hearing examiner)) industrial appeals judge shall impose all conditions necessary to avoid delay and prejudice in the timely completion of the appeal; obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible, the place or places where hearings will be required, the approximate time necessary for the presentation of the evidence of the respective parties, and all other information which may aid in the prompt disposition of the appeal.

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

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

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

(2) Order of presentation of evidence.

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

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

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

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

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

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

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

(6) Recessed hearings. Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the ((hearing examiner)) industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "Notice of Hearing" shall be required as to any recessed hearing.

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

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

WAC 263-12-125 APPLICABILITY OF COURT RULES. Insofar as applicable, and not in conflict with these rules, the statutes and rules regarding procedures in civil cases in the superior courts of this state shall be followed: PROVIDED, That ((statutes governing the filing of)) affidavits of prejudice against ((a judge shall not be available as a matter of right to any party to require the change of a hearing examiner assigned to a case. Requests for a change of a hearing examiner shall be governed by WAC 263-12-045(3)(b))) an industrial appeals judge in the manner set forth in RCW 4.12.050 must be filed with the board prior to commencement of the first conference in the appeal.

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

WAC 263-12-140 PROPOSED DECISIONS AND ORDERS. Upon completion of the record and submission of the issues for decision and order, the ~~((hearing examiner))~~ industrial appeals judge shall enter a proposed decision and order which shall be in writing and contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney or representative of record.

AMENDATORY SECTION (Amending Order 11, filed 1/18/82)

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

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

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

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

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

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

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

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

WAC 263-12-150 FINALITY OF PROPOSED DECISIONS AND ORDERS. In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the ~~((hearing examiner))~~ industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts. If an order adopting the proposed decision and order is not formally signed by the board on the day following the expiration of the time period for filing a petition for review of the proposed decision and order, said proposed decision and order shall be deemed adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

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

WAC 263-12-170 APPEALS TO SUPERIOR COURT—CERTIFICATION OF RECORD. Upon receipt of a copy of notice of appeal to superior court from a board order, served upon the board by the appealing party pursuant to RCW 51.52.110 ((or)), 7.68.110, or ((by the clerk of the superior court pursuant to RCW)) 49.17.150, the secretary shall certify the record made before the board to the court pursuant to the provisions of RCW 51.52.110, 7.68.110, 34.04.130 or

49.17.150. Copies of such record (except the exhibits) shall be furnished to all parties to the proceedings before the board.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 263-12-025 APPEARANCES BEFORE THE BOARD—APPEARANCE BY REPRESENTATIVES.

(2) WAC 263-12-027 APPEARANCES BEFORE THE BOARD—NO FORMAL ADMISSION TO PRACTICE.

(3) WAC 263-12-030 APPEARANCES BEFORE THE BOARD—WITHDRAWAL OR SUBSTITUTION OF REPRESENTATIVES.

(4) WAC 263-12-035 APPEARANCES BEFORE THE BOARD—CONDUCT.

NEW SECTION

WAC 263-16-005 PURPOSE AND SCOPE. The purpose of this chapter is to promulgate rules concerning the board's practice and procedure pursuant to chapter 63, Laws of 1982 relating to vocational rehabilitation.

NEW SECTION

WAC 263-16-010 APPLICABILITY OF PRACTICE AND PROCEDURE RULES IN CHAPTER 263-12 WAC. Insofar as applicable and not in conflict with the provisions set forth in this chapter, the rules of practice and procedure contained in chapter 263-12 WAC shall be followed.

NEW SECTION

WAC 263-16-020 APPEALS ARISING UNDER CHAPTER 63, LAWS OF 1982, RELATING TO VOCATIONAL REHABILITATION—CONTENTS OF NOTICE OF APPEAL. In cases arising under chapter 63, Laws of 1982, the jurisdiction of the board shall be invoked by filing a written notice of appeal which shall contain where applicable:

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

(2) The name and address of the injured worker;

(3) The name and address of the worker's employer at the time the injury or occupational disease occurred;

(4) In the case of occupational disease, the name and address of all employers in whose employment the worker was allegedly exposed to conditions that gave rise to the occupational disease;

(5) A statement identifying the decision of the supervisor of industrial insurance, or his or her designee from which the appeal is taken, by date, claim number, and description of action appealed;

(6) A statement describing the matter of law upon which the appeal is based;

(7) A statement indicating whether an irregularity in procedure is alleged and whether the opportunity for presentation of testimony concerning the alleged irregularity is desired;

(8) A statement indicating whether opportunity for presentation of oral argument or submission of written information in addition to that contained in the records of the office of rehabilitation review is desired;

(9) A description of the relief sought, including the specific nature and the extent thereof;

(10) A statement of the location most convenient to the appealing party where board proceedings are requested to be held;

(11) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge or information and belief the contents thereof are true;

(12) The signature by the appealing party and/or the party's authorized representative.

NEW SECTION

WAC 263-16-030 VOCATIONAL REHABILITATION APPEALS—PROCEDURE FOR FILING—LIMITATION OF TIME.

(1) As required by the provisions of chapter 63, Laws of 1982, an appeal from the final decision of the supervisor or the supervisor's designee is initiated by filing a written notice of appeal, by mail or otherwise, with the secretary of the board at its headquarters in

Olympia, within fifteen working days after receipt of the notice of the decision from the office of rehabilitation review.

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

NEW SECTION

WAC 263-16-040 ASSIGNMENT OF VOCATIONAL REHABILITATION APPEALS—EXPEDITED COMPLETION OF PROCEEDINGS. Vocational rehabilitation appeals filed pursuant to chapter 63, Laws of 1982 and WAC 263-16-020 shall be assigned to an industrial appeals judge with direction to complete proceedings on an expedited basis. In no case shall the time for hearing the appeal exceed thirty calendar days from the receipt of (1) the notice or appeal, or (2) a legible copy of the records of the office of rehabilitation review, whichever is later.

NEW SECTION

WAC 263-16-050 DISPOSITION OF VOCATIONAL REHABILITATION APPEALS BY AGREEMENT. In cases arising under chapter 63, Laws of 1982, relating to vocational rehabilitation, final disposition by agreement of the parties will be governed by the following:

(1) If an agreement concerning the final disposition of issues properly brought before the board is reached by all parties, an order shall be issued in conformity therewith, providing the board finds said agreement is in conformity with the law and the facts.

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

All agreements reached at hearing concerning final disposition of an appeal shall be stated on the record by the industrial appeals judge and the parties shall indicate their concurrence on the record.

(2) Ordinarily an agreement concerning final disposition of an appeal will be accepted only at a hearing attended by all interested parties. The industrial appeals judge may, however, in his or her discretion accept an agreement for submission to the board even though: (a) One or more of the parties did not attend the hearing, or (b) the agreement is submitted outside the formal hearing proceeding. In such cases the agreement shall be confirmed in writing by the affected parties except that no written confirmation will be required where the industrial appeals judge is satisfied of the concurrence of the parties to the agreement.

NEW SECTION

WAC 263-16-060 EXPEDITED HEARINGS IN VOCATIONAL REHABILITATION APPEALS—NOTICE OF HEARING. (1) Time. In appeals filed pursuant to chapter 63, Laws of 1982, the board shall mail notice thereof to all parties not less than ten days prior to the hearing date: PROVIDED, That the hearing may be held on less than ten days' notice upon agreement of all parties.

(2) Contents. The notice shall identify the appeal to be heard, the names of the parties to the appeal and their representatives, if any, and shall specify the time and place of hearing.

NEW SECTION

WAC 263-16-070 PROCEDURE AT HEARINGS OF VOCATIONAL REHABILITATION APPEALS. (1) Industrial appeals judge. In cases arising under chapter 63, Laws of 1982, all hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and shall rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence.

(a) Unless a party requests the opportunity to present testimony concerning alleged irregularities in procedure not revealed by the records of the office of rehabilitation review, the hearing shall be conducted by an industrial appeals judge initially reviewing for the recorded proceedings the records of the office of rehabilitation review and admitting such documents as are material, relevant and germane to the issues raised by the appeal.

(b) If a party requests the opportunity to present testimony concerning irregularities in procedure not revealed by the records of the office of rehabilitation review, and such request is granted by the industrial appeals judge, the requesting party shall produce all evidence in support of his or her position.

(c) After the party with the initial burden has presented his evidence, the other parties may then introduce evidence in rebuttal. In the event there is more than one other party, they may either present their evidence successively or may join in their presentation. Surrebuttal may be presented in the discretion of the industrial appeals judge.

(d) In the discretion of the industrial appeals judge and upon request of the worker or the employer, oral argument may be permitted or additional written information may be received and admitted in evidence concerning the matter in dispute.

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

(4) Rulings. The industrial appeals judge, on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence or which does not pertain to the matter of law in contest. All rulings upon objections to the admissibility of evidence shall be made in accordance with chapter 34.04 RCW.

(5) Recessed hearings. Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases: PROVIDED, That the hearing shall not be continued to a date later than thirty days from the date of receipt of:

(a) The notice of appeal from the aggrieved party; or

(b) A legible copy of the records of the office of rehabilitation review, whichever is later. No written "Notice of Hearing" shall be required as to any recessed hearing.

NEW SECTION

WAC 263-16-080 FINAL DECISION AND ORDERS IN VOCATIONAL REHABILITATION APPEALS. In appeals filed pursuant to chapter 63, Laws of 1982, a panel of at least two board members shall, within thirty days of closing the hearing proceedings render a final decision and order which shall be in writing and shall contain conclusions of law, and if applicable, findings of fact, as well as the board's order based thereon.

A copy of the decision and order shall be mailed to each party to the appeal and to his attorney or representative of record.

NEW SECTION

WAC 263-16-090 APPEALS TO SUPERIOR COURT FROM FINAL ORDERS IN VOCATIONAL REHABILITATION APPEALS—CERTIFICATION OF RECORD. Upon receipt of a copy of notice of appeal to superior court from a board order, served upon the board by the appealing party pursuant to RCW 34.04.130, the secretary shall transmit a certified copy of the entire record made before the board to the reviewing court. Copies of such record (except the exhibits) shall be furnished to all parties to the proceedings before the board.

WSR 82-19-097
PROPOSED RULES
INSURANCE COMMISSIONER
 [Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the accounting and reporting methods of health care service contractors, and the indemnity or reimbursement requirements they must meet to comply with RCW 48.44.030;

that the agency will at 10 a.m., Thursday, October 28, 1982, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 4, 1982.

The authority under which these rules are proposed is RCW 48.44.050.

The specific statute these rules are intended to implement is RCW 48.44.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1982.

Dated: September 22, 1982

By: Robert E. Johnson
 Deputy Commissioner

STATEMENT OF PURPOSE

Title: Adding proposed rules to chapter 284-44 WAC concerning accounting and reporting methods of health care service contractors, and concerning the indemnity or reimbursement requirements to be met by health care service contractors.

The statutory authority for the proposed rules is RCW 48.44.050 which directs the commissioner to make reasonable regulations in aid of the administration of chapter 48.44 RCW, and to implement, specifically, RCW 48.44.030 with respect to the indemnity requirements imposed by that statute.

Proposed WAC 284-44-250 requires that every health care service contractor account for its business on the accrual basis and that annual financial statements be reported on the accrual basis, which will aid the commissioner in the uniform administration of chapter 48.44 RCW and the effective supervision of such contractors.

Proposed WAC 284-44-300 through 284-44-360 establish the rules and procedures to be followed by a health care service contractor in providing the indemnity or guaranty required by RCW 48.44.030 whenever health care services which are promised in a health care service contractor's agreement are not to be performed by the contractor or a participant. The rules cover an agreement underwritten by insurance or guaranteed by a surety bond or by a deposit of cash or securities. The rules further provide for the modification of amount of indemnity or reimbursement required, and require records to separately reflect the amount of service benefits and the amount of reimbursement or indemnity benefits. The rules will take effect on January 1, 1983.

Such rules will provide uniform guidance to registered health care service contractors and aid the commissioner in the administration of chapter 48.44 RCW.

A. G. Vande Wiele, Deputy Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504, (206) 753-7381, is directly responsible for the drafting, implementation and enforcement of the proposed rules, under the supervision of David Rodgers, Chief Deputy insurance commissioner, Insurance Building, AQ-21, Olympia, Washington 98504, (206) 753-7302.

The rules are proposed by the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost for small businesses per \$100 of sales is estimated to be zero. Cost for larger businesses per \$100 of sales is estimated to be zero. Essentially the proposed rules simply reduce to writing the existing practices of health care service contractors as now regulated by the insurance commissioner. A few may be required to switch to the accrual basis for accounting purposes, but the cost of doing so should not be significant.

NEW SECTION

WAC 284-44-250 ACCOUNTING METHOD. Beginning January 1, 1983, to aid in the administration of chapter 48.44 RCW, every health care service contractor shall account for its business on the accrual basis, and any annual financial statement filed after December 31, 1983, pursuant to RCW 48.44.095, shall be reported on such accrual basis.

NEW SECTION

WAC 284-44-300 PURPOSE AND APPLICABILITY. (1) The purpose of this regulation, WAC 284-44-300 through 284-44-360, is to establish indemnity requirement rules and procedures for the effectuation of RCW 48.44.030 and to aid in the administration thereof.

(2) This regulation applies to every health care service contractor registered pursuant to chapter 48.44 RCW.

NEW SECTION

WAC 284-44-310 AGREEMENT UNDERWRITTEN BY INSURANCE. (1) If, pursuant to RCW 48.44.030, the agreement is underwritten by a contract or policy of insurance, such contract or policy shall:

- (a) Have a continuous term;
 - (b) Fully insure the benefits of the persons who have paid for or contracted for covered health care services, when such services are not performed by the health care service contractor or a participant;
 - (c) Contain a provision that in the event of cancellation, the coverage shall continue with respect to services provided prior to the effective date of such cancellation;
 - (d) Contain a provision that it may not be cancelled without ninety days advance written notice to the insured or insurer by the cancelling party; and
 - (e) Contain a provision requiring not less than sixty days advance notice to the insurance commissioner, health care services division, by the insurer of any cancellation.
- (2) The original or a true copy of the actual insurance contract or policy shall be filed with the insurance commissioner, health care services division, prior to its effective date.

NEW SECTION

WAC 284-44-320 AGREEMENT GUARANTEED BY A SURETY COMPANY. (1) If, pursuant to RCW 48.44.030, the agreement is guaranteed by a surety company, such agreement shall:

- (a) Be in an amount equal to the greater of (i) one hundred fifty thousand dollars, or (ii) one-twelfth of the total sum of money received during the preceding calendar year as prepayment for health care services, except as provided by WAC 284-44-340;
- (b) Contain a provision that the bond will be for the benefit of the persons who have paid for or contracted for the health care services;
- (c) Contain a provision that in the event of cancellation, the bond will continue to cover liabilities for services provided prior to the effective date of such cancellation;
- (d) Contain a provision that it may not be cancelled or terminated without ninety days advance written notice to the assured or surety company by the cancelling party;

(e) Contain a provision requiring not less than sixty days advance notice to the insurance commissioner, health care services division, by the surety company of any cancellation of such surety agreement.

(2) The original or a true copy of the actual surety bond shall be filed with the insurance commissioner, health care services division, prior to its effective date.

NEW SECTION

WAC 284-44-330 AGREEMENT GUARANTEED BY A DEPOSIT OF CASH OR SECURITIES. (1) If, pursuant to RCW 48-44.030, the agreement is guaranteed by a deposit of cash or securities, such deposit shall be in an amount equal to the greater of (i) one hundred fifty thousand dollars, or (ii) one-twelfth of the total sum of money received during the preceding calendar year as prepayment for health care services, except as provided by WAC 284-44-340.

(2) Securities eligible for such deposit shall be those set forth in RCW 48.13.040, 48.13.050, 48.13.080, 48.13.100 and 48.13.220. The commissioner may, upon advance approval, allow other securities to be included as deposits pursuant to RCW 48.13.250.

(3) In determining the value to be assigned to securities for compliance with the depository requirements, market value shall be the measurement.

NEW SECTION

WAC 284-44-340 MODIFICATION OF AMOUNT OF REIMBURSEMENT OR INDEMNITY. (1) Reduced deposit requirements may be permitted when data satisfactory to the commissioner are provided which indicate an amount less than that set forth in WAC 284-44-320 and 284-44-330 is adequate to cover incurred but unpaid reimbursement or indemnity benefits. In determining a lesser requirement, the commissioner will include in his consideration:

- (a) The overall adequacy of the contractor's reserves for future benefits;
- (b) The relationship between indemnity claims and claims covered by contractual agreements with providers;
- (c) The overall financial stability of the contractor; and
- (d) A reasonable projection of any increase or decrease of such benefits.

(2) The commissioner may from time to time require additional indemnification to be furnished when a review of the health care service contractor's affairs demonstrates that existing indemnification is inadequate.

NEW SECTION

WAC 284-44-350 RECORDS AND REPORTING. (1) Each health care service contractor shall maintain records which separately reflect the amount of service benefits and the amount of reimbursement or indemnity benefits. Such amounts shall be reported to the commissioner on forms prescribed by the commissioner and shall be filed with the annual statement and at such other times as the commissioner may require. The report shall be accompanied by an inventory and valuation of any securities which are used to satisfy the depository requirement. If the amount of the guarantee is not sufficient to satisfy the requirements, an appropriate additional amount shall be obtained, and shall be deposited with, or evidenced to, the commissioner within thirty days of the filing of the report.

(2) A health care service contractor using either a policy of insurance or a surety bond to provide for indemnification shall notify the insurance commissioner, health care services division, sixty days in advance of termination or cancellation of the contract or policy of insurance or surety bond.

NEW SECTION

WAC 284-44-360 EFFECTIVE DATE. (1) This regulation, WAC 284-44-300 through 284-44-360, and 284-44-250 shall take effect January 1, 1983.

(2) If any health care service contractor holding a valid certificate of registration in this state immediately prior to the effective date of this rule is unable to meet the requirements of WAC 284-44-300 through 284-44-350, the commissioner may, upon its request, allow it to continue to transact business for such period of time and under such conditions as he deems appropriate.

WSR 82-19-098
PROPOSED RULES
INSURANCE COMMISSIONER
 [Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning insurance form filings, the designation of the types of policy forms which may not be filed by certification, and the establishment of forms and procedures to be used with respect to insurance form filings submitted to the insurance commissioner;

that the agency will at 10 a.m., Wednesday, October 27, 1982, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1982.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.18.100 and, with respect to disability insurance rates, RCW 48.19.010(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1982.

Dated: September 22, 1982

By: Robert E. Johnson
 Deputy Commissioner

STATEMENT OF PURPOSE

Title: Chapter 284-58 WAC, proposing new rules to establish the forms and procedures to be followed by insurance companies when they submit insurance forms to the insurance commissioner for approval or for immediate use by certification; designating the type of policy forms which may not be filed by certification; and establishing the filing requirements with respect to disability insurance manuals of classification, manual of rules and rates, and modifications thereof.

The statutory authority for the proposed rules is RCW 48.02.060 to effectuate the provisions of RCW 48.18.100 (as it was amended in 1982) with respect to insurance forms, and to implement RCW 48.19.010(2) with respect to disability insurance rates.

The rules explain the methods of filing forms available to insurance companies, designate the types of insurance forms that may and may not be filed by the certification process which is provided for in RCW 48.18.100, provide forms to be used in filing life and disability insurance forms and the forms to be used in certifying them, and separate forms for use with property and casualty insurance form filings, including a certification form.

The basic purpose of the rules is to administratively implement RCW 48.18.100 as it was amended by section 16, chapter 181, Laws of 1982, which permits a filing to contain a certification, in form approved by the commissioner, and thereby have the right to use such form immediately after filing it with the commissioner.

At the same time, the commissioner has taken the opportunity to clarify form filing procedures and to create forms to be used by companies making filings so that there will be a better understanding of what is required on the part of the companies and an improved efficiency on the part of the commissioner's staff in dealing with filings.

Storm Johnsen, Chief Actuary, (206) 753-7020, and Vincent Bammert, Deputy Commissioner, (206) 753-7306, are directly responsible for the drafting, implementation and enforcement of the proposed rules, with respect to life and disability insurance and property and casualty insurance, respectively, under the supervision of David Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302, all of whom have their offices in the Insurance Building, AQ-21, Olympia, Washington 98504.

The proposed action is mandated by the legislature and the form and content of the rules are proposed by the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost for small businesses per \$100 of sales is estimated to be zero. Cost for larger businesses per \$100 of sales is estimated to be zero. The certification procedures which are authorized by RCW 48.18.100 and implemented by these proposed rules will be available for use by the companies but the companies need not use such procedures. They may continue to make their filings without certification for the approval of the commissioner. With respect to the related forms and procedures established by the proposed rules, there is little change from existing practices and the rules simply spell out acceptable procedures, forms which shall be used (which will eliminate the need for transmittal letters in many situations) and inform insurance companies of what is expected so that they are treated in a uniform and fair manner. The rules should not create any new workload on companies nor affect the cost per hour of labor nor change the cost per employee.

Chapter 284-58 WAC
REGULATIONS PERTAINING TO FORM FILINGS

WAC	
284-58-010	Title and purpose.
284-58-020	Scope and general contents.
284-58-030	General contents of all life and disability form and disability rate filings.
284-58-040	Filing report documents.
284-58-050	Document to be used in filing life and disability forms.
284-58-060	Document to be used in filing disability rates.
284-58-070	General designation of life and disability forms which may not be filed by certification.
284-58-080	Individual disability insurance forms, certification not permitted.
284-58-090	Group disability insurance forms, certification not permitted.
284-58-100	Group disability insurance forms which may be filed by certification.
284-58-110	Blanket disability insurance forms, certification not permitted.
284-58-120	Blanket disability insurance forms which may be filed by certification.

- 284-58-130 Individual life insurance and annuity forms, certification not permitted.
- 284-58-140 Individual life insurance and annuity forms which may be filed by certification.
- 284-58-150 Group life insurance and annuity contract forms, certification not permitted.
- 284-58-160 Group life insurance and annuity forms which may be filed by certification.
- 284-58-170 Credit insurance forms, certification not permitted.
- 284-58-180 Fraternal benefit society forms.
- 284-58-190 Certification form to be used for disability insurance form filings.
- 284-58-200 Form to be used for certification of disability insurance form or rate filings.
- 284-58-210 Certification form to be used for life insurance and annuity form filings.
- 284-58-220 Form to be used for certification of life insurance or annuity form filings.
- 284-58-250 General contents of a form filing for property and casualty insurance and kinds of insurance other than life and disability.
- 284-58-260 Designation of forms for insurances other than life and disability which may not be filed by certification.
- 284-58-270 Certification form to be used for property and casualty insurance.
- 284-58-280 Form to be used for certification of property or casualty insurance form filings.

NEW SECTION

WAC 284-58-010 TITLE AND PURPOSE. (1) This chapter, WAC 284-58-010 through 284-58-280, shall be known and may be cited as the Washington State Form Filing Requirements.

(2) The purpose of this chapter is to establish the necessary contents of a form filing, including the documents to be used in connection with a form filing, to designate the types of policy forms which may not be filed by certification pursuant to RCW 48.18.100(2), and, with respect to disability insurance, to establish the filing requirements with respect to manuals of classification, manual of rules and rates, and modifications thereof.

NEW SECTION

WAC 284-58-020 SCOPE AND GENERAL CONTENTS. (1) This regulation applies to all insurers and to all forms required to be filed with the commissioner pursuant to RCW 48.18.100, and to all manuals of classification, manuals of rules and rates and modifications thereof required to be filed with respect to disability insurance pursuant to RCW 48.18.010(2).

(2) RCW 48.18.100 establishes two basic types of form filings. The first type contemplates the approval of the commissioner. The second type contemplates a filing containing a certification, which permits the insurer to use the form without approval, immediately after the filing. The first, or approval, type of filing requires the commissioner to act within fifteen days (or thirty days, if extended pursuant to RCW 48.18.100(3)), and, if the form has not been either approved or disapproved during such time period, the form is deemed approved and may be used by the insurer. In either case, the commissioner may subsequently withdraw approval or stop the use of a form for cause.

(3) This chapter is divided into the following parts:

(a) The general contents of a life or disability insurance form filing are set forth in WAC 284-58-030.

(b) Designations of the types of life and disability insurance forms which may and may not be filed by the "certification" procedure are found in WAC 284-58-070 through 284-58-180.

(c) Procedures and forms for the certification of life and disability insurance forms and rates begin with WAC 284-58-190.

(d) The general contents of a form filing for property and casualty or kinds of insurance other than life and disability, required to be made pursuant to RCW 48.18.100, are set forth in WAC 284-58-250.

(e) Designation of the types of forms for insurances other than life and disability which may not be filed by the "certification" procedure is set forth in WAC 284-58-270.

(f) The form to be used for the certification of forms for insurances other than life and disability is set forth in WAC 284-58-290.

NEW SECTION

WAC 284-58-030 GENERAL CONTENTS OF ALL LIFE AND DISABILITY FORM AND DISABILITY RATE FILINGS. Each life or disability insurance form filing submitted to the commissioner, whether for approval or by certification, shall be of only one form or group of similar forms and the manuals and rates pertaining thereto, and shall contain the following materials arranged in this order:

- (1) One filing report as required by WAC 284-58-040 and, if applicable, a certification prepared pursuant to WAC 284-58-190 or 284-58-210, as appropriate;
- (2) The printed form or forms, completed in John Doe fashion if appropriate;
- (3) Rates, manuals of classification, manuals of rules and rates and modifications thereof, if appropriate;
- (4) Actuarial memorandum of nonforfeiture values, if appropriate;
- (5) Actuarial demonstration of anticipated loss ratio, if appropriate;
- (6) Any additional required enclosure; and
- (7) The appropriate filing fee as prescribed by WAC 284-14-010.

NEW SECTION

WAC 284-58-040 FILING REPORT DOCUMENTS. Filing report documents have been established to facilitate and expedite the forms review process with respect to life and disability insurance and must be used with every form filing. A transmittal letter will not be necessary except with respect to an exceptional filing. The filing report document to be used for life and disability form filings is set forth in WAC 284-58-050. The filing report document to be used for disability insurance rates is set forth in WAC 284-58-060. (Use of these filing report documents will satisfy the transmittal information requirements of WAC 284-14-020.)

NEW SECTION

WAC 284-58-050 DOCUMENT TO BE USED IN FILING LIFE AND DISABILITY FORMS.

**STATE OF WASHINGTON
FILING REPORT - LIFE AND DISABILITY FORMS**

(This report must accompany each filing of life and disability forms submitted to the Washington State Insurance Commissioner.)

1. Company Name:	2. Date of Submission:																					
3. Washington State Company Identification Code (CIC):	4. NAIC Number:																					
5. Line of Insurance: <table border="0" style="margin-left: 20px; border-collapse: collapse;"> <tr> <td style="text-align: left; padding-right: 10px;">Individual</td> <td style="text-align: left; padding-right: 10px;">Group</td> <td style="text-align: left; padding-right: 10px;">Credit</td> <td style="text-align: left;">Separate Account</td> </tr> <tr> <td>Life</td> <td>()</td> <td>()</td> <td>()</td> </tr> <tr> <td>Annuity</td> <td>()</td> <td>()</td> <td>()</td> </tr> <tr> <td>Disability</td> <td>()</td> <td>()</td> <td>()</td> </tr> <tr> <td>Medicare Supplement</td> <td>()</td> <td>()</td> <td></td> </tr> </table>		Individual	Group	Credit	Separate Account	Life	()	()	()	Annuity	()	()	()	Disability	()	()	()	Medicare Supplement	()	()		
Individual	Group	Credit	Separate Account																			
Life	()	()	()																			
Annuity	()	()	()																			
Disability	()	()	()																			
Medicare Supplement	()	()																				
6. Check if the form(s) will be used for Blanket (), Franchise (), or Mass-marketing purposes ().																						
7. This filing is made for () Approval by the Commissioner or () As a Certified Filing — Certificate attached																						
8. Type of Filing: <table border="0" style="margin-left: 20px; border-collapse: collapse;"> <tr> <td style="text-align: left; padding-right: 10px;">Form or Group of Similar Forms*</td> <td style="text-align: left; padding-right: 10px;">Form #</td> <td style="text-align: left;">Forms to be replaced. Give form numbers</td> </tr> <tr> <td>() Policy</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>() Application</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>() Rider</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>() Endorsement</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>() Amendment</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>() Other</td> <td>.....</td> <td>.....</td> </tr> </table>		Form or Group of Similar Forms*	Form #	Forms to be replaced. Give form numbers	() Policy	() Application	() Rider	() Endorsement	() Amendment	() Other
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() Rider																				
() Endorsement																				
() Amendment																				
() Other																				

*An example of a group of similar forms would be a set of decreasing term forms, but not including any renewable term or permanent plans with policy provisions different from those of a decreasing term form.

9. Date(s) of Domiciliary Form(s) Approval:

- 10. If an individual policy form is being filed, what type of product is involved?
 - Universal Life
 - Indeterminate Premium Life
 - Adjustable - Optional Increases in Face
 - Fixed Benefit, Fixed Level Premium Life
 - Graded Benefit or Graded Premium Life
 - Deposit Term or Deposit Permanent
 - Reentry Term
 - Reversion Privilege Term
 - Retired Lives Reserve
 - Flexible Premium Annuity
 - Savings Annuity
 - Reversionary Annuity
 - Fixed Premium Annuity
 - Accident Only
 - Health
 - Monthly Income Disability
 - Medicare Supplement
 - Credit
 - Separate Account Insurance Forms
 - Other, Please Explain in a Transmittal Letter
- 11. Check here if there are any unusual features or provisions in this filing. Examples include variable premiums and coverages, limited markets or unusual underwriting. If checked, explain fully in a transmittal letter.
- 12. Check here if this filing contains any provisions previously disapproved by this Office or any other state. If checked, describe fully in a transmittal letter.
- 13. List other health insurance forms of the same generic type presently marketed. If such other forms are of nearly identical benefits, explain the need for this form in a transmittal letter.
- 14. _____
Signature of designated representative
with whom this submission may be discussed

Name printed or typed with title

Telephone number

NEW SECTION

WAC 284-58-060 DOCUMENT TO BE USED IN FILING DISABILITY RATES.

STATE OF WASHINGTON
FILING REPORT - DISABILITY RATES

(This report must accompany each filing of disability insurance rates submitted to the Washington State Insurance Commissioner.)

- 1. Company Name: 2. Date of Submission:
- 3. Washington State Company Identification Code (CIC): 4. NAIC Number:
- 5. Line of disability insurance involved?
 - Group
 - Blanket Insurance
 - Individual
 - Franchise
 - Mass Marketed Individual Forms
- 6. Type of disability insurance product involved:
 - Accident Only
 - Health with Substantial Inside Limits
 - Health Insurance without Substantial Inside Limits
 - Monthly Income Disability
 - Medicare Supplement
 - Credit
- 7. Type of Filing:

Rates to be used with insurance form or group of similar forms*

- Initial Filing of Rates
- Rate Increase/Decrease
- Automatic Medicare Rate Increase
- Rate Deviation

- Credit Insurance
- Other

*An example of a group of similar forms would be those grouped together for morbidity experience studies or for pricing purposes where similar experience is expected, such as a group of major medical policies with different deductible amounts.

- 8. This filing is made for Approval by the Commissioner or As a Certified Filing - Certificate attached
- 9. Date(s) of Domiciliary Form(s) and Rate Approval(s):,
- 10. Give the approval date of the form(s) and the effective date(s) of any rate increase(s) in the state of Washington.
Form Numbers:
Previous rate increases
- 11. What is the scope and reason for the rate increase? (Enclose actuarial justification and demonstration.)
- 12. Does the filing apply to: new business, to in force business, both? State reasons therefor.
- 13. To what degree is it anticipated that this rate increase will result in additional lapses and worsened morbidity experience.
- 14. Check here if there are any unusual features or provisions to this filing requiring special rate considerations. If checked, explain fully in a transmittal letter.
- 15. Check here if this filing contains any rates previously disapproved by this Office. If checked, describe fully in a transmittal letter.
- 16. List other health insurance forms of the same generic type presently marketed. Explain in a transmittal letter if such forms were grouped together with form(s) of this filing for pricing or experience study purposes, but are now kept separate.
- 17. _____
Signature of designated representative
with whom this filing may be discussed

Name printed or typed with title

Telephone number

NEW SECTION

WAC 284-58-070 GENERAL DESIGNATION OF LIFE AND DISABILITY FORMS WHICH MAY NOT BE FILED BY CERTIFICATION. The following categories of life and disability forms may never be filed through the certification process, but must be filed for approval:

- (1) Forms of a type not previously reviewed and approved in the state of Washington for the particular filing company, as, for example, when a company enters a new segment of the insurance market such as a life insurer first entering the group or credit insurance market.
- (2) Any form filed as a result of a change in Washington statute or regulation.
- (3) Any form containing unusual features or provisions. Examples include variable premiums and coverages, limited markets or unusual underwriting.
- (4) Any form containing any provision previously disapproved by this or any other state.

NEW SECTION

WAC 284-58-080 INDIVIDUAL DISABILITY INSURANCE FORMS, CERTIFICATION NOT PERMITTED. No individual disability insurance forms may be filed by the certification process. All must be filed for approval.

NEW SECTION

WAC 284-58-090 GROUP DISABILITY INSURANCE FORMS, CERTIFICATION NOT PERMITTED. The following types of group disability insurance forms may not be filed by certification process, but must be filed for approval:

- (1) Medicare supplement insurance forms.
- (2) Forms to be used with association groups as defined in RCW 48.24.045.

(3) Forms to be used with debtor groups as defined in RCW 48.24.040.

(4) Excess risk or loss insurance.

(5) Any other form not listed in WAC 284-58-100.

NEW SECTION

WAC 284-58-100 GROUP DISABILITY INSURANCE FORMS WHICH MAY BE FILED BY CERTIFICATION. Except as provided in WAC 284-58-070, the following types of group disability insurance forms and rates may be filed through the certification process:

(1) Forms to be used with employee groups as defined in RCW 48.21.010.

(2) Forms to be used with dependents' groups as defined in RCW 48.24.030.

(3) Forms to be used with health care groups as defined in RCW 48.21.030.

(4) Forms to be used with credit union groups as defined in RCW 48.24.035.

(5) Forms to be used with labor union groups as defined in RCW 48.24.050.

(6) Forms to be used with public employee associations as defined in RCW 48.24.060.

(7) Forms to be used with trustee groups as defined in RCW 48.24.070.

(8) Forms to be used with agent groups as defined in RCW 48.24.080.

(9) Forms to be used with financial institution groups as defined in RCW 48.24.095.

(10) Forms to be used with a one case filing.

(11) Manuals of classification, manuals of rules and rates, and any modifications thereof filed pursuant to RCW 48.19.010(2).

NEW SECTION

WAC 284-58-110 BLANKET DISABILITY INSURANCE FORMS, CERTIFICATION NOT PERMITTED. The following types of blanket disability insurance forms may not be filed by the certification process, but must be filed for approval:

(1) Forms submitted under RCW 48.21.040(1)(f).

(2) Any other form not listed in WAC 284-58-120.

NEW SECTION

WAC 284-58-120 BLANKET DISABILITY INSURANCE FORMS WHICH MAY BE FILED BY CERTIFICATION. Except as provided in WAC 284-58-070, the following types of blanket disability insurance forms and rates may be filed through the certification process:

(1) Forms to be used with common carrier groups, volunteer organizations, nonprofit welfare organizations, exceptional work hazards employees, and student and faculty groups, as defined in RCW 48.21.040(1) (a) through (e).

(2) Forms to be used with a one case filing.

(3) Manuals of classification, manuals of rules and rates, and any modifications thereof filed pursuant to RCW 48.19.010(2).

NEW SECTION

WAC 284-58-130 INDIVIDUAL LIFE INSURANCE AND ANNUITY FORMS, CERTIFICATION NOT PERMITTED. The following types of individual life insurance and individual annuity forms may not be filed by the certification process, but must be filed for approval:

(1) Variable insurance forms used with a separate account.

(2) Universal life forms.

(3) Indeterminate premium forms.

(4) Lower premiums for nonsmokers and other groups of better risks when such premiums are not guaranteed for the full premium paying period.

(5) Refiling of cash values pursuant to section 14(4)(j), chapter 9, Laws of 1982 1st ex. sess.

(6) Deposit term insurance forms.

(7) Deposit permanent insurance forms.

(8) Retired lives reserves.

(9) Reentry term.

(10) Graded premium forms.

(11) Modified benefit forms.

(12) Flexible premium or single premium annuity with excess interest or similar provisions.

(13) Savings annuity.

(14) Reversionary annuity.

(15) Any annuity policy or rider form with a policy loan provision.

(16) All charitable annuity forms.

(17) All funeral insurance forms.

(18) All coupon policy forms.

(19) All industrial insurance forms.

(20) Any other form not listed in WAC 284-58-140.

NEW SECTION

WAC 284-58-140 INDIVIDUAL LIFE INSURANCE AND ANNUITY FORMS WHICH MAY BE FILED BY CERTIFICATION. Except as provided in WAC 284-58-070, the following types of individual life insurance and individual annuity forms may be filed through the certification process:

(1) Level benefit, level premium, limited pay or single premium whole life contracts.

(2) Level benefit, level premium, limited pay single premium joint whole life contracts.

(3) Level premium endowment forms which endow for the face amount.

(4) Single premium endowment forms which endow for the face amount.

(5) Retirement income, income endowment, or life income to age 65 or other retirement age.

(6) Family plans consisting of level premium, level benefit term or permanent insurance.

(7) Level premium, level benefit term insurance whether renewable or convertible or not.

(8) Level premium decreasing term insurance with or without non-forfeiture values.

(9) Fixed premium or single premium deferred or immediate annuities.

NEW SECTION

WAC 284-58-150 GROUP LIFE INSURANCE AND ANNUITY CONTRACT FORMS, CERTIFICATION NOT PERMITTED. The following types of group life insurance and group annuity forms may not be filed by the certification process, but must be filed for approval:

(1) Variable insurance forms used with a separate account.

(2) Forms to be used with debtor insurance groups as defined in RCW 48.24.040.

(3) Forms to be used with association groups as defined in RCW 48.24.045.

(4) Excess risk or loss insurance.

(5) Any other form not listed in WAC 284-58-160.

NEW SECTION

WAC 284-58-160 GROUP LIFE INSURANCE AND ANNUITY FORMS WHICH MAY BE FILED BY CERTIFICATION. Except as provided in WAC 284-58-070, the following types of group life insurance and group annuity forms may be filed through the certification process:

(1) Forms to be used with employee groups as defined in RCW 48.24.020.

(2) Forms to be used with dependent groups as defined in RCW 48.24.030.

(3) Forms to be used with credit union groups as defined in RCW 48.24.035.

(4) Forms to be used with labor union groups as defined in RCW 48.24.050.

(5) Forms to be used with public employee association groups as defined in RCW 48.24.060.

(6) Forms to be used with trustee groups as defined in RCW 48.24.070.

(7) Forms to be used with agent groups as defined in RCW 48.24.080.

(8) Forms to be used with financial institution groups as defined in RCW 48.24.095.

(9) Forms to be used with qualified pension plans.

(10) Forms to be used with nonqualified pension plans.

(11) Forms to be used with a one case filing.

NEW SECTION

WAC 284-58-170 CREDIT INSURANCE FORMS, CERTIFICATION NOT PERMITTED. No credit insurance forms may be filed by the certification process. All must be filed for approval.

NEW SECTION

WAC 284-58-180 FRATERNAL BENEFIT SOCIETY FORMS. All fraternal benefit society forms may be filed by the certification process.

NEW SECTION

WAC 284-58-190 CERTIFICATION FORM TO BE USED FOR DISABILITY INSURANCE FORM FILINGS. If an insurer elects to file a disability form or rate through the certification process, as permitted by this chapter, it shall complete the certification form set forth in WAC 284-58-200, which must be reproduced on paper no larger than 8-1/2 inches by 11 inches without modification, attach the certification form to the filing report document and submit the same, together with the other contents required by WAC 284-58-030, to the commissioner.

NEW SECTION

WAC 284-58-200 FORM TO BE USED FOR CERTIFICATION OF DISABILITY INSURANCE FORM OR RATE FILINGS.

STATE OF WASHINGTON
CERTIFICATION

DISABILITY INSURANCE FORM(S) AND RATE FILING

Company Name:

Form number and generic description of form to which this certification applies:

I hereby certify that to the best of my knowledge and judgment this form and rate filing is in compliance with the applicable laws and regulations of the state of Washington, that the benefits are reasonable in relation to the premiums, that formulas for loading and contingency margins are applied consistently and equitably to all the forms, benefits, issue ages, years of issue and other classifications employed including successive generic forms and generations of policyholders, that the calculations were based on my best estimate of the future experience including the need for contingency reserves and that the future experience has been projected only within a time period over which the premiums may reasonably be expected to remain adequate. The manual rates and classifications are attached, as are loss ratio calculations for groups to which the manual rates will apply. I certify that to the best of my knowledge the form does not contain or incorporate by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract and that all of the conditions pertaining to the insurance are explicitly stated in the contract.

(Signature)

Check one () Chief Executive Officer
() Actuary and Member of American Academy of Actuaries

Please type or print name of person, and title, whose signature appears above.

Date:
Telephone No.

NEW SECTION

WAC 284-58-210 CERTIFICATION FORM TO BE USED FOR LIFE INSURANCE AND ANNUITY FORM FILINGS. If an insurer elects to file a life insurance or annuity form through the certification process, as permitted by this regulation, it shall complete a certification form the contents of which are set forth in WAC 284-58-220, which must be reproduced on paper no larger than 8-1/2 inches by 11 inches without modification, attach the certification form to the filing report document and submit the same, together with the other contents required by WAC 284-58-030, to the commissioner.

NEW SECTION

WAC 284-58-220 FORM TO BE USED FOR CERTIFICATION OF LIFE INSURANCE OR ANNUITY FORM FILINGS.

STATE OF WASHINGTON
CERTIFICATION

LIFE INSURANCE AND ANNUITY FORM FILINGS

Company Name:

Form number and generic description of form to which this certification applies:

I have prepared or supervised the preparation of the actuarial formula for this policy. The actuarial demonstrations are attached. I certify that the nonforfeiture benefits for this form, for every age and face amount combination are in compliance with the applicable laws and regulations of the state of Washington. I certify that to the best of my knowledge the form does not contain or incorporate any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract and that all of the conditions pertaining to the insurance are explicitly stated in the contract.

(Signature)

Check one () Chief Executive Officer
() Actuary and Member of American Academy of Actuaries

Please type or print name of person, and title, whose signature appears above.

Date:
Telephone No.

NEW SECTION

WAC 284-58-250 GENERAL CONTENTS OF A FORM FILING FOR PROPERTY AND CASUALTY INSURANCE AND KINDS OF INSURANCE OTHER THAN LIFE AND DISABILITY. Each form filing for property and casualty insurance or kinds of insurance other than life and disability, whether for approval or by certification, shall contain the following:

- (1) A completed Filing Transmittal Information form as prescribed in WAC 284-14-020. (If the form being filed is a revision or replacement of an existing form, include or attach a summary of the change being made.)
- (2) If applicable, a completed certification form as prescribed in WAC 284-58-270.
- (3) The printed form or forms, in duplicate.
- (4) The appropriate filing fee as prescribed by WAC 284-14-010.

NEW SECTION

WAC 284-58-260 DESIGNATION OF FORMS FOR INSURANCES OTHER THAN LIFE AND DISABILITY WHICH MAY NOT BE FILED BY CERTIFICATION. (1) Except as provided in subsection (2) of this section, every standard basic property or casualty insurance policy form and endorsement pertaining to the following types of insurance must be filed for approval and may not be filed through the certification process.

- (a) Fire and allied lines;
- (b) Farmowners multiple peril;
- (c) Homeowners multiple peril;
- (d) Commercial multiple peril;
- (e) Inland marine;
- (f) Professional liability;
- (g) Earthquake;
- (h) Private passenger automobile;
- (i) Commercial automobile;
- (j) General liability;
- (k) Glass;
- (l) Crime coverage;
- (m) Boiler and machinery; and
- (n) Credit.

(2) Whenever a basic policy form or endorsement identified in subsection (1) of this section has been filed by a rating organization with, and approved by, the commissioner, an identical form may be filed by an individual insurance company by the certification process.

NEW SECTION

WAC 284-58-270 CERTIFICATION FORM TO BE USED FOR PROPERTY AND CASUALTY INSURANCE. If an insurer elects to file a property or casualty insurance form, or a form for a kind of insurance other than life and disability, it shall complete a certification form, the contents of which shall be as set forth in WAC 284-58-290, and submit such certification form, together with the other contents required by WAC 284-58-250, to the commissioner.

NEW SECTION

WAC 284-58-280 FORM TO BE USED FOR CERTIFICATION OF PROPERTY OR CASUALTY INSURANCE FORM FILINGS.

CERTIFICATE OF FORM (for other than life or disability insurance)

To the Washington State Insurance Commissioner

Pursuant to RCW 48.18.100 and WAC 284-58-280, I certify that each insurance policy form annexed hereto and filed herewith is in compliance with Title 48 RCW and Title 284 WAC.

(Type or print company's name)

(Signature)

- Check one
- Chief Executive Officer
 - Actuary and Member of American Academy of Actuaries

Please type or print name of person, and title, whose signature appears above.

Date:
Telephone No.

WSR 82-19-099
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed September 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 10:00 a.m., Friday, October 29, 1982, in the Alumni Room, Sherwood Inn, 400 N.E. 45th, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 5, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.012.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 29, 1982.

Dated: September 22, 1982

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

STATEMENT OF PURPOSE

Title: WAC 220-20-020, 220-22-400 and chapter 220-48 WAC.

Description of Purpose: Require sale of certain license category-caught bottomfish; establish new management areas and change boundaries of existing management

areas; set gear and season restrictions for bottomfishing in Puget Sound; establish logbook requirements for certain license categories.

Summary of Rule: WAC 220-20-022, requires sale of bottomfish caught with hand line jig or troll line; WAC 220-22-400, establishes new Marine Fish-Shellfish Management and Catch Reporting Areas and redefines boundaries of existing areas; WAC 220-48-005, adds new areas to lingcod closures. Repeal discard law; WAC 220-48-015, adds new areas and changes seasons for beam and bottom trawl; WAC 220-48-026, changes season and restricts fishery for Pacific Cod with set nets; WAC 220-48-029, adds new areas, changes season and restricts fishery for dogfish shark with set nets; WAC 220-48-032, restricts bottomfish set line fishery in three new areas; WAC 220-48-042, adds new areas, sets new seasons and restricts hand line jig fishery for bottomfish; WAC 220-48-046, requires logbooks to be maintained for hand line jig fishery; WAC 220-48-052, adds new areas, changes seasons and restricts troll line fishery for bottomfish; WAC 220-48-056, requires logbooks to be maintained for troll line fishery; WAC 220-48-062, changes seasons for drag seine fishery for bottomfish; and WAC 220-48-071, restricts bottom fish pots to permit basis only.

Reasons Supporting Proposed Action: WAC 220-20-022, stock assessment requires knowledge of resource utilization. Substantial numbers of fish go unrecorded when used for personal consumption; WAC 220-22-400, establishment of new management areas allows a directed fishery where justified, and prevents over-harvest in adjacent areas where unjustified; WAC 220-48-005, no change from existing closures, only adds new area designations. Scrap fish discard rule has proven to be unnecessary; WAC 220-48-015, overfishing has reduced flatfish abundance, and a restricted fishery is necessary to preserve stocks in Hood Canal, Discovery Bay, Holmes Harbor and Penn Cove. Competition between fisheries for rockfish and cod requires expanded closures in Agate Pass and Point Defiance, and complete closures in Drayton and Dana Passages. Synchronization of the South Sound closure and the Central Sound opening clarifies the regulations and provides easier administration and enforcement; WAC 220-48-026, restriction of the cod fishery to areas it currently occurs in will have little effect, and the season change synchronizes the area openings; WAC 220-48-029, incidental catch of rockfish and lingcod needs restriction, and no fishery has ever been established in Bellingham Bay; WAC 220-48-032, Agate Pass, Hale Pass and areas north and west of Tacoma have become utilized heavily by recreational fishermen, and competition with set line fishing is not justified, given the available areas for commercial fishing; WAC 220-48-042 and 220-48-052, hand jig and bottomfish troll gear is directed at lingcod and rockfish, and competition with recreational fishing in southern Puget Sound has reduced stocks of rockfish to commercially unacceptable levels. Northern Puget Sound delineation of near-shore recreational fishing and offshore commercial fishing will reduce gear conflicts; WAC 220-48-046 and 220-48-056, logbook use in the hand line jig and bottomfish troll fisheries will give samplers

better indication of angler effort and harvest, thus providing statistics for future conservation closures, if required; WAC 220-48-062, reducing the drag seine season by one month will protect stocks of perch, which have been declining; and WAC 220-48-071, currently a little-used gear in inside waters, bottomfish pots are in direct competition with recreational angling. By utilizing a permit system, directed fisheries can be established for areas that do not represent an over-utilization of the resource.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Gene S. DiDonato, 115 General Administration Building, Olympia, Washington, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: Hand line jig and bottomfish troll logbooks will be provided free of charge from the Department of Fisheries.

NEW SECTION

WAC 220-20-022 SALE OF HAND LINE JIG AND BOTTOMFISH TROLL COMMERCIALY CAUGHT BOTTOMFISH. It is unlawful for any person licensed to take bottomfish for commercial purposes with hand line jig gear or bottomfish troll gear as required under chapter 75.28 RCW to:

- (1) Keep any bottomfish taken under such license for personal use;
- (2) Sell any bottomfish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers.

AMENDATORY SECTION (Amending Order 78-16, filed 4/13/78)

WAC 220-22-400 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, PUGET SOUND.

(1) Area 20A shall include those waters of Puget Sound (~~westerly~~) north of a line projected from ~~((the Mobil Oil dock near Neptune Beach to the southern lighted buoy at Alden Bank, and northerly of a line projected from the southern lighted buoy at Alden Bank to the light at Rosenfeld Rocks))~~ Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island and from the westernmost point of Patos Island due east to the international boundary; and west of a line from Point Francis to the marker north of Inati Bay, Lummi Island.

(2) Area 20B shall include those waters of Puget Sound southerly of Area 20A (~~and a line from the southern lighted buoy at Alden Bank to Point Migley on Lummi Island~~), westerly of a line from Lummi Island through Lummi Rocks to the northernmost tip of Sinclair Island, and northerly of a line from the northernmost tip of Sinclair Island to Lawrence Point on Orcas Island and a line which runs from Steep Point on Orcas Island to Limestone Point on San Juan Island and then to Green Point on the eastern tip of Speiden Island and from the western tip of Speiden Island true west to the International Boundary.

(3) Area 21A shall include those waters of Puget Sound southerly and easterly of Areas 20A and 20B, and westerly of a line from William Point to Governor's Point, and northerly of a line from William Point to the southernmost tip of Vendovi Island to the Sinclair Island light.

(4) Area 21B shall include those waters of Puget Sound easterly of and adjacent to Area 21A.

(5) Area 22A shall include those waters of Puget Sound south of Area 20B, westerly of 122° 40' W between Sinclair Island and Fidalgo Island and ~~((the Initiative 77 Line at Deception Pass, and))~~ northerly of a line ~~((projected from Point Partridge on Whidbey Island to Race Rocks light))~~ due east from the international boundary to a point 1 nautical mile from Pile Point, San Juan Island, thence southeasterly along a line 1 nautical mile from the southern shores of San Juan Island and Lopez Island to Point Colville, then easterly from Point Colville to Langley Point.

(6) Area 22B shall include those waters of Puget Sound south of Area 21A, east of 22A, and north of the railroad bridges at Swinomish Channel.

(7) Area 23A shall include those waters of Puget Sound (~~westerly of a line projected from Dungeness Spit to Iceberg Point on Lopez Island~~) southerly of Area 22A (~~and easterly of a line projected from Cape Flattery to Bonilla Point on Vancouver Island~~); westerly and northerly of a line described as follows: A line segment from Point Colville, Lopez Island to a point 2 nautical miles from the Smith Island light thence continuing westerly and southerly 2 nautical miles from the Smith Island light until the line intersects with a line between Smith Island light and the northern tip of Dungeness Spit, continuing along that line to a point 2 nautical miles from Dungeness Spit, and continuing westerly 2 nautical miles from shore to a point 2 nautical miles north of the eastern tip of Ediz Hook; and easterly of a line from a point 2 nautical miles north of Ediz Hook continuing north to the international boundary.

(8) Area 23B shall include those waters of Puget Sound southerly of Area 22A; easterly of 23A; northerly of a line due west from Partridge Point, Whidbey Island to its intersection with Area 23A; and westerly of the Initiative 77 line at Deception Pass.

(9) Area 23C shall include those waters of Puget Sound westerly of Area 23A and a line due north from the eastern tip of Dungeness Spit to its intersection with Area 23A; and easterly of a line projected due north from the mouth of the Sekiu river.

~~((10))~~ (10) Area 24A shall include those waters of ~~((Puget Sound south of Area 22B, easterly of Area 22A and Whidbey Island, and northerly of a line projected from Sandy Point on Whidbey Island to Camano Head on Camano Island))~~ Saratoga Passage west of a line between Polnell Point, Whidbey Island and Rocky Point, Camano Island; east of a line from Forbes Point to Snetelum Point; north of a line projected due west of Hackney Island; and northwest of a line from Sandy Point, Whidbey Island to Camano Head, Camano Island.

~~((11))~~ (11) Area 24B shall include those waters of Port Susan north of a line from Camano Head on Camano Island through the buoy at Tulalip Bay to the mainland.

(12) Area 24C shall include Holmes Harbor south of a line projected due west from Hackney Island to Whidbey Island.

(13) Area 24D shall include those waters of Penn Cove and Oak Harbor west of a line from Forbes Point to Snetelum Point.

(14) Area 24E shall include those waters of Saratoga Passage and Skagit Bay east of a line between Polnell Point and Rocky Point, Camano Island; south of Area 22B; and east of Area 23B.

~~((15))~~ (15) Area 25A shall include those waters of Puget Sound ~~((east of Area 23;))~~ south of Areas ~~((22A;))~~ 23A and 23B; east of Area 23C; north of a line projected from Diamond Point to Cape George, and westerly of a line projected from Point Partridge on Whidbey Island to Point Wilson.

~~((16))~~ (16) Area 25B shall include those waters of ~~((Puget Sound easterly and southerly))~~ Admiralty Inlet east of Area 25A (~~and north of the Hood Canal Floating Bridge, and a line projected from~~); northeast of a line projected from Point Hudson to Marrowstone Point; and north of a line projected from Olele Point to Foulweather Bluff continuing to Double Bluff on Whidbey Island.

(17) Area 25C shall include those waters of Hood Canal south of Area 25B and north of the Hood Canal Floating Bridge.

(18) Area 25D shall include those waters of Port Townsend Bay southwest of Area 25B.

(19) Area 25E shall include those waters of Discovery Bay south of Area 25A.

~~((17))~~ (20) Area 26A shall include those waters of Puget Sound south of Areas 24A, 24B, and 25B and northerly of a line from Apple Cove Point to Point Edwards.

~~((18))~~ (21) Area 26B shall include those waters of Puget Sound south of Area 26A, and east of ~~((the Agate Pass Bridge))~~ a line from Point Monroe, Bainbridge Island to the mouth of Miller Bay, and a line from Beans Point on Bainbridge Island to Orchard Point, and

northerly of a line from the ferry dock at Point Southworth to Brace Point.

~~((14))~~ (22) Area 26C shall include those waters of Puget Sound westerly and adjacent to Area 26B.

~~((15))~~ (23) Area 26D shall include those waters of Puget Sound southerly of Area 26B and northerly of the Tacoma Narrows Bridge.

~~((16))~~ (24) Area 27A shall include those waters of Hood Canal southerly of the Hood Canal Floating Bridge and northerly of a line from Misery Point to Quatsap Point.

~~((17))~~ (25) Area 27B shall include those waters of Hood Canal south of Area 27A and north of a line from Lilliwaup Creek to Dewatto.

~~((18))~~ (26) Area 27C shall include those waters of Hood Canal south of Area 27B.

~~((19))~~ (27) Area 28A shall include those waters of Puget Sound southerly and westerly of the Tacoma Narrows Bridge, south of a line projected from Penrose Point to Green Point in Carr Inlet, south of a line projected from Point Wilson to Whiteman Cove in Case Inlet, and east of a line projected from Brisco Point to Dofflemyer Point.

~~((20))~~ (28) Area 28B shall include all waters of Carr Inlet north of a line projected from Penrose Point to Green Point.

~~((21))~~ (29) Area 28C shall include those waters of Case Inlet and Pickering Passage north of a line projected from Wilson Point to Whiteman Cove, and north of the highway bridge from the west side of Hartstene Island.

~~((22))~~ (30) Area 28D shall include those waters west of Area 28A and south of Area 28C.

(31) Area 29 shall include those waters of the Strait of Juan de Fuca west of Area 23C and east of a line projected from Cape Flattery to Bonilla Point, Vancouver Island.

~~((23))~~ (32) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-005 PUGET SOUND BOTTOMFISH—GENERAL PROVISIONS. (1) It is unlawful to retain for commercial purposes any species of dab or sole less than 12 inches in length taken by any commercial bottomfish gear in Marine Fish-Shellfish Management and Catch Reporting Area 20A from March 1 through April 15.

(2) It is unlawful to take, fish for, or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

(3) It is unlawful to take or possess lingcod taken for commercial purposes with any gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 24E, 25B, 25C, 25D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to take or possess lingcod taken for commercial purposes with any gear from December 1 through April 14 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 23C, ~~((and))~~ 25A, 25E and 29.

(5) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

~~((6)) It is unlawful to return any dogfish or ratfish taken by commercial bottomfish gear to the waters of that portion of Puget Sound Marine Fish-Shellfish Area 25A (Discovery Bay) southerly of a line projected from Diamond Point to Cape George.))~~

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-015 BEAM TRAWL AND BOTTOM TRAWL—SEASONS. (1) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 22A, 22B, 23A, 23B, 23C, 25A, ~~((and))~~ 25B, 25D, and 29 the entire year with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area(s) 20A ~~((and 21A))~~ east of a line projected from Point Whitehorn to Sandy Point shall be closed the entire year.

(b) ~~((Washington Harbor (Sequim Bay) and that portion of Discovery Bay lying southerly of a line projected from Mill Point true east to the opposite shore shall be closed the entire year))~~ Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A

lying southerly and westerly of a line projected from Kipot Point to Gibson Spit (Sequim Bay) are closed the entire year.

~~((c)) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear in that portion of Marine Fish-Shellfish Catch Reporting Area 25A lying southerly of a line projected from Diamond Point to Cape George during the period February 15 through November 30 each year.))~~

(2) It is lawful to take, fish for and possess bottomfish with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas ~~((22B;))~~ 24A, 24B, 24E, 26A, and 26B ~~((and 26D))~~ from April 15 through February ~~((15))~~ 14 with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24~~((A))~~E ~~((east of a line from Polnell Point on Whidbey Island to Rocky Point on Camano Island, and))~~ west of a line from Strawberry Point on Whidbey Island to Brown Point on Camano Island, are closed except from June 15 through February ~~((15))~~ 14.

(b) ~~((Holmes Harbor south of a line projected true west from Hackney Island to Whidbey Island is closed, except from January 3 through February 15.~~

~~((c))~~ Elliot Bay inside a line projected from Four Mile Rock to Alki Point is closed the entire year.

~~((d)) Those waters of Area 26D inside lines projected from Dash Point to Point Piner on Maury Island, and from Point Dalco on Vashon Island to Point Defiance, and those waters south of a line true west from Point Defiance to the Kitsap Peninsula are closed the entire year.~~

~~((e))~~ (c) Those waters provided for in WAC 220-20-020(4).

~~((f))~~ (d) It is lawful to take, fish for and possess Pacific hake taken with bottom trawl and beam trawl gear the entire year.

(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 24C, 24D, 25C, 25E, 27A, 27B, and 27C except on ~~((Mondays))~~ Wednesdays and Thursdays from December 1 through February ~~((28))~~ 14 with the following exception: Those waters of Area 25E lying southerly of a line projected from Mill Point due east to the opposite shore are closed the entire year.

(4) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D from December 1 through ~~((March 31))~~ April 14, with the exception of the following closed waters:

(a) Those waters of Hale Passage and the Narrows east and north of lines projected from Fox Point on Fox Island true east to the mainland, and from the northwest point on Fox Island true north to the mainland.

(b) Budd Inlet south of the northern boundary of the restricted berthage area shown on United States Coast Guard Chart No. 6460.

(c) Eld Inlet south and west of a line projected true south from Flapjack Point.

(d) Totten Inlet south and west of lines projected true north and true east from the outermost point on the west side of Gallagher Cove.

(e) Henderson Inlet south of a line projected true east from Dickerson Point; the waters inside Hartstene Island between lines projected from Unsal Point to Brisco Point and Salmon Point true east to Hartstene Island; and all of Hammersley Inlet.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26D south of lines projected from Dash Point to Point Piner on Maury Island, and from Point Dalco on Vashon Island true west to the Kitsap Peninsula, are closed the entire year.

(g) Those waters provided for in WAC 220-20-010(6).

(5) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 21B and 26C the entire year.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-026 SET NET—PACIFIC COD—SEASONS. It is ~~((lawful))~~ unlawful to take, fish for and possess Pacific cod and other species of bottomfish, except halibut, salmon and shellfish, taken with Pacific cod set net gear for commercial purposes except in that portion of Marine Fish-Shellfish Management and Catch Reporting Area ~~((25B))~~ 25C east of a line from Twin Spits to the Port Gamble Mill Stack, and all of Catch Reporting Area 25D from ~~((January 15))~~ February 1 through April 15 ~~((except in those waters west of a line projected from Point Hudson to Marrowstone Point and north of the~~

Indian Island Bridge, the open season is February 1 through March 31).

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-029 SET NET—DOGFISH—SEASONS. It is lawful to take, fish for and possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons (~~provided hereinafter in each respective area~~) designated below:

(1) Areas 20A and 20B (~~and that portion of 21A west of a line from Sandy Point to Point Migley~~) – November 1 through June 15.

(2) Areas 21A (~~east of a line from Sandy Point to Point Migley—March 1 through June 15.~~

~~(3) Areas~~), 21B, 22A, 22B, 23A, and 23B – Closed all year.

~~((4))~~ (3) Area 23C – Open all year.

~~((5))~~ (4) Area 24A – Open all year, except those waters south of a line projected due east of East Point on Whidbey Island are closed (~~November 1 through April 30~~) all year.

~~((6))~~ (5) Area 24B, 24C, 24D, and 24E – Open all year.

~~((7))~~ (6) Area 25A and 25B – Open all year (~~except those waters south of a line between Cape George and Diamond Point are closed all year except by permit issued by the director~~).

~~((8) Area 25B—Open all year, except those waters west of a line from Point Hudson to Marrowstone Point and north of the Indian Island Bridge shall be closed from April 1 through January 31.~~

~~((9))~~ (7) Area 25C and 25D – Closed all year.

(8) Area 25E – Closed all year except by permit issued by the director.

(9) Area 26A – Open all year, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(10) Area 26B – Open all year (~~except those waters west of a line from Point Monroe to the entrance of Miller Bay are closed January 15 through April 30~~) except those waters provided for in WAC 220-20-020(4).

(11) Area 26C – Open all year, except those waters north of a line projected true east of Point Bolin are closed (~~January 15 through April 30~~) all year.

(12) Area 26D – Open all year, except those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco (~~on Vashon Island to Point Defiance and~~) true west (~~from Point Defiance~~) to the Kitsap Peninsula are closed all year.

(13) Areas 27A, 27B, and 27C – Open all year except those waters provided for in WAC 220-20-010(6).

(14) Area 28A – Open all year, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(15) Areas 28B, 28C, and 28D – Open all year.

(16) Area 29 – Open all year.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-032 SET LINE—SEASONS. It is lawful to take, fish for, and possess dogfish and other bottomfish with set lines in all Marine Fish-Shellfish Management and Catch Reporting Areas the entire year except as follows:

(1) That portion of Area 26C north of a line projected due east from Point Bolin on Bainbridge Island is closed all year.

(2) That portion of Area 26D south of lines projected due west of point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(3) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(4) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-042 HAND LINE JIG—SEASONS. It shall be (~~lawful~~) unlawful to take, fish for, and possess bottomfish for commercial purposes with hand line jig gear except in the following Marine Fish-Shellfish Management and Catch Reporting Areas (~~23 the~~

entire year. All other Marine Fish-Shellfish Areas are open from April 1 through November 30) during the seasons designated below:

(1) Area 23A – Open April 15 through November 30.

(2) Areas 23B, 23C, 25A, 25B, 25D, and 25E – Open December 1 through April 14.

(3) Area 29 – Open all year.

NEW SECTION

WAC 220-48-046 HAND LINE JIG—LOGBOOKS. It shall be unlawful for any operator of hard line jig gear to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has commercial caught bottomfish aboard. The vessel operator must submit the log for inspection upon request by authorized department of fisheries representatives. Vessel operators shall record the vessel identity, and, for each date and ground fished, the number of lures, hours fished, and number and estimated weight of each species caught (including discards).

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-052 TROLL LINES—BOTTOMFISH—SEASONS. (1) It is (~~lawful~~) unlawful to take, fish for, and possess bottomfish, unless otherwise provided, with troll lines for commercial purposes except in (~~Area 23 the entire year. All other~~) the following Marine Fish-Shellfish Management and Catch Reporting Areas (~~are open from April 1 through November 30~~) during the seasons designated below:

(a) Area 23A – Open April 15 through November 30.

(b) Areas 23B, 23C, 25A, 25B, 25D, and 25E – Open December 1 through April 14.

(c) Area 29 – Open all year.

(2) It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, provided; in any waters of Puget Sound it is lawful to retain for commercial purposes bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery, except lingcod during closures provided in WAC 220-48-005.

NEW SECTION

WAC 220-48-056 TROLL LINES—BOTTOMFISH—LOGBOOKS. It shall be unlawful for any operator of bottomfish troll gear to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvesting log must be kept aboard the vessel while the vessel is engaged in harvest or has commercial caught bottomfish aboard. The vessel operator must submit the log for inspection upon request by authorized department of fisheries representatives. Vessel operators shall record the vessel identity, and, for each date and ground fished, the number of lures, hours fished, and number and estimated weight of each species caught (including discards).

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-062 DRAG SEINES—SEASONS. It is (~~lawful~~) unlawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes except in the following Marine Fish-Shellfish Management and Catch Reporting Areas during the seasons designated below:

(1) Areas 28A, 28B, 28C, and 28D – January 1 through (~~May~~) April 14.

(2) All other areas – September 1 through (~~May~~) April 14.

AMENDATORY SECTION (Amending Order 82-72, filed 7/1/82)

WAC 220-48-071 BOTTOMFISH POTS—GEAR AND SEASONS. It shall be (~~lawful~~) unlawful to take, fish for, and possess bottomfish (~~unless otherwise provided~~) for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, in all Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas the entire year, except by permit from the director.

WSR 82-19-100
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 22, 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 National Pollutant Discharge Elimination System Permit Program, amending chapter 173-220 WAC;

that the agency will at 2:00 p.m., Tuesday, November 9, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1982.

The authority under which these rules are proposed is RCW 90.48.035 and 90.48.260.

The specific statute these rules are intended to implement is RCW 90.48.010 and 90.48.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 16, 1982.

Dated: September 22, 1982

By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-220 WAC, National Pollutant Discharge Elimination System.

Description of Purpose: A state permit program designed to implement the permit requirements of the Federal Clean Water Act applicable to the discharge of pollutants and other wastes and materials to navigable waters of the state.

Statutory Authority: RCW 90.48.035 and 90.48.260.

Summary of Rule: New and revised definitions added; redundant and out-dated provisions deleted. Key word changes made to correct previous ambiguities. General permit provisions added.

Reasons Supporting Proposed Action: The proposed changes would make the state regulation consistent with recent changes in federal regulations.

Agency personnel Responsible for Drafting: Carol Fleskes, 459-6074; and Implementation and Enforcement: Stan Springer, 459-6042, Department of Ecology, Mailstop PV-11, Olympia, WA 98504.

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.

Small Business Economic Impact Statement: In compliance with the Regulatory Fairness Act, chapter 6, Laws of 1982, the following information is provided. Numerous amendments are proposed. However, most are housekeeping in nature, making changes required or

allowed by federal legislation, and carry no economic impact to business.

The major provisions are: Added provision of "general permits", new section WAC 173-220-045 provides for general permits. This section may impact small businesses. However, since most discharges to be covered under general permits only need to notify the department of their intent to be covered, the economic impact is presumed to be negligible. For those establishments requiring individual permits under existing rule, the provision for general permits will reduce paperwork, thus have a positive economic impact, i.e., will reduce costs.

Added provisions for "combined waste treatment facilities", amended section WAC 173-220-130 provides new effluent limitations for "combined waste treatment facilities". Privately owned businesses, small and large, may be indirectly affected by these changes. However, the only direct effect will be on publicly owned waste treatment systems. These changes may result in less cost to the systems through less stringent standards. If savings are passed on, costs to industry will also be reduced.

Chapter 173-220 WAC
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

WAC	
173-220-020	Permit required.
173-220-030	Definitions.
173-220-040	Application for permit.
173-220-045	General permits.
173-220-050	Public notice.
173-220-060	Fact sheets.
173-220-070	Notice to other government agencies.
173-220-080	Public access to information.
173-220-100	Public notice of public hearings.
173-220-110	Permit preparation.
173-220-120	Prohibited discharges.
173-220-130	Effluent limitations, water quality standards and other requirements for permits.
173-220-135	Signing of permits.
173-220-140	Schedules of compliance.
173-220-150	Other terms and conditions.
173-220-160	Transmission to regional administrator of issued permit.
173-220-170	Relationship with non-NPDES permits.
173-220-180	Duration and replacement of existing permit.
173-220-190	Modification, suspension, and revocation of permits.
173-220-200	Transfer of permit.
173-220-210	Monitoring, recording and reporting.
173-220-220	Control of disposal of pollutants into wells.
173-220-225	Appeals.
173-220-240	Relationship of department of ecology to permits issued by the ((thermal power plant)) <u>energy facility</u> site evaluation council.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-020 PERMIT REQUIRED. No pollutants or other wastes or substances shall be discharged directly to any navigable water of the state from a point source, except as authorized by ((a)) an individual or general permit issued pursuant to this chapter.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-030 DEFINITIONS. For purposes of this chapter, the following definitions shall be applicable:

- (1) "Department" means department of ecology.
- (2) "Director" means the director of the department of ecology or his authorized representative.

~~((3))~~ ~~(((4))~~ ~~"Council"~~ means the Thermal Power Plant Site Evaluation Council.

~~((4))~~ ~~(((5))~~ ~~"Administrator"~~ means the administrator of the ~~((U.S.))~~ United States Environmental Protection Agency.

~~((5))~~ ~~(((6))~~ ~~"Regional administrator"~~ means the regional administrator of Region X of the Environmental Protection Agency (EPA).

~~((6))~~ ~~(((7))~~ ~~"Point source"~~ means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

~~((7))~~ ~~(((8))~~ ~~"Pollutant"~~ means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not ~~((mean))~~ include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

~~((8))~~ ~~(((9))~~ ~~"Toxic pollutant"~~ means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproductions) or physical deformations, in such organisms or their offspring.

~~((9))~~ ~~(((10))~~ ~~"Other industrial or other wastes and substances"~~ means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

~~((10))~~ ~~(((11))~~ ~~"Navigable waters of the state"~~ means all navigable waters as defined in section 502 of the FWPCA within the boundaries of the state such as lakes, rivers, ponds, streams, inland waters, ocean, bays, estuaries, sounds and inlets.

~~((11))~~ ~~(((12))~~ ~~"Person"~~ means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

~~((12))~~ ~~(((13))~~ ~~"Discharge of pollutant"~~ and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to navigable waters of the state from any point source, (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft which is being used as a means of transportation.

~~((13))~~ ~~(((14))~~ ~~"Minor discharge"~~ means any discharge which (a) has a total volume of less than 50,000 gallons on every day of the year, (b) does not affect the waters of any other state, and (c) is not identified by the department, the regional administrator or by the administrator in regulations issued pursuant to section 307(a) of the FWPCA as a discharge which is not a minor discharge. If there is more than one discharge from a facility and the sum of the volumes of all discharges from the facility exceeds 50,000 gallons on any day of the year, then no discharge from the facility is a "minor discharge" as defined herein.)

~~((14))~~ ~~(((15))~~ ~~"Major discharger"~~ means any discharger appearing on the list of major dischargers appearing in the annual State-EPA Agreement.

~~((15))~~ ~~(((16))~~ ~~"Combined waste treatment facility"~~ means any publicly owned waste treatment facility in which the maximum monthly average influent from any one industrial category, or categories producing similar wastes, constitutes over eighty-five percent of the design load for biochemical oxygen demand or suspended solids. Each single industrial category must contribute a minimum of ten percent of the applicable load.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-040 APPLICATION FOR PERMIT. (1) Any person presently discharging pollutants to navigable waters of the state must file an application with the department on a form prescribed by the department. For the purpose of satisfying the requirements of this subsection, any completed application filed with the Environmental Protection Agency prior to the approval by the administrator under

section 402(b) of the FWPCA of this state permit program shall constitute a filing with the department.

(2) Any person proposing to commence a discharge of pollutants to navigable waters of this state must file an application with the department on a form prescribed by the department, (a) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (b) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the FWPCA and any other applicable water quality standards or effluent standards and limitations.

(3) The requirement for permit application will be satisfied if the discharger files:

- (a) A complete refuse act application; or
- (b) A complete application form which is appropriate for the type, category, or size of discharge; ~~((and))~~ or
- (c) A complete notification of coverage by a general permit; and
- (d) Any additional information required by the department pertain-ing to pollutant discharge.

~~((4))~~ ~~(((5))~~ ~~"An applicant shall file a complete permit application no later than 60 days following receipt by the applicant of notice from the department that the applicant's previously filed refuse act application is so deficient as not to have satisfied the filing requirements."~~

~~((5))~~ ~~(((6))~~ The application form shall bear a certification of correctness to be signed:

(a) In the case of corporations, by a principal executive officer at least of the level of vice president ~~((or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates)).~~

(b) In the case of a partnership, by a general partner.

(c) In the case of sole proprietorship, by the proprietor.

(d) In the case of a municipal, state, or other public facility, by either a principal executive officer ~~((;))~~ or ranking elected official ~~((or other duly authorized employee)).~~

~~((6))~~ ~~(((7))~~ No discharge of wastes into the navigable waters of the state is authorized until such time as an application has been approved and a permit issued consistent with the terms and conditions of this chapter.

NEW SECTION

WAC 173-220-045 GENERAL PERMITS. (1) The director may issue general permits to cover categories of dischargers as described under subsection (2) of this section, except those dischargers covered by individual permits. The area shall correspond to existing geographic or political boundaries, such as:

(a) Designated planning areas under section 208 of the FWPCA;

(b) Sewer districts or other special purpose districts;

(c) City, county or state political boundaries;

(d) State or county highway systems;

(e) Standard metropolitan statistical areas as defined by the Federal Office of Management and Budget;

(f) Urbanized areas as designated by the Bureau of the Census; or

(g) Any other appropriate division or combination of boundaries.

(2) General permits may be written to cover the following within a described area:

(a) Separate storm sewers;

(b) Categories of point sources involving the same or substantially similar types of operations;

(c) Point sources discharging the same types of wastes; or

(d) Point sources that require the same effluent limitations, operating conditions, or similar monitoring; and

(e) Point sources which in the opinion of the director are more appropriately controlled under a general permit than under individual permits.

(3) General permits may be issued, modified, revoked and reissued, or terminated in accordance with WAC 173-220-190.

(4) The director may require any discharger authorized by a general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to the following:

(a) The discharger is not in compliance with conditions of the general permit;

(b) A change occurs in the technology or practices for control or abatement of pollutants applicable to the point source;

(c) Effluent limitation guidelines are promulgated for point sources covered by the general permit;

(d) A water quality management plan containing requirements applicable to such point sources is approved;

(e) Effluent limitations more stringent than those contained in a general permit are necessary to meet water quality standards; or

(f) Other causes listed in 40 CFR Part 122.15 or 122.16.

(5) In cases where the director requires any owner or operator to apply for an individual permit, the owner or operator must be notified in writing that an individual permit application is required. This notice shall include a statement why an individual permit is being required, an application form and a time limit for submitting the application.

(6) Any discharger authorized by a general permit may request to be excluded from coverage of the general permit by applying for an individual permit. The owner or operator shall submit to the director an application as described in WAC 173-220-040, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

(7) When an individual permit is issued to discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

(8) Following issuance by the department of a general permit all dischargers who desire to be covered by the general permit shall notify the department on a form prescribed by the department. Unless the department responds in writing to the notification, coverage of a discharger by a general permit will automatically commence on the thirty-first day following the later of:

(a) The end of the thirty-day comment period required by WAC 173-220-050(2); or

(b) Receipt by the department of a completed notification of coverage.

(9) Any previously issued individual permit shall remain in effect until terminated in writing by the department, except that continuation of an expired individual permit (pursuant to WAC 173-220-180(5)), shall terminate upon coverage by the general permit.

(10) Where the department has determined that a discharger should not be covered by a general permit, it shall respond in writing within thirty days to a notification of coverage stating the reason(s) why coverage cannot become effective and any actions needed to be taken by the discharger in order for coverage by the general permit to become effective.

AMENDATORY SECTION (Amending Order DE 76-20, filed 5/19/76)

WAC 173-220-050 PUBLIC NOTICE. (1) Public notice of every ~~((complete application for))~~ draft permit determination shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge. Circulation of public notice shall include at least the following:

(a) Notice shall be circulated within the geographical areas of the proposed discharge; for individual permits, such circulation may include any of the following, as directed by the department((-):

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located; or

(ii) Posting near the entrance of the applicant's premises and nearby places; or

(iii) Publishing by the applicant, at his own cost within such time as the director shall prescribe, through a notice form provided by the department, in local newspapers or periodicals or, if appropriate, in a daily newspaper of general circulation;

(b) For general permits, such circulation shall include the following:

(i) Publishing by the department of a notice of intent to issue a general permit in a newspaper or newspapers of general circulation in each affected area;

(ii) Posting or publishing by the applicant of a notice of coverage by a general permit in accordance with (i), (ii), or (iii) in paragraph (a).

(c) Notice shall be mailed to any person or group upon request; and ~~((c))~~ (d) The department shall add the name of any person or group upon request to a mailing list to receive copies of notices for all applications within the state or within a certain geographical area.

(2) The department shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the application. All written comments submitted during the thirty-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the application. The period for comment may be extended at the discretion of the department.

(3) The contents of public notice of applications for permits shall include at least the following:

(a) Name, address, phone number of agency issuing the public notice;

(b) Except in the case of general permits, name and address of each applicant, and if different, of the facility or activity to be regulated;

(c) Brief description of each applicant's activities or operations which result in the discharge described in the application (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);

(d) Except in the case of general permits, name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;

(e) A statement of the tentative determination to issue or deny a permit for the discharge described in the application;

(f) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (2) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(g) Address and phone number of state premises at which interested persons may obtain further information.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-060 FACT SHEETS. (1) For every major ~~discharger ((which has a total volume of more than 500,000 gallons on any day of the year;))~~ the department shall prepare and, following public notice, shall send, upon request to any person, a fact sheet with respect to the application described in the public notice. The contents of such fact sheets shall include at least the following information:

(a) A brief description of the type of facility or activity which is the subject of the application;

(b) A sketch or detailed description of the location of the discharge described in the application;

~~((b))~~ (c) A quantitative description of the discharge described in the application which includes at least the following:

(i) The rate or frequency of the proposed discharge, if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(ii) For thermal discharges subject to the jurisdiction of the department, the average summer and winter temperatures in degrees Fahrenheit; and

(iii) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

~~((c))~~ (d) Tentative determination of conditions in a proposed permit;

(e) A brief summary of the basis for the tentative determination;

~~((d))~~ (f) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and

~~((e))~~ (g) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including:

(i) The 30-day comment period required by WAC 173-220-050(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate in the formulation of the final determinations.

(2) The department shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-070 NOTICE TO OTHER GOVERNMENT AGENCIES. The department shall notify other appropriate government agencies of each complete application for a permit and shall provide such agencies an opportunity to submit their written views and recommendations. Such notification shall include the following:

(1) Unless the regional administrator has agreed to waive review, transmission of an application, fact sheet, and draft permit to the regional administrator for comment or objection within thirty days (ninety days for general permits), or a longer period if requested up to a maximum of ninety days.

(2) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of a fact sheet to any other states whose waters may be affected by the issuance of a permit and, upon request, providing such states with a copy of the application and a copy of the (~~proposed~~) draft permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations.

~~((2))~~ (3) At the time of issuance of public notice pursuant to WAC 173-220-050, ~~((transmission of))~~ a fact sheet shall be sent to the appropriate district engineer of the Army Corps of Engineers of applications for discharges into navigable waters;

~~((3))~~ (4) A copy of any written agreement between the department and a district engineer dispensing with requirements of the immediately preceding subsection shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

~~((4))~~ (5) Copies of public notices for application for permits shall be mailed to any other federal, state, or local agency, or any affected country, upon request. Such agencies shall have an opportunity to respond, comment, or request a public hearing pursuant to WAC 173-220-090. Such agencies shall include at least the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-080 PUBLIC ACCESS TO INFORMATION.

(1) Any NPDES forms or any public comment upon those forms shall be available to the public for inspection and copying. The department, at its discretion, may also make available to the public, any other records, reports, plans, or information obtained by the state, pursuant to its participation in the permit process. Nothing herein shall modify the requirements of chapter ~~((Laws of 1973))~~ 42.17 RCW, where applicable.

(2) The department shall protect any information (other than effluent) contained in such form, or other records, reports, or plans as confidential upon a showing by any person that such information if made public would divulge methods of processes entitled to protection as trade secrets of such person. If, however, the information being considered for confidential treatment is contained in a form, the department shall forward such information to the regional administrator for his concurrence in any determination of confidentiality. Upon arriving at his determination as to confidentiality, the regional administrator shall communicate to the department ~~((his))~~ the decision. If such determination is not to concur with withholding of such information, the department and the regional administrator shall then make available to the public, upon request, that information determined not to constitute trade secrets.

(3) Any information accorded confidential status, whether or not contained in a form, shall be disclosed, upon request, to the regional administrator, or his authorized representative, who shall maintain the disclosed information as confidential.

(4) Facilities for the inspection of information relating to forms shall be provided by the department and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either (a) insure that a machine or device for the copying of papers and documents is available for a reasonable fee, or (b) otherwise provide for or coordinate with copying facilities or services such that requests for copies of nonconfidential documents may be honored promptly.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-100 PUBLIC NOTICE OF PUBLIC HEARINGS. (1) Public notice of any hearing held pursuant to WAC 173-220-090 above shall be circulated at least as widely as was the notice of the application. Procedures for the circulation of public notice for hearings held under WAC 173-220-090 shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice or the fact sheet for the application;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least thirty ~~((30))~~ days in advance of the hearing.

(2) The contents of public notice of any hearing held in pursuant to WAC 173-220-090 shall include at least the following:

(a) Name, address, and phone number of agency holding the public hearing;

~~((b))~~ ~~((Name and address of each applicant whose application will be considered at the hearing;~~

~~((c))~~ ~~((Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway;~~

~~((d))~~ A brief reference to the public notice issued for each application, including identification number and date of issuance;

~~((e))~~ (c) Information regarding the time and location for the hearing;

~~((f))~~ (d) The purpose of the hearing;

~~((g))~~ (e) Address and phone number of premises at which interested persons may obtain information;

~~((h))~~ (f) A brief description of the nature of the hearing; ~~((and~~

~~((i))~~ (g) A concise statement of the issues raised by the persons requesting the hearing, when applicable and except in the case of general permit issuance:

(i) Name and address of each applicant whose application will be considered at the hearing;

(ii) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-110 PERMIT PREPARATION. The department will prepare tentative staff determinations with respect to a permit application or a determination that a class of dischargers is appropriately covered by a general permit, in advance of public notice of the proposed issuance or denial of a permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge described in the application; and

(2) If the determination is to issue the permit, the following ~~((additional tentative determinations))~~ shall be ~~((organized into))~~ included in a draft permit:

(a) Proposed effluent limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(c) A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-120 PROHIBITED DISCHARGES. No permit issued by the department shall authorize any person to:

(1) Discharge any radiological, chemical or biological warfare agent or high-level radioactive waste into navigable waters;

(2) Discharge any pollutants which the secretary of the army acting through the chief, corps of engineers, finds would substantially impair anchorage and navigation;

(3) Discharge any pollutant to which the regional administrator, not having waived his right to object pursuant to section 402(e) of the FWPCA, has objected in writing pursuant to section 402(d) of the FWPCA;

(4) Discharge from a point source any pollutant which is in conflict with the plan or amendment thereto approved pursuant to section 208(b) of the FWPCA;

(5) Discharge any pollutant subject to a toxic pollutant discharge prohibition under section 307 of FWPCA.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-130 EFFLUENT LIMITATIONS, WATER QUALITY STANDARDS AND OTHER REQUIREMENTS FOR

PERMITS. (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301 ~~((and)), 302, 306, and 307 of the FWPCA((;)).~~ The effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limits shall reflect any seasonal variation in industrial loading.

For combined waste treatment facilities, the effluent limitations for biochemical oxygen demand or suspended solids may be adjusted upwards to a maximum allowed by applying effluent limitations pursuant to sections 301(b)(1)(B) or 301(h) of the FWPCA to the domestic portion of the influent and effluent limitations pursuant to sections 301(b)(1)(A)(i), 301(b)(2)(A), and 301(b)(2)(E) of the FWPCA or standards of performance pursuant to section 306 of the FWPCA to the industrial portion of the influent: PROVIDED, That the following additional condition is met:

Fecal coliform levels shall not exceed a monthly average of 200 organisms per 100 ml with a maximum weekly average of 400 organisms per 100 ml, unless a waiver is granted pursuant to section 301(h) of the FWPCA;

(b) ~~((Standards of performance for new sources under section 306 of the FWPCA;~~

(c) Effluent standards, effluent prohibitions and pretreatment standards under section 307 of the FWPCA;

(d) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(v) Necessary to provide all known, available and reasonable methods of treatment.

~~((e))~~ (c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

~~((f))~~ (d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraph(s) (a) ~~((b), and (c))~~ of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards. ~~((In any case where an issued permit applies any more stringent effluent limitation, based upon applicable water quality standards, a waste load allocation shall be prepared to insure that the discharge authorized by the permit is consistent with applicable water quality standards.))~~

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-140 SCHEDULES OF COMPLIANCE. (1) In addition to the application of the effluent standards and limitations, water quality standards, and other legally applicable requirements, all pursuant to WAC 173-220-130(1), (2), the department shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements:

(a) With respect to any discharge which is found not to be in compliance with applicable effluent standards and limitations, applicable

water quality standards, or other legally applicable requirements listed in WAC 173-220-130 ~~((+(d), (e))),~~ the permittee shall be required to take specific steps to achieve compliance with the following:

(i) Any legally applicable schedule of compliance contained in:

(I) Section 301 of FWPCA;

(II) Applicable effluent standards and limitations;

~~((HH))~~ (III) If more stringent, water quality standards; or

~~((HH))~~ (IV) If more stringent, legally applicable requirements listed in WAC 173-220-130 ~~((+(d), (e)));~~ ~~((or~~

~~((ii))~~ (b) ~~((In the absence of any legally applicable))~~ Schedules of compliance, ~~((m))~~ shall set forth the shortest, reasonable period of time, to achieve the specified requirements, such period to be consistent with the guidelines and requirements of the FWPCA.

(2) In any case where the period of time for compliance specified in paragraph (1)(a) of this section exceeds ~~((nine (9) months))~~ one year, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than ~~((nine (9) months))~~ one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than ~~((nine (9) months))~~ one year and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement. ~~((For each permit schedule of compliance, interim dates and the final date of compliance shall, to the extent practicable, fall on the last day of the months of March, June, September, and December.))~~

(3) Either before or up to ~~((+4))~~ fourteen days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(4) On the last day of the months of February, May, August, and November, the department shall transmit to the regional administrator a list of all instances, as of ~~((30))~~ sixty days prior to the date of such report, of failure or refusal of a major permittee to comply with an interim or final requirement or to notify the department of compliance with each interim or final requirement (as required pursuant to paragraph (2) of this section). Such list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

(a) Name and address of each noncomplying permittee;

(b) A short description of each instance of noncompliance (e.g., failure to submit preliminary plans, ~~((2))~~ two-week delay in commencement of construction of treatment facility; failure to notify department of compliance with interim requirement to complete construction by June 30, etc.)

(c) A short description of any actions or proposed actions by the permittee or the department to comply or enforce compliance with the interim or final requirement; and

(d) Any details which tend to explain or mitigate an instance of noncompliance within interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement in a permit such noncompliance shall constitute a violation of the permit for which the department may modify, suspend or revoke the permit or take direct enforcement action.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-150 OTHER TERMS AND CONDITIONS. (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(i) violation of any term or condition of the permit;

(ii) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

(iii) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) to enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit subject to any access restrictions due to the nature of the project;

(ii) to have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) to inspect any monitoring equipment or method required in the permit; or

(iv) to sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) the quality and quantity of effluent to be introduced into such treatment works; and

(II) any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times properly operate and maintain (in good working order and operate as efficiently as possible) any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

(3) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-160 TRANSMISSION TO REGIONAL ADMINISTRATOR OF ISSUED PERMIT. ~~((The department shall transmit to the regional administrator a copy of the final draft of every proposed permit immediately upon its preparation:))~~ The department shall ~~((also))~~ transmit, to the regional administrator, a copy of every issued permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of such permit or which affect the authorization by the permit of the discharge of pollutants.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-170 RELATIONSHIP WITH NON-NPDES PERMITS. Discharges of pollutants or other wastes that require permits from the department under RCW 90.48.160, which are not satisfied through permits issued under this chapter, shall be subject to the permit requirements of RCW 90.48.160, et seq. Except where permits under RCW 90.48.160 are issued by a municipal corporation pursuant to chapter 173-208 WAC, permit requirements under this chapter and permit requirements under RCW 90.48.160 shall be contained in a single permit document.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-180 DURATION AND REPLACEMENT OF EXISTING PERMIT. (1) Permits shall be issued for fixed terms not exceeding five ~~((5))~~ years.

(2) Any permittee shall make application for replacement to existing permits or continuation of discharges after the expiration date of his permit by filing with the department an application for replacement of his permit at least ~~((180))~~ one hundred eighty days prior to its expiration. The filing requirement for replacement shall be satisfied by written request for replacement by the permittee to the department, unless the department, at its discretion, requires a permittee to request a replacement by submitting to the department all applicable forms.

(3) The scope and manner of any review of an application for replacement of a permit by the department shall be sufficiently detailed as to insure the following:

(a) That the permittee is in compliance with or has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit;

(b) That the department has up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, content and frequencies of permittee's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the department by the permittee; and

(c) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-220-130, including any additions to, or revisions or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(4) The notice and public participation procedures specified in WAC 173-220-050 through 173-220-100 are applicable to each ~~((request for))~~ draft replacement ~~((of a))~~ permit.

(5) When a permittee has made timely and sufficient application for the renewal of a permit, an expiring permit remains in effect and enforceable until the application has been finally determined by the department.

(6) Notwithstanding any other provision in this part, any point source, the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance, shall not be subject insofar as the FWPCA is concerned to any more stringent standard of performance during a ten ~~((10))~~ year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-190 MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS. (1) Any permit issued under this chapter can be modified, suspended or revoked in whole or in part by the department for cause including, but not limited to, the causes listed in WAC 173-220-150(1)(b), or for failure or refusal of the permittee ~~((:))~~ to ~~((carry out the requirements of WAC 173-220-150(1)(c)))~~ allow entry according to RCW 90.48.090.

(2) The department may, upon request of the permittee, revise or modify a schedule of compliance or operating conditions in an issued permit if it determines good and valid cause (such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control) exists for such revision.

(3) ((For publicly owned treatment works having an average daily discharge greater than 0.5 m.g.d. and for industrial or commercial sources with an average daily discharge greater than 0.1 m.g.d., any modification of permits under paragraph (2) of this section shall be granted only after the regional administrator is notified of the change and fails to object in writing within a 30-day period following receipt of notice. In those instances determined by the department to be of an emergency nature where immediate action is required for the safety and welfare of the public and its environment, such action may immediately be taken provided the regional administrator is concurrently notified thereof.

~~((4))~~ The department shall modify, suspend or revoke permits only after public notice and opportunity for public hearing as provided in

this chapter in those instances where ~~((a) a permit is so modified as to increase the stringency of its conditions, or (b))~~ changes are proposed which lessen the stringency of effluent limitations. In all other instances, the form of public notice and public participation, if any, shall be determined by the department on a case-by-case basis according to the significance of the proposed action.

~~((5) All revisions or modifications made pursuant to paragraph (2) of this section, during the period ending 30 days prior to the date of transmission of such list, shall be included in the list prepared by the department pursuant to WAC 173-220-140(4).~~

~~(6))~~ (4) Nothing herein shall apply to permits remanded to the department for modification by the pollution control hearings board.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-200 TRANSFER OF PERMIT. ~~((No permit shall be transferred to a third party without prior written approval from the department. Such approval may be granted by the department where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the department.))~~ (1) A permit is automatically transferred to a new owner or operator if:

(a) A written agreement between the old and new owner or operator is submitted to the director, containing a specific date for transfer of permit responsibility, coverage, and liability; and

(b) The director does not notify the old and new owner or operator of his intent to modify, or revoke and reissue the permit. If this notice is not given, the transfer is effective on the date specified in the agreement mentioned in paragraph (a) above.

(2) Unless a permit is automatically transferred according to subsection (1) of this section, a permit may be transferred only if modified or revoked and reissued to identify the new permittee and incorporate such other requirements as may be necessary.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-210 MONITORING, RECORDING AND REPORTING. (1) Monitoring.

(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:

~~((b) Any discharge authorized by a permit which~~
~~(i) is not a minor discharge,~~
~~(ii) the regional administrator requests, in writing, be monitored, or~~
~~(iii) contains toxic pollutants for which an effluent standard has been established by the administrator pursuant to section 307(a) of the FWPCA, shall be monitored by the permittee for at least the following:~~

~~(H))~~ (i) Flow (in gallons per day); and((;
~~(H))~~ (ii) All of the following pollutants:

(A) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(B) Pollutants which the department finds could have a significant impact on the quality of navigable waters;

(C) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring; and((;
~~(D) Any pollutants in addition to the above which the regional administrator requests, in writing, be monitored:~~

~~(C))~~ (b) Each effluent flow or pollutant required to be monitored pursuant to paragraph (b) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(c) Monitoring of intake water, influent to treatment facilities, and/or other internal waste streams may be required when determined necessary by the department to verify compliance with net discharge limitations or removal requirements, or to verify that proper waste treatment or control practices are being maintained.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) the dates analyses were performed;

(iii) who performed the analyses;

(iv) the analytical techniques/methods used; and((;))

(v) the results of such analyses; and((;))

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of a sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-220 CONTROL OF DISPOSAL OF POLLUTANTS INTO WELLS. (1) The disposal of pollutants into wells, excepting in the most extraordinary circumstances, is not authorized by the department.

(2) All applications requesting permission to dispose of pollutants into wells shall be processed ~~((in the same manner as any other permit application as provided in this chapter))~~ under RCW 90.48.160, and/or under an approved underground injection control program.

(3) Under the extraordinary circumstance where an application for a permit is approved, the department shall include terms and conditions which shall control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare.

NEW SECTION

WAC 173-220-225 APPEALS. (1) Individual permits are subject to appeals as specified in chapter 371-08 WAC.

(2) For general permits: (a) The terms and conditions of a general permit as they apply to the appropriate class of dischargers is subject to appeal within thirty days of issuance of a general permit; (b) the terms and conditions of a general permit as they apply to an individual discharger are subject to appeal within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that discharger. Appeal of general permit coverage of an individual discharger does not affect any other individual dischargers. If the terms and conditions of a general permit are found to be inapplicable to any discharger, the matter shall be remanded to the department for consideration of issuance of an individual permit.

AMENDATORY SECTION (Amending Order DE 74-1, filed 2/15/74)

WAC 173-220-240 RELATIONSHIP OF DEPARTMENT OF ECOLOGY TO PERMITS ISSUED BY THE ~~((THERMAL POWER PLANT))~~ ENERGY FACILITY SITE EVALUATION COUNCIL. (1) The ~~((thermal power plant))~~ Energy Facility Site Evaluation

Council (~~((FPSE))~~) EFSEC shall be the state agency to receive applications for, issue, and modify permits for ~~((thermal power plants))~~ energy facilities subject to chapter 80.50 RCW. Processing of such applications shall be controlled by chapter ~~((463-16))~~ 463-38 WAC. Application for issuance and modification of permits for all other ~~((thermal power plants))~~ energy facilities shall be the responsibility of the department.

(2) Monitoring, recording, and reporting activities required of operators of all ~~((thermal power plants))~~ energy facilities by the terms of a permit issued by ~~((FPSE))~~ EFSEC shall be supervised and enforced by the department.

(3) The department shall carry on an inspection program for the periodic inspection (to be performed not less than once every year) of discharges of pollutants from ~~((thermal power plants))~~ energy facilities authorized by a permit issued by ~~((FPSE))~~ EFSEC. Such inspections shall determine compliance or noncompliance with issued permits and, in particular, compliance or noncompliance with specific effluent limitations and schedules of compliance in such permits.

(4) The department shall carry on a surveillance program with respect to ~~((thermal power plant))~~ energy facility discharges for the random sampling and analysis of the discharge for the purpose of identifying occasional and continuing violations of permit conditions and the accuracy of information submitted by permittees in reporting forms.

(5) Enforcement activities regarding the NPDES program, including the levying of civil and criminal fines pertaining to all thermal power plants, whether the permit is issued by the department or ~~((FPSE))~~ EFSEC, shall be undertaken by the department, ~~((FPSE))~~ EFSEC, the attorney general, or the prosecuting attorney, as appropriate.

(6) Nothing in this section shall authorize the department to undertake enforcement or monitoring activities in a manner not consistent with the terms and conditions of any ~~((FPSE))~~ EFSEC-issued NPDES permit.

WSR 82-19-101
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 22, 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 delegation of permit program under the State Flood Control Zone Act, amending chapter 173-142 WAC;

that the agency will at 2:00 p.m., Tuesday, October 26, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 86.16.027.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 15, 1982.

Dated: September 22, 1982

By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-142 WAC, Delegation of Permit Program Under State Flood Control Zone Act.

Description of Purpose: Adoption of amended delegation procedures.

Statutory Authority: RCW 86.16.027 and 86.16.085.

Summary of Rule: The amendment will simplify procedures for communities which request delegated authority to administer the State Flood Control Zone Permit Program.

Reasons Supporting Proposed Action: Simplification of the delegation procedure will make delegation more attractive to local communities and will eliminate unnecessary administrative procedures.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ed Hammersmith, Department of Ecology, Mailstop PV-11, Olympia, WA, 459-6288.

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.

Small Business Economic Impact Statement: No.

AMENDATORY SECTION (Amending Order DE 74-11, filed 6/17/74)

WAC 173-142-030 DEFINITIONS. As used in this chapter:

- (1) "Department" shall mean the department of ecology;
- (2) "Director" shall mean director of the department of ecology;
- (3) "Flood Control Zone" shall mean any zone established and delineated by the department or any of its predecessor agencies pursuant to the state flood control zone act, chapter 86.16 RCW;
- (4) "Permit program" shall mean the ~~((granting or denial of approvals))~~ administration of applications to construct, reconstruct, modify, operate or maintain any structures or works affecting flood waters within any flood control zone as required by RCW 86.16.080 and as more specifically governed by rules issued thereunder; and
- (5) "Requestor" shall mean the governing body of any county or any incorporated city or town which submits to the department a request for delegation of authority to administer the permit program established by RCW 86.16.080 within its area of jurisdiction.

(6) "Implementing ordinance" shall mean the ordinance that will be the basis under which the requestor shall implement and administer the delegated permit program. This ordinance shall identify the regulatory area and shall state that the permit program shall be administered in accordance with chapter 86.16 RCW and chapter 508-60 WAC.

AMENDATORY SECTION (Amending Order DE 74-11, filed 6/17/74)

WAC 173-142-040 SCOPE OF DELEGATION. (1) Authority delegated hereunder shall be limited to the administration of the permit program within established flood control zones or portions thereof identified in the requestor's approved implementing ordinance. ~~((No extension of the geographic coverage of delegated authority, such as might be sought upon the creation of a new flood control zone, shall be conferred, except upon a separate request therefor and by a separate approval following the procedures of this chapter.))~~

(2) Delegations to counties hereunder shall extend to all unincorporated areas with flood control zones identified in the implementing ordinance. Counties may, in addition, be delegated authority to administer the permit program in portions of flood control zones within the boundaries of incorporated cities and towns, but such authority shall be so delegated only where the county and the incorporated city or town have entered into a memorandum of agreement, or other appropriate document, evidencing the consent of the governing body of the city or town to the county's exercise of such authority within municipal corporation boundaries.

~~((3) The department shall continue to administer the permit program directly in all areas within any flood control zone not specifically identified in an approved implementing ordinance. No delegation made hereunder shall be construed as limiting or abridging the powers conferred on the department under chapter 86.16 RCW in any area.))~~

AMENDATORY SECTION (Amending Order DE 74-11, filed 6/17/74)

WAC 173-142-050 CONFORMITY WITH DEPARTMENT RULES. (1) ~~((It is contemplated that various requestors may present to the department differing regulatory criteria designed to deal with particular local needs and conditions. For the purposes of determining whether a requestor intends to administer the permit program in accordance with the applicable state rules pertaining to flood control zones, the department will evaluate proposed regulatory criteria on the basis of whether such criteria, if implemented, would be as least as stringent as the requirements and restrictions set forth in the state rules:))~~ The requestor may set higher and more rigid standards for construction and development in the floodplain than the minimum criteria established by the department based on knowledge of local conditions and in the interest of human safety.

(2) All approved implementing ordinances shall contain a proviso requiring that the permit program as administered by any county or any incorporated city or town be revised, as necessary and to the satisfaction of the department, to conform with any changes in state rules pertaining to flood control zones which may be adopted by the department subsequent to the effective date of the delegation.

(3) All amendments of approved implementing ordinances shall be submitted for information purposes to the department.

AMENDATORY SECTION (Amending Order DE-74-11, filed 6/17/74)

WAC 173-142-070 REQUESTS FOR DELEGATION. No particular form shall be required for requests for delegation hereunder. ~~((No request))~~ The requestor shall ~~((be approved, however, unless the requestor supplies))~~ provide the following information to the department:

(1) A statement of the requestor's intention to administer the permit program in accordance with the state flood control zone act and the ~~((general guidelines contained in))~~ state rules and regulations pertaining to flood control zones, as now or hereafter amended;

(2) ~~((The regulatory criteria the requestor intends to use in administering the permit program;~~

(3) ~~A precise))~~ A description of the geographic area to which the request relates. This may be identified as that portion of the named and numbered zones which are located in the incorporated or unincorporated area of the city, town or county. If the request is from a county desiring to administer the permit program within the boundaries of any incorporated city or town, ~~((memoranda of agreement or other appropriate documents, evidencing the consent of the governing body of such city or town shall be appended;~~

(4) ~~An estimate of the financial resources the requestor will commit to the permit program on an annual basis;~~

(5) ~~A commitment showing the number of personnel who will be assigned to the permit program, either full-time or part-time, broken down by person-years or person-hours or other appropriate measure of personnel usage;~~

(6) ~~A description of the background, experience and/or proposed training for personnel to be assigned to the permit program;~~

(7) ~~If applicable, a description of the office, division or department to which the permit program will be subdelegated;~~

(8) ~~An outline of the procedures to be used in processing individual permit applications;~~

(9) ~~A description of enforcement and inspection procedures to be employed; and~~

(10) ~~Any additional information required by the department))~~ the county shall include a memorandum of agreement with the city or town in accordance with the Interlocal Corporation Act, chapter 39.34 RCW;

(3) A description of the financial and staffing capabilities used to administer the permit program along with the name of the community office which will administer the program;

(4) A copy of the implementing ordinance which is the basis for administering the permit program.

AMENDATORY SECTION (Amending Order DE 74-11, filed 6/17/74)

WAC 173-142-080 PROCEDURE FOR DELEGATION. (1) ~~((Upon receipt of any request for delegation, the department shall review the same and, if necessary, require additional information to~~

~~make a determination thereon:))~~ The requestor shall submit the request to the director for delegation.

(2) ~~((Upon notification by the department that all information required by it has been received, the requestor shall publish notice of the request in a newspaper of general circulation in the area to which the request relates, providing thirty days for written comment on the request. The notice shall be in a form provided by the department. In addition to the publication thereof, a copy of such notice shall be mailed to each general purpose local government, all or a portion of which lies in any flood control zone to which the request relates, and to the appropriate regional offices of the U.S. army corps of engineers and U.S. department of housing and urban development:))~~ The department shall review the request for delegation and respond within ninety days as to adequacy of the request.

(3) ~~((After review of all comments timely made in response to the notice provided for above, the department shall either deny the request, giving its reasons for such denial, or issue a tentative approval of the same in whole or in part. Any such tentative approval shall contain conditions of approval which the department intends to impose.~~

(4) ~~Upon receipt of a tentative approval, the requestor shall submit to the department a proposed implementing ordinance, as a minimum containing in its text, or by reference to other detailed ordinances or documents, the regulatory criteria of the delegated permit program, a description of the geographic area to which the delegated permit program applies, identification of the office, division or department to which the permit program is subdelegated and a description of the procedures to be used in processing permit applications. The department shall review such proposed ordinance and approve the same in such form as it deems appropriate.~~

(5) ~~Upon approval by the department of ((an implementing ordinance))~~ the request for delegation, the director shall issue an order of delegation to the requestor accompanied by the implementing ordinance in the form approved. Such order shall be conditioned to take effect upon the effective date of the implementing ordinance after adoption by the requestor in the form approved.

~~((6))~~ (4) Whenever any order of delegation made hereunder takes effect, the department shall transfer to the delegatee all pending applications which related to the permit program in the area to which the delegation ~~((relates))~~ applies.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-142-060 SUBDELEGATION.

WSR 82-19-102
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 22, 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 Kitsap County, amending WAC 173-19-260;

that the agency will at 7:00 p.m., Wednesday, October 27, 1982, in the Kitsap County Courthouse, Commissioners' Chambers, 614 Division Street, Port Orchard, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 17, 1982.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 5, 1982.

Dated: September 22, 1982

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-260, Kitsap County.

Description of Purpose: Adoption of a revised local shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.28.200[90.58.200].

Summary of Rule: The amendment adopts a revision to the shoreline master program for Kitsap County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Rundlett, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6276.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government; local government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: No.

AMENDATORY SECTION (Amending Order DE 81-35, filed 12/22/81)

WAC 173-19-260 KITSAP COUNTY. Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. Revision approved November 17, 1982.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-316-0019	REP-P	82-04-082	16-536-010	AMD-P	82-05-050	48-20-100	NEW	82-14-023
16-316-0019	REP	82-08-033	16-536-010	AMD	82-15-020	51-10	AMD-P	82-02-082
16-316-0020	REP-P	82-04-082	16-536-020	AMD-P	82-05-050	51-10	AMD-C	82-04-063
16-316-0020	REP	82-08-033	16-536-020	AMD	82-15-020	67-14-010	NEW-P	82-13-101
16-316-0021	REP-P	82-04-082	16-536-040	AMD-P	82-05-050	67-14-010	NEW	82-16-095
16-316-0021	REP	82-08-033	16-536-040	AMD	82-15-020	67-14-020	NEW-P	82-13-101
16-316-0022	REP-P	82-04-082	16-620-210	AMD	82-04-001	67-14-020	NEW	82-16-095
16-316-0022	REP	82-08-033	16-620-255	REP	82-04-001	67-14-030	NEW-P	82-13-101
16-316-0025	REP-P	82-04-082	16-620-280	AMD	82-04-001	67-14-030	NEW	82-16-095
16-316-0025	REP	82-08-033	16-620-290	AMD	82-04-001	67-14-040	NEW-P	82-13-101
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16-316-0026	REP	82-08-033	16-620-310	REP	82-04-001	67-14-050	NEW-P	82-13-101
16-316-0027	REP-P	82-04-082	16-620-340	AMD	82-04-001	67-14-050	NEW	82-16-095
16-316-0027	REP	82-08-033	16-620-360	REP	82-04-001	67-14-060	NEW-C	82-04-054
16-316-0029	REP-P	82-04-082	16-750-010	AMD-P	82-03-037	67-14-060	NEW-P	82-13-101
16-316-0029	REP	82-08-033	16-750-010	AMD	82-06-045	67-14-060	NEW	82-16-095
16-316-0037	REP-P	82-04-082	24-12-010	AMD-P	82-13-051	67-14-070	NEW-P	82-13-101
16-316-0037	REP	82-08-033	24-12-010	AMD-W	82-13-075	67-14-070	NEW	82-16-095
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16-316-0038	REP	82-08-033	24-12-010	AMD-W	82-14-078	67-14-080	NEW	82-16-095
16-316-004	REP-P	82-04-082	24-12-010	AMD-P	82-14-079	67-14-090	NEW-P	82-13-101
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16-316-0044	REP	82-08-033	24-12-011	NEW	82-17-036	67-14-120	NEW	82-16-095
16-316-0045	REP-P	82-04-082	34-02-010	NEW-P	82-10-051	67-14-130	NEW-P	82-13-101
16-316-0045	REP	82-08-033	34-02-010	NEW-C	82-15-043	67-14-130	NEW	82-16-095
16-316-0053	REP-P	82-04-082	34-02-020	NEW-P	82-10-051	67-14-140	NEW-P	82-13-101
16-316-0053	REP	82-08-033	34-02-020	NEW-C	82-15-043	67-14-140	NEW	82-16-095
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16-316-0058	REP	82-08-033	34-02-030	NEW-C	82-15-043	67-14-150	NEW	82-16-095
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16-316-0059	REP	82-08-033	34-02-040	NEW-C	82-15-043	67-14-160	NEW	82-16-095
16-316-006	REP-P	82-04-082	34-04-010	NEW-P	82-10-051	67-14-170	NEW-P	82-13-101
16-316-006	REP	82-08-033	34-04-010	NEW-C	82-15-043	67-14-170	NEW	82-16-095
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16-316-0062	REP	82-08-033	34-04-020	NEW-C	82-15-043	67-14-180	NEW	82-16-095
16-316-0065	REP-P	82-04-082	34-04-030	NEW-P	82-10-051	67-15-010	RECOD-P	82-13-108
16-316-0065	REP	82-08-033	34-04-030	NEW-C	82-15-043	67-15-010	RECOD	82-16-096
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16-316-0081	REP	82-08-033	34-04-040	NEW-C	82-15-043	67-20-005	NEW	82-16-096
16-316-0086	REP-P	82-04-082	34-04-050	NEW-P	82-10-051	67-20-010	NEW-P	82-13-108
16-316-0086	REP	82-08-033	34-04-050	NEW-C	82-15-043	67-20-010	NEW	82-16-096
16-316-0096	REP-P	82-04-082	34-04-060	NEW-P	82-10-051	67-20-015	NEW-P	82-13-108
16-316-0096	REP	82-08-033	34-04-060	NEW-C	82-15-043	67-20-015	NEW	82-16-096
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16-316-160	AMD	82-08-033	34-04-070	NEW-C	82-15-043	67-20-020	NEW	82-16-096
16-316-165	AMD-P	82-04-082	34-04-080	NEW-P	82-10-051	67-20-025	NEW-P	82-13-108
16-316-165	AMD	82-08-033	34-04-080	NEW-C	82-15-043	67-20-025	NEW	82-16-096
16-316-214	NEW-P	82-04-082	34-04-090	NEW-P	82-10-051	67-20-030	NEW-P	82-13-108
16-316-214	NEW	82-08-033	34-04-090	NEW-C	82-15-043	67-20-030	NEW	82-16-096
16-316-270	AMD-P	82-04-082	34-04-100	NEW-P	82-10-051	67-20-050	NEW-P	82-13-108
16-316-270	AMD	82-08-033	34-04-100	NEW-C	82-15-043	67-20-050	NEW	82-16-096
16-316-370	AMD-P	82-04-082	34-04-110	NEW-P	82-10-051	67-20-055	NEW-P	82-13-108
16-316-370	AMD	82-08-033	34-04-110	NEW-C	82-15-043	67-20-055	NEW	82-16-096
16-316-620	AMD-P	82-04-082	34-04-120	NEW-P	82-10-051	67-20-060	NEW-P	82-13-108
16-316-620	AMD	82-08-033	34-04-120	NEW-C	82-15-043	67-20-060	NEW	82-16-096
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16-316-727	NEW	82-08-034	48-20-010	NEW	82-14-023	67-20-070	NEW	82-16-096
16-316-790	AMD-P	82-04-082	48-20-020	NEW-P	82-11-096	67-20-075	NEW-P	82-13-108
16-316-790	AMD	82-08-033	48-20-020	NEW	82-14-023	67-20-075	NEW	82-16-096
16-316-800	AMD-P	82-04-082	48-20-030	NEW-P	82-11-096	67-20-077	NEW-P	82-13-108
16-316-800	AMD	82-08-033	48-20-030	NEW	82-14-023	67-20-077	NEW	82-16-096
16-316-810	AMD-P	82-04-082	48-20-040	NEW-P	82-11-096	67-20-080	NEW-P	82-13-108
16-316-810	AMD	82-08-033	48-20-040	NEW	82-14-023	67-20-080	NEW	82-16-096
16-316-815	NEW-P	82-04-082	48-20-050	NEW-P	82-11-096	67-20-085	NEW-P	82-13-108
16-316-815	NEW	82-08-033	48-20-050	NEW	82-14-023	67-20-085	NEW	82-16-096
16-316-820	AMD-P	82-04-082	48-20-060	NEW-P	82-11-096	67-20-090	NEW-P	82-13-108
16-316-820	AMD	82-08-033	48-20-060	NEW	82-14-023	67-20-090	NEW	82-16-096
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16-316-830	AMD	82-08-033	48-20-070	NEW	82-14-023	67-20-095	NEW	82-16-096
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Table of WAC Sections Affected

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67-20-180	NEW-E	82-10-026	67-20-452	NEW	82-16-096	67-30-320	REP-P	82-13-108
67-20-180	NEW-P	82-13-108	67-20-500	NEW-P	82-13-108	67-30-320	REP	82-16-096
67-20-180	NEW	82-16-096	67-20-500	NEW	82-16-096	67-40-010	NEW-P	82-13-098
67-20-185	NEW-E	82-10-026	67-20-505	NEW-P	82-13-108	67-40-010	NEW	82-16-097
67-20-185	NEW-P	82-13-108	67-20-505	NEW	82-16-096	67-40-010	AMD-E	82-19-071
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67-20-190	NEW	82-16-096	67-20-525	NEW	82-16-096	67-40-016	NEW-P	82-13-098
67-20-200	NEW-E	82-10-026	67-20-530	NEW-P	82-13-108	67-40-016	NEW	82-16-097
67-20-200	NEW-P	82-13-108	67-20-530	NEW	82-16-096	67-40-016	AMD-E	82-19-071
67-20-200	NEW	82-16-096	67-20-540	NEW-P	82-13-108	67-40-020	NEW-P	82-13-098
67-20-255	NEW-P	82-13-108	67-20-540	NEW	82-16-096	67-40-020	NEW	82-16-097
67-20-255	NEW	82-16-096	67-20-545	NEW-P	82-13-108	67-40-020	REP-E	82-19-071
67-20-260	NEW-P	82-13-108	67-20-545	NEW	82-16-096	67-40-021	NEW-E	82-19-071
67-20-260	NEW	82-16-096	67-20-550	NEW-P	82-13-108	67-40-025	NEW-P	82-13-098
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67-20-280	NEW-P	82-13-108	67-20-570	NEW	82-16-096	67-40-050	REP-E	82-19-071
67-20-280	NEW	82-16-096	67-20-590	NEW-P	82-13-108	67-40-060	NEW-P	82-13-098
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67-20-281	NEW	82-16-096	67-30-005	NEW	82-06-022	67-40-060	REP-E	82-19-071
67-20-300	NEW-P	82-13-108	67-30-005	REP-P	82-13-108	67-40-070	NEW-P	82-13-098
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67-20-325	NEW-P	82-13-108	67-30-010	NEW-P	82-06-039	67-40-070	REP-E	82-19-071
67-20-325	NEW	82-16-096	67-30-010	NEW-C	82-04-053	67-40-090	NEW-P	82-13-098
67-20-326	RECOD-P	82-13-108	67-30-050	NEW-P	82-06-039	67-40-090	NEW	82-16-097
67-20-326	RECOD	82-16-096	67-30-050	NEW	82-10-025	67-40-440	NEW-E	82-10-026
67-20-350	NEW-P	82-13-108	67-30-050	AM/DE-P	82-13-108	67-40-440	NEW-P	82-13-098
67-20-350	NEW	82-16-096	67-30-050	AM/DE	82-16-096	67-40-440	NEW	82-16-097
67-20-380	RECOD-P	82-13-108	67-30-060	NEW-P	82-06-039	67-40-440	REP-E	82-19-071
67-20-380	RECOD	82-16-096	67-30-070	NEW-P	82-06-039	67-50-010	NEW-P	82-13-103
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67-20-384	RECOD	82-16-096	67-30-070	AM/DE-P	82-13-108	67-50-020	NEW-P	82-13-103
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67-20-388	RECOD-P	82-13-108	67-30-080	AM/DE	82-16-096	67-50-035	NEW-P	82-13-103
67-20-388	RECOD	82-16-096	67-30-090	NEW	82-06-022	67-50-035	NEW	82-16-098
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67-20-392	NEW-P	82-13-108	67-30-100	NEW	82-06-022	67-50-050	NEW-P	82-13-103
67-20-392	NEW	82-16-096	67-30-100	AM/DE-P	82-13-108	67-50-050	NEW	82-16-098
67-20-394	NEW-P	82-13-108	67-30-100	AM/DE	82-16-096	67-50-060	NEW-P	82-13-103
67-20-394	NEW	82-16-096	67-30-120	NEW	82-06-022	67-50-060	NEW	82-16-098
67-20-395	NEW-E	82-10-026	67-30-120	AM/DE-P	82-13-108	82-10-010	NEW-P	82-17-043
67-20-395	NEW-P	82-13-108	67-30-120	AM/DE	82-16-096	82-10-020	NEW-P	82-17-043
67-20-395	NEW	82-16-096	67-30-125	NEW	82-06-022	82-10-030	NEW-P	82-17-043
67-20-396	NEW-P	82-13-108	67-30-125	AM/DE-P	82-13-108	82-20-010	NEW-P	82-02-074
67-20-396	NEW	82-16-096	67-30-130	AM/DE	82-16-096	82-20-010	NEW	82-05-030
67-20-400	NEW-P	82-13-108	67-30-130	NEW-P	82-06-039	82-20-020	NEW-P	82-02-074
67-20-400	NEW	82-16-096	67-30-130	NEW	82-10-025	82-20-020	NEW	82-05-030
67-20-404	RECOD-P	82-13-108	67-30-130	AM/DE-P	82-13-108	82-20-030	NEW-P	82-02-074
67-20-404	RECOD	82-16-096	67-30-130	AM/DE	82-16-096	82-20-030	NEW	82-05-030
67-20-408	RECOD-P	82-13-108	67-30-150	NEW	82-06-022	82-20-040	NEW-P	82-02-074
67-20-408	RECOD	82-16-096	67-30-150	AM/DE-P	82-13-108	82-20-040	NEW	82-05-030
67-20-412	RECOD-P	82-13-108	67-30-150	AM/DE	82-16-096	82-20-050	NEW-P	82-02-074
67-20-412	RECOD	82-16-096	67-30-170	NEW-P	82-06-039	82-20-050	NEW	82-05-030
67-20-416	RECOD-P	82-13-108	67-30-170	NEW	82-10-025	82-20-060	NEW-P	82-02-074
67-20-416	RECOD	82-16-096	67-30-170	AM/DE-P	82-13-108	82-20-060	NEW	82-05-030
67-20-420	RECOD-P	82-13-108	67-30-170	AM/DE	82-16-096	82-20-070	NEW-P	82-02-074
67-20-420	RECOD	82-16-096	67-30-180	NEW	82-06-022	82-20-070	NEW	82-05-030
67-20-428	RECOD-P	82-13-108	67-30-180	AM/DE-P	82-13-108	82-50-010	NEW-E	82-18-049
67-20-428	RECOD	82-16-096	67-30-180	AM/DE	82-16-096	82-50-010	NEW-P	82-18-051
67-20-432	NEW-P	82-13-108	67-30-185	NEW	82-06-022	82-50-020	NEW-E	82-18-049
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67-20-440	RECOD	82-16-096	67-30-210	NEW-P	82-06-039	82-50-030	NEW-P	82-18-051
67-20-444	NEW-P	82-13-108	67-30-210	NEW	82-10-025	82-50-040	NEW-E	82-18-049
67-20-444	NEW	82-16-096	67-30-210	AM/DE-P	82-13-108	82-50-040	NEW-P	82-18-051
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106-116-103	AMD-E 82-16-072	118-03-155	NEW-E 82-05-004	131-28-026	AMD 82-11-035
106-116-103	AMD-P 82-18-040	118-03-155	NEW-E 82-10-047	131-28-026	AMD-P 82-16-081
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106-116-201	AMD-P 82-18-040	118-03-170	AMD-P 82-12-055	131-28-030	AMD-P 82-16-081
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106-116-213	AMD-P 82-18-040	118-03-190	AMD-P 82-12-055	131-28-045	AMD-P 82-16-081
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106-116-310	AMD-P 82-18-040	118-03-195	NEW-E 82-10-047	131-28-050	REP-P 82-16-081
106-116-403	AMD-P 82-16-071	118-03-200	NEW-E 82-07-059	131-28-050	REP-C 82-19-068
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106-116-514	AMD-P 82-18-040	118-03-230	AMD-P 82-12-055	132E-130-010	NEW 82-18-068
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106-116-601	AMD-E 82-16-072	118-03-235	NEW-E 82-05-004	132E-130-020	NEW-E 82-14-077
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106-116-603	AMD-E 82-16-072	118-03-250	AMD-E 82-11-046	132E-130-030	NEW-E 82-14-077
106-116-603	AMD-P 82-18-040	118-03-250	AMD-P 82-12-055	132E-130-030	NEW 82-18-068
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118-03-015	NEW-E 82-07-059	118-03-275	NEW-E 82-10-047	132H-116-490	AMD 82-04-005
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118-03-050	AMD-E 82-11-046	118-03-310	AMD-E 82-11-046	132H-116-740	AMD 82-04-005
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118-03-095	NEW-E 82-10-047	130-16-080	NEW 82-04-022	132H-140-050	AMD-E 82-07-029
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118-03-135	NEW-E 82-10-047	131-28-025	AMD-P 82-16-081	132H-140-090	NEW-E 82-07-029
118-03-140	NEW-E 82-07-059	131-28-025	AMD-P 82-16-081	132H-140-090	NEW-P 82-07-070
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132H-140-100	NEW-P	82-07-070	132N-156-185	NEW	82-07-031	132S-12-030	REP-P	82-16-016
132H-140-100	NEW	82-11-039	132N-156-185	NEW-E	82-07-032	132S-12-040	REP-P	82-16-016
132H-140-110	NEW-E	82-07-029	132N-156-190	REP	82-07-031	132S-12-050	REP-P	82-16-016
132H-140-110	NEW-P	82-07-070	132N-156-190	REP-E	82-07-032	132S-12-055	REP-P	82-16-016
132H-140-110	NEW	82-11-039	132N-156-195	NEW	82-07-031	132S-12-060	REP-P	82-16-016
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132H-160-492	NEW-E	82-15-017	132N-156-200	REP	82-07-031	132S-12-080	REP-P	82-16-016
132H-160-492	NEW-C	82-15-034	132N-156-200	REP-E	82-07-032	132S-12-090	REP-P	82-16-016
132H-160-492	NEW	82-19-069	132N-156-205	NEW	82-07-031	132S-12-100	REP-P	82-16-016
132N-156-010	REP	82-07-031	132N-156-205	NEW-E	82-07-032	132S-12-110	REP-P	82-16-016
132N-156-010	REP-E	82-07-032	132N-156-210	REP	82-07-031	132S-12-120	REP-P	82-16-016
132N-156-015	NEW	82-07-031	132N-156-210	REP-E	82-07-032	132S-12-130	REP-P	82-16-016
132N-156-015	NEW-E	82-07-032	132Q-89-010	NEW-P	82-08-018	132S-12-140	REP-P	82-16-016
132N-156-025	NEW	82-07-031	132Q-89-010	NEW-C	82-11-064	132S-12-150	REP-P	82-16-016
132N-156-025	NEW-E	82-07-032	132Q-89-010	NEW-C	82-13-063	132S-12-160	REP-P	82-16-016
132N-156-030	REP	82-07-031	132Q-89-010	NEW	82-15-048	132S-12-170	REP-P	82-16-016
132N-156-030	REP-E	82-07-032	132R-128-010	REP-P	82-08-043	132S-12-180	REP-P	82-16-016
132N-156-035	NEW	82-07-031	132R-128-020	REP-P	82-08-043	132S-12-190	REP-P	82-16-016
132N-156-035	NEW-E	82-07-032	132R-128-030	REP-P	82-08-043	132S-12-200	REP-P	82-16-016
132N-156-040	REP	82-07-031	132R-128-040	REP-P	82-08-043	132S-12-210	REP-P	82-16-016
132N-156-040	REP-E	82-07-032	132R-128-050	REP-P	82-08-043	132S-12-220	REP-P	82-16-016
132N-156-045	NEW	82-07-031	132R-128-060	REP-P	82-08-043	132S-14-010	REP-P	82-16-016
132N-156-045	NEW-E	82-07-032	132R-128-070	REP-P	82-08-043	132S-14-020	REP-P	82-16-016
132N-156-050	REP	82-07-031	132R-128-080	REP-P	82-08-043	132S-16-010	REP-P	82-16-016
132N-156-050	REP-E	82-07-032	132R-128-090	REP-P	82-08-043	132S-16-020	REP-P	82-16-016
132N-156-055	NEW	82-07-031	132R-128-100	REP-P	82-08-043	132S-16-030	REP-P	82-16-016
132N-156-055	NEW-E	82-07-032	132R-128-110	REP-P	82-08-043	132S-16-050	REP-P	82-16-016
132N-156-060	REP	82-07-031	132R-128-120	REP-P	82-08-043	132S-16-052	REP-P	82-16-016
132N-156-060	REP-E	82-07-032	132R-128-121	REP-P	82-08-043	132S-16-060	REP-P	82-16-016
132N-156-065	NEW	82-07-031	132R-128-122	REP-P	82-08-043	132S-16-070	REP-P	82-16-016
132N-156-065	NEW-E	82-07-032	132R-128-130	REP-P	82-08-043	132S-16-081	REP-P	82-16-016
132N-156-070	REP	82-07-031	132R-130-010	NEW-P	82-09-040	132S-16-082	REP-P	82-16-016
132N-156-070	REP-E	82-07-032	132R-130-010	NEW	82-14-075	132S-16-083	REP-P	82-16-016
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132N-156-075	NEW-E	82-07-032	132R-180-020	REP-P	82-08-043	132S-16-084	REP-P	82-16-016
132N-156-080	REP	82-07-031	132R-180-030	REP-P	82-08-043	132S-16-090	REP-P	82-16-016
132N-156-080	REP-E	82-07-032	132R-180-040	REP-P	82-08-043	132S-16-100	REP-P	82-16-016
132N-156-085	NEW	82-07-031	132R-180-050	REP-P	82-08-043	132S-16-110	REP-P	82-16-016
132N-156-085	NEW-E	82-07-032	132R-180-060	REP-P	82-08-043	132S-16-120	REP-P	82-16-016
132N-156-090	REP	82-07-031	132R-180-070	REP-P	82-08-043	132S-16-130	REP-P	82-16-016
132N-156-090	REP-E	82-07-032	132R-180-080	REP-P	82-08-043	132S-16-131	REP-P	82-16-016
132N-156-095	NEW	82-07-031	132R-180-090	REP-P	82-08-043	132S-16-132	REP-P	82-16-016
132N-156-095	NEW-E	82-07-032	132S	AMD-C	82-17-017	132S-16-133	REP-P	82-16-016
132N-156-100	REP	82-07-031	132S-04-010	REP-P	82-16-016	132S-16-134	REP-P	82-16-016
132N-156-100	REP-E	82-07-032	132S-08-010	REP-P	82-16-016	132S-16-135	REP-P	82-16-016
132N-156-105	NEW	82-07-031	132S-08-020	REP-P	82-16-016	132S-16-136	REP-P	82-16-016
132N-156-105	NEW-E	82-07-032	132S-08-035	REP-P	82-16-016	132S-16-140	REP-P	82-16-016
132N-156-110	REP	82-07-031	132S-08-040	REP-P	82-16-016	132S-16-150	REP-P	82-16-016
132N-156-110	REP-E	82-07-032	132S-08-050	REP-P	82-16-016	132S-16-160	REP-P	82-16-016
132N-156-115	NEW	82-07-031	132S-08-060	REP-P	82-16-016	132S-16-170	REP-P	82-16-016
132N-156-115	NEW-E	82-07-032	132S-08-070	REP-P	82-16-016	132S-16-180	REP-P	82-16-016
132N-156-120	REP	82-07-031	132S-08-080	REP-P	82-16-016	132S-16-190	REP-P	82-16-016
132N-156-120	REP-E	82-07-032	132S-08-090	REP-P	82-16-016	132S-16-200	REP-P	82-16-016
132N-156-125	NEW	82-07-031	132S-08-100	REP-P	82-16-016	132S-16-210	REP-P	82-16-016
132N-156-125	NEW-E	82-07-032	132S-08-110	REP-P	82-16-016	132S-16-220	REP-P	82-16-016
132N-156-130	REP	82-07-031	132S-10-015	REP-P	82-16-016	132S-16-230	REP-P	82-16-016
132N-156-130	REP-E	82-07-032	132S-10-016	NEW-P	82-16-016	132S-16-240	REP-P	82-16-016
132N-156-135	NEW	82-07-031	132S-10-020	NEW-P	82-16-016	132S-16-250	REP-P	82-16-016
132N-156-135	NEW-E	82-07-032	132S-10-021	NEW-P	82-16-016	132S-16-260	REP-P	82-16-016
132N-156-140	REP	82-07-031	132S-10-022	NEW-P	82-16-016	132S-16-270	REP-P	82-16-016
132N-156-140	REP-E	82-07-032	132S-10-023	NEW-P	82-16-016	132S-16-280	REP-P	82-16-016
132N-156-145	NEW	82-07-031	132S-10-024	NEW-P	82-16-016	132S-16-290	REP-P	82-16-016
132N-156-145	NEW-E	82-07-032	132S-10-025	NEW-P	82-16-016	132S-16-300	REP-P	82-16-016
132N-156-150	REP	82-07-031	132S-10-026	NEW-P	82-16-016	132S-16-310	REP-P	82-16-016
132N-156-150	REP-E	82-07-032	132S-10-027	NEW-P	82-16-016	132S-16-320	REP-P	82-16-016
132N-156-155	NEW	82-07-031	132S-10-028	NEW-P	82-16-016	132S-16-330	REP-P	82-16-016
132N-156-155	NEW-E	82-07-032	132S-10-029	NEW-P	82-16-016	132S-16-340	REP-P	82-16-016
132N-156-160	REP	82-07-031	132S-11-010	REP-P	82-16-016	132S-16-350	REP-P	82-16-016
132N-156-160	REP-E	82-07-032	132S-11-020	REP-P	82-16-016	132S-16-360	REP-P	82-16-016
132N-156-165	NEW	82-07-031	132S-11-030	REP-P	82-16-016	132S-16-370	REP-P	82-16-016
132N-156-165	NEW-E	82-07-032	132S-11-040	REP-P	82-16-016	132S-16-380	REP-P	82-16-016
132N-156-170	REP	82-07-031	132S-11-050	REP-P	82-16-016	132S-16-390	REP-P	82-16-016
132N-156-170	REP-E	82-07-032	132S-11-060	REP-P	82-16-016	132S-16-400	REP-P	82-16-016
132N-156-175	NEW	82-07-031	132S-11-070	REP-P	82-16-016	132S-16-410	REP-P	82-16-016
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154-04-110	NEW-E	82-04-017	154-32-010	NEW-E	82-10-005	162-26-020	NEW-P	82-12-053
154-04-110	NEW-E	81-10-005	154-32-010	NEW	82-13-043	162-26-020	NEW-C	82-16-070
154-04-110	NEW	82-13-043	154-32-020	NEW-E	82-04-017	162-26-020	NEW	82-19-086
154-08	NEW-C	82-08-054	154-32-020	NEW-E	82-10-005	162-26-030	NEW-P	82-12-053
154-08-010	NEW-E	82-04-017	154-32-020	NEW	82-13-043	162-26-030	NEW-C	82-16-070
154-08-010	NEW-E	82-10-005	154-36	NEW-C	82-08-054	162-26-030	NEW	82-19-086
154-08-010	NEW	82-13-043	154-36-010	NEW-E	82-04-017	162-26-035	NEW-P	82-12-053
154-08-020	NEW-E	82-04-017	154-36-010	NEW-E	82-10-005	162-26-035	NEW-C	82-16-070
154-08-020	NEW-E	82-10-005	154-36-010	NEW	82-13-043	162-26-035	NEW	82-19-086
154-08-020	NEW	82-13-043	154-40	NEW-C	82-08-054	162-26-040	NEW-P	82-12-053
154-08-030	NEW-E	82-04-017	154-40-010	NEW-E	82-04-017	162-26-040	NEW-C	82-16-070
154-08-030	NEW-E	82-10-005	154-40-010	NEW-E	82-10-005	162-26-040	NEW	82-19-086
154-08-030	NEW	82-13-043	154-40-010	NEW	82-13-043	162-26-050	NEW-P	82-12-053
154-08-040	NEW-E	82-04-017	154-44	NEW-C	82-08-054	162-26-050	NEW-C	82-16-070
154-08-040	NEW-E	82-10-005	154-44-010	NEW-E	82-04-017	162-26-050	NEW	82-19-086
154-08-040	NEW	82-13-043	154-44-010	NEW-E	82-10-005	162-26-060	NEW-P	82-12-053
154-08-050	NEW-E	82-04-017	154-44-010	NEW	82-13-043	162-26-060	NEW-C	82-16-070
154-08-050	NEW-E	82-10-005	154-48	NEW-C	82-08-054	162-26-060	NEW	82-19-086
154-08-050	NEW	82-13-043	154-48-010	NEW-E	82-04-017	162-26-070	NEW-P	82-12-053
154-12	NEW-C	82-08-054	154-48-010	NEW-E	82-10-005	162-26-070	NEW-C	82-16-070
154-12-010	NEW-E	82-04-017	154-48-010	NEW	82-13-043	162-26-070	NEW	82-19-086
154-12-010	NEW-E	82-10-005	154-52	NEW-C	82-08-054	162-26-080	NEW-P	82-12-053
154-12-010	NEW	82-13-043	154-52-010	NEW-E	82-04-017	162-26-080	NEW-C	82-16-070
154-12-020	NEW-E	82-04-017	154-52-010	NEW-E	82-10-005	162-26-090	NEW-P	82-12-053
154-12-020	NEW-E	82-10-005	154-52-010	NEW	82-13-043	162-26-090	NEW-C	82-16-070
154-12-020	NEW	82-13-043	154-56	NEW-C	82-08-054	162-26-090	NEW	82-19-086
154-12-030	NEW-E	82-04-017	154-56-010	NEW-E	82-04-017	162-26-100	NEW-P	82-12-053
154-12-030	NEW-E	82-10-005	154-56-010	NEW-E	82-10-005	162-26-100	NEW-C	82-16-070
154-12-030	NEW	82-13-043	154-60	NEW	82-13-043	162-26-110	NEW-P	82-12-053
154-12-040	NEW-E	82-04-017	154-60-010	NEW-C	82-08-054	162-26-110	NEW-C	82-16-070
154-12-040	NEW-E	82-10-005	154-60-010	NEW-E	82-04-017	162-26-110	NEW	82-19-086
154-12-040	NEW	82-13-043	154-60-010	NEW-E	82-10-005	162-26-120	NEW-P	82-12-053
154-12-050	NEW-E	82-04-017	154-64	NEW	82-13-043	162-26-120	NEW-C	82-16-070
154-12-050	NEW-E	82-10-005	154-64-010	NEW-C	82-08-054	162-26-130	NEW	82-19-086
154-12-050	NEW	82-13-043	154-64-010	NEW-E	82-04-017	162-26-130	NEW-P	82-12-053
154-12-060	NEW-E	82-04-017	154-64-010	NEW-E	82-10-005	162-26-130	NEW-C	82-16-070
154-12-060	NEW-E	82-10-005	154-64-020	NEW	82-13-043	162-26-130	NEW	82-19-086
154-12-060	NEW	82-13-043	154-64-020	NEW-E	82-04-017	162-38	NEW-C	82-19-061
154-12-070	NEW-E	82-04-017	154-64-020	NEW-E	82-10-005	162-38-010	NEW-P	82-12-053
154-12-070	NEW-E	82-10-005	154-64-030	NEW-E	82-13-043	162-38-010	NEW-C	82-16-070
154-12-070	NEW	82-13-043	154-64-030	NEW-E	82-04-017	162-38-010	NEW	82-19-086
154-12-080	NEW-E	82-04-017	154-64-040	NEW-E	82-10-005	162-38-020	NEW-P	82-12-053
154-12-080	NEW-E	82-10-005	154-64-040	NEW	82-13-043	162-38-020	NEW-C	82-16-070
154-12-080	NEW	82-13-043	154-64-040	NEW-E	82-04-017	162-38-020	NEW	82-19-086
154-12-090	NEW-E	82-04-017	154-64-050	NEW-E	82-10-005	162-38-030	NEW-P	82-12-053
154-12-090	NEW-E	82-10-005	154-64-050	NEW-E	82-13-043	162-38-030	NEW-C	82-16-070
154-12-090	NEW	82-13-043	154-64-060	NEW-E	82-04-017	162-38-030	NEW	82-19-086
154-12-100	NEW-E	82-04-017	154-64-060	NEW-E	82-10-005	162-38-035	NEW-P	82-12-053
154-12-100	NEW-E	82-10-005	154-64-060	NEW	82-13-043	162-38-035	NEW-C	82-16-070
154-12-100	NEW	82-13-043	154-68	NEW-E	82-04-017	162-38-035	NEW	82-19-086
154-12-110	NEW-E	82-04-017	154-68-010	NEW-E	82-10-005	162-38-040	NEW-P	82-12-053
154-12-110	NEW-E	82-10-005	154-68-010	NEW-E	82-13-043	162-38-040	NEW-C	82-16-070
154-12-110	NEW	82-13-043	154-68-020	NEW	82-08-054	162-38-040	NEW	82-19-086
154-16	NEW-C	82-08-054	154-68-020	NEW-E	82-04-017	162-38-050	NEW-P	82-12-053
154-16-010	NEW-E	82-04-017	154-68-020	NEW-E	82-10-005	162-38-050	NEW-C	82-16-070
154-16-010	NEW-E	82-10-005	154-68-020	NEW	82-13-043	162-38-050	NEW	82-19-086
154-16-010	NEW	82-13-043	154-68-020	NEW-E	82-04-017	162-38-060	NEW-P	82-12-053
154-16-020	NEW-E	82-04-017	154-68-020	NEW-E	82-10-005	162-38-060	NEW-C	82-16-070
154-16-020	NEW-E	82-10-005	154-68-020	NEW	82-13-043	162-38-060	NEW	82-19-086
154-16-020	NEW	82-13-043	162-06-010	NEW-P	82-12-053	162-38-070	NEW-P	82-12-053
154-20	NEW-C	82-08-054	162-06-010	NEW-C	82-16-070	162-38-070	NEW-C	82-16-070
154-20-010	NEW-E	82-04-017	162-06-010	NEW	82-19-086	162-38-080	NEW-P	82-12-053
154-20-010	NEW-E	82-10-005	162-06-030	NEW-P	82-12-053	162-38-080	NEW-C	82-16-070
154-20-010	NEW	82-13-043	162-06-030	NEW-C	82-16-070	162-38-080	NEW	82-19-086
154-20-020	NEW-E	82-04-017	162-06-030	NEW	82-19-086	162-38-090	NEW-P	82-12-053
154-20-020	NEW-E	82-10-005	162-16-160	NEW-P	82-08-070	162-38-090	NEW-C	82-16-070
154-20-020	NEW	82-13-043	162-16-160	NEW-C	82-12-023	162-38-090	NEW	82-19-086
154-24	NEW-C	82-08-054	162-16-160	NEW-C	82-16-082	162-38-100	NEW-P	82-12-053
154-24-010	NEW-E	82-04-017	162-16-160	NEW	82-19-072	162-38-100	NEW-C	82-16-070
154-24-010	NEW-E	82-10-005	162-16-170	NEW-P	82-08-070	162-38-100	NEW	82-19-086
154-24-010	NEW	82-13-043	162-16-170	NEW-C	82-12-023	162-38-110	NEW-P	82-12-053
154-28	NEW-C	82-08-054	162-16-170	NEW-C	82-16-082	162-38-110	NEW-C	82-16-070
154-28-010	NEW-E	82-04-017	162-16-170	NEW	82-19-072	162-38-110	NEW	82-19-086
154-28-010	NEW-E	82-10-005	162-26	NEW-C	82-19-061	162-38-120	NEW-P	82-12-053
154-28-010	NEW	82-13-043	162-26-010	NEW-P	82-12-053	162-38-120	NEW-C	82-16-070

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
162-38-120	NEW	82-19-086	173-19-2901	AMD	82-17-048	173-130-090	REP	82-16-103
167-04-010	REP-P	82-07-084	173-19-2902	AMD	82-02-078	173-130-100	REP-P	82-10-073
167-04-030	REP-P	82-07-084	173-19-310	AMD-P	82-10-075	173-130-100	REP	82-16-103
167-04-050	REP-P	82-07-084	173-19-310	AMD	82-14-017	173-130-110	REP-P	82-10-073
167-06-010	REP-P	82-07-084	173-19-3208	AMD-P	82-13-106	173-130-110	REP	82-16-103
167-06-020	REP-P	82-07-084	173-19-3208	AMD	82-17-049	173-130-120	REP-P	82-10-073
167-08-010	REP-P	82-07-084	173-19-330	AMD-C	82-05-015	173-130-120	REP	82-16-103
172-114-040	AMD-P	82-16-052	173-19-330	AMD-C	82-06-012	173-130-130	REP-P	82-10-073
172-116-010	AMD	82-07-038	173-19-330	AMD	82-07-045	173-130-130	REP	82-16-103
172-116-015	NEW	82-07-038	173-19-3514	AMD-P	82-05-056	173-130-140	REP-P	82-10-073
172-116-020	AMD	82-07-038	173-19-3514	AMD	82-10-002	173-130-140	REP	82-16-103
172-116-030	AMD	82-07-038	173-19-370	AMD-P	82-10-076	173-130-150	REP-P	82-10-073
172-116-040	AMD	82-07-038	173-19-370	AMD-C	82-14-088	173-130-150	REP	82-16-103
172-116-050	AMD	82-07-038	173-19-370	AMD	82-18-027	173-130-155	REP-P	82-10-073
172-116-060	AMD	82-07-038	173-19-3704	AMD-P	82-10-076	173-130-155	REP	82-16-103
172-116-080	AMD	82-07-038	173-19-3704	AMD	82-14-089	173-130-160	REP-P	82-10-073
172-116-090	AMD	82-07-038	173-19-390	AMD-P	82-10-075	173-130-160	REP	82-16-103
172-116-100	REP	82-07-038	173-19-390	AMD	82-14-018	173-130-170	REP-P	82-10-073
172-116-110	AMD	82-07-038	173-19-3910	AMD-C	82-05-016	173-130-170	REP	82-16-103
172-116-120	REP	82-07-038	173-19-3910	AMD	82-06-013	173-130-180	REP-P	82-10-073
172-116-130	AMD	82-07-038	173-19-420	AMD-P	82-03-043	173-130-180	REP	82-16-103
172-116-140	AMD	82-07-038	173-19-420	AMD	82-07-004	173-130-190	REP-P	82-10-073
172-116-150	AMD	82-07-038	173-19-4202	AMD	82-02-080	173-130-190	REP	82-16-103
172-116-160	AMD	82-07-038	173-19-4203	AMD-P	82-16-104	173-130-195	REP-P	82-10-073
172-116-170	AMD	82-07-038	173-19-4206	AMD	82-02-081	173-130-195	REP	82-16-103
172-116-175	AMD	82-07-038	173-19-450	AMD	82-02-077	173-130-200	REP-P	82-10-073
172-116-185	REP	82-07-038	173-19-450	AMD-P	82-03-043	173-130-200	REP	82-16-103
172-116-190	AMD	82-07-038	173-19-450	AMD	82-07-005	173-130A	NEW-C	82-14-040
172-116-200	AMD	82-07-038	173-19-4502	AMD-P	82-05-056	173-130A-010	NEW-P	82-10-073
172-116-210	AMD	82-07-038	173-19-4502	AMD	82-10-001	173-130A-010	NEW	82-16-103
172-116-220	AMD	82-07-038	173-20-520	AMD-P	82-07-099	173-130A-020	NEW-P	82-10-073
172-116-230	AMD	82-07-038	173-20-520	AMD-P	82-11-102	173-130A-020	NEW	82-16-103
172-116-240	AMD	82-07-038	173-80-010	NEW	82-05-011	173-130A-030	NEW-P	82-10-073
172-116-250	AMD	82-07-038	173-80-020	NEW	82-05-011	173-130A-030	NEW	82-16-103
172-116-260	AMD	82-07-038	173-80-030	NEW	82-05-011	173-130A-040	NEW-P	82-10-073
172-116-270	AMD	82-07-038	173-80-040	NEW	82-05-011	173-130A-040	NEW	82-16-103
172-116-280	AMD	82-07-038	173-80-050	NEW	82-05-011	173-130A-050	NEW-P	82-10-073
172-116-300	AMD	82-07-038	173-80-060	NEW	82-05-011	173-130A-050	NEW	82-16-103
172-116-310	AMD	82-07-038	173-80-070	NEW	82-05-011	173-130A-060	NEW-P	82-10-073
172-116-315	AMD	82-07-038	173-128-010	REP-P	82-10-074	173-130A-060	NEW	82-16-103
172-116-320	AMD	82-07-038	173-128-010	REP	82-14-041	173-130A-070	NEW-P	82-10-073
172-116-330	AMD	82-07-038	173-128-020	REP-P	82-10-074	173-130A-070	NEW	82-16-103
172-116-340	AMD	82-07-038	173-128-020	REP	82-14-041	173-130A-080	NEW-P	82-10-073
172-116-345	NEW	82-07-038	173-128-030	REP-P	82-10-074	173-130A-080	NEW	82-16-103
172-168-010	AMD	82-07-064	173-128-030	REP	82-14-041	173-130A-090	NEW-P	82-10-073
172-168-020	AMD	82-07-064	173-128-040	REP-P	82-10-074	173-130A-090	NEW	82-16-103
172-168-060	AMD	82-07-064	173-128-040	REP	82-14-041	173-130A-100	NEW-P	82-10-073
172-168-070	AMD	82-07-064	173-128-050	REP-P	82-10-074	173-130A-100	NEW	82-16-103
172-168-080	AMD	82-07-064	173-128-050	REP	82-14-041	173-130A-110	NEW-P	82-10-073
172-168-090	AMD	82-07-064	173-128A-010	NEW-P	82-10-074	173-130A-110	NEW	82-16-103
172-168-100	AMD	82-07-064	173-128A-010	NEW	82-14-041	173-130A-120	NEW-P	82-10-073
172-168-110	AMD	82-07-064	173-128A-020	NEW-P	82-10-074	173-130A-120	NEW	82-16-103
172-168-120	AMD	82-07-064	173-128A-020	NEW	82-14-041	173-130A-130	NEW-P	82-10-073
172-168-130	AMD	82-07-064	173-128A-030	NEW-P	82-10-074	173-130A-130	NEW	82-16-103
172-180-020	AMD-E	82-15-047	173-128A-030	NEW	82-14-041	173-130A-140	NEW-P	82-10-073
172-180-020	AMD-P	82-16-051	173-128A-040	NEW-P	82-10-074	173-130A-140	NEW	82-16-103
173-03-030	AMD-P	82-13-107	173-128A-040	NEW	82-14-041	173-130A-150	NEW-P	82-10-073
173-03-060	AMD-P	82-13-107	173-128A-050	NEW-P	82-10-074	173-130A-150	NEW	82-16-103
173-14-090	AMD-E	82-16-056	173-128A-050	NEW	82-14-041	173-130A-160	NEW-P	82-10-073
173-14-115	AMD-E	82-16-056	173-130	REP-C	82-14-040	173-130A-160	NEW	82-16-103
173-19-160	AMD	82-05-017	173-130-010	REP-P	82-10-073	173-130A-170	NEW-P	82-10-073
173-19-160	AMD-P	82-08-075	173-130-010	REP	82-16-103	173-130A-170	NEW	82-16-103
173-19-2102	AMD	82-11-105	173-130-020	REP-P	82-10-073	173-130A-180	NEW-P	82-10-073
173-19-2102	AMD-P	82-13-106	173-130-020	REP	82-16-103	173-130A-180	NEW	82-16-103
173-19-2102	AMD	82-17-046	173-130-030	REP-P	82-10-073	173-130A-190	NEW-P	82-10-073
173-19-240	AMD-P	82-13-106	173-130-030	REP	82-16-103	173-130A-190	NEW	82-16-103
173-19-240	AMD	82-17-047	173-130-040	REP-P	82-10-073	173-130A-200	NEW-P	82-10-073
173-19-250	AMD	82-05-018	173-130-040	REP	82-16-103	173-130A-200	NEW	82-16-103
173-19-2521	AMD	82-02-079	173-130-050	REP-P	82-10-073	173-130A-210	NEW-P	82-10-073
173-19-2524	AMD-P	82-08-075	173-130-050	REP	82-16-103	173-130A-210	NEW	82-16-103
173-19-2524	AMD	82-11-106	173-130-060	REP-P	82-10-073	173-130A-220	NEW	82-16-103
173-19-260	AMD-P	82-19-102	173-130-060	REP	82-16-103	173-142-030	AMD-P	82-19-101
173-19-2601	AMD-C	82-02-076	173-130-070	REP-P	82-10-073	173-142-040	AMD-P	82-19-101
173-19-2601	AMD	82-03-042	173-130-070	REP	82-16-103	173-142-050	AMD-P	82-19-101
173-19-2601	AMD-P	82-03-043	173-130-080	REP-P	82-10-073	173-142-060	REP-P	82-19-101
173-19-2601	AMD	82-07-003	173-130-080	REP	82-16-103	173-142-070	AMD-P	82-19-101
173-19-2901	AMD-P	82-13-106	173-130-090	REP-P	82-10-073	173-142-080	AMD-P	82-19-101

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-201-010	AMD-P	82-06-056	173-302-090	REP	82-05-023	173-303-310	NEW	82-05-023
173-201-010	AMD	82-12-078	173-302-100	REP	82-05-023	173-303-320	NEW	82-05-023
173-201-020	REP-P	82-06-056	173-302-110	REP	82-05-023	173-303-330	NEW	82-05-023
173-201-020	REP	82-12-078	173-302-120	REP	82-05-023	173-303-340	NEW	82-05-023
173-201-025	AMD-P	82-06-056	173-302-130	REP	82-05-023	173-303-350	NEW	82-05-023
173-201-025	AMD	82-12-078	173-302-140	REP	82-05-023	173-303-360	NEW	82-05-023
173-201-035	AMD-P	82-06-056	173-302-150	REP	82-05-023	173-303-370	NEW	82-05-023
173-201-035	AMD	82-12-078	173-302-160	REP	82-05-023	173-303-380	NEW	82-05-023
173-201-045	AMD-P	82-06-056	173-302-165	REP	82-05-023	173-303-390	NEW	82-05-023
173-201-045	AMD	82-12-078	173-302-170	REP	82-05-023	173-303-395	NEW	82-05-023
173-201-050	REP-P	82-06-056	173-302-180	REP	82-05-023	173-303-400	NEW	82-05-023
173-201-050	REP	82-12-078	173-302-190	REP	82-05-023	173-303-500	NEW	82-05-023
173-201-070	AMD-P	82-06-056	173-302-200	REP	82-05-023	173-303-510	NEW	82-05-023
173-201-070	AMD	82-12-078	173-302-210	REP	82-05-023	173-303-520	NEW	82-05-023
173-201-080	AMD-P	82-06-056	173-302-220	REP	82-05-023	173-303-575	NEW	82-05-023
173-201-080	AMD	82-12-078	173-302-230	REP	82-05-023	173-303-600	NEW	82-05-023
173-201-085	AMD-P	82-06-056	173-302-240	REP	82-05-023	173-303-610	NEW	82-05-023
173-201-085	AMD	82-12-078	173-302-250	REP	82-05-023	173-303-620	NEW	82-05-023
173-201-090	AMD-P	82-06-056	173-302-260	REP	82-05-023	173-303-630	NEW	82-05-023
173-201-090	AMD	82-12-078	173-302-270	REP	82-05-023	173-303-640	NEW	82-05-023
173-201-120	AMD-P	82-06-056	173-302-280	REP	82-05-023	173-303-650	NEW	82-05-023
173-201-120	AMD	82-12-078	173-302-290	REP	82-05-023	173-303-660	NEW	82-05-023
173-201-140	REP-P	82-06-056	173-302-300	REP	82-05-023	173-303-670	NEW	82-05-023
173-201-140	REP	82-12-078	173-302-310	REP	82-05-023	173-303-700	NEW	82-05-023
173-202-020	AMD-P	82-18-069	173-302-320	REP	82-05-023	173-303-800	NEW	82-05-023
173-220-020	AMD-P	82-19-100	173-302-330	REP	82-05-023	173-303-801	NEW	82-05-023
173-220-030	AMD-P	82-19-100	173-302-340	REP	82-05-023	173-303-805	NEW	82-05-023
173-220-040	AMD-P	82-19-100	173-302-350	REP	82-05-023	173-303-810	NEW	82-05-023
173-220-045	NEW-P	82-19-100	173-302-360	REP	82-05-023	173-303-815	NEW	82-05-023
173-220-050	AMD-P	82-19-100	173-302-370	REP	82-05-023	173-303-820	NEW	82-05-023
173-220-060	AMD-P	82-19-100	173-302-380	REP	82-05-023	173-303-825	NEW	82-05-023
173-220-070	AMD-P	82-19-100	173-302-390	REP	82-05-023	173-303-830	NEW	82-05-023
173-220-080	AMD-P	82-19-100	173-303	AMD-C	82-04-046	173-303-840	NEW	82-05-023
173-220-100	AMD-P	82-19-100	173-303-010	NEW	82-05-023	173-303-845	NEW	82-05-023
173-220-110	AMD-P	82-19-100	173-303-020	NEW	82-05-023	173-303-900	NEW	82-05-023
173-220-120	AMD-P	82-19-100	173-303-030	NEW	82-05-023	173-303-910	NEW	82-05-023
173-220-130	AMD-P	82-19-100	173-303-040	NEW	82-05-023	173-303-9901	NEW	82-05-023
173-220-140	AMD-P	82-19-100	173-303-045	NEW	82-05-023	173-303-9902	NEW	82-05-023
173-220-150	AMD-P	82-19-100	173-303-050	NEW	82-05-023	173-303-9903	NEW	82-05-023
173-220-160	AMD-P	82-19-100	173-303-060	NEW	82-05-023	173-303-9904	NEW	82-05-023
173-220-170	AMD-P	82-19-100	173-303-070	NEW	82-05-023	173-303-9905	NEW	82-05-023
173-220-180	AMD-P	82-19-100	173-303-071	NEW	82-05-023	173-303-9906	NEW	82-05-023
173-220-190	AMD-P	82-19-100	173-303-075	NEW	82-05-023	173-303-9907	NEW	82-05-023
173-220-200	AMD-P	82-19-100	173-303-080	NEW	82-05-023	173-320-010	NEW-P	82-18-070
173-220-210	AMD-P	82-19-100	173-303-081	NEW	82-05-023	173-320-020	NEW-P	82-18-070
173-220-220	AMD-P	82-19-100	173-303-082	NEW	82-05-023	173-320-030	NEW-P	82-18-070
173-220-225	NEW-P	82-19-100	173-303-083	NEW	82-05-023	173-320-040	NEW-P	82-18-070
173-220-240	AMD-P	82-19-100	173-303-084	NEW	82-05-023	173-320-050	NEW-P	82-18-070
173-230-010	AMD-P	82-05-055	173-303-090	NEW	82-05-023	173-320-060	NEW-P	82-18-070
173-230-010	AMD	82-09-056	173-303-100	NEW	82-05-023	173-320-070	NEW-P	82-18-070
173-230-020	AMD-P	82-05-055	173-303-101	NEW	82-05-023	173-320-080	NEW-P	82-18-070
173-230-020	AMD	82-09-056	173-303-102	NEW	82-05-023	173-400-115	AMD-P	82-11-103
173-230-040	AMD-P	82-05-055	173-303-103	NEW	82-05-023	173-400-115	AMD	82-16-019
173-230-040	AMD	82-09-056	173-303-104	NEW	82-05-023	173-415-040	AMD-P	82-11-103
173-230-050	AMD-P	82-05-055	173-303-110	NEW	82-05-023	173-415-040	AMD	82-16-020
173-230-050	AMD	82-09-056	173-303-120	NEW	82-05-023	173-490-020	AMD-P	82-11-104
173-230-060	REP-P	82-05-055	173-303-130	NEW	82-05-023	173-490-020	AMD	82-16-021
173-230-060	REP	82-09-056	173-303-140	NEW	82-05-023	173-490-025	AMD-P	82-11-104
173-230-061	NEW-P	82-05-055	173-303-141	NEW	82-05-023	173-490-025	AMD	82-16-021
173-230-061	NEW	82-09-056	173-303-145	NEW	82-05-023	173-490-040	AMD-P	82-11-104
173-230-070	AMD-P	82-05-055	173-303-150	NEW	82-05-023	173-490-040	AMD	82-16-021
173-230-070	AMD	82-09-056	173-303-160	NEW	82-05-023	173-490-080	AMD-P	82-11-104
173-230-080	AMD-P	82-05-055	173-303-170	NEW	82-05-023	173-490-080	AMD	82-16-021
173-230-080	AMD	82-09-056	173-303-180	NEW	82-05-023	173-490-203	AMD-P	82-11-104
173-230-100	AMD-P	82-05-055	173-303-190	NEW	82-05-023	173-490-203	AMD	82-16-021
173-230-100	AMD	82-09-056	173-303-200	NEW	82-05-023	173-490-204	AMD-P	82-11-104
173-230-110	AMD-P	82-05-055	173-303-210	NEW	82-05-023	173-490-204	AMD	82-16-021
173-230-110	AMD	82-09-056	173-303-220	NEW	82-05-023	173-490-205	AMD-P	82-11-104
173-302	REP-C	82-04-046	173-303-230	NEW	82-05-023	173-490-205	AMD	82-16-021
173-302-010	REP	82-05-023	173-303-240	NEW	82-05-023	173-490-206	REP-P	82-11-104
173-302-020	REP	82-05-023	173-303-250	NEW	82-05-023	173-490-206	REP	82-16-021
173-302-030	REP	82-05-023	173-303-260	NEW	82-05-023	173-490-208	NEW-P	82-11-104
173-302-040	REP	82-05-023	173-303-270	NEW	82-05-023	173-490-208	NEW	82-16-021
173-302-050	REP	82-05-023	173-303-275	NEW	82-05-023	173-545-010	NEW-P	82-18-071
173-302-060	REP	82-05-023	173-303-280	NEW	82-05-023	173-545-020	NEW-P	82-18-071
173-302-070	REP	82-05-023	173-303-290	NEW	82-05-023	173-545-030	NEW-P	82-18-071
173-302-080	REP	82-05-023	173-303-300	NEW	82-05-023	173-545-040	NEW-P	82-18-071

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173-545-060	NEW-P	82-18-071	174-116-080	AMD-P	82-18-079
173-545-070	NEW-P	82-18-071	174-116-090	AMD-P	82-18-079
173-545-080	NEW-P	82-18-071	174-116-091	NEW-P	82-18-079
173-545-090	NEW-P	82-18-071	174-116-092	NEW-P	82-18-079
173-545-100	NEW-P	82-18-071	174-116-115	REP-P	82-18-079
173-563-020	AMD-P	82-14-087	174-116-119	NEW-P	82-18-079
173-563-040	AMD-P	82-14-087	174-116-121	NEW-P	82-18-079
173-563-050	AMD-P	82-14-087	174-116-122	NEW-P	82-18-079
173-563-052	NEW-P	82-14-087	174-116-123	NEW-P	82-18-079
173-563-056	NEW-P	82-14-087	174-116-124	NEW-P	82-18-079
173-563-060	AMD-P	82-14-087	174-116-125	AMD-P	82-18-079
173-563-080	AMD-P	82-14-087	174-116-126	NEW-P	82-18-079
173-563-100	AMD-P	82-14-087	174-116-127	NEW-P	82-18-079
173-563-140	NEW-P	82-14-087	174-116-128	NEW-P	82-18-079
173-563-900	AMD-P	82-14-087	174-116-135	REP-P	82-18-079
174-104-010	AMD-P	82-06-008	174-116-140	REP-P	82-18-079
174-104-010	AMD-C	82-09-009	174-116-150	REP-P	82-18-079
174-104-010	AMD	82-10-035	174-116-180	AMD-P	82-18-079
174-107-100	NEW-P	82-16-102	174-116-200	NEW-P	82-18-079
174-107-110	NEW-P	82-16-102	174-116-210	NEW-P	82-18-079
174-107-120	NEW-P	82-16-102	174-116-220	NEW-P	82-18-079
174-107-130	NEW-P	82-16-102	174-116-250	NEW-P	82-18-079
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174-107-170	NEW-P	82-16-102	180-16-160	REP-P	82-15-037
174-107-180	NEW-P	82-16-102	180-40-200	AMD-P	82-16-055
174-107-190	NEW-P	82-16-102	180-55-125	AMD	82-04-002
174-107-200	NEW-P	82-16-102	180-56-230	AMD	82-04-003
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174-107-220	NEW-P	82-16-102	180-90-140	AMD	82-04-004
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174-107-240	NEW-P	82-16-102	180-100-010	REP-P	82-15-038
174-107-250	NEW-P	82-16-102	192-12-015	NEW-P	82-13-058
174-107-260	NEW-P	82-16-102	192-12-015	NEW-E	82-15-003
174-107-270	NEW-P	82-16-102	192-12-015	NEW	82-17-052
174-107-280	NEW-P	82-16-102	192-12-017	NEW-P	82-13-058
174-107-290	NEW-P	82-16-102	192-12-017	NEW-E	82-15-003
174-107-300	NEW-P	82-16-102	192-12-017	NEW	82-17-052
174-107-310	NEW-P	82-16-102	192-16-009	AMD-P	82-13-058
174-107-320	NEW-P	82-16-102	192-16-009	AMD-E	82-15-003
174-107-330	NEW-P	82-16-102	192-16-009	AMD	82-17-052
174-107-340	NEW-P	82-16-102	192-16-016	NEW-P	82-13-058
174-107-350	NEW-P	82-16-102	192-16-016	NEW-E	82-13-059
174-107-360	NEW-P	82-16-102	192-16-016	NEW	82-17-052
174-107-370	NEW-P	82-16-102	192-16-019	AMD-P	82-13-058
174-107-380	NEW-P	82-16-102	192-16-019	AMD-E	82-15-003
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174-107-410	NEW-P	82-16-102	192-16-036	AMD-P	82-13-058
174-107-420	NEW-P	82-16-102	192-16-036	AMD-E	82-13-059
174-107-430	NEW-P	82-16-102	192-16-036	AMD	82-17-052
174-107-440	NEW-P	82-16-102	192-16-040	AMD-P	82-13-058
174-107-450	NEW-P	82-16-102	192-16-040	AMD-E	82-13-059
174-107-460	NEW-P	82-16-102	192-16-040	AMD	82-17-052
174-107-470	NEW-P	82-16-102	192-16-040	AMD-E	82-19-041
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174-107-510	NEW-P	82-16-102	192-16-042	AMD-E	82-13-059
174-107-520	NEW-P	82-16-102	192-16-042	AMD	82-17-052
174-107-530	NEW-P	82-16-102	192-16-045	AMD-P	82-13-058
174-107-540	NEW-P	82-16-102	192-16-045	AMD-E	82-13-059
174-107-560	NEW-P	82-16-102	192-16-045	AMD	82-17-052
174-116	AMD-P	82-18-079	192-16-047	AMD-P	82-13-058
174-116-010	AMD-P	82-18-079	192-16-047	AMD-E	82-13-059
174-116-011	NEW-P	82-18-079	192-16-047	AMD	82-17-052
174-116-020	AMD-P	82-18-079	192-16-050	NEW-P	82-09-063
174-116-030	AMD-P	82-18-079	192-16-050	NEW-E	82-09-064
174-116-040	AMD-P	82-18-079	192-16-050	NEW-C	82-13-056
174-116-041	NEW-P	82-18-079	192-16-050	NEW	82-13-057
174-116-042	NEW-P	82-18-079	192-16-051	NEW-P	82-13-058
174-116-043	NEW-P	82-18-079	192-16-051	NEW-E	82-13-059
174-116-044	NEW-P	82-18-079	192-16-051	NEW	82-17-052
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174-116-046	NEW-P	82-18-079	192-16-055	NEW-E	82-13-059
174-116-050	AMD-P	82-18-079	192-16-055	NEW	82-17-052
174-116-060	AMD-P	82-18-079	192-18-050	AMD-E	82-03-054
174-116-070	AMD-P	82-18-079	194-10-020	AMD-P	82-13-044
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194-10-030	AMD	82-17-030			
194-10-040	AMD-P	82-13-044			
194-10-040	AMD	82-17-030			
194-10-050	AMD-P	82-13-044			
194-10-050	AMD	82-17-030			
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194-10-100	AMD	82-17-030			
194-10-120	AMD-P	82-13-044			
194-10-120	AMD	82-17-030			
194-10-130	AMD-P	82-13-044			
194-10-130	AMD	82-17-030			
194-10-140	AMD-P	82-13-044			
194-10-140	AMD	82-17-030			
194-12-010	AMD-P	82-13-044			
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194-12-060	AMD-P	82-13-044			
194-12-060	AMD	82-17-030			
194-12-070	AMD-P	82-13-044			
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204-22-010	NEW-P	82-11-051			
204-22-010	NEW	82-16-047			
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204-22-020	NEW	82-16-047			
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204-24-040	AMD	82-11-045			
204-24-050	AMD-E	82-04-048			
204-24-050	AMD-P	82-04-049			
204-24-050	AMD	82-11-045			
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204-56-010	REP	82-11-040			
204-56-015	NEW-P	82-06-041			
204-56-015	NEW	82-11-040			
204-56-020	REP-P	82-06-041			
204-56-020	REP	82-11-040			
204-56-025	NEW-P	82-06-041			
204-56-025	NEW	82-11-040			

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204-56-035	NEW-P	82-06-041	204-88-070	NEW-P	82-11-044	212-16-145	REP-E	82-12-013
204-56-035	NEW	82-11-040	204-88-070	NEW	82-16-047	212-16-145	REP-P	82-13-002
204-56-040	REP-P	82-06-041	212-16-001	REP-E	82-12-013	212-16-145	REP	82-17-037
204-56-040	REP	82-11-040	212-16-001	REP-P	82-13-002	212-16-150	REP-E	82-12-013
204-56-045	NEW-P	82-06-041	212-16-001	REP	82-17-037	212-16-150	REP-P	82-13-002
204-56-045	NEW	82-11-040	212-16-010	REP-E	82-12-013	212-16-150	REP	82-17-037
204-56-050	REP-P	82-06-041	212-16-010	REP-P	82-13-002	212-16-155	REP-E	82-12-013
204-56-050	REP	82-11-040	212-16-010	REP	82-17-037	212-16-155	REP-P	82-13-002
204-56-055	NEW-P	82-06-041	212-16-015	REP-E	82-12-013	212-16-155	REP	82-17-037
204-56-055	NEW	82-11-040	212-16-015	REP-P	82-13-002	212-16-160	REP-E	82-12-013
204-56-065	NEW-P	82-06-041	212-16-015	REP	82-17-037	212-16-160	REP-P	82-13-002
204-56-065	NEW	82-11-040	212-16-020	REP-E	82-12-013	212-16-160	REP	82-17-037
204-56-075	NEW-P	82-06-041	212-16-020	REP-P	82-13-002	212-16-175	REP-E	82-12-013
204-56-075	NEW	82-11-040	212-16-020	REP	82-17-037	212-16-175	REP-P	82-13-002
204-56-085	NEW-P	82-06-041	212-16-025	REP-E	82-12-013	212-16-175	REP	82-17-037
204-56-085	NEW	82-11-040	212-16-025	REP-P	82-13-002	212-16-180	REP-E	82-12-013
204-56-99001	NEW-P	82-06-041	212-16-025	REP	82-17-037	212-16-180	REP-P	82-13-002
204-56-99001	NEW	82-11-040	212-16-030	REP-E	82-12-013	212-16-180	REP	82-17-037
204-56-99002	NEW-P	82-06-041	212-16-030	REP-P	82-13-002	212-16-185	REP-E	82-12-013
204-56-99002	NEW	82-11-040	212-16-030	REP	82-17-037	212-16-185	REP-P	82-13-002
204-56-99003	NEW-P	82-06-041	212-16-035	REP-E	82-12-013	212-16-185	REP	82-17-037
204-56-99003	NEW	82-11-040	212-16-035	REP-P	82-13-002	212-16-190	REP-E	82-12-013
204-56-99004	NEW-P	82-06-041	212-16-035	REP	82-17-037	212-16-190	REP-P	82-13-002
204-56-99004	NEW	82-11-040	212-16-040	REP-E	82-12-013	212-16-190	REP	82-17-037
204-56-99005	NEW-P	82-06-041	212-16-040	REP-P	82-13-002	212-16-195	REP-E	82-12-013
204-56-99005	NEW	82-11-040	212-16-040	REP	82-17-037	212-16-195	REP-P	82-13-002
204-56-99006	NEW-P	82-06-041	212-16-045	REP-E	82-12-013	212-16-195	REP	82-17-037
204-56-99006	NEW	82-11-040	212-16-045	REP-P	82-13-002	212-16-200	REP-E	82-12-013
204-56-99007	NEW-P	82-06-041	212-16-045	REP	82-17-037	212-16-200	REP-P	82-13-002
204-56-99007	NEW	82-11-040	212-16-050	REP-E	82-12-013	212-16-200	REP	82-17-037
204-56-99008	NEW-P	82-06-041	212-16-050	REP-P	82-13-002	212-16-205	REP-E	82-12-013
204-56-99008	NEW	82-11-040	212-16-050	REP	82-17-037	212-16-205	REP-P	82-13-002
204-56-99009	NEW-P	82-06-041	212-16-055	REP-E	82-12-013	212-16-205	REP	82-17-037
204-56-99009	NEW	82-11-040	212-16-055	REP-P	82-13-002	212-16-210	REP-E	82-12-013
204-56-99010	NEW-P	82-06-041	212-16-055	REP	82-17-037	212-16-210	REP-P	82-13-002
204-56-99010	NEW	82-11-040	212-16-075	REP-E	82-12-013	212-16-210	REP	82-17-037
204-56-99011	NEW-P	82-06-041	212-16-075	REP-P	82-13-002	212-16-215	REP-E	82-12-013
204-56-99011	NEW	82-11-040	212-16-075	REP	82-17-037	212-16-215	REP-P	82-13-002
204-56-99012	NEW-P	82-06-041	212-16-080	REP-E	82-12-013	212-16-215	REP	82-17-037
204-56-99012	NEW	82-11-040	212-16-080	REP-P	82-13-002	212-16-220	REP-E	82-12-013
204-56-99013	NEW-P	82-06-041	212-16-080	REP	82-17-037	212-16-220	REP-P	82-13-002
204-56-99013	NEW	82-11-040	212-16-085	REP-E	82-12-013	212-16-220	REP	82-17-037
204-70	AMD-C	82-16-046	212-16-085	REP-P	82-13-002	212-16-225	REP-E	82-12-013
204-70-040	AMD-E	82-04-047	212-16-085	REP	82-17-037	212-16-225	REP-P	82-13-002
204-70-040	AMD-E	82-11-041	212-16-090	REP-E	82-12-013	212-16-225	REP	82-17-037
204-70-040	AMD-P	82-11-042	212-16-090	REP-P	82-13-002	212-16-230	REP-E	82-12-013
204-70-040	AMD-E	82-16-048	212-16-090	REP	82-17-037	212-16-230	REP-P	82-13-002
204-70-100	AMD-E	82-04-047	212-16-095	REP-E	82-12-013	212-16-230	REP	82-17-037
204-70-100	AMD-E	82-11-041	212-16-095	REP-P	82-13-002	212-16-235	REP-E	82-12-013
204-70-100	AMD-P	82-11-042	212-16-095	REP	82-17-037	212-16-235	REP-P	82-13-002
204-70-100	AMD-E	82-16-048	212-16-100	REP-E	82-12-013	212-16-235	REP	82-17-037
204-70-110	NEW-E	82-11-041	212-16-100	REP-P	82-13-002	212-16-240	REP-E	82-12-013
204-70-110	NEW-P	82-11-042	212-16-100	REP	82-17-037	212-16-240	REP-P	82-13-002
204-70-110	NEW-E	82-16-048	212-16-105	REP-E	82-12-013	212-16-240	REP	82-17-037
204-70-120	AMD-E	82-04-047	212-16-105	REP-P	82-13-002	212-16-245	REP-E	82-12-013
204-70-120	REP-E	82-11-041	212-16-105	REP	82-17-037	212-16-245	REP-P	82-13-002
204-70-120	REP-P	82-11-042	212-16-110	REP-E	82-12-013	212-16-245	REP	82-17-037
204-70-120	REP-E	82-16-048	212-16-110	REP-P	82-13-002	212-16-250	REP-E	82-12-013
204-88-010	NEW-E	82-11-043	212-16-110	REP	82-17-037	212-16-250	REP-P	82-13-002
204-88-010	NEW-P	82-11-044	212-16-115	REP-E	82-12-013	212-16-250	REP	82-17-037
204-88-010	NEW	82-16-047	212-16-115	REP-P	82-13-002	212-16-255	REP-E	82-12-013
204-88-020	NEW-E	82-11-043	212-16-115	REP	82-17-037	212-16-255	REP-P	82-13-002
204-88-020	NEW-P	82-11-044	212-16-120	REP-E	82-12-013	212-16-255	REP	82-17-037
204-88-020	NEW	82-16-047	212-16-120	REP-P	82-13-002	212-16-260	REP-E	82-12-013
204-88-030	NEW-E	82-11-043	212-16-120	REP	82-17-037	212-16-260	REP-P	82-13-002
204-88-030	NEW-P	82-11-044	212-16-125	REP-E	82-12-013	212-16-260	REP	82-17-037
204-88-030	NEW	82-16-047	212-16-125	REP-P	82-13-002	212-16-275	REP-E	82-12-013
204-88-040	NEW-E	82-11-043	212-16-125	REP	82-17-037	212-16-275	REP-P	82-13-002
204-88-040	NEW-P	82-11-044	212-16-130	REP-E	82-12-013	212-16-275	REP	82-17-037
204-88-040	NEW	82-16-047	212-16-130	REP-P	82-13-002	212-16-280	REP-E	82-12-013
204-88-050	NEW-E	82-11-043	212-16-130	REP	82-17-037	212-16-280	REP-P	82-13-002
204-88-050	NEW-P	82-11-044	212-16-135	REP-E	82-12-013	212-16-280	REP	82-17-037
204-88-050	NEW	82-16-047	212-16-135	REP-P	82-13-002	212-16-285	REP-E	82-12-013
204-88-060	NEW-E	82-11-043	212-16-135	REP	82-17-037	212-16-285	REP-P	82-13-002
204-88-060	NEW-P	82-11-044	212-16-140	REP-E	82-12-013	212-16-285	REP	82-17-037

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212-17-235	NEW-E 82-12-001	212-17-360	NEW-E 82-18-020	220-16-090	AMD-P 82-10-077
212-17-235	NEW-P 82-13-001	212-17-900	NEW-E 82-12-001	220-16-090	AMD-C 82-13-085
212-17-235	NEW-E 82-18-020	212-17-900	NEW-P 82-13-001	220-16-090	AMD 82-14-056
212-17-240	NEW-E 82-12-001	212-17-900	NEW-E 82-18-020	220-16-126	NEW-P 82-10-077
212-17-240	NEW-P 82-13-001	212-26-001	NEW-P 82-07-075	220-16-126	NEW-C 82-13-085
212-17-240	NEW-E 82-18-020	212-26-001	NEW 82-11-029	220-16-126	NEW 82-14-056
212-17-245	NEW-E 82-12-001	212-26-005	NEW-P 82-07-075	220-16-130	REP-P 82-10-077
212-17-245	NEW-P 82-13-001	212-26-005	NEW 82-11-029	220-16-130	REP-C 82-13-085
212-17-245	NEW-E 82-18-020	212-26-010	NEW-P 82-07-075	220-16-130	REP 82-14-056
212-17-250	NEW-E 82-12-001	212-26-010	NEW 82-11-029	220-16-132	NEW 82-03-045
212-17-250	NEW-P 82-13-001	212-26-015	NEW-P 82-07-075	220-16-132	REP-P 82-10-077
212-17-250	NEW-E 82-18-020	212-26-015	NEW 82-11-029	220-16-132	REP-C 82-13-085
212-17-255	NEW-E 82-12-001	212-26-020	NEW-P 82-07-075	220-16-132	REP 82-14-056
212-17-255	NEW-P 82-13-001	212-26-020	NEW 82-11-029	220-16-145	AMD-P 82-10-077
212-17-255	NEW-E 82-18-020	212-26-025	NEW-P 82-07-075	220-16-145	AMD-C 82-13-085
212-17-260	NEW-E 82-12-001	212-26-025	NEW 82-11-029	220-16-145	AMD 82-14-056
212-17-260	NEW-P 82-13-001	212-26-030	NEW-P 82-07-075	220-16-257	AMD-P 82-02-097
212-17-260	NEW-E 82-18-020	212-26-030	NEW 82-11-029	220-16-257	AMD-C 82-06-023
212-17-265	NEW-E 82-12-001	212-26-035	NEW-P 82-07-075	220-16-257	AMD-C 82-07-044
212-17-265	NEW-P 82-13-001	212-26-035	NEW 82-11-029	220-16-257	AMD 82-07-047
212-17-265	NEW-E 82-18-020	212-26-040	NEW-P 82-07-075	220-16-315	AMD 82-03-045
212-17-270	NEW-E 82-12-001	212-26-040	NEW 82-11-029	220-16-315	AMD-P 82-10-077
212-17-270	NEW-P 82-13-001	212-26-045	NEW-P 82-07-075	220-16-315	AMD-C 82-13-085
212-17-270	NEW-E 82-18-020	212-26-045	NEW 82-11-029	220-16-315	AMD 82-14-056
212-17-275	NEW-E 82-12-001	212-26-050	NEW-P 82-07-075	220-16-340	AMD-P 82-02-097
212-17-275	NEW-P 82-13-001	212-26-050	NEW 82-11-029	220-16-340	AMD-C 82-06-023
212-17-275	NEW-E 82-18-020	212-26-055	NEW-P 82-07-075	220-16-340	AMD-C 82-07-044
212-17-280	NEW-E 82-12-001	212-26-055	NEW 82-11-029	220-16-340	AMD 82-07-047
212-17-280	NEW-P 82-13-001	212-26-060	NEW-P 82-07-075	220-20-010	AMD-P 82-02-097
212-17-280	NEW-E 82-18-020	212-26-060	NEW 82-11-029	220-20-010	AMD-C 82-06-023
212-17-285	NEW-E 82-12-001	212-26-065	NEW-P 82-07-075	220-20-010	AMD-C 82-07-044
212-17-285	NEW-P 82-13-001	212-26-065	NEW 82-11-029	220-20-010	AMD 82-07-047
212-17-285	NEW-E 82-18-020	212-26-070	NEW-P 82-07-075	220-20-010	AMD-P 82-12-079
212-17-290	NEW-E 82-12-001	212-26-070	NEW 82-11-029	220-20-010	AMD-C 82-15-015
212-17-290	NEW-P 82-13-001	212-26-075	NEW-P 82-07-075	220-20-010	AMD 82-15-040
212-17-290	NEW-E 82-18-020	212-26-075	NEW 82-11-029	220-20-01000G	NEW-E 82-08-005
212-17-295	NEW-E 82-12-001	212-26-080	NEW-P 82-07-075	220-20-01000G	NEW-E 82-11-075
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212-17-295	NEW-E 82-18-020	212-26-085	NEW-P 82-07-075	220-20-019	NEW-P 82-12-080
212-17-300	NEW-E 82-12-001	212-26-085	NEW 82-11-029	220-20-019	NEW-C 82-16-018
212-17-300	NEW-P 82-13-001	212-26-090	NEW-P 82-07-075	220-20-019	NEW 82-17-040
212-17-300	NEW-E 82-18-020	212-26-090	NEW 82-11-029	220-20-021	NEW-P 82-12-080
212-17-305	NEW-E 82-12-001	212-26-095	NEW-P 82-07-075	220-20-021	NEW-C 82-16-018
212-17-305	NEW-P 82-13-001	212-26-095	NEW 82-11-029	220-20-021	NEW 82-17-040
212-17-305	NEW-E 82-18-020	212-26-100	NEW-P 82-07-075	220-20-02100A	NEW-E 82-07-082
212-17-310	NEW-E 82-12-001	212-26-100	NEW 82-11-029	220-20-02100B	NEW-E 82-16-043
212-17-310	NEW-P 82-13-001	212-26-105	NEW-P 82-07-075	220-20-022	NEW-P 82-19-099
212-17-310	NEW-E 82-18-020	212-26-105	NEW 82-11-029	220-20-039	NEW-E 82-06-059
212-17-315	NEW-E 82-12-001	212-32-045	AMD-P 82-09-001	220-20-039	NEW-P 82-12-080
212-17-315	NEW-P 82-13-001	212-32-045	AMD 82-13-025	220-20-039	NEW-C 82-16-018
212-17-315	NEW-E 82-18-020	212-36	AMD-W 82-08-044	220-20-039	NEW 82-17-040
212-17-320	NEW-E 82-12-001	212-52-012	AMD-P 82-07-017	220-22-020	AMD-P 82-10-078
212-17-320	NEW-P 82-13-001	212-52-012	AMD 82-11-030	220-22-020	AMD-C 82-13-041
212-17-320	NEW-E 82-18-020	212-55	AMD-P 82-19-085	220-22-020	AMD 82-13-048
212-17-325	NEW-E 82-12-001	212-55-001	AMD-P 82-19-085	220-22-02000A	NEW-E 82-14-001
212-17-325	NEW-P 82-13-001	212-55-005	AMD-P 82-19-085	220-22-030	AMD-P 82-12-079
212-17-325	NEW-E 82-18-020	212-55-010	AMD-P 82-19-085	220-22-030	AMD-C 82-15-015
212-17-330	NEW-E 82-12-001	212-55-025	AMD-P 82-19-085	220-22-030	AMD 82-15-040
212-17-330	NEW-P 82-13-001	212-55-030	AMD-P 82-19-085	220-22-03000A	NEW-E 82-16-005
212-17-330	NEW-E 82-18-020	212-55-035	AMD-P 82-19-085	220-22-400	AMD-P 82-19-099
212-17-335	NEW-E 82-12-001	212-55-040	AMD-P 82-19-085	220-22-410	AMD-P 82-10-071
212-17-335	NEW-P 82-13-001	212-55-055	AMD-P 82-19-085	220-22-410	AMD-C 82-13-085
212-17-335	NEW-E 82-18-020	212-55-065	AMD-P 82-19-085	220-22-410	AMD 82-14-056
212-17-340	NEW-E 82-12-001	212-55-075	AMD-P 82-19-085	220-24-0200Q	NEW-E 82-15-032
212-17-340	NEW-P 82-13-001	212-55-085	AMD-P 82-19-085	220-24-0200Q	REP-E 82-16-054
212-17-340	NEW-E 82-18-020	220-12-010	AMD-P 82-02-097	220-24-02000M	NEW-E 82-13-017
212-17-345	NEW-E 82-12-001	220-12-010	AMD-C 82-06-023	220-24-02000M	REP-E 82-15-032
212-17-345	NEW-P 82-13-001	220-12-010	AMD-C 82-07-044	220-24-02000N	NEW-E 82-14-091
212-17-345	NEW-E 82-18-020	220-12-010	AMD 82-07-047	220-24-02000N	REP-E 82-15-005
212-17-350	NEW-E 82-12-001	220-16-015	AMD-P 82-10-077	220-24-02000P	NEW-E 82-15-005
212-17-350	NEW-P 82-13-001	220-16-015	AMD-C 82-13-085	220-24-02000P	REP-E 82-16-054
212-17-350	NEW-E 82-18-020	220-16-015	AMD 82-14-056	220-24-02000R	NEW-E 82-16-054
212-17-355	NEW-E 82-12-001	220-16-055	AMD-P 82-09-082	220-24-02000S	REP-E 82-17-012
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212-17-355	NEW-E 82-18-020	220-16-070	REP-P 82-10-077	220-28-003G0F	NEW-E 82-15-049
212-17-360	NEW-E 82-12-001	220-16-070	REP-C 82-13-085	220-28-003G0F	REP-E 82-16-026

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220-28-072B0A	REP-E	82-13-008	220-32-04100E	REP-E	82-13-047	220-47-701	REP-E	82-16-011
220-28-072B0B	NEW-E	82-13-008	220-32-04100F	NEW-E	82-13-047	220-47-702	NEW-E	82-16-011
220-28-072B0B	REP-E	82-13-013	220-32-05100R	NEW-E	82-04-039	220-47-702	REP-E	82-16-067
220-28-072B0C	NEW-E	82-13-013	220-32-05100R	NEW-E	82-19-003	220-47-703	NEW-E	82-16-067
220-28-072B0C	REP-E	82-14-024	220-32-05100R	REP-E	82-19-043	220-47-703	REP-E	82-17-015
220-28-072B0D	NEW-E	82-14-024	220-32-05100S	NEW-E	82-19-043	220-47-704	NEW-E	82-17-015
220-28-072B0D	REP-E	82-18-014	220-32-055	AMD-P	82-12-080	220-47-704	REP-E	82-17-041
220-28-072B0E	NEW-E	82-18-014	220-32-055	AMD-C	82-16-018	220-47-705	NEW-E	82-17-041
220-28-073E0A	NEW-E	82-12-015	220-32-055	AMD	82-17-040	220-47-705	REP-E	82-18-013
220-28-073E0A	REP-E	82-16-009	220-32-05500F	NEW-E	82-11-012	220-47-706	NEW-E	82-18-013
220-28-073E0B	NEW-E	82-16-009	220-32-05500F	REP-E	82-11-076	220-47-706	REP-E	82-18-045
220-28-073E0B	REP-E	82-16-053	220-32-05500G	NEW-E	82-11-076	220-47-707	NEW-E	82-18-045
220-28-073E0C	NEW-E	82-16-053	220-32-057	AMD-P	82-17-011	220-47-707	REP-E	82-19-010
220-28-073E0C	REP-E	82-18-014	220-32-057	AMD	82-19-083	220-47-708	NEW-E	82-19-010
220-28-073G0A	NEW-E	82-14-013	220-32-05700K	REP-E	82-03-027	220-47-708	REP-E	82-19-036
220-28-073G0A	REP-E	82-16-026	220-32-05700L	NEW-E	82-03-027	220-47-709	NEW-E	82-19-036
220-28-073G0A	REP-E	82-17-063	220-32-05700L	REP-E	82-09-044	220-47-709	REP-E	82-19-063
220-28-086N0A	NEW-E	82-11-059	220-32-05700M	NEW-E	82-09-044	220-47-710	NEW-E	82-19-063
220-28-086N0A	REP-E	82-12-009	220-32-05700N	NEW-E	82-16-042	220-48-001	NEW-P	82-10-077
220-28-086N0B	NEW-E	82-12-009	220-32-05800J	NEW-E	82-19-003	220-48-001	NEW-C	82-13-085
220-28-086N0B	REP-E	82-12-047	220-32-05900C	NEW-E	82-10-039	220-48-001	NEW	82-14-056
220-28-086N0C	NEW-E	82-12-047	220-36-021	AMD-P	82-10-078	220-48-005	NEW-P	82-10-077
220-28-086N0C	REP-E	82-13-007	220-36-021	AMD-C	82-13-041	220-48-005	NEW-C	82-13-085
220-28-086N0D	NEW-E	82-13-007	220-36-021	AMD	82-13-048	220-48-005	NEW	82-14-056
220-28-201	NEW-E	82-09-029	220-36-022	AMD-P	82-10-078	220-48-005	AMD-P	82-19-099
220-28-201	REP-E	82-12-051	220-36-022	AMD-C	82-13-041	220-48-011	NEW-P	82-10-077
220-28-202	NEW-E	82-12-051	220-36-022	AMD	82-13-048	220-48-011	NEW-C	82-13-085
220-28-202	REP-E	82-13-061	220-36-024	AMD-P	82-10-078	220-48-011	NEW	82-14-056
220-28-203	NEW-E	82-13-061	220-36-024	AMD-C	82-13-041	220-48-015	NEW-P	82-10-077
220-28-203	REP-E	82-14-054	220-36-024	AMD	82-13-048	220-48-015	NEW-C	82-13-085
220-28-204	NEW-E	82-14-054	220-40-021	AMD-P	82-10-078	220-48-015	NEW	82-14-056
220-28-204	REP-E	82-15-030	220-40-021	AMD-C	82-13-041	220-48-015	AMD-P	82-19-099
220-28-205	NEW-E	82-15-030	220-40-021	AMD	82-13-048	220-48-017	NEW-P	82-10-077
220-28-205	REP-E	82-15-066	220-40-022	AMD-P	82-10-078	220-48-017	NEW-C	82-13-085
220-28-206	NEW-E	82-15-066	220-40-022	AMD-C	82-13-041	220-48-017	NEW	82-14-056
220-28-206	REP-E	82-16-010	220-40-022	AMD	82-13-048	220-48-019	NEW-P	82-10-077
220-28-207	NEW-E	82-16-010	220-40-02200R	NEW-E	82-14-082	220-48-019	NEW-C	82-13-085
220-28-207	REP-E	82-16-066	220-40-024	AMD-P	82-10-078	220-48-019	NEW	82-14-056
220-28-208	NEW-E	82-16-066	220-40-024	AMD-C	82-13-041	220-48-025	NEW-P	82-10-077
220-28-208	REP-E	82-17-014	220-40-024	AMD	82-13-048	220-48-025	NEW-C	82-13-085
220-28-209	NEW-E	82-17-014	220-44-02000A	NEW-E	82-10-040	220-48-025	NEW	82-14-056
220-28-209	REP-E	82-17-042	220-44-030	AMD	82-03-045	220-48-026	NEW-P	82-10-077
220-28-210	NEW-E	82-17-042	220-44-030	AMD-P	82-10-077	220-48-026	NEW-C	82-13-085
220-28-210	REP-E	82-18-012	220-44-030	AMD-C	82-13-085	220-48-026	NEW	82-14-056
220-28-211	NEW-E	82-18-012	220-44-030	AMD	82-14-056	220-48-026	AMD-P	82-19-099
220-28-211	REP-E	82-19-009	220-44-040	AMD-P	82-10-077	220-48-026	NEW-P	82-10-077
220-28-212	NEW-E	82-19-009	220-44-040	AMD-C	82-13-085	220-48-028	NEW-C	82-13-085
220-28-212	REP-E	82-19-023	220-44-040	AMD	82-14-056	220-48-028	NEW	82-14-056
220-28-213	NEW-E	82-19-023	220-44-04000F	NEW-E	82-08-008	220-48-029	NEW-P	82-10-077
220-28-213	REP-E	82-19-035	220-44-04000G	NEW-E	82-15-041	220-48-029	NEW-C	82-13-085
220-28-214	NEW-E	82-19-035	220-47-307	AMD-P	82-12-079	220-48-029	NEW	82-14-056
220-28-214	REP-E	82-19-042	220-47-307	AMD-C	82-15-015	220-48-029	AMD-P	82-19-099
220-28-215	NEW-E	82-19-042	220-47-307	AMD	82-15-040	220-48-031	NEW-P	82-10-077
220-28-215	REP-E	82-19-062	220-47-311	AMD-P	82-12-079	220-48-031	NEW-C	82-13-085
220-28-216	NEW-E	82-19-062	220-47-311	AMD-C	82-15-015	220-48-031	NEW	82-14-056
220-28-216	REP-E	82-19-084	220-47-311	AMD	82-15-040	220-48-032	NEW-P	82-10-077
220-28-217	NEW-E	82-19-084	220-47-312	AMD-P	82-12-079	220-48-032	NEW-C	82-13-085
220-32-022	AMD-P	82-17-011	220-47-312	AMD-C	82-15-015	220-48-032	NEW	82-14-056
220-32-022	AMD	82-19-083	220-47-312	AMD	82-15-040	220-48-032	AMD-P	82-19-099
220-32-02200E	REP-E	82-03-027	220-47-313	AMD-P	82-12-079	220-48-041	NEW-P	82-10-077
220-32-02200F	NEW-E	82-03-027	220-47-313	AMD-C	82-15-015	220-48-041	NEW-C	82-13-085
220-32-02200F	REP-E	82-09-044	220-47-313	AMD	82-15-040	220-48-041	NEW	82-14-056
220-32-02200G	NEW-E	82-09-044	220-47-411	AMD-P	82-12-079	220-48-042	NEW-P	82-10-077
220-32-02200H	NEW-E	82-16-042	220-47-411	AMD-C	82-15-015	220-48-042	NEW-C	82-13-085
220-32-03000E	NEW-E	82-04-039	220-47-411	AMD	82-15-040	220-48-042	NEW	82-14-056
220-32-03600M	NEW-E	82-06-014	220-47-412	AMD-P	82-12-079	220-48-042	AMD-P	82-19-099
220-32-03600N	NEW-E	82-19-005	220-47-412	AMD-C	82-15-015	220-48-046	NEW-P	82-19-099
220-32-03600N	REP-E	82-19-058	220-47-412	AMD	82-15-040	220-48-051	NEW-P	82-10-077
220-32-03600P	NEW-E	82-19-058	220-47-413	AMD-P	82-12-079	220-48-051	NEW-C	82-13-085
220-32-040	AMD-P	82-17-011	220-47-413	AMD-C	82-15-015	220-48-051	NEW	82-14-056
220-32-040	AMD	82-19-083	220-47-413	AMD	82-15-040	220-48-052	NEW-P	82-10-077
220-32-0400M	REP-E	82-03-027	220-47-414	AMD-P	82-12-079	220-48-052	NEW-C	82-13-085
220-32-04000N	NEW-E	82-03-027	220-47-414	AMD-C	82-15-015	220-48-052	NEW	82-14-056
220-32-04000N	REP-E	82-09-044	220-47-414	AMD	82-15-040	220-48-052	AMD-P	82-19-099
220-32-04000O	NEW-E	82-09-044	220-47-50300A	NEW-E	82-18-080	220-48-056	NEW-P	82-19-099
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220-48-062	NEW-C	82-13-085	220-56-115	AMD	82-07-047	220-56-22500A	NEW-E	82-08-029
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220-48-090	REP-P	82-10-077	220-56-117	NEW-C	82-06-023	220-56-260	REP	82-13-040
220-48-090	REP-C	82-13-085	220-56-117	NEW-C	82-07-044	220-56-260	REP-E	82-13-060
220-48-090	REP	82-14-056	220-56-117	NEW	82-07-047	220-56-285	AMD-P	82-09-082
220-48-09001	REP-P	82-10-077	220-56-128	AMD-P	82-02-097	220-56-285	AMD	82-13-040
220-48-09001	REP-C	82-13-085	220-56-128	AMD-C	82-06-023	220-56-28500B	NEW-E	82-10-009
220-48-09001	REP	82-14-056	220-56-128	AMD-C	82-07-044	220-56-28500B	REP-E	82-13-060
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220-48-091	REP-C	82-13-085	220-56-12800A	NEW-E	82-08-005	220-56-28500D	NEW-E	82-19-037
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220-48-092	REP-P	82-10-077	220-56-131	AMD-P	82-02-097	220-56-290	AMD-C	82-06-023
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220-48-092	REP	82-14-056	220-56-131	AMD-C	82-07-044	220-56-290	AMD	82-07-047
220-48-095	REP-P	82-10-077	220-56-131	AMD	82-07-047	220-56-29000A	NEW-E	82-08-005
220-48-095	REP-C	82-13-085	220-56-135	REP-P	82-02-097	220-56-29000A	REP-E	82-13-060
220-48-095	REP	82-14-056	220-56-135	REP-C	82-06-023	220-56-300	AMD-P	82-09-082
220-48-096	REP-P	82-10-077	220-56-135	REP-C	82-07-044	220-56-300	AMD	82-13-040
220-48-096	REP-C	82-13-085	220-56-135	REP	82-07-047	220-56-30000A	NEW-E	82-07-008
220-48-096	REP	82-14-056	220-56-135	REP-E	82-08-024	220-56-310	AMD-P	82-02-097
220-48-098	REP-P	82-10-077	220-56-145	AMD-P	82-09-082	220-56-310	AMD-C	82-06-023
220-48-098	REP-C	82-13-085	220-56-145	AMD	82-13-040	220-56-310	AMD-C	82-07-044
220-48-098	REP	82-14-056	220-56-14500A	NEW-E	82-08-006	220-56-310	AMD	82-07-047
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220-49-02000B	NEW-E	82-02-067	220-56-180	AMD	82-13-040	220-56-320	AMD	82-07-047
220-49-02000B	REP-E	82-03-010	220-56-18000E	NEW-E	82-06-044	220-56-32000A	NEW-E	82-11-013
220-49-02000F	NEW-E	82-04-021	220-56-18000F	NEW-E	82-08-005	220-56-32500C	NEW-E	82-10-012
220-49-02000F	REP-E	82-10-010	220-56-18000G	NEW-E	82-09-027	220-56-32500C	REP-E	82-11-013
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220-49-02000H	NEW-E	82-10-010	220-56-190	AMD-C	82-06-023	220-56-340	AMD-C	82-06-023
220-49-02000H	REP-E	82-10-022	220-56-190	AMD-C	82-07-044	220-56-340	AMD-C	82-07-044
220-49-02000I	NEW-E	82-10-022	220-56-190	AMD	82-07-047	220-56-340	AMD	82-07-047
220-49-02000I	REP-E	82-10-041	220-56-190	AMD-P	82-09-082	220-56-360	AMD-P	82-02-097
220-49-02000J	NEW-E	82-10-041	220-56-190	AMD	82-13-040	220-56-360	AMD-C	82-06-023
220-52-04000A	NEW-E	82-19-008	220-56-19000G	NEW-E	82-07-012	220-56-360	AMD-C	82-07-044
220-52-04600A	NEW-E	82-19-008	220-56-19000G	REP-E	82-09-027	220-56-360	AMD	82-07-047
220-52-04600B	NEW-E	82-19-057	220-56-19000H	NEW-E	82-08-005	220-56-36000C	NEW-E	82-04-012
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220-52-05300J	NEW-E	82-04-011	220-56-19000J	NEW-E	82-13-012	220-56-372	AMD-P	82-02-097
220-52-05300J	NEW-E	82-10-012	220-56-19000J	REP-E	82-17-013	220-56-372	AMD-C	82-06-023
220-52-05300L	NEW-E	82-11-013	220-56-19000K	NEW-E	82-16-008	220-56-372	AMD-C	82-07-044
220-52-054	AMD	82-03-045	220-56-19000K	REP-E	82-17-013	220-56-372	AMD	82-07-047
220-52-069	AMD	82-03-045	220-56-19000L	NEW-E	82-16-076	220-56-380	AMD-C	82-02-097
220-52-075	AMD	82-03-045	220-56-19000L	REP-E	82-18-032	220-56-380	AMD-C	82-06-023
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220-56-100	AMD-P	82-09-082	220-56-19000M	REP-E	82-18-005	220-56-380	AMD	82-07-047
220-56-100	AMD	82-13-040	220-56-19000N	NEW-E	82-18-005	220-56-380	AMD-P	82-09-082
220-56-105	AMD-P	82-09-082	220-56-19000N	REP-E	82-18-011	220-56-380	AMD-P	82-12-016
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220-56-110	AMD-C	82-07-044	220-56-192	NEW-C	82-06-023	220-56-390	AMD-C	82-06-023
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220-56-112	NEW-C	82-06-023	220-56-195	AMD-P	82-09-082	220-56-390	AMD	82-07-047
220-56-112	NEW-C	82-07-044	220-56-195	AMD	82-13-040	220-57-001	AMD-P	82-02-097
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220-57-120	AMD-C	82-07-044	220-57-240	AMD	82-13-040	220-57-390	AMD	82-07-047
220-57-120	AMD	82-07-047	220-57-255	AMD-P	82-02-097	220-57-405	AMD-P	82-02-097
220-57-130	AMD-P	82-02-097	220-57-255	AMD-C	82-06-023	220-57-405	AMD-C	82-06-023
220-57-130	AMD-C	82-06-023	220-57-255	AMD-C	82-07-044	220-57-405	AMD-C	82-07-044
220-57-130	AMD-C	82-07-044	220-57-255	AMD	82-07-047	220-57-405	AMD	82-07-047
220-57-130	AMD	82-07-047	220-57-25500B	NEW-E	82-07-008	220-57-410	AMD-P	82-09-082
220-57-135	AMD-P	82-02-097	220-57-260	AMD-P	82-02-097	220-57-410	AMD	82-13-040
220-57-135	AMD-C	82-06-023	220-57-260	AMD-C	82-06-023	220-57-415	AMD-P	82-02-097
220-57-135	AMD-C	82-07-044	220-57-260	AMD-C	82-07-044	220-57-415	AMD-C	82-06-023
220-57-135	AMD	82-07-047	220-57-260	AMD	82-07-047	220-57-415	AMD-C	82-07-044
220-57-137	AMD-P	82-09-082	220-57-265	AMD-P	82-09-082	220-57-415	AMD	82-07-047
220-57-137	AMD	82-13-040	220-57-265	AMD	82-13-040	220-57-420	AMD-P	82-09-082
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220-57-140	AMD-P	82-02-097	220-57-270	AMD-C	82-07-044	220-57-425	AMD-C	82-06-023
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220-57-160	AMD-C	82-06-023	220-57-285	AMD-C	82-06-023	220-57-450	AMD	82-13-040
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220-57-160	AMD	82-07-047	220-57-285	AMD	82-07-047	220-57-455	AMD	82-13-040
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220-57-160	AMD-P	82-12-016	220-57-285	AMD-P	82-12-016	220-57-460	AMD-C	82-06-023
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248-19-350	AMD	82-19-055	248-25-070	NEW-E	250-18-055	NEW	82-19-015
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248-19-480	AMD	82-19-055	248-25-070	NEW-E	250-18-060	NEW-P	82-15-062
248-22-001		82-19-052	248-25-070	NEW	250-18-060	NEW	82-19-015
248-22-005		82-19-052	248-25-100	NEW-P	250-20-011	AMD-P	82-11-088
248-22-011		82-19-052	248-25-100	NEW-E	250-20-011	AMD	82-15-058

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-38-650	NEW-E	82-10-032	275-38-780	NEW-P	82-09-071	275-38-910	NEW-E	82-10-032
275-38-650	NEW	82-16-080	275-38-780	NEW-E	82-10-032	275-38-910	NEW	82-16-080
275-38-655	NEW-P	82-09-071	275-38-780	NEW	82-16-080	275-38-915	NEW-P	82-09-071
275-38-655	NEW-E	82-10-032	275-38-785	NEW-P	82-09-071	275-38-915	NEW-E	82-10-032
275-38-655	NEW	82-16-080	275-38-785	NEW-E	82-10-032	275-38-915	NEW	82-16-080
275-38-660	NEW-P	82-09-071	275-38-785	NEW	82-16-080	275-38-920	NEW-P	82-09-071
275-38-660	NEW-E	82-10-032	275-38-790	NEW-P	82-09-071	275-38-920	NEW-E	82-10-032
275-38-660	NEW	82-16-080	275-38-790	NEW-E	82-10-032	275-38-920	NEW	82-16-080
275-38-665	NEW-P	82-09-071	275-38-790	NEW	82-16-080	275-38-925	NEW-P	82-09-071
275-38-665	NEW-E	82-10-032	275-38-795	NEW-P	82-09-071	275-38-925	NEW-E	82-10-032
275-38-665	NEW	82-16-080	275-38-795	NEW-E	82-10-032	275-38-925	NEW	82-16-080
275-38-667	NEW-P	82-09-071	275-38-795	NEW	82-16-080	275-38-930	NEW-P	82-09-071
275-38-667	NEW-E	82-10-032	275-38-800	NEW-P	82-09-071	275-38-930	NEW-E	82-10-032
275-38-667	NEW	82-16-080	275-38-800	NEW-E	82-10-032	275-38-930	NEW	82-16-080
275-38-670	NEW-P	82-09-071	275-38-800	NEW	82-16-080	275-38-935	NEW-P	82-09-071
275-38-670	NEW-E	82-10-032	275-38-805	NEW-P	82-09-071	275-38-935	NEW-E	82-10-032
275-38-670	NEW	82-16-080	275-38-805	NEW-E	82-10-032	275-38-935	NEW	82-16-080
275-38-675	NEW-P	82-09-071	275-38-805	NEW	82-16-080	275-38-940	NEW-P	82-09-071
275-38-675	NEW-E	82-10-032	275-38-810	NEW-P	82-09-071	275-38-940	NEW-E	82-10-032
275-38-675	NEW	82-16-080	275-38-810	NEW-E	82-10-032	275-38-940	NEW	82-16-080
275-38-678	NEW-P	82-09-071	275-38-810	NEW	82-16-080	275-38-945	NEW-P	82-09-071
275-38-678	NEW-E	82-10-032	275-38-812	NEW-P	82-09-071	275-38-945	NEW-E	82-10-032
275-38-678	NEW	82-16-080	275-38-812	NEW-E	82-10-032	275-38-945	NEW	82-16-080
275-38-680	NEW-P	82-09-071	275-38-812	NEW	82-16-080	275-38-950	NEW-P	82-09-071
275-38-680	NEW-E	82-10-032	275-38-815	NEW-P	82-09-071	275-38-950	NEW-E	82-10-032
275-38-680	NEW	82-16-080	275-38-815	NEW-E	82-10-032	275-38-950	NEW	82-16-080
275-38-685	NEW-P	82-09-071	275-38-815	NEW	82-16-080	275-38-955	NEW-P	82-09-071
275-38-685	NEW-E	82-10-032	275-38-820	NEW-P	82-09-071	275-38-955	NEW-E	82-10-032
275-38-685	NEW	82-16-080	275-38-820	NEW-E	82-10-032	275-38-955	NEW	82-16-080
275-38-690	NEW-P	82-09-071	275-38-820	NEW	82-16-080	275-38-960	NEW-P	82-09-071
275-38-690	NEW-E	82-10-032	275-38-830	NEW-P	82-09-071	275-38-960	NEW-E	82-10-032
275-38-690	NEW	82-16-080	275-38-830	NEW-E	82-10-032	275-38-960	NEW	82-16-080
275-38-695	NEW-P	82-09-071	275-38-830	NEW	82-16-080	275-40-010	REP	82-04-023
275-38-695	NEW-E	82-10-032	275-38-835	NEW-P	82-09-071	275-40-020	REP	82-04-023
275-38-695	NEW	82-16-080	275-38-835	NEW-E	82-10-032	275-40-030	REP	82-04-023
275-38-700	NEW-P	82-09-071	275-38-835	NEW	82-16-080	275-40-040	REP	82-04-023
275-38-700	NEW-E	82-10-032	275-38-840	NEW-P	82-09-071	275-40-050	REP	82-04-023
275-38-700	NEW	82-16-080	275-38-840	NEW-E	82-10-032	275-40-060	REP	82-04-023
275-38-705	NEW-P	82-09-071	275-38-840	NEW	82-16-080	275-40-070	REP	82-04-023
275-38-705	NEW-E	82-10-032	275-38-845	NEW-P	82-09-071	275-52-010	REP	82-04-023
275-38-705	NEW	82-16-080	275-38-845	NEW-E	82-10-032	275-52-015	REP	82-04-023
275-38-715	NEW-P	82-09-071	275-38-845	NEW	82-16-080	275-52-020	REP	82-04-023
275-38-715	NEW-E	82-10-032	275-38-850	NEW-P	82-09-071	275-55	AMD-C	82-05-024
275-38-715	NEW	82-16-080	275-38-850	NEW-E	82-10-032	275-55-010	AMD	82-07-024
275-38-720	NEW-P	82-09-071	275-38-850	NEW	82-16-080	275-55-020	AMD	82-07-024
275-38-720	NEW-E	82-10-032	275-38-855	NEW-P	82-09-071	275-55-021	NEW	82-07-024
275-38-720	NEW	82-16-080	275-38-855	NEW-E	82-10-032	275-55-030	AMD	82-07-024
275-38-725	NEW-P	82-09-071	275-38-855	NEW-E	82-14-069	275-55-040	AMD	82-07-024
275-38-725	NEW-E	82-10-032	275-38-855	NEW	82-16-080	275-55-041	REP	82-07-024
275-38-725	NEW	82-16-080	275-38-860	NEW-P	82-09-071	275-55-050	AMD	82-07-024
275-38-730	NEW-P	82-09-071	275-38-860	NEW-E	82-10-032	275-55-060	AMD	82-07-024
275-38-730	NEW-E	82-10-032	275-38-860	NEW	82-16-080	275-55-061	REP	82-07-024
275-38-730	NEW	82-16-080	275-38-865	NEW-P	82-09-071	275-55-070	REP	82-07-024
275-38-735	NEW-P	82-09-071	275-38-865	NEW-E	82-10-032	275-55-071	NEW	82-07-024
275-38-735	NEW-E	82-10-032	275-38-865	NEW	82-16-080	275-55-080	REP	82-07-024
275-38-735	NEW	82-16-080	275-38-870	NEW-P	82-09-071	275-55-081	NEW	82-07-024
275-38-740	NEW-P	82-09-071	275-38-870	NEW-E	82-10-032	275-55-090	AMD	82-07-024
275-38-740	NEW-E	82-10-032	275-38-870	NEW	82-16-080	275-55-100	REP	82-07-024
275-38-740	NEW	82-16-080	275-38-875	NEW-P	82-09-071	275-55-110	AMD	82-07-024
275-38-745	NEW-P	82-09-071	275-38-875	NEW-E	82-10-032	275-55-120	REP	82-07-024
275-38-745	NEW-E	82-10-032	275-38-875	NEW	82-16-080	275-55-121	NEW	82-07-024
275-38-745	NEW	82-16-080	275-38-880	NEW-P	82-09-071	275-55-130	REP	82-07-024
275-38-750	NEW-P	82-09-071	275-38-880	NEW-E	82-10-032	275-55-131	NEW	82-07-024
275-38-750	NEW-E	82-10-032	275-38-880	NEW	82-16-080	275-55-140	REP	82-07-024
275-38-750	NEW	82-16-080	275-38-885	NEW-P	82-09-071	275-55-141	NEW	82-07-024
275-38-760	NEW-P	82-09-071	275-38-885	NEW-E	82-10-032	275-55-150	REP	82-07-024
275-38-760	NEW-E	82-10-032	275-38-885	NEW	82-16-080	275-55-151	NEW	82-07-024
275-38-760	NEW	82-16-080	275-38-895	NEW-P	82-09-071	275-55-160	REP	82-07-024
275-38-765	NEW-P	82-09-071	275-38-895	NEW-E	82-10-032	275-55-161	NEW	82-07-024
275-38-765	NEW-E	82-10-032	275-38-895	NEW	82-16-080	275-55-170	REP	82-07-024
275-38-765	NEW	82-16-080	275-38-900	NEW-P	82-09-071	275-55-171	NEW	82-07-024
275-38-770	NEW-P	82-09-071	275-38-900	NEW-E	82-10-032	275-55-180	REP	82-07-024
275-38-770	NEW-E	82-10-032	275-38-900	NEW	82-16-080	275-55-181	NEW	82-07-024
275-38-770	NEW	82-16-080	275-38-905	NEW-P	82-09-071	275-55-190	REP	82-07-024
275-38-775	NEW-P	82-09-071	275-38-905	NEW-E	82-10-032	275-55-191	NEW	82-07-024
275-38-775	NEW-E	82-10-032	275-38-905	NEW	82-16-080	275-55-200	REP	82-07-024
275-38-775	NEW	82-16-080	275-38-910	NEW-P	82-09-071	275-55-201	NEW	82-07-024

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-510	NEW-E	82-18-067	275-56-700	NEW-P	82-19-014	275-93-020	REP-P	82-03-015
275-56-510	NEW-P	82-19-014	275-56-705	NEW-E	82-18-067	275-93-020	REP-E	82-03-016
275-56-515	NEW-E	82-18-067	275-56-705	NEW-P	82-19-014	275-93-020	REP	82-07-006
275-56-515	NEW-P	82-19-014	275-56-710	NEW-E	82-18-067	275-93-040	REP-P	82-03-015
275-56-520	NEW-E	82-18-067	275-56-710	NEW-P	82-19-014	275-93-040	REP-E	82-03-016
275-56-520	NEW-P	82-19-014	275-56-715	NEW-E	82-18-067	275-93-040	REP	82-07-006
275-56-525	NEW-E	82-18-067	275-56-715	NEW-P	82-19-014	275-93-050	REP-P	82-03-015
275-56-525	NEW-P	82-19-014	275-56-720	NEW-E	82-18-067	275-93-050	REP-E	82-03-016
275-56-530	NEW-E	82-18-067	275-56-720	NEW-P	82-19-014	275-93-050	REP	82-07-006
275-56-530	NEW-P	82-19-014	275-56-725	NEW-E	82-18-067	275-93-060	REP-P	82-03-015
275-56-535	NEW-E	82-18-067	275-56-725	NEW-P	82-19-014	275-93-060	REP-E	82-03-016
275-56-535	NEW-P	82-19-014	275-56-730	NEW-E	82-18-067	275-93-060	REP	82-07-006
275-56-540	NEW-E	82-18-067	275-56-730	NEW-P	82-19-014	275-93-070	REP-P	82-03-015
275-56-540	NEW-P	82-19-014	275-56-735	NEW-E	82-18-067	275-93-070	REP-E	82-03-016
275-56-545	NEW-E	82-18-067	275-56-740	NEW-E	82-18-067	275-93-070	REP	82-07-006
275-56-545	NEW-P	82-19-014	275-56-740	NEW-P	82-19-014	275-93-080	REP-P	82-03-015
275-56-550	NEW-E	82-18-067	275-56-745	NEW-E	82-18-067	275-93-080	REP-E	82-03-016
275-56-550	NEW-P	82-19-014	275-56-745	NEW-P	82-19-014	275-93-080	REP	82-07-006
275-56-555	NEW-E	82-18-067	275-56-745	NEW-P	82-19-014	275-93-090	REP-P	82-03-015
275-56-555	NEW-P	82-19-014	275-92-310	REP-P	82-04-059	275-93-090	REP-E	82-03-016
275-56-560	NEW-E	82-18-067	275-92-310	REP	82-08-055	275-93-090	REP	82-07-006
275-56-560	NEW-P	82-19-014	275-92-315	REP-P	82-04-059	275-93-100	REP-P	82-03-015
275-56-565	NEW-E	82-18-067	275-92-315	REP	82-08-055	275-93-100	REP-E	82-03-016
275-56-565	NEW-P	82-19-014	275-92-320	REP-P	82-04-059	275-93-100	REP	82-07-006
275-56-570	NEW-E	82-18-067	275-92-320	REP	82-08-055	275-93-110	REP-P	82-03-015
275-56-570	NEW-P	82-19-014	275-92-325	REP-P	82-04-059	275-93-110	REP-E	82-03-016
275-56-575	NEW-E	82-18-067	275-92-325	REP	82-08-055	275-93-110	REP	82-07-006
275-56-575	NEW-P	82-19-014	275-92-325	REP-P	82-04-059	275-93-120	REP-P	82-03-015
275-56-580	NEW-E	82-18-067	275-92-330	REP	82-08-055	275-93-120	REP-E	82-03-016
275-56-580	NEW-P	82-19-014	275-92-330	REP-P	82-04-059	275-93-120	REP	82-07-006
275-56-585	NEW-E	82-18-067	275-92-335	REP	82-08-055	275-93-130	REP-P	82-03-015
275-56-585	NEW-P	82-19-014	275-92-335	REP-P	82-04-059	275-93-130	REP-E	82-03-016
275-56-590	NEW-E	82-18-067	275-92-340	REP	82-08-055	275-93-130	REP	82-07-006
275-56-590	NEW-P	82-19-014	275-92-340	REP-P	82-04-059	275-93-140	REP-P	82-03-015
275-56-595	NEW-E	82-18-067	275-92-345	REP	82-08-055	275-93-140	REP-E	82-03-016
275-56-595	NEW-P	82-19-014	275-92-350	REP-P	82-04-059	275-93-140	REP	82-07-006
275-56-600	NEW-E	82-18-067	275-92-350	REP	82-08-055	284-14-010	NEW-P	82-18-054
275-56-600	NEW-P	82-19-014	275-92-355	REP-P	82-04-059	284-14-020	NEW-P	82-18-054
275-56-605	NEW-E	82-18-067	275-92-355	REP	82-08-055	284-17-100	REP-P	82-07-056
275-56-605	NEW-P	82-19-014	275-92-400	REP-P	82-04-059	284-17-100	REP	82-10-016
275-56-610	NEW-E	82-18-067	275-92-400	REP	82-08-055	284-17-110	REP-P	82-07-056
275-56-610	NEW-P	82-19-014	275-92-405	REP-P	82-04-059	284-17-110	REP	82-10-016
275-56-615	NEW-E	82-18-067	275-92-405	REP	82-08-055	284-17-120	NEW-P	82-07-056
275-56-615	NEW-P	82-19-014	275-92-410	REP-P	82-04-059	284-17-120	NEW	82-10-016
275-56-620	NEW-E	82-18-067	275-92-410	REP	82-08-055	284-17-210	AMD-P	82-07-056
275-56-620	NEW-P	82-19-014	275-92-415	REP-P	82-04-059	284-17-210	AMD	82-10-016
275-56-625	NEW-E	82-18-067	275-92-415	REP	82-08-055	284-17-310	AMD-P	82-07-056
275-56-625	NEW-P	82-19-014	275-92-510	REP-P	82-04-059	284-17-310	AMD	82-10-016
275-56-630	NEW-E	82-18-067	275-92-510	REP	82-08-055	284-24-010	REP-P	82-02-059
275-56-630	NEW-P	82-19-014	275-92-515	REP-P	82-04-059	284-24-010	REP	82-06-036
275-56-635	NEW-E	82-18-067	275-92-515	REP	82-08-055	284-24-015	NEW-P	82-02-059
275-56-635	NEW-P	82-19-014	275-92-520	REP-P	82-04-059	284-24-015	NEW	82-06-036
275-56-640	NEW-E	82-18-067	275-92-520	REP	82-08-055	284-24-020	REP-P	82-02-059
275-56-640	NEW-P	82-19-014	275-92-525	REP-P	82-04-059	284-24-020	REP	82-06-036
275-56-645	NEW-E	82-18-067	275-92-525	REP	82-08-055	284-24-030	REP-P	82-02-059
275-56-645	NEW-P	82-19-014	275-92-530	REP-P	82-04-059	284-24-030	REP	82-06-036
275-56-650	NEW-E	82-18-067	275-92-530	REP	82-08-055	284-24-035	REP-P	82-02-059
275-56-650	NEW-P	82-19-014	275-92-535	REP-P	82-04-059	284-24-035	REP	82-06-036
275-56-655	NEW-E	82-18-067	275-92-535	REP	82-08-055	284-24-040	REP-P	82-02-059
275-56-655	NEW-P	82-19-014	275-92-540	REP-P	82-04-059	284-24-040	REP	82-06-036
275-56-660	NEW-E	82-18-067	275-92-540	REP	82-08-055	284-24-050	REP-P	82-02-059
275-56-660	NEW-P	82-19-014	275-92-545	REP-P	82-04-059	284-24-050	REP	82-06-036
275-56-665	NEW-E	82-18-067	275-92-545	REP	82-08-055	284-24-060	NEW-P	82-02-059
275-56-665	NEW-P	82-19-014	275-92-550	REP-P	82-04-059	284-24-060	NEW	82-06-036
275-56-670	NEW-E	82-18-067	275-92-550	REP	82-08-055	284-24-070	NEW-P	82-02-059
275-56-670	NEW-P	82-19-014	275-92-555	REP-P	82-04-059	284-24-070	NEW	82-06-036
275-56-675	NEW-E	82-18-067	275-92-555	REP	82-08-055	284-24-080	NEW-P	82-02-059
275-56-675	NEW-P	82-19-014	275-92-560	REP-P	82-04-059	284-24-080	NEW	82-06-036
275-56-680	NEW-E	82-18-067	275-92-560	REP	82-08-055	284-44-180	REP-P	82-09-030
275-56-680	NEW-P	82-19-014	275-92-565	REP-P	82-04-059	284-44-180	REP	82-12-032
275-56-685	NEW-E	82-18-067	275-92-565	REP	82-08-055	284-44-250	NEW-P	82-19-097
275-56-685	NEW-P	82-19-014	275-93-005	REP-P	82-03-015	284-44-300	NEW-P	82-19-097
275-56-690	NEW-E	82-18-067	275-93-005	REP-E	82-03-016	284-44-310	NEW-P	82-19-097
275-56-690	NEW-P	82-19-014	275-93-005	REP	82-07-006	284-44-320	NEW-P	82-19-097
275-56-695	NEW-E	82-18-067	275-93-010	REP-P	82-03-015	284-44-330	NEW-P	82-19-097
275-56-695	NEW-P	82-19-014	275-93-010	REP-E	82-03-016	284-44-340	NEW-P	82-19-097
275-56-700	NEW-E	82-18-067	275-93-010	REP	82-07-006	284-44-350	NEW-P	82-19-097

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
284-44-360	NEW-P	82-19-097	289-13-070	AMD-P	82-08-069	296-24-17015	REP	82-13-045
284-50-380	AMD-P	82-09-030	289-13-070	AMD	82-11-071	296-24-17017	REP-P	82-08-004
284-50-380	AMD	82-12-032	289-15-225	NEW-P	82-05-045	296-24-17017	REP	82-13-045
284-55-010	AMD-P	82-09-030	289-15-225	NEW-C	82-08-067	296-24-17019	REP-P	82-08-004
284-55-010	AMD	82-12-032	289-15-225	NEW	82-11-070	296-24-17019	REP	82-13-045
284-55-035	NEW-P	82-09-030	289-20-205	AMD	82-04-088	296-24-17021	REP-P	82-08-004
284-55-035	NEW	82-12-032	289-20-210	AMD	82-04-088	296-24-17021	REP	82-13-045
284-55-040	AMD-P	82-09-030	296-04-015	AMD-P	82-18-048	296-24-17023	REP-P	82-08-004
284-55-040	AMD	82-12-032	296-04-500	NEW-P	82-18-048	296-24-17023	REP	82-13-045
284-55-045	NEW-P	82-09-030	296-04-501	NEW-P	82-18-048	296-24-17025	REP-P	82-08-004
284-55-045	NEW	82-12-032	296-04-502	NEW-P	82-18-048	296-24-17025	REP	82-13-045
284-55-065	NEW-P	82-09-030	296-04-503	NEW-P	82-18-048	296-24-17027	REP-P	82-08-004
284-55-065	NEW	82-12-032	296-04-504	NEW-P	82-18-048	296-24-17027	REP	82-13-045
284-55-067	NEW-P	82-09-030	296-04-505	NEW-P	82-18-048	296-24-17029	REP-P	82-08-004
284-55-067	NEW	82-12-032	296-04-506	NEW-P	82-18-048	296-24-17029	REP	82-13-045
284-55-110	AMD-P	82-09-030	296-06-120	AMD-P	82-11-047	296-24-17031	REP-P	82-08-004
284-55-110	AMD	82-12-032	296-06-120	AMD	82-18-026	296-24-17031	REP	82-13-045
284-58-010	NEW-P	82-19-098	296-15-025	NEW-P	82-04-040	296-24-17033	REP-P	82-08-004
284-58-020	NEW-P	82-19-098	296-15-025	NEW	82-07-019	296-24-17033	REP	82-13-045
284-58-030	NEW-P	82-19-098	296-15-070	AMD-P	82-09-067	296-24-17035	REP-P	82-08-004
284-58-040	NEW-P	82-19-098	296-15-070	AMD	82-12-035	296-24-17035	REP	82-13-045
284-58-050	NEW-P	82-19-098	296-17-351	AMD-P	82-07-022	296-24-17037	REP-P	82-08-004
284-58-060	NEW-P	82-19-098	296-17-351	AMD	82-10-034	296-24-17037	REP	82-13-045
284-58-070	NEW-P	82-19-098	296-17-910	AMD	82-05-019	296-24-17039	REP-P	82-08-004
284-58-080	NEW-P	82-19-098	296-17-911	AMD	82-05-019	296-24-17039	REP	82-13-045
284-58-090	NEW-P	82-19-098	296-17-913	AMD	82-05-019	296-24-17041	REP-P	82-08-004
284-58-100	NEW-P	82-19-098	296-17-914	AMD	82-05-019	296-24-17041	REP	82-13-045
284-58-110	NEW-P	82-19-098	296-17-915	AMD	82-05-019	296-24-17043	REP-P	82-08-004
284-58-120	NEW-P	82-19-098	296-17-917	AMD	82-05-019	296-24-17043	REP	82-13-045
284-58-130	NEW-P	82-19-098	296-17-919	AMD	82-05-019	296-24-17045	REP-P	82-08-004
284-58-140	NEW-P	82-19-098	296-17-91901	AMD	82-05-019	296-24-17045	REP	82-13-045
284-58-150	NEW-P	82-19-098	296-17-91902	AMD	82-05-019	296-24-17047	REP-P	82-08-004
284-58-160	NEW-P	82-19-098	296-24-12005	AMD-P	82-08-004	296-24-17047	REP	82-13-045
284-58-170	NEW-P	82-19-098	296-24-12005	AMD	82-13-045	296-24-33001	AMD-P	82-02-065
284-58-180	NEW-P	82-19-098	296-24-12009	AMD-P	82-02-065	296-24-33001	AMD	82-08-026
284-58-190	NEW-P	82-19-098	296-24-12009	AMD	82-08-026	296-24-950	REP-E	82-12-018
284-58-200	NEW-P	82-19-098	296-24-130	REP-P	82-02-065	296-24-955	REP-P	82-02-065
284-58-210	NEW-P	82-19-098	296-24-130	REP	82-08-026	296-24-955	REP	82-08-026
284-58-220	NEW-P	82-19-098	296-24-13001	REP-P	82-02-065	296-24-956	NEW-P	82-02-065
284-58-250	NEW-P	82-19-098	296-24-13001	REP	82-08-026	296-24-956	NEW	82-08-026
284-58-260	NEW-P	82-19-098	296-24-13003	REP-P	82-02-065	296-24-95601	NEW-P	82-02-065
284-58-270	NEW-P	82-19-098	296-24-13003	REP	82-08-026	296-24-95601	NEW	82-08-026
284-58-280	NEW-P	82-19-098	296-24-13005	REP-P	82-02-065	296-24-95603	NEW-P	82-02-065
286-04-010	AMD-P	82-19-074	296-24-13005	REP	82-08-026	296-24-95603	NEW	82-08-026
286-04-020	AMD-P	82-19-074	296-24-13007	REP-P	82-02-065	296-24-95603	NEW-P	82-02-065
286-04-030	AMD-P	82-19-074	296-24-13007	REP	82-08-026	296-24-95605	NEW	82-08-026
286-04-060	AMD-P	82-19-074	296-24-13009	REP-P	82-02-065	296-24-95607	NEW-P	82-02-065
286-04-070	AMD-P	82-19-074	296-24-13009	REP	82-08-026	296-24-95607	NEW	82-08-026
286-04-080	AMD-P	82-19-074	296-24-13011	REP-P	82-02-065	296-24-95609	NEW-P	82-02-065
286-06-010	AMD-P	82-19-074	296-24-13011	REP	82-08-026	296-24-95609	NEW	82-08-026
286-06-020	REP-P	82-19-074	296-24-13013	REP-P	82-02-065	296-24-95611	NEW-P	82-02-065
286-06-040	AMD-P	82-19-074	296-24-13013	REP	82-08-026	296-24-95611	NEW	82-08-026
286-06-050	AMD-P	82-19-074	296-24-13501	AMD-P	82-08-004	296-24-95613	NEW-P	82-02-065
286-06-060	AMD-P	82-19-074	296-24-13501	AMD	82-13-045	296-24-95613	NEW	82-08-026
286-06-110	AMD-P	82-19-074	296-24-14007	AMD-P	82-08-004	296-24-95615	NEW-P	82-02-065
286-16-035	AMD-P	82-19-074	296-24-14007	AMD	82-13-045	296-24-95615	NEW	82-08-026
286-16-060	AMD-P	82-19-074	296-24-16503	AMD-P	82-08-004	296-24-95617	NEW-P	82-02-065
286-16-080	AMD-P	82-19-074	296-24-16503	AMD	82-13-045	296-24-95617	NEW	82-08-026
286-20-020	AMD-P	82-19-074	296-24-16539	AMD-P	82-08-004	296-24-95619	NEW-P	82-02-065
286-24-020	AMD-P	82-19-074	296-24-16539	AMD	82-13-045	296-24-95699	NEW	82-08-026
286-24-040	AMD-P	82-19-074	296-24-170	REP-P	82-08-004	296-24-960	AMD-P	82-08-004
286-24-050	AMD-P	82-19-074	296-24-170	REP	82-13-045	296-24-960	AMD	82-13-045
286-24-070	AMD-P	82-19-074	296-24-17001	REP-P	82-08-004	296-32-250	AMD-P	82-08-004
286-26-010	AMD-P	82-19-074	296-24-17001	REP	82-13-045	296-32-250	AMD	82-13-045
286-26-020	AMD-P	82-19-074	296-24-17003	REP-P	82-08-004	296-45-65043	AMD-P	82-02-065
286-26-040	AMD-P	82-19-074	296-24-17003	REP	82-13-045	296-45-65043	AMD-E	82-07-013
286-26-055	NEW-P	82-19-074	296-24-17005	REP-P	82-08-004	296-45-65043	AMD	82-08-026
286-26-060	AMD-P	82-19-074	296-24-17005	REP	82-13-045	296-45-66007	AMD-E	82-07-001
286-26-070	AMD-P	82-19-074	296-24-17007	REP-P	82-08-004	296-45-66007	AMD-P	82-08-004
289-12-030	AMD-E	82-05-042	296-24-17007	REP	82-13-045	296-45-66007	AMD	82-13-045
289-12-030	AMD-P	82-05-046	296-24-17009	REP-P	82-08-004	296-46-493	AMD-P	82-08-003
289-12-030	AMD	82-08-051	296-24-17009	REP	82-13-045	296-46-493	AMD-C	82-11-057
289-12-030	AMD-P	82-16-092	296-24-17011	REP-P	82-08-004	296-46-493	AMD	82-18-036
289-12-035	NEW-E	82-08-052	296-24-17011	REP	82-13-045	296-46-910	AMD-P	82-08-003
289-12-035	NEW-P	82-08-068	296-24-17013	REP-P	82-08-004	296-46-910	AMD-E	82-08-035
289-12-035	NEW	82-11-069	296-24-17013	REP	82-13-045	296-46-910	AMD-C	82-11-057
289-13-070	AMD-E	82-08-053	296-24-17015	REP-P	82-08-004	296-46-910	AMD-E	82-14-029

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-530	REP	82-04-060	296-62-09031	AMD-P	82-08-004	296-116-300	AMD-P	82-08-062
296-48B-535	REP	82-04-060	296-62-09031	AMD	82-13-045	296-116-300	AMD-C	82-11-048
296-48B-540	REP	82-04-060	296-62-09033	NEW	82-03-023	296-116-300	AMD-C	82-12-020
296-48B-550	REP	82-04-060	296-62-09033	AMD-P	82-08-004	296-116-300	AMD-C	82-12-033
296-48B-555	REP	82-04-060	296-62-09033	AMD	82-13-045	296-116-300	AMD-E	82-13-064
296-48B-560	REP	82-04-060	296-62-09035	NEW	82-03-023	296-116-300	AMD	82-13-065
296-48B-565	REP	82-04-060	296-62-09037	NEW	82-03-023	296-116-320	AMD-P	82-10-049
296-48B-570	REP	82-04-060	296-62-09039	NEW	82-03-023	296-116-320	AMD	82-13-087
296-48B-575	REP	82-04-060	296-62-09041	NEW	82-03-023	296-127-010	NEW-P	82-14-027
296-48B-580	REP	82-04-060	296-62-09043	NEW	82-03-023	296-127-010	NEW-E	82-14-028
296-48B-585	REP	82-04-060	296-62-09045	NEW	82-03-023	296-127-010	NEW	82-18-041
296-48B-590	REP	82-04-060	296-62-09047	NEW	82-03-023	296-127-011	NEW-P	82-14-027
296-48B-595	REP	82-04-060	296-62-09049	NEW	82-03-023	296-127-011	NEW-E	82-14-028
296-48B-598	REP	82-04-060	296-62-09051	NEW	82-03-023	296-127-011	NEW	82-18-041
296-48B-600	REP	82-04-060	296-62-09051	AMD-P	82-08-004	296-127-017	NEW-P	82-14-027
296-48B-610	REP	82-04-060	296-62-09051	AMD	82-13-045	296-127-017	NEW-E	82-14-028
296-48B-615	REP	82-04-060	296-62-09053	NEW	82-03-023	296-127-017	NEW	82-18-041
296-48B-620	REP	82-04-060	296-62-14515	AMD-P	82-08-004	296-127-020	NEW-P	82-14-027
296-48B-675	REP	82-04-060	296-62-14515	AMD	82-13-045	296-127-020	NEW-E	82-14-028
296-48B-680	REP	82-04-060	296-62-14525	AMD	82-03-023	296-127-020	NEW	82-18-041
296-48B-685	REP	82-04-060	296-62-14533	AMD	82-03-023	296-127-021	NEW-P	82-14-027
296-48B-690	REP	82-04-060	296-78-71023	AMD-P	82-08-004	296-127-021	NEW-E	82-14-028
296-48B-695	REP	82-04-060	296-78-71023	AMD	82-13-045	296-127-021	NEW	82-18-041
296-48B-720	REP	82-04-060	296-79-020	AMD-P	82-08-004	296-127-030	NEW-P	82-14-027
296-48B-725	REP	82-04-060	296-79-020	AMD	82-13-045	296-127-030	NEW-E	82-14-028
296-48B-730	REP	82-04-060	296-79-050	AMD-P	82-08-004	296-127-030	NEW	82-18-041
296-48B-735	REP	82-04-060	296-79-050	AMD	82-13-045	296-127-040	NEW-P	82-14-027
296-48B-740	REP	82-04-060	296-81-002	REP-P	82-07-079	296-127-040	NEW-E	82-14-028
296-48B-800	REP	82-04-060	296-81-002	REP	82-12-005	296-127-040	NEW	82-18-041
296-48B-805	REP	82-04-060	296-81-003	REP-P	82-07-079	296-127-045	NEW-P	82-14-027
296-48B-810	REP	82-04-060	296-81-003	REP	82-12-005	296-127-045	NEW-E	82-14-028
296-48B-815	REP	82-04-060	296-81-005	AMD-P	82-07-079	296-127-045	NEW	82-18-041
296-48B-820	REP	82-04-060	296-81-005	AMD	82-12-005	296-127-060	NEW-P	82-14-027
296-48B-825	REP	82-04-060	296-81-006	AMD-P	82-07-079	296-127-060	NEW-E	82-14-028
296-48B-830	REP	82-04-060	296-81-006	AMD	82-12-005	296-127-060	NEW	82-18-041
296-48B-835	REP	82-04-060	296-81-007	AMD-P	82-07-079	296-127-061	NEW-P	82-14-027
296-52-043	AMD-P	82-02-065	296-81-007	AMD	82-12-005	296-127-061	NEW-E	82-14-028
296-52-043	AMD-E	82-07-013	296-81-008	AMD-P	82-07-079	296-127-061	NEW	82-18-041
296-52-043	AMD	82-08-026	296-81-008	AMD	82-12-005	296-127-062	NEW-P	82-14-027
296-52-090	AMD-P	82-02-065	296-81-260	AMD-P	82-07-079	296-127-062	NEW-E	82-14-028
296-52-090	AMD-E	82-07-013	296-81-260	AMD	82-12-005	296-127-062	NEW	82-18-041
296-52-090	AMD	82-08-026	296-81-990	NEW-P	82-07-079	296-150	NEW-C	82-02-052
296-54-507	AMD-E	82-13-046	296-81-990	NEW	82-12-005	296-150-005	NEW-W	82-04-015
296-54-507	AMD-E	82-19-032	296-86-010	AMD-P	82-07-079	296-150-010	NEW-W	82-04-015
296-54-543	AMD-P	82-08-004	296-86-010	AMD	82-12-005	296-150-015	NEW-W	82-04-015
296-62-07101	AMD-P	82-02-065	296-86-020	AMD-P	82-07-079	296-150-025	NEW-W	82-04-015
296-62-07101	AMD	82-08-026	296-86-020	AMD	82-12-005	296-150-030	NEW-W	82-04-015
296-62-07107	AMD	82-03-023	296-86-030	AMD-P	82-07-079	296-150-035	NEW-W	82-04-015
296-62-07109	AMD	82-03-023	296-86-030	AMD	82-12-005	296-150-040	NEW-W	82-04-015
296-62-07109	AMD-P	82-08-004	296-86-040	AMD-P	82-07-079	296-150-045	NEW-W	82-04-015
296-62-07109	AMD	82-13-045	296-86-040	AMD	82-12-005	296-150-050	NEW-W	82-04-015
296-62-07115	AMD-P	82-02-065	296-86-060	AMD-P	82-07-079	296-150-055	NEW-W	82-04-015
296-62-07115	AMD	82-08-026	296-86-060	AMD	82-12-005	296-150-055	NEW-W	82-04-015
296-62-07302	AMD-P	82-08-004	296-86-070	AMD-P	82-07-079	296-150-060	NEW-W	82-04-015
296-62-07302	AMD	82-13-045	296-86-070	AMD	82-12-005	296-150-065	NEW-W	82-04-015
296-62-07314	AMD-E	82-12-019	296-86-075	AMD-P	82-07-079	296-150-070	NEW-W	82-04-015
296-62-07329	AMD-P	82-08-004	296-86-075	AMD	82-12-005	296-150-075	NEW-W	82-04-015
296-62-07329	AMD	82-13-045	296-86-080	AMD-P	82-07-079	296-150-080	NEW-W	82-04-015
296-62-07349	AM/DE-P	82-08-004	296-86-080	AMD	82-12-005	296-150-085	NEW-W	82-04-015
296-62-07349	AM/DE	82-13-045	296-104-200	AMD	82-05-003	296-150-090	NEW-W	82-04-015
296-62-07501	AMD	82-03-023	296-116-070	AMD-P	82-19-053	296-150-095	NEW-W	82-04-015
296-62-07515	AMD-P	82-08-004	296-116-070	AMD-C	82-19-093	296-150-100	NEW-W	82-04-015
296-62-07515	AMD	82-13-045	296-116-075	NEW-P	82-06-054	296-150-105	NEW-W	82-04-015
296-62-07521	RECOD-P	82-08-004	296-116-075	NEW-C	82-09-060	296-150-110	NEW-W	82-04-015
296-62-07521	RECOD	82-13-045	296-116-075	NEW	82-15-026	296-150-115	NEW-W	82-04-015
296-62-09003	AMD-P	82-08-004	296-116-080	AMD-P	82-06-054	296-150-120	NEW-W	82-04-015
296-62-09003	AMD	82-13-045	296-116-080	AMD-C	82-09-060	296-150-125	NEW-W	82-04-015
296-62-09011	AMD	82-03-023	296-116-080	AMD-C	82-13-062	296-150-130	NEW-W	82-04-015
296-62-09015	NEW	82-03-023	296-116-080	AMD	82-15-028	296-150-135	NEW-W	82-04-015
296-62-09017	NEW	82-03-023	296-116-085	AMD-P	82-10-049	296-150-140	NEW-W	82-04-015
296-62-09019	NEW	82-03-023	296-116-085	AMD	82-13-087	296-150-145	NEW-W	82-04-015
296-62-09021	NEW	82-03-023	296-116-185	AMD-P	82-02-068	296-150-150	NEW-W	82-04-015
296-62-09023	NEW	82-03-023	296-116-185	AMD-C	82-05-035	296-150-155	NEW-W	82-04-015
296-62-09025	NEW	82-03-023	296-116-185	AMD	82-08-016	296-150-160	NEW-W	82-04-015
296-62-09027	NEW	82-03-023	296-116-185	AMD-E	82-08-017	296-150-165	NEW-W	82-04-015
296-62-09029	NEW	82-03-023	296-116-205	AMD-P	82-10-049	296-150-170	NEW-W	82-04-015
296-62-09031	NEW	82-03-023	296-116-205	AMD	82-13-087	296-150-175	NEW-W	82-04-015

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296-150-180	NEW-W	82-04-015	296-150A-150	NEW	82-12-004	296-150A-550	REP	82-12-004
296-150-990	NEW-W	82-04-015	296-150A-155	NEW-P	82-05-007	296-150A-555	REP-P	82-05-007
296-150A	NEW-C	82-02-052	296-150A-155	NEW	82-12-004	296-150A-555	REP	82-12-004
296-150A	NEW-C	82-11-083	296-150A-160	NEW-P	82-05-007	296-150A-560	REP-P	82-05-007
296-150A-005	NEW-P	82-05-007	296-150A-160	NEW	82-12-004	296-150A-560	REP	82-12-004
296-150A-005	NEW	82-12-004	296-150A-165	NEW-P	82-05-007	296-150A-565	REP-P	82-05-007
296-150A-010	REP-P	82-05-007	296-150A-170	NEW-P	82-05-007	296-150A-565	REP	82-12-004
296-150A-010	REP	82-12-004	296-150A-170	NEW	82-12-004	296-150A-570	REP-P	82-05-007
296-150A-011	NEW-P	82-05-007	296-150A-300	NEW-P	82-05-007	296-150A-570	REP	82-12-004
296-150A-011	NEW	82-12-004	296-150A-300	NEW	82-12-004	296-150A-575	REP-P	82-05-007
296-150A-015	REP-P	82-05-007	296-150A-315	REP-P	82-05-007	296-150A-575	REP	82-12-004
296-150A-015	REP	82-12-004	296-150A-315	REP	82-12-004	296-150A-580	REP-P	82-05-007
296-150A-016	NEW-P	82-05-007	296-150A-320	REP-P	82-05-007	296-150A-580	REP	82-12-004
296-150A-016	NEW	82-12-004	296-150A-320	REP	82-12-004	296-150A-585	REP-P	82-05-007
296-150A-020	REP-P	82-05-007	296-150A-325	REP-P	82-05-007	296-150A-585	REP	82-12-004
296-150A-020	REP	82-12-004	296-150A-325	REP	82-12-004	296-150A-590	REP-P	82-05-007
296-150A-021	NEW-P	82-05-007	296-150A-330	REP-P	82-05-007	296-150A-590	REP	82-12-004
296-150A-021	NEW	82-12-004	296-150A-330	REP	82-12-004	296-150A-595	REP-P	82-05-007
296-150A-024	NEW-P	82-05-007	296-150A-333	REP-P	82-05-007	296-150A-595	REP	82-12-004
296-150A-024	NEW	82-12-004	296-150A-333	REP	82-12-004	296-150A-600	REP-P	82-05-007
296-150A-025	REP-P	82-05-007	296-150A-335	REP-P	82-05-007	296-150A-600	REP	82-12-004
296-150A-025	REP	82-12-004	296-150A-335	REP	82-12-004	296-150A-605	REP-P	82-05-007
296-150A-026	REP-P	82-05-007	296-150A-400	REP-P	82-05-007	296-150A-605	REP	82-12-004
296-150A-026	REP	82-12-004	296-150A-400	REP	82-12-004	296-150A-606	REP-P	82-05-007
296-150A-027	REP-P	82-05-007	296-150A-405	REP-P	82-05-007	296-150A-606	REP	82-12-004
296-150A-027	REP	82-12-004	296-150A-405	REP	82-12-004	296-150A-610	REP-P	82-05-007
296-150A-030	NEW-P	82-05-007	296-150A-410	REP-P	82-05-007	296-150A-610	REP	82-12-004
296-150A-030	NEW	82-12-004	296-150A-410	REP	82-12-004	296-150A-615	REP-P	82-05-007
296-150A-035	NEW-P	82-05-007	296-150A-415	REP-P	82-05-007	296-150A-615	REP	82-12-004
296-150A-035	NEW	82-12-004	296-150A-415	REP	82-12-004	296-150A-620	REP-P	82-05-007
296-150A-040	NEW-P	82-05-007	296-150A-417	REP-P	82-05-007	296-150A-620	REP	82-12-004
296-150A-040	NEW	82-12-004	296-150A-417	REP	82-12-004	296-150A-625	REP-P	82-05-007
296-150A-045	NEW-P	82-05-007	296-150A-420	REP-P	82-05-007	296-150A-625	REP	82-12-004
296-150A-045	NEW	82-12-004	296-150A-420	REP	82-12-004	296-150A-630	REP-P	82-05-007
296-150A-050	REP-P	82-05-007	296-150A-423	REP-P	82-05-007	296-150A-630	REP	82-12-004
296-150A-050	REP	82-12-004	296-150A-423	REP	82-12-004	296-150A-640	REP-P	82-05-007
296-150A-051	NEW-P	82-05-007	296-150A-424	REP-P	82-05-007	296-150A-640	REP	82-12-004
296-150A-051	NEW	82-12-004	296-150A-424	REP	82-12-004	296-150A-650	REP-P	82-05-007
296-150A-055	NEW-P	82-05-007	296-150A-425	REP-P	82-05-007	296-150A-650	REP	82-12-004
296-150A-055	NEW	82-12-004	296-150A-425	REP	82-12-004	296-150A-675	REP-P	82-05-007
296-150A-060	NEW-P	82-05-007	296-150A-430	REP-P	82-05-007	296-150A-675	REP	82-12-004
296-150A-060	NEW	82-12-004	296-150A-430	REP	82-12-004	296-150A-680	REP-P	82-05-007
296-150A-065	NEW-P	82-05-007	296-150A-435	REP-P	82-05-007	296-150A-680	REP	82-12-004
296-150A-065	NEW	82-12-004	296-150A-435	REP	82-12-004	296-150A-685	REP-P	82-05-007
296-150A-070	NEW-P	82-05-007	296-150A-440	REP-P	82-05-007	296-150A-685	REP	82-12-004
296-150A-070	NEW	82-12-004	296-150A-440	REP	82-12-004	296-150A-690	REP-P	82-05-007
296-150A-075	NEW-P	82-05-007	296-150A-445	REP-P	82-05-007	296-150A-690	REP	82-12-004
296-150A-075	NEW	82-12-004	296-150A-445	REP	82-12-004	296-150A-695	REP-P	82-05-007
296-150A-080	NEW-P	82-05-007	296-150A-450	REP-P	82-05-007	296-150A-695	REP	82-12-004
296-150A-080	NEW	82-12-004	296-150A-450	REP	82-12-004	296-150A-700	AMD-E	82-04-014
296-150A-085	NEW-P	82-05-007	296-150A-500	REP-P	82-05-007	296-150A-700	REP-P	82-05-007
296-150A-085	NEW	82-12-004	296-150A-500	REP	82-12-004	296-150A-700	AMD-E	82-09-031
296-150A-090	NEW-P	82-05-007	296-150A-505	REP-P	82-05-007	296-150A-700	REP	82-12-004
296-150A-090	NEW	82-12-004	296-150A-505	REP	82-12-004	296-150A-710	REP-P	82-05-007
296-150A-095	NEW-P	82-05-007	296-150A-506	REP-P	82-05-007	296-150A-710	REP	82-12-004
296-150A-095	NEW	82-12-004	296-150A-506	REP	82-12-004	296-150A-950	NEW-P	82-05-007
296-150A-100	NEW-P	82-05-007	296-150A-510	REP-P	82-05-007	296-150A-950	NEW	82-12-004
296-150A-100	NEW	82-12-004	296-150A-510	REP	82-12-004	296-150A-990	NEW-P	82-05-007
296-150A-105	NEW-P	82-05-007	296-150A-515	REP-P	82-05-007	296-150A-990	NEW-P	82-08-002
296-150A-105	NEW	82-12-004	296-150A-515	REP	82-12-004	296-150A-990	NEW	82-12-004
296-150A-110	NEW-P	82-05-007	296-150A-516	REP-P	82-05-007	296-150A-990	AMD	82-12-040
296-150A-110	NEW	82-12-004	296-150A-516	REP	82-12-004	296-150B	NEW-C	82-02-052
296-150A-115	NEW-P	82-05-007	296-150A-520	REP-P	82-05-007	296-150B-005	NEW-P	82-05-006
296-150A-115	NEW	82-12-004	296-150A-520	REP	82-12-004	296-150B-005	NEW	82-09-053
296-150A-120	NEW-P	82-05-007	296-150A-521	REP-P	82-05-007	296-150B-010	NEW-P	82-05-006
296-150A-120	NEW	82-12-004	296-150A-521	REP	82-12-004	296-150B-010	NEW	82-09-053
296-150A-125	NEW-P	82-05-007	296-150A-525	REP-P	82-05-007	296-150B-015	NEW-P	82-05-006
296-150A-125	NEW	82-12-004	296-150A-525	REP	82-12-004	296-150B-015	NEW	82-09-053
296-150A-130	NEW-P	82-05-007	296-150A-530	REP-P	82-05-007	296-150B-020	NEW-P	82-05-006
296-150A-130	NEW	82-12-004	296-150A-530	REP	82-12-004	296-150B-020	NEW	82-09-053
296-150A-135	NEW-P	82-05-007	296-150A-535	REP-P	82-05-007	296-150B-025	NEW-P	82-05-006
296-150A-135	NEW	82-12-004	296-150A-535	REP	82-12-004	296-150B-025	NEW	82-09-053
296-150A-140	NEW-P	82-05-007	296-150A-540	REP-P	82-05-007	296-150B-030	NEW-P	82-05-006
296-150A-140	NEW	82-12-004	296-150A-540	REP	82-12-004	296-150B-030	NEW	82-09-053
296-150A-145	NEW-P	82-05-007	296-150A-545	REP-P	82-05-007	296-150B-035	NEW-P	82-05-006
296-150A-145	NEW	82-12-004	296-150A-545	REP	82-12-004	296-150B-035	NEW	82-09-053
296-150A-150	NEW-P	82-05-007	296-150A-550	REP-P	82-05-007	296-150B-040	NEW-P	82-05-006

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-150B-040	NEW	82-09-053	296-150B-250	NEW-P	82-06-021	296-150B-633	NEW	82-04-060
296-150B-045	NEW-P	82-05-006	296-150B-250	NEW	82-09-059	296-150B-637	NEW	82-04-060
296-150B-045	NEW	82-09-053	296-150B-255	NEW-P	82-06-021	296-150B-640	NEW	82-04-060
296-150B-050	NEW-P	82-05-006	296-150B-255	NEW	82-09-059	296-150B-643	NEW	82-04-060
296-150B-050	NEW	82-09-053	296-150B-300	NEW	82-04-060	296-150B-647	NEW	82-04-060
296-150B-055	NEW-P	82-05-006	296-150B-305	NEW	82-04-060	296-150B-650	NEW	82-04-060
296-150B-055	NEW	82-09-053	296-150B-310	NEW	82-04-060	296-150B-653	NEW	82-04-060
296-150B-060	NEW-P	82-05-006	296-150B-315	NEW	82-04-060	296-150B-657	NEW	82-04-060
296-150B-060	NEW	82-09-053	296-150B-400	NEW	82-04-060	296-150B-660	NEW	82-04-060
296-150B-065	NEW-P	82-05-006	296-150B-403	NEW	82-04-060	296-150B-663	NEW	82-04-060
296-150B-065	NEW	82-09-053	296-150B-407	NEW	82-04-060	296-150B-667	NEW	82-04-060
296-150B-070	NEW-P	82-05-006	296-150B-410	NEW	82-04-060	296-150B-670	NEW	82-04-060
296-150B-070	NEW	82-09-053	296-150B-413	NEW	82-04-060	296-150B-673	NEW	82-04-060
296-150B-075	NEW-P	82-05-006	296-150B-417	NEW	82-04-060	296-150B-677	NEW	82-04-060
296-150B-075	NEW	82-09-053	296-150B-420	NEW	82-04-060	296-150B-680	NEW	82-04-060
296-150B-080	NEW-P	82-05-006	296-150B-423	NEW	82-04-060	296-150B-683	NEW	82-04-060
296-150B-080	NEW	82-09-053	296-150B-427	NEW	82-04-060	296-150B-687	NEW	82-04-060
296-150B-085	NEW-P	82-05-006	296-150B-430	NEW	82-04-060	296-150B-690	NEW	82-04-060
296-150B-085	NEW	82-09-053	296-150B-433	NEW	82-04-060	296-150B-693	NEW	82-04-060
296-150B-090	NEW-P	82-05-006	296-150B-437	NEW	82-04-060	296-150B-697	NEW	82-04-060
296-150B-090	NEW	82-09-053	296-150B-440	NEW	82-04-060	296-150B-700	NEW	82-04-060
296-150B-095	NEW-P	82-05-006	296-150B-443	NEW	82-04-060	296-150B-703	NEW	82-04-060
296-150B-095	NEW	82-09-053	296-150B-447	NEW	82-04-060	296-150B-707	NEW	82-04-060
296-150B-100	NEW-P	82-05-006	296-150B-450	NEW	82-04-060	296-150B-710	NEW	82-04-060
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-950	NEW	82-04-060
296-150B-200	NEW	82-09-059	296-150B-570	NEW	82-04-060	296-150B-990	NEW-P	82-05-006
296-150B-205	NEW-P	82-06-021	296-150B-573	NEW	82-04-060	296-150B-990	NEW-P	82-08-002
296-150B-205	NEW	82-09-059	296-150B-577	NEW	82-04-060	296-150B-990	NEW	82-09-053
296-150B-210	NEW-P	82-06-021	296-150B-580	NEW	82-04-060	296-150B-990	AMD	82-12-040
296-150B-210	NEW	82-09-059	296-150B-583	NEW	82-04-060	296-155-485	AMD-P	82-02-065
296-150B-215	NEW-P	82-06-021	296-150B-587	NEW	82-04-060	296-155-485	AMD-E	82-07-013
296-150B-215	NEW	82-09-059	296-150B-590	NEW	82-04-060	296-155-485	AMD	82-08-026
296-150B-220	NEW-P	82-06-021	296-150B-593	NEW	82-04-060	296-155-48501	REP-P	82-02-065
296-150B-220	NEW	82-09-059	296-150B-597	NEW	82-04-060	296-155-48501	REP	82-08-026
296-150B-225	NEW-P	82-06-021	296-150B-600	NEW	82-04-060	296-155-48502	REP-P	82-02-065
296-150B-225	NEW	82-09-059	296-150B-603	NEW	82-04-060	296-155-48502	REP	82-08-026
296-150B-230	NEW-P	82-06-021	296-150B-607	NEW	82-04-060	296-155-66501	AMD-P	82-08-004
296-150B-230	NEW	82-09-059	296-150B-610	NEW	82-04-060	296-155-66501	AMD	82-13-045
296-150B-235	NEW-P	82-06-021	296-150B-613	NEW	82-04-060	296-200-050	AMD-P	82-11-047
296-150B-235	NEW	82-09-059	296-150B-617	NEW	82-04-060	296-200-900	AMD-P	82-18-026
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	82-18-026
296-150B-245	NEW-P	82-06-021	296-150B-627	NEW	82-04-060	296-306-200	AMD-P	82-02-065
296-150B-245	NEW	82-09-059	296-150B-630	NEW	82-04-060	296-306-200	AMD-E	82-07-013

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-306-200	AMD	82-08-026	308-34-050	NEW-P	82-05-052	308-61-240	AMD-P	82-09-080
296-306-200	AMD-E	82-10-071	308-34-050	NEW	82-09-043	308-61-240	AMD	82-12-038
296-306-200	AMD-E	82-19-044	308-34-060	NEW-P	82-05-052	308-61-260	AMD-P	82-09-080
296-350-080	AMD-P	82-08-004	308-34-060	NEW	82-09-043	308-61-260	AMD	82-12-038
296-350-080	AMD	82-13-045	308-34-070	NEW-P	82-05-052	308-61-270	AMD-P	82-09-080
296-350-095	NEW-P	82-10-072	308-34-070	NEW	82-09-043	308-61-270	AMD	82-12-038
296-350-095	NEW	82-13-045	308-34-080	NEW-P	82-05-052	308-61-320	AMD-P	82-09-080
296-350-35055	AMD-P	82-08-004	308-34-080	NEW	82-09-043	308-61-320	AMD	82-12-038
296-350-35055	AMD	82-13-045	308-36-020	REP-P	82-04-008	308-61-400	AMD-P	82-09-080
296-350-400	AMD-P	82-08-004	308-36-020	REP	82-07-094	308-61-400	AMD	82-12-038
296-350-400	AMD	82-13-045	308-36-030	REP-P	82-04-008	308-61-420	AMD-P	82-09-080
296-360-030	AMD-P	82-08-004	308-36-030	REP	82-07-094	308-61-420	AMD	82-12-038
296-360-030	AMD	82-13-045	308-36-040	REP-P	82-04-008	308-78-010	AMD-P	82-17-050
296-401-010	AMD-P	82-08-003	308-36-040	REP	82-07-094	308-78-020	AMD-P	82-17-050
296-401-010	AMD-C	82-11-057	308-36-050	REP-P	82-04-008	308-78-030	AMD-P	82-17-050
296-401-010	AMD	82-18-036	308-36-050	REP	82-07-094	308-78-040	AMD-P	82-17-050
308-11-001	NEW-E	82-19-030	308-36-060	REP-P	82-04-008	308-78-045	NEW-P	82-17-050
308-11-300	NEW-E	82-13-023	308-36-060	REP	82-07-094	308-78-050	AMD-P	82-17-050
308-11-310	NEW-E	82-13-023	308-36-065	REP-P	82-04-008	308-78-060	AMD-P	82-17-050
308-16-440	NEW-P	82-05-049	308-36-065	REP	82-07-094	308-78-070	AMD-P	82-17-050
308-16-440	NEW	82-08-064	308-36-070	REP-P	82-04-008	308-78-080	AMD-P	82-17-050
308-16-450	NEW-P	82-05-049	308-36-070	REP	82-07-094	308-100-010	AMD	82-03-046
308-16-450	NEW	82-08-064	308-36-080	REP-P	82-04-008	308-100-020	AMD	82-03-046
308-16-460	NEW-P	82-05-049	308-36-080	REP	82-07-094	308-100-030	AMD-P	82-10-048
308-16-460	NEW	82-08-064	308-37-110	AMD-P	82-04-087	308-100-050	AMD	82-03-046
308-16-470	NEW-P	82-05-049	308-37-110	AMD	82-07-043	308-100-060	AMD	82-03-046
308-16-470	NEW	82-08-064	308-39-110	AMD-P	82-12-075	308-100-070	REP	82-03-046
308-24-300	AMD-P	82-17-059	308-39-110	AMD	82-16-087	308-102-012	AMD	82-03-046
308-24-310	REP-P	82-17-059	308-39-120	AMD-P	82-12-075	308-102-012	AMD	82-03-046
308-24-320	AMD-P	82-17-059	308-39-120	AMD	82-16-087	308-102-012	REP	82-03-046
308-24-330	AMD-P	82-17-059	308-40-020	AMD	82-04-024	308-102-210	AMD	82-03-046
308-24-340	AMD-P	82-17-059	308-40-101	AMD	82-04-024	308-102-260	AMD	82-03-046
308-24-345	NEW-P	82-17-059	308-40-102	AMD	82-04-024	308-102-290	AMD	82-03-046
308-24-370	AMD-P	82-17-059	308-40-103	NEW	82-04-024	308-102-295	NEW-E	82-07-002
308-24-384	AMD-P	82-17-059	308-40-104	NEW	82-04-024	308-102-295	NEW-P	82-08-076
308-24-395	NEW-P	82-17-059	308-40-105	NEW	82-04-024	308-104-015	NEW	82-03-046
308-24-510	NEW-P	82-05-048	308-40-110	AMD	82-04-024	308-104-020	REP	82-03-046
308-24-510	NEW	82-08-063	308-52-135	AMD	82-04-024	308-104-025	NEW	82-03-046
308-24-520	NEW-P	82-05-048	308-52-138	AMD	82-03-022	308-104-030	REP	82-03-046
308-24-520	NEW	82-08-063	308-52-139	AMD-P	82-19-088	308-104-040	AMD	82-03-046
308-24-530	NEW-P	82-05-048	308-52-140	AMD	82-19-088	308-104-050	AMD	82-03-046
308-24-530	NEW	82-08-063	308-52-140	AMD-P	82-03-022	308-104-058	NEW	82-03-046
308-24-540	NEW-P	82-05-048	308-52-150	NEW-P	82-19-088	308-104-100	AMD	82-03-046
308-24-540	NEW	82-08-063	308-52-160	NEW-P	82-19-088	308-104-150	NEW	82-03-046
308-25-010	NEW-P	82-02-093	308-52-201	AMD	82-19-088	308-104-160	NEW	82-03-046
308-25-010	NEW	82-06-043	308-52-500	AMD-P	82-03-022	308-104-160	AMD-P	82-08-076
308-25-010	AMD-P	82-08-077	308-52-502	NEW-P	82-19-088	308-104-170	NEW	82-03-046
308-25-020	AMD	82-11-068	308-52-504	NEW-P	82-19-088	308-104-180	NEW	82-03-046
308-25-020	NEW-P	82-02-093	308-52-520	REP-P	82-19-088	308-115-010	REP-P	82-12-073
308-25-020	NEW	82-06-043	308-52-570	AMD-P	82-19-088	308-115-010	REP-P	82-17-034
308-25-020	AMD-P	82-08-077	308-52-580	AMD-P	82-19-088	308-115-010	REP	82-19-079
308-25-020	AMD	82-11-068	308-53-080	AMD-P	82-08-048	308-115-020	REP-P	82-12-073
308-25-030	NEW-P	82-02-093	308-53-085	AMD	82-12-077	308-115-020	REP	82-17-034
308-25-030	NEW	82-06-043	308-53-085	NEW-P	82-08-048	308-115-030	REP-P	82-19-079
308-25-030	AMD-P	82-08-077	308-53-151	NEW	82-12-077	308-115-030	REP-P	82-12-073
308-25-030	AMD	82-11-068	308-53-151	NEW-P	82-08-048	308-115-040	REP	82-19-079
308-25-040	NEW-P	82-02-093	308-54-130	NEW	82-12-077	308-115-040	REP-P	82-12-073
308-25-040	NEW	82-06-043	308-54-140	AMD-P	82-16-089	308-115-040	REP-P	82-17-034
308-25-040	AMD-P	82-08-077	308-61-010	AMD-P	82-16-089	308-115-050	REP	82-19-079
308-25-040	AMD	82-11-068	308-61-010	AMD-P	82-09-079	308-115-050	NEW-P	82-12-073
308-25-050	NEW-P	82-02-093	308-61-030	AMD	82-12-037	308-115-050	NEW-P	82-17-034
308-25-050	NEW	82-06-043	308-61-030	AMD-P	82-09-079	308-115-060	NEW	82-19-079
308-25-060	NEW-P	82-02-093	308-61-100	AMD	82-12-037	308-115-060	NEW-P	82-12-073
308-25-060	NEW	82-06-043	308-61-100	AMD-P	82-09-079	308-115-060	NEW-P	82-17-034
308-25-070	NEW-P	82-02-093	308-61-110	AMD	82-12-037	308-115-070	NEW	82-19-079
308-25-070	NEW	82-06-043	308-61-110	AMD	82-12-037	308-115-070	NEW-P	82-12-073
308-26-017	NEW-P	82-08-049	308-61-120	AMD-P	82-09-079	308-115-070	NEW	82-19-079
308-26-017	NEW	82-11-056	308-61-120	AMD	82-12-037	308-115-080	NEW-P	82-17-034
308-26-020	AMD-P	82-16-088	308-61-130	AMD	82-12-037	308-115-080	NEW-P	82-19-079
308-34-010	NEW-P	82-05-052	308-61-130	AMD-P	82-09-079	308-115-090	NEW	82-19-079
308-34-010	NEW	82-09-043	308-61-200	AMD	82-12-037	308-115-090	NEW-P	82-12-073
308-34-020	NEW-P	82-05-052	308-61-200	AMD-P	82-09-080	308-115-090	NEW-P	82-17-034
308-34-020	NEW	82-09-043	308-61-210	AMD	82-12-038	308-115-090	NEW	82-19-079
308-34-030	NEW-P	82-05-052	308-61-210	AMD-P	82-09-080	308-115-100	NEW-P	82-12-073
308-34-030	NEW	82-09-043	308-61-220	AMD	82-12-038	308-115-100	NEW-P	82-17-034
308-34-040	NEW-P	82-05-052	308-61-220	AMD-P	82-09-080	308-115-100	NEW	82-19-079
308-34-040	NEW	82-09-043	308-61-220	AMD	82-12-038			

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308-115-110	NEW-P	82-17-034	308-124C-050	NEW-P	82-13-035	308-400-040	AMD-P	82-08-075A
308-115-110	NEW	82-19-079	308-124D-010	AMD-P	82-13-035	308-400-040	AMD	82-13-030
308-115-120	NEW-P	82-12-073	308-124D-010	AMD	82-17-039	308-400-040	AMD-E	82-14-059
308-115-120	NEW-P	82-17-034	308-124D-015	NEW-P	82-05-051	308-400-042	NEW-P	82-04-084
308-115-120	NEW	82-19-079	308-124D-100	AMD-P	82-13-035	308-400-042	NEW	82-08-021
308-115-130	NEW-P	82-12-073	308-124D-100	AMD	82-17-039	308-400-044	NEW	82-05-014
308-115-130	NEW-P	82-17-034	308-124E-010	REP-P	82-13-035	308-400-046	NEW	82-05-014
308-115-130	NEW	82-19-079	308-124E-010	REP	82-17-039	308-400-048	NEW	82-05-014
308-115-140	NEW-P	82-12-073	308-124E-011	NEW-P	82-13-035	308-400-048	AMD-P	82-08-075A
308-115-140	NEW-P	82-17-034	308-124E-011	NEW	82-17-039	308-400-048	AMD	82-13-030
308-115-140	NEW	82-19-079	308-124F-030	AMD-P	82-13-035	308-400-048	AMD-E	82-14-059
308-115-150	NEW-P	82-12-073	308-124F-030	AMD	82-17-039	308-400-050	NEW	82-05-014
308-115-150	NEW-P	82-17-034	308-124H-020	AMD-P	82-13-035	308-400-052	NEW-P	82-08-075A
308-115-150	NEW	82-19-079	308-124H-020	AMD	82-17-039	308-400-052	NEW	82-13-030
308-115-160	NEW-P	82-12-073	308-124H-030	AMD-P	82-13-035	308-400-053	NEW-E	82-10-043
308-115-160	NEW-P	82-17-034	308-124H-030	AMD	82-17-039	308-400-054	NEW-P	82-08-075A
308-115-160	NEW	82-19-079	308-124H-055	AMD-P	82-13-035	308-400-054	NEW	82-13-030
308-115-170	NEW-P	82-12-073	308-124H-060	AMD-P	82-13-035	308-400-054	NEW-E	82-14-059
308-115-170	NEW-P	82-17-034	308-124H-060	AMD	82-17-039	308-400-056	NEW-P	82-08-075A
308-115-170	NEW	82-19-079	308-138	AMD-P	82-12-074	308-400-056	NEW	82-13-030
308-115-180	NEW-P	82-12-073	308-138	AMD	82-17-005	308-400-056	NEW-E	82-14-059
308-115-180	NEW-P	82-17-034	308-138-010	REP-P	82-12-074	308-400-058	NEW-P	82-08-075A
308-115-180	NEW	82-19-079	308-138-010	REP	82-17-005	308-400-058	NEW	82-13-030
308-115-190	NEW-P	82-12-073	308-138-020	REP-P	82-12-074	308-400-058	NEW-E	82-14-059
308-115-190	NEW-P	82-17-034	308-138-020	REP	82-17-005	308-400-060	NEW	82-05-014
308-115-190	NEW	82-19-079	308-138-025	REP-P	82-12-074	308-400-060	AMD-P	82-08-075A
308-115-200	NEW-P	82-12-073	308-138-025	REP	82-17-005	308-400-060	AMD	82-13-030
308-115-200	NEW-P	82-17-034	308-138-100	REP-P	82-12-074	308-400-060	AMD-E	82-14-059
308-115-200	NEW	82-19-079	308-138-100	REP	82-17-005	308-400-062	NEW-P	82-08-075A
308-115-210	NEW-P	82-12-073	308-138-110	REP-P	82-12-074	308-400-062	NEW	82-13-030
308-115-210	NEW-P	82-17-034	308-138-110	REP	82-17-005	308-400-062	NEW-E	82-14-059
308-115-210	NEW	82-19-079	308-138-120	REP-P	82-12-074	308-400-063	NEW-E	82-10-043
308-115-220	NEW-P	82-12-073	308-138-120	REP	82-17-005	308-400-070	NEW	82-05-014
308-115-230	NEW-P	82-17-034	308-138-130	REP-P	82-12-074	308-400-070	AMD-P	82-08-075A
308-115-240	NEW-P	82-12-073	308-138-130	REP	82-17-005	308-400-070	AMD	82-13-030
308-115-400	NEW-P	82-12-073	308-138-140	REP-P	82-12-074	308-400-070	AMD-E	82-14-059
308-115-400	NEW-P	82-17-034	308-138-140	REP	82-17-005	308-400-080	NEW	82-05-014
308-115-400	NEW	82-19-079	308-138-150	REP-P	82-12-074	308-400-090	NEW	82-05-014
308-120-162	AMD-P	82-18-078	308-138-150	REP	82-17-005	308-400-090	REP-P	82-08-075A
308-120-163	AMD-P	82-18-078	308-138-160	REP-P	82-12-074	308-400-090	REP	82-13-030
308-120-164	AMD-P	82-18-078	308-138-160	REP	82-17-005	308-400-090	REP-E	82-14-059
308-120-165	AMD-P	82-18-078	308-138-170	REP-P	82-12-074	308-400-092	NEW-P	82-08-075A
308-120-166	AMD-P	82-18-078	308-138-170	REP	82-17-005	308-400-092	NEW	82-13-030
308-120-300	AMD-P	82-18-078	308-138-330	NEW-P	82-12-074	308-400-092	NEW-E	82-14-059
308-120-305	AMD-P	82-18-078	308-138-330	NEW	82-17-005	308-400-951	NEW-E	82-14-059
308-120-310	REP-P	82-18-078	308-138A-020	NEW-P	82-12-074	314-12-010	AMD	82-04-031
308-120-315	NEW-P	82-18-078	308-138A-020	NEW	82-17-005	314-12-033	NEW-P	82-11-004
308-120-320	REP-P	82-18-078	308-138A-025	NEW-P	82-12-074	314-12-033	NEW	82-13-105
308-120-325	NEW-P	82-18-078	308-138A-025	NEW	82-17-005	314-12-035	NEW	82-04-032
308-120-330	REP-P	82-18-078	308-138B-100	NEW-P	82-12-074	314-12-040	AMD-P	82-07-046
308-120-335	NEW-P	82-18-078	308-138B-100	NEW	82-17-005	314-12-040	AMD	82-10-020
308-120-340	REP-P	82-18-078	308-138B-110	NEW-P	82-12-074	314-16-110	AMD-P	82-13-020
308-120-345	NEW-P	82-18-078	308-138B-110	NEW	82-17-005	314-16-110	AMD	82-17-022
308-120-350	REP-P	82-18-078	308-138B-120	NEW-P	82-12-074	314-16-125	AMD-P	82-13-021
308-120-355	NEW-P	82-18-078	308-138B-120	NEW	82-17-005	314-16-125	AMD-P	82-19-087
308-120-360	NEW-P	82-18-078	308-138B-130	NEW-P	82-12-074	314-16-160	AMD-P	82-13-020
308-120-365	NEW-P	82-18-078	308-138B-130	NEW	82-17-005	314-16-160	AMD	82-17-022
308-120-400	AMD-P	82-18-078	308-138B-140	NEW-P	82-12-074	314-16-195	NEW-P	82-10-069
308-120-410	AMD-P	82-18-078	308-138B-140	NEW	82-17-005	314-16-195	NEW	82-13-069
308-120-420	AMD-P	82-18-078	308-138B-150	NEW-P	82-12-074	314-16-200	AMD-P	82-06-046
308-120-430	AMD-P	82-18-078	308-138B-150	NEW	82-17-005	314-16-200	AMD-W	82-07-009
308-120-440	AMD-P	82-18-078	308-138B-160	NEW-P	82-12-074	314-16-200	AMD-P	82-07-014
308-120-450	AMD-P	82-18-078	308-138B-160	NEW	82-17-005	314-16-200	AMD	82-10-019
308-122-220	AMD-P	82-09-078	308-138B-170	NEW-P	82-12-074	314-18-010	NEW-P	82-13-019
308-122-220	AMD	82-18-073	308-138B-170	NEW	82-17-005	314-18-010	NEW	82-16-100
308-124-005	AMD-P	82-13-035	308-154-010	REP-P	82-19-034	314-18-020	NEW-P	82-13-019
308-124-005	AMD	82-17-039	308-154-020	REP-P	82-19-034	314-18-020	NEW	82-16-100
308-124A-040	AMD-P	82-13-035	308-154-030	REP-P	82-19-034	314-18-030	NEW-P	82-13-019
308-124A-040	AMD	82-17-039	308-154-040	REP-P	82-19-034	314-18-030	NEW-P	82-13-028
308-124B-010	AMD-P	82-13-035	308-154-050	REP-P	82-19-034	314-18-030	NEW	82-16-100
308-124B-010	AMD	82-17-039	308-154-060	REP-P	82-19-034	314-18-040	NEW-P	82-13-019
308-124B-140	NEW-P	82-13-035	308-154-070	REP-P	82-19-034	314-18-040	NEW	82-16-100
308-124B-140	NEW	82-17-039	308-154-080	REP-P	82-19-034	314-18-050	NEW-P	82-13-019
308-124C-020	AMD-P	82-13-035	308-400-010	NEW	82-05-014	314-18-050	NEW	82-16-100
308-124C-020	AMD	82-17-039	308-400-020	NEW	82-05-014	314-18-060	NEW-P	82-13-019
308-124C-030	AMD-P	82-13-035	308-400-030	NEW	82-05-014	314-18-060	NEW	82-16-100

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314-18-070	NEW	82-16-100	314-52-113	AMD-P	82-13-018	315-04-030	NEW-E	82-17-053
314-18-080	NEW-P	82-13-019	314-52-113	AMD-C	82-16-045	315-04-030	NEW-P	82-18-074
314-18-080	NEW	82-16-100	314-52-113	AMD	82-17-031	315-04-030	NEW-P	82-18-076
314-18-090	NEW-P	82-13-019	314-52-115	AMD-P	82-13-018	315-04-040	NEW-E	82-17-053
314-18-090	NEW	82-16-100	314-52-115	AMD-C	82-16-045	315-04-040	NEW-P	82-18-076
314-18-100	NEW-P	82-13-019	314-52-115	AMD	82-17-031	315-04-050	NEW-E	82-17-053
314-18-100	NEW	82-16-100	314-52-120	REP-P	82-13-018	315-04-050	NEW-P	82-18-076
314-20-025	NEW-P	82-14-086	314-52-120	REP-C	82-16-045	315-04-060	NEW-E	82-17-053
314-20-025	NEW-C	82-17-032	314-52-120	REP	82-17-031	315-04-060	NEW-P	82-18-076
314-20-025	NEW-C	82-18-029	314-60-030	AMD	82-04-030	315-04-070	NEW-E	82-17-053
314-20-070	AMD-P	82-13-020	314-60-040	AMD	82-04-030	315-04-070	NEW-P	82-18-076
314-20-070	AMD	82-17-022	314-60-040	AMD-P	82-07-095	315-04-080	NEW-E	82-17-053
314-20-100	AMD-P	82-10-068	314-60-040	AMD	82-10-021	315-04-080	NEW-P	82-18-076
314-20-100	AMD-C	82-13-104	314-60-150	REP	82-04-030	315-04-090	NEW-E	82-17-053
314-20-100	AMD	82-16-069	314-60-900	REP	82-04-030	315-04-090	NEW-P	82-18-074
314-20-105	AMD-P	82-10-068	314-60-901	REP	82-04-030	315-04-090	NEW-P	82-18-076
314-20-105	AMD-C	82-13-104	314-60-902	REP	82-04-030	315-04-100	NEW-E	82-17-053
314-20-105	AMD	82-16-069	314-60-903	REP	82-04-030	315-04-100	NEW-P	82-18-074
314-24-120	AMD	82-04-035	314-60-904	REP	82-04-030	315-04-100	NEW-P	82-18-076
314-24-190	AMD-P	82-10-068	314-60-905	REP	82-04-030	315-04-110	NEW-E	82-17-053
314-24-190	AMD-C	82-13-104	314-60-906	REP	82-04-030	315-04-110	NEW-P	82-18-076
314-24-190	AMD	82-16-069	314-60-907	REP	82-04-030	315-04-120	NEW-E	82-17-053
314-24-200	AMD-P	82-10-068	314-64-030	AMD	82-04-035	315-04-120	NEW-P	82-18-074
314-24-200	AMD-C	82-13-104	314-64-040	AMD	82-04-035	315-04-120	NEW-P	82-18-076
314-24-200	AMD	82-16-069	314-64-050	AMD	82-04-035	315-04-130	NEW-E	82-17-053
314-24-210	AMD-P	82-13-020	314-64-080	AMD	82-04-035	315-04-130	NEW-P	82-18-076
314-24-210	AMD	82-17-022	314-70-010	AMD-P	82-13-020	315-04-140	NEW-E	82-17-053
314-27-010	AMD-P	82-13-020	314-70-010	NEW	82-17-022	315-04-140	NEW-P	82-18-076
314-27-010	AMD	82-17-022	314-70-020	AMD-P	82-13-020	315-04-150	NEW-E	82-17-053
314-38-010	NEW-P	82-10-070	314-70-020	NEW	82-17-022	315-04-150	NEW-P	82-18-076
314-38-010	NEW	82-13-068	314-70-030	AMD-P	82-13-020	315-04-160	NEW-E	82-17-053
314-40-010	AMD-P	82-10-069	314-70-030	NEW	82-17-022	315-04-160	NEW-P	82-18-076
314-40-010	AMD	82-13-069	314-70-040	AMD-P	82-13-020	315-04-170	NEW-E	82-17-053
314-40-040	AMD	82-04-028	314-70-040	NEW	82-17-022	315-04-170	NEW-P	82-18-076
314-44-005	AMD	82-04-029	315-02-010	NEW-E	82-17-053	315-04-180	NEW-E	82-17-053
314-52-005	AMD-P	82-13-018	315-02-010	NEW-P	82-18-075	315-04-180	NEW-P	82-18-074
314-52-005	AMD-C	82-16-045	315-02-020	NEW-P	82-18-074	315-04-180	NEW-P	82-18-076
314-52-005	AMD	82-17-031	315-02-030	NEW-E	82-17-053	315-04-190	NEW-E	82-17-053
314-52-010	AMD-P	82-13-018	315-02-030	NEW-P	82-18-075	315-04-190	NEW-P	82-18-076
314-52-010	AMD-C	82-16-045	315-02-040	NEW-E	82-17-053	315-04-200	NEW-E	82-17-053
314-52-010	AMD	82-17-031	315-02-040	NEW-P	82-18-075	315-04-200	NEW-P	82-18-074
314-52-015	AMD-P	82-13-018	315-02-050	NEW-E	82-17-053	315-04-200	NEW-P	82-18-076
314-52-015	AMD-C	82-16-045	315-02-050	NEW-P	82-18-075	315-04-210	NEW-E	82-17-053
314-52-015	AMD	82-17-031	315-02-060	NEW-E	82-17-053	315-04-210	NEW-P	82-18-076
314-52-020	AMD-P	82-13-018	315-02-060	NEW-P	82-18-075	315-06-010	NEW-E	82-17-053
314-52-020	AMD-C	82-16-045	315-02-070	NEW-E	82-17-053	315-06-010	NEW-P	82-18-077
314-52-020	AMD	82-17-031	315-02-070	NEW-P	82-18-075	315-06-020	NEW-E	82-17-053
314-52-030	AMD-P	82-13-018	315-02-100	NEW-E	82-17-053	315-06-020	NEW-P	82-18-074
314-52-030	AMD-C	82-16-045	315-02-100	NEW-P	82-18-075	315-06-020	NEW-P	82-18-077
314-52-030	AMD	82-17-031	315-02-110	NEW-E	82-17-053	315-06-030	NEW-E	82-17-053
314-52-040	AMD-P	82-13-018	315-02-110	NEW-P	82-18-075	315-06-030	NEW-P	82-18-077
314-52-040	AMD-C	82-16-045	315-02-120	NEW-E	82-17-053	315-06-040	NEW-E	82-17-053
314-52-040	AMD	82-17-031	315-02-120	NEW-P	82-18-075	315-06-040	NEW-P	82-18-077
314-52-060	REP-P	82-13-018	315-02-130	NEW-E	82-17-053	315-06-050	NEW-E	82-17-053
314-52-060	REP-C	82-16-045	315-02-130	NEW-P	82-18-075	315-06-050	NEW-P	82-18-074
314-52-060	REP	82-17-031	315-02-140	NEW-E	82-17-053	315-06-050	NEW-P	82-18-077
314-52-070	AMD-P	82-13-018	315-02-140	NEW-P	82-18-075	315-06-060	NEW-E	82-17-053
314-52-070	AMD-C	82-16-045	315-02-150	NEW-E	82-17-053	315-06-060	NEW-P	82-18-074
314-52-070	AMD	82-17-031	315-02-150	NEW-P	82-18-075	315-06-060	NEW-P	82-18-077
314-52-080	AMD-P	82-13-018	315-02-160	NEW-E	82-17-053	315-06-070	NEW-E	82-17-053
314-52-080	AMD-C	82-16-045	315-02-160	NEW-P	82-18-075	315-06-070	NEW-P	82-18-077
314-52-080	AMD	82-17-031	315-02-170	NEW-E	82-17-053	315-06-070	NEW-E	82-17-053
314-52-085	NEW-P	82-13-018	315-02-170	NEW-P	82-18-075	315-06-080	NEW-E	82-17-053
314-52-085	NEW-C	82-16-045	315-02-180	NEW-E	82-17-053	315-06-080	NEW-P	82-18-074
314-52-085	NEW	82-17-031	315-02-180	NEW-P	82-18-075	315-06-080	NEW-P	82-18-077
314-52-090	AMD-P	82-13-018	315-02-190	NEW-E	82-17-053	315-06-090	NEW-E	82-17-053
314-52-090	AMD-C	82-16-045	315-02-190	NEW-P	82-18-075	315-06-090	NEW-P	82-18-077
314-52-090	AMD	82-17-031	315-02-200	NEW-E	82-17-053	315-06-100	NEW-E	82-17-053
314-52-110	AMD-P	82-13-018	315-02-200	NEW-P	82-18-075	315-06-100	NEW-P	82-18-077
314-52-110	AMD-C	82-16-045	315-02-210	NEW-E	82-17-053	315-06-110	NEW-E	82-17-053
314-52-110	AMD	82-17-031	315-02-210	NEW-P	82-18-075	315-06-110	NEW-P	82-18-077
314-52-111	REP-P	82-13-018	315-02-220	NEW-E	82-17-053	315-06-120	NEW-E	82-17-053
314-52-111	REP-C	82-16-045	315-02-220	NEW-P	82-18-075	315-06-120	NEW-P	82-18-074
314-52-111	REP	82-17-031	315-04-010	NEW-E	82-17-053	315-06-120	NEW-P	82-18-077
314-52-112	REP-P	82-13-018	315-04-010	NEW-P	82-18-076	315-06-130	NEW-E	82-17-053
314-52-112	REP-C	82-16-045	315-04-020	NEW-E	82-17-053	315-06-130	NEW-P	82-18-074

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315-06-150	NEW-E	82-17-053	344-12-010	AMD-P	82-03-051	344-12-145	NEW	82-12-052
315-06-150	NEW-P	82-18-077	344-12-010	AMD	82-12-052	344-12-150	NEW-P	82-03-051
315-06-160	NEW-E	82-17-053	344-12-015	AMD-P	82-03-051	344-12-150	NEW	82-12-052
315-06-160	NEW-P	82-18-077	344-12-015	AMD	82-12-052	344-12-155	NEW-P	82-03-051
315-06-170	NEW-E	82-17-053	344-12-020	AMD-P	82-03-051	344-12-155	NEW	82-12-052
315-06-170	NEW-P	82-18-077	344-12-020	AMD	82-12-052	344-12-200	NEW-P	82-03-051
315-06-180	NEW-E	82-17-053	344-12-025	AMD-P	82-03-051	344-12-200	NEW	82-12-052
315-06-180	NEW-P	82-18-077	344-12-025	AMD	82-12-052	344-12-205	NEW-P	82-03-051
315-06-190	NEW-E	82-17-053	344-12-030	AMD-P	82-03-051	344-12-205	NEW	82-12-052
315-06-190	NEW-P	82-18-077	344-12-030	AMD	82-12-052	344-12-210	NEW-P	82-03-051
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315-06-200	NEW-P	82-18-077	344-12-035	AMD	82-12-052	344-12-215	NEW-P	82-03-051
315-06-210	NEW-E	82-17-053	344-12-040	AMD-P	82-03-051	344-12-215	NEW	82-12-052
315-06-210	NEW-P	82-18-077	344-12-040	AMD	82-12-052	344-12-225	NEW-P	82-03-051
315-10-010	NEW-E	82-17-053	344-12-045	NEW-P	82-03-051	344-12-225	NEW	82-12-052
315-10-010	NEW-P	82-18-075	344-12-045	NEW	82-12-052	344-12-230	NEW-P	82-03-051
315-10-020	NEW-E	82-17-053	344-12-050	AMD-P	82-03-051	344-12-230	NEW	82-12-052
315-10-020	NEW-P	82-18-075	344-12-050	AMD	82-12-052	344-12-235	NEW-P	82-03-051
315-10-030	NEW-E	82-17-053	344-12-055	AMD-P	82-03-051	344-12-235	NEW	82-12-052
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315-10-040	NEW-E	82-17-053	344-12-060	AMD-P	82-03-051	344-12-245	NEW	82-12-052
315-10-040	NEW-P	82-18-075	344-12-060	AMD	82-12-052	344-12-250	NEW-P	82-03-051
315-10-050	NEW-E	82-17-053	344-12-065	NEW-P	82-03-051	344-12-250	NEW	82-12-052
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332-24-090	AMD-E	82-07-021	344-12-065	AMD-P	82-03-051	344-12-255	NEW	82-12-052
332-24-090	AMD-E	82-09-017	344-12-065	AMD	82-12-052	344-12-260	NEW-P	82-03-051
332-24-090	AMD-E	82-11-033	344-12-070	AMD-P	82-03-051	344-12-260	NEW	82-12-052
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332-26-040	NEW-E	82-14-060	344-12-075	AMD-P	82-03-051	344-12-262	NEW	82-12-052
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332-26-081	NEW-E	82-11-033	344-12-078	NEW	82-12-052	344-12-270	NEW-P	82-03-051
332-26-082	NEW-E	82-18-022	344-12-080	AMD-P	82-03-051	344-12-270	NEW	82-12-052
332-26-083	NEW-E	82-18-028	344-12-080	AMD	82-12-052	344-12-275	NEW-P	82-03-051
332-26-083	AMD-E	82-18-035	344-12-085	REP-P	82-03-051	344-12-275	NEW	82-12-052
332-140-010	NEW-E	82-10-050	344-12-085	REP	82-12-052	344-12-280	NEW-P	82-03-051
332-140-010	NEW-P	82-11-090	344-12-087	NEW-P	82-03-051	344-12-280	NEW	82-12-052
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332-140-020	NEW-P	82-11-090	344-12-092	NEW-P	82-03-051	344-12-295	NEW	82-12-052
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332-140-030	NEW-E	82-10-050	344-12-095	AMD-P	82-03-051	352-04-010	AMD	82-07-077
332-140-030	NEW-P	82-11-090	344-12-095	AMD	82-12-052	352-04-030	REP-P	82-04-057
332-140-030	NEW	82-14-058	344-12-098	NEW-P	82-03-051	352-04-030	REP	82-07-078
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332-140-040	NEW-P	82-11-090	344-12-100	REP-P	82-03-051	352-12-005	NEW	82-08-027
332-140-040	AMD-E	82-14-057	344-12-100	REP	82-12-052	352-12-010	AMD-P	82-04-058
332-140-040	NEW	82-14-058	344-12-102	NEW-P	82-03-051	352-12-010	AMD	82-08-027
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332-140-050	NEW-P	82-11-090	344-12-105	REP-P	82-03-051	352-12-020	NEW	82-08-027
332-140-050	NEW	82-14-058	344-12-105	REP	82-12-052	352-12-020	REP-P	82-08-065
332-140-060	NEW-E	82-10-050	344-12-107	NEW-P	82-03-051	352-12-030	NEW-P	82-04-058
332-140-060	NEW-P	82-11-090	344-12-107	NEW	82-12-052	352-12-030	NEW	82-08-027
332-140-060	AMD-E	82-14-057	344-12-110	REP-P	82-03-051	352-12-030	REP-P	82-08-065
332-140-060	NEW	82-14-058	344-12-110	REP	82-12-052	352-12-040	NEW-P	82-04-058
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332-140-090	NEW	82-14-058	344-12-116	NEW	82-12-052	352-32-020	REP-P	82-02-069
332-140-100	NEW-E	82-10-050	344-12-120	REP-P	82-03-051	352-32-020	REP	82-07-076
332-140-100	NEW-P	82-11-090	344-12-120	REP	82-12-052	352-32-030	AMD-P	82-04-055
332-140-100	NEW	82-14-058	344-12-125	AMD-P	82-03-051	352-32-030	AMD	82-09-035
332-150-010	NEW-P	82-11-081	344-12-125	AMD	82-12-052	352-32-045	AMD-P	82-04-055
332-150-010	NEW	82-14-042	344-12-130	REP-P	82-03-051	352-32-045	AMD	82-09-035
332-150-020	NEW-P	82-11-081	344-12-130	REP	82-12-052	352-32-060	AMD-P	82-08-057
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360-36-020	REP-C	82-16-086	388-28-482	AMD	82-09-034	388-33-577	REP-P	82-13-102
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381	NEW	82-17-018	388-28-570	AMD-E	82-06-019	388-37-035	AMD-E	82-10-031
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390-16-041	AMD-P	82-07-093	392-140-010	AMD-E	82-04-050	392-164-050	REP-C	82-19-046
390-16-041	AMD	82-11-026	392-140-010	AMD-P	82-04-061	392-164-055	REP-P	82-16-035

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-164-055	REP-C	82-19-046	419-24-010	REP-P	82-09-075	434-50-015	NEW-P	82-12-072
392-164-060	REP-P	82-16-035	419-24-010	REP	82-13-015	434-50-015	NEW-E	82-14-053
392-164-060	REP-C	82-19-046	419-24-020	REP-P	82-09-075	434-50-015	NEW	82-16-059
392-164-065	REP-P	82-16-035	419-24-020	REP	82-13-015	434-50-020	NEW-P	82-12-072
392-164-065	REP-C	82-19-046	419-24-030	REP-P	82-09-075	434-50-020	NEW-E	82-14-053
392-164-070	REP-P	82-16-035	419-24-030	REP	82-13-015	434-50-020	NEW	82-16-059
392-164-070	REP-C	82-19-046	419-32-010	REP-P	82-09-075	434-50-025	NEW-P	82-12-072
392-164-075	REP-P	82-16-035	419-32-010	REP	82-13-015	434-50-025	NEW-E	82-14-053
392-164-075	REP-C	82-19-046	419-32-020	REP-P	82-09-075	434-50-025	NEW	82-16-059
392-164-080	REP-P	82-16-035	419-32-020	REP	82-13-015	434-50-030	NEW-P	82-12-072
392-164-080	REP-C	82-19-046	419-32-030	REP-P	82-09-075	434-50-030	NEW-E	82-14-053
392-164-085	REP-P	82-16-035	419-32-030	REP	82-13-015	434-50-030	NEW	82-16-059
392-164-085	REP-C	82-19-046	419-32-040	REP-P	82-09-075	434-50-035	NEW-P	82-12-072
392-164-090	REP-P	82-16-035	419-32-040	REP	82-13-015	434-50-035	NEW-E	82-14-053
392-164-090	REP-C	82-19-046	419-32-050	REP-P	82-09-075	434-50-035	NEW	82-16-059
392-164-095	REP-P	82-16-035	419-32-050	REP	82-13-015	434-50-040	NEW-P	82-12-072
392-164-095	REP-C	82-19-046	419-32-060	REP-P	82-09-075	434-50-040	NEW-E	82-14-053
392-168-005	REP-P	82-16-035	419-32-060	REP	82-13-015	434-50-040	NEW	82-16-059
392-168-005	REP-C	82-19-046	419-48-010	REP-P	82-09-076	434-50-045	NEW-P	82-12-072
392-168-010	REP-P	82-16-035	419-48-010	REP	82-13-016	434-50-045	NEW-E	82-14-053
392-168-010	REP-C	82-19-046	419-48-020	REP-P	82-09-076	434-50-045	NEW	82-16-059
392-168-015	REP-P	82-16-035	419-48-020	REP	82-13-016	434-50-050	NEW-P	82-12-072
392-168-015	REP-C	82-19-046	419-48-030	REP-P	82-09-076	434-50-050	NEW-E	82-14-053
392-168-020	REP-P	82-16-035	419-48-030	REP	82-13-016	434-50-050	NEW	82-16-059
392-168-020	REP-C	82-19-046	419-48-040	REP-P	82-09-076	434-50-055	NEW-P	82-12-072
392-168-025	REP-P	82-16-035	419-48-040	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-025	REP-C	82-19-046	419-48-051	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-030	REP-P	82-16-035	419-48-051	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-030	REP-C	82-19-046	419-48-052	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-035	REP-P	82-16-035	419-48-052	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-035	REP-C	82-19-046	419-48-053	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-040	REP-P	82-16-035	419-48-053	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-040	REP-C	82-19-046	419-48-054	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-045	REP-P	82-16-035	419-48-054	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-045	REP-C	82-19-046	419-48-055	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-050	REP-P	82-16-035	419-48-055	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-050	REP-C	82-19-046	419-48-060	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-055	REP-P	82-16-035	419-48-060	REP	82-13-016	434-50-055	NEW-E	82-14-053
392-168-055	REP-C	82-19-046	419-48-070	REP-P	82-09-076	434-50-055	NEW	82-16-059
392-168-060	REP-P	82-16-035	419-48-070	REP	82-13-016	434-50-066	NEW-P	82-12-072
392-168-060	REP-C	82-19-046	419-48-080	REP-P	82-09-076	434-50-066	NEW-E	82-14-053
419-14-010	REP-E	82-09-047	419-48-080	REP	82-13-016	434-91-010	NEW-P	82-09-061
419-14-010	REP-P	82-09-075	419-48-090	REP-P	82-09-076	434-91-010	NEW	82-12-022
419-14-010	REP	82-13-015	419-48-090	REP	82-13-016	434-91-020	NEW-P	82-09-061
419-14-020	NEW-E	82-09-047	419-48-090	REP-P	82-09-076	434-91-020	NEW	82-12-022
419-14-020	NEW-P	82-09-075	419-48-100	REP-P	82-13-016	434-91-030	NEW-P	82-09-061
419-14-020	NEW	82-13-015	419-48-100	REP	82-13-016	434-91-030	NEW	82-12-022
419-14-030	NEW-E	82-09-047	419-48-110	REP-P	82-09-076	434-91-040	NEW-P	82-09-061
419-14-030	NEW-P	82-09-075	419-48-110	REP	82-13-016	434-91-040	NEW	82-12-022
419-14-030	NEW	82-13-015	419-48-120	REP-P	82-09-076	434-91-050	NEW-P	82-09-061
419-14-040	NEW-E	82-09-047	419-48-120	REP	82-13-016	434-91-050	NEW	82-12-022
419-14-040	NEW-P	82-09-075	419-48-130	REP-P	82-09-076	434-91-060	NEW-P	82-09-061
419-14-040	NEW	82-13-015	419-48-130	REP	82-13-016	434-91-060	NEW	82-12-022
419-14-050	NEW-E	82-09-047	419-48-140	REP-P	82-09-076	434-91-070	NEW-P	82-09-061
419-14-050	NEW-P	82-09-075	419-48-140	REP	82-13-016	434-91-070	NEW	82-12-022
419-14-050	NEW	82-13-015	419-48-150	REP-P	82-09-076	434-91-080	NEW-P	82-09-061
419-14-060	NEW-E	82-09-047	419-48-150	REP	82-13-016	434-91-080	NEW	82-12-022
419-14-060	NEW-P	82-09-075	419-52-010	NEW-E	82-02-075	434-91-090	NEW-P	82-09-061
419-14-060	NEW	82-13-015	419-52-010	NEW-P	82-04-044	434-91-090	NEW	82-12-022
419-14-070	NEW-E	82-09-047	419-52-010	NEW	82-08-023	434-91-100	NEW-P	82-09-061
419-14-070	NEW-P	82-09-075	419-52-020	NEW-E	82-02-075	434-91-100	NEW	82-12-022
419-14-070	NEW	82-13-015	419-52-020	NEW-P	82-04-044	434-91-110	NEW-P	82-09-061
419-14-080	NEW-E	82-11-019	419-52-020	NEW	82-08-023	434-91-110	NEW	82-12-022
419-14-080	NEW-P	82-15-001	419-52-030	NEW-E	82-02-075	434-91-120	NEW-P	82-09-061
419-14-080	NEW	82-19-020	419-52-030	NEW-P	82-04-044	434-91-120	NEW	82-12-022
419-18-010	REP-E	82-09-048	419-52-030	NEW	82-08-023	434-91-130	NEW-P	82-09-061
419-18-010	REP-P	82-09-076	434-16-010	REP	82-05-014	434-91-130	NEW	82-12-022
419-18-010	REP	82-13-016	434-16-020	REP	82-05-014	434-91-140	NEW-P	82-09-061
419-18-020	NEW-E	82-09-048	434-16-030	REP	82-05-014	434-91-140	NEW	82-12-022
419-18-020	NEW-P	82-09-076	434-16-040	REP	82-05-014	434-91-150	NEW-P	82-09-061
419-18-020	NEW	82-13-016	434-16-050	REP	82-05-014	434-91-150	NEW	82-12-022
419-18-030	NEW-E	82-09-048	434-16-060	REP	82-05-014	434-91-160	NEW-P	82-09-061
419-18-030	NEW-P	82-09-076	434-16-070	REP	82-05-014	434-91-160	NEW	82-12-022
419-18-030	NEW	82-13-016	434-16-080	REP	82-05-014	434-91-170	NEW	82-12-022
419-18-040	NEW-E	82-09-048	434-16-090	REP	82-05-014	440-44	NEW-C	82-12-028
419-18-040	NEW-P	82-09-076	434-50-010	NEW-P	82-12-072	440-44-001	NEW-E	82-08-078
419-18-040	NEW	82-13-016	434-50-010	NEW-E	82-14-053	440-44-001	NEW-P	82-08-080
			434-50-010	NEW	82-16-059	440-44-001	NEW	82-13-011

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440-44-002	NEW-P	82-08-080	458-14-045	NEW	82-19-012	458-24-070	NEW-P	82-16-060
440-44-002	NEW	82-13-011	458-14-050	AMD-P	82-15-069	458-24-070	NEW	82-19-028
440-44-010	NEW-E	82-08-078	458-14-050	AMD	82-19-012	458-24-080	NEW-E	82-19-029
440-44-010	NEW-P	82-08-080	458-14-051	REP-P	82-15-069	458-40-18600	AMD-P	82-10-055
440-44-010	NEW	82-13-011	458-14-051	REP	82-19-012	458-40-18600	AMD	82-14-037
440-44-015	NEW-E	82-08-078	458-14-052	NEW-P	82-15-069	458-40-18600	AMD-E	82-14-038
440-44-015	NEW-P	82-08-080	458-14-052	NEW	82-19-012	458-40-18670	NEW-P	82-10-055
440-44-015	NEW	82-13-011	458-14-070	AMD-P	82-15-069	458-40-18670	NEW	82-14-037
440-44-020	NEW-E	82-08-078	458-14-070	AMD	82-19-012	458-40-18670	NEW-E	82-14-038
440-44-020	NEW-P	82-08-080	458-14-075	AMD-P	82-15-069	458-40-18670	AMD-E	82-16-057
440-44-020	NEW	82-13-011	458-14-075	AMD	82-19-012	458-40-18670	AMD-P	82-16-058
440-44-023	NEW-E	82-08-078	458-14-080	AMD-P	82-15-069	458-40-18670	AMD	82-19-011
440-44-023	NEW-P	82-08-080	458-14-080	AMD	82-19-012	458-40-18671	NEW-P	82-10-055
440-44-023	NEW	82-13-011	458-14-086	AMD-P	82-15-069	458-40-18671	NEW	82-14-037
440-44-025	NEW-E	82-08-078	458-14-086	AMD	82-19-012	458-40-18671	NEW-E	82-14-038
440-44-025	NEW-P	82-08-080	458-14-090	AMD-E	82-15-023	458-40-18672	NEW-P	82-10-055
440-44-025	NEW	82-13-011	458-14-090	AMD-P	82-15-069	458-40-18672	NEW	82-14-037
440-44-026	NEW-P	82-13-078	458-14-090	AMD	82-19-012	458-40-18672	NEW-E	82-14-038
440-44-026	NEW	82-17-033	458-14-091	AMD-E	82-15-023	458-40-18673	NEW-P	82-10-055
440-44-030	NEW-E	82-08-078	458-14-091	AMD-P	82-15-069	458-40-18673	NEW	82-14-037
440-44-030	NEW-P	82-08-080	458-14-091	AMD	82-19-012	458-40-18673	NEW-E	82-14-038
440-44-030	NEW	82-13-011	458-14-092	NEW-P	82-15-069	458-40-18674	NEW-P	82-10-055
440-44-035	NEW-E	82-08-078	458-14-092	NEW	82-19-012	458-40-18674	NEW	82-14-037
440-44-035	NEW-P	82-08-080	458-14-100	AMD-P	82-15-069	458-40-18674	NEW-E	82-14-038
440-44-035	NEW	82-13-011	458-14-100	AMD	82-19-012	458-40-18675	NEW-P	82-10-055
440-44-040	NEW-E	82-08-078	458-14-110	AMD-P	82-15-069	458-40-18675	NEW	82-14-037
440-44-040	NEW-P	82-08-080	458-14-110	AMD	82-19-012	458-40-18675	NEW-E	82-14-038
440-44-040	NEW	82-13-011	458-14-120	AMD-E	82-15-023	458-40-18676	NEW-P	82-10-055
440-44-045	NEW-E	82-08-078	458-14-120	AMD-P	82-15-069	458-40-18676	NEW	82-14-037
440-44-045	NEW-P	82-08-080	458-14-120	AMD	82-19-012	458-40-18676	NEW-E	82-14-038
440-44-045	NEW	82-13-011	458-14-122	AMD-P	82-15-069	458-40-18677	NEW-P	82-10-055
440-44-050	NEW-E	82-08-078	458-14-122	AMD	82-19-012	458-40-18677	NEW	82-14-037
440-44-050	NEW-P	82-08-080	458-14-125	AMD-P	82-15-069	458-40-18677	NEW-E	82-14-038
440-44-050	NEW	82-13-011	458-14-125	AMD	82-19-012	458-40-18677	AMD-E	82-16-057
440-44-055	NEW-E	82-08-078	458-14-135	AMD-P	82-15-069	458-40-18677	AMD-P	82-16-058
440-44-055	NEW-P	82-08-080	458-14-135	AMD	82-19-012	458-40-18677	AMD	82-19-011
440-44-055	NEW	82-13-011	458-16-150	AMD-P	82-19-018	458-40-18678	NEW-P	82-10-055
440-44-055	REP-P	82-13-039	458-16-190	AMD-P	82-19-018	458-40-18678	NEW	82-14-037
440-44-055	REP	82-17-021	458-16-270	AMD-P	82-19-018	458-40-18678	NEW-E	82-14-038
440-44-057	NEW-P	82-13-039	458-16-301	REP-P	82-19-018	458-40-19000	AMD-P	82-10-055
440-44-057	NEW	82-17-021	458-19-550	AMD	82-06-006	458-40-19000	AMD	82-14-037
440-44-065	NEW-E	82-08-078	458-20-103	AMD-E	82-06-037	458-40-19000	AMD-E	82-14-038
440-44-065	NEW-P	82-08-080	458-20-103	AMD-P	82-09-073	458-40-19001	AMD-P	82-10-055
440-44-065	NEW	82-13-011	458-20-103	AMD	82-12-021	458-40-19001	AMD	82-14-037
440-44-070	NEW-E	82-08-078	458-20-119	AMD-E	82-10-029	458-40-19001	AMD-E	82-14-038
440-44-070	NEW-P	82-08-080	458-20-119	AMD-P	82-13-091	458-40-19002	AMD-P	82-10-055
440-44-070	NEW	82-13-011	458-20-119	AMD-E	82-16-025	458-40-19002	AMD	82-14-037
440-44-075	NEW-E	82-08-078	458-20-119	AMD	82-16-061	458-40-19002	AMD-E	82-14-038
440-44-075	NEW-P	82-08-080	458-20-179	AMD-E	82-16-062	458-40-19003	AMD-P	82-10-055
440-44-075	NEW	82-13-011	458-20-179	AMD-P	82-16-099	458-40-19003	AMD	82-14-037
440-44-080	NEW-E	82-08-078	458-20-179	AMD-C	82-17-073	458-40-19003	AMD-E	82-14-038
440-44-080	NEW-P	82-08-080	458-20-237	AMD-P	82-03-049	458-40-19004	AMD-P	82-10-055
440-44-080	NEW	82-13-011	458-20-237	AMD	82-06-020	458-40-19004	AMD	82-14-037
440-44-085	NEW-P	82-08-081	458-20-237	AMD-E	82-10-030	458-40-19004	AMD-E	82-14-038
440-44-085	NEW-C	82-12-029	458-20-237	AMD-P	82-13-090	458-40-19300	AMD-P	82-04-067
440-44-085	NEW	82-13-010	458-20-237	AMD-E	82-16-025	458-40-19300	AMD	82-07-086
446-20-280	NEW-E	82-18-006	458-20-237	AMD	82-16-061	458-53-070	AMD-P	82-05-029
446-20-280	NEW-P	82-18-007	458-20-244	AMD-E	82-10-028	458-53-070	AMD	82-08-061
446-20-290	NEW-E	82-18-006	458-20-244	AMD-P	82-13-092	458-53-100	AMD-P	82-05-029
446-20-290	NEW-P	82-18-007	458-20-244	AMD-E	82-16-025	458-53-100	AMD	82-08-061
446-20-300	NEW-E	82-18-006	458-20-244	AMD	82-16-061	458-53-150	AMD-P	82-05-029
446-20-300	NEW-P	82-18-007	458-24	AMD-E	82-15-024	458-53-150	AMD	82-08-061
446-20-310	NEW-E	82-18-006	458-24	AMD-P	82-16-060	458-60-002	REP-P	82-09-074
446-20-310	NEW-P	82-18-007	458-24	AMD	82-19-028	458-60-002	REP	82-15-070
446-40-070	AMD-P	82-17-023	458-24-020	AMD-E	82-15-024	458-60-010	REP-P	82-09-074
446-40-070	AMD-E	82-17-024	458-24-020	AMD-P	82-16-060	458-60-010	REP	82-15-070
446-40-100	AMD-P	82-17-023	458-24-020	AMD	82-19-028	458-60-020	REP-P	82-09-074
446-40-100	AMD-E	82-17-024	458-24-030	AMD-E	82-15-024	458-60-020	REP	82-15-070
446-40-110	AMD-P	82-17-023	458-24-030	AMD-P	82-16-060	458-60-030	REP-P	82-09-074
446-40-110	AMD-E	82-17-024	458-24-030	AMD	82-19-028	458-60-030	REP	82-15-070
446-50-080	AMD-E	82-04-037	458-24-050	AMD-E	82-15-024	458-60-040	REP-P	82-09-074
446-50-080	AMD-P	82-04-038	458-24-050	AMD-P	82-16-060	458-60-040	REP	82-15-070
446-50-080	AMD	82-07-100	458-24-050	AMD	82-19-028	458-60-045	REP-P	82-09-074
458-12-100	AMD-P	82-19-024	458-24-060	AMD-E	82-15-024	458-60-045	REP	82-15-070
458-12-342	NEW-E	82-15-023	458-24-060	AMD-P	82-16-060	458-60-046	REP-P	82-09-074
458-14-045	NEW-E	82-15-023	458-24-060	AMD	82-19-028	458-60-046	REP	82-15-070

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458-61-010	NEW-P	82-09-074	458-61-450	NEW-P	82-09-074	460-44A-010	REP-E	82-18-018
458-61-010	NEW	82-15-070	458-61-450	NEW	82-15-070	460-44A-020	REP-P	82-12-025
458-61-020	NEW-P	82-09-074	458-61-460	NEW-P	82-09-074	460-44A-020	REP-E	82-12-026
458-61-020	NEW	82-15-070	458-61-460	NEW	82-15-070	460-44A-020	RES-E	82-13-097
458-61-030	NEW-P	82-09-074	458-61-470	NEW-P	82-09-074	460-44A-020	REP-E	82-18-018
458-61-030	NEW	82-15-070	458-61-470	NEW	82-15-070	460-44A-030	REP-P	82-12-025
458-61-040	NEW-P	82-09-074	458-61-480	NEW-P	82-09-074	460-44A-030	REP-E	82-12-026
458-61-040	NEW	82-15-070	458-61-480	NEW	82-15-070	460-44A-030	RES-E	82-13-097
458-61-050	NEW-P	82-09-074	458-61-490	NEW-P	82-09-074	460-44A-030	REP-E	82-18-018
458-61-050	NEW	82-15-070	458-61-490	NEW	82-15-070	460-44A-041	REP-P	82-12-025
458-61-060	NEW-P	82-09-074	458-61-500	NEW-P	82-09-074	460-44A-041	REP-E	82-12-026
458-61-060	NEW	82-15-070	458-61-500	NEW	82-15-070	460-44A-041	RES-E	82-13-097
458-61-070	NEW-P	82-09-074	458-61-510	NEW-P	82-09-074	460-44A-041	REP-E	82-18-018
458-61-070	NEW	82-15-070	458-61-510	NEW	82-15-070	460-44A-045	REP-P	82-12-025
458-61-080	NEW-P	82-09-074	458-61-520	NEW-P	82-09-074	460-44A-045	REP-E	82-12-026
458-61-080	NEW	82-15-070	458-61-520	NEW	82-15-070	460-44A-045	RES-E	82-13-097
458-61-090	NEW-P	82-09-074	458-61-530	NEW-P	82-09-074	460-44A-045	REP-E	82-18-018
458-61-090	NEW	82-15-070	458-61-530	NEW	82-15-070	460-44A-500	NEW-P	82-12-025
458-61-100	NEW-P	82-09-074	458-61-540	NEW-P	82-09-074	460-44A-500	NEW-E	82-12-026
458-61-100	NEW	82-15-070	458-61-540	NEW	82-15-070	460-44A-500	AMD-E	82-13-097
458-61-110	NEW-P	82-09-074	458-61-550	NEW-P	82-09-074	460-44A-500	AMD-E	82-18-018
458-61-110	NEW	82-15-070	458-61-550	NEW	82-15-070	460-44A-501	NEW-P	82-12-025
458-61-120	NEW-P	82-09-074	458-61-560	NEW-P	82-09-074	460-44A-501	NEW-E	82-12-026
458-61-120	NEW	82-15-070	458-61-560	NEW	82-15-070	460-44A-501	AMD-E	82-18-018
458-61-130	NEW-P	82-09-074	458-61-570	NEW-P	82-09-074	460-44A-502	NEW-P	82-12-025
458-61-130	NEW	82-15-070	458-61-570	NEW	82-15-070	460-44A-502	NEW-E	82-12-026
458-61-140	NEW-P	82-09-074	458-61-580	NEW-P	82-09-074	460-44A-502	AMD-E	82-18-018
458-61-140	NEW	82-15-070	458-61-590	NEW-P	82-09-074	460-44A-503	NEW-P	82-12-025
458-61-200	NEW-P	82-09-074	458-61-590	NEW	82-15-070	460-44A-503	NEW-E	82-12-026
458-61-200	NEW	82-15-070	458-61-600	NEW-P	82-09-074	460-44A-503	AMD-E	82-18-018
458-61-210	NEW-P	82-09-074	458-61-600	NEW	82-15-070	460-44A-506	NEW-P	82-12-025
458-61-210	NEW	82-15-070	458-61-610	NEW-P	82-09-074	460-44A-506	NEW-E	82-12-026
458-61-220	NEW-P	82-09-074	458-61-610	NEW	82-15-070	460-44A-506	AMD-E	82-18-018
458-61-220	NEW	82-15-070	458-61-620	NEW-P	82-09-074	460-46A	NEW-C	82-17-058
458-61-230	NEW-P	82-09-074	458-61-620	NEW	82-15-070	460-46A-010	NEW-P	82-12-070
458-61-230	NEW	82-15-070	458-61-630	NEW-P	82-09-074	460-46A-020	NEW-P	82-12-070
458-61-240	NEW-P	82-09-074	458-61-630	NEW	82-15-070	460-46A-025	NEW-P	82-12-070
458-61-240	NEW	82-15-070	458-61-640	NEW-P	82-09-074	460-46A-030	NEW-P	82-12-070
458-61-250	NEW-P	82-09-074	458-61-640	NEW	82-15-070	460-46A-040	NEW-P	82-12-070
458-61-250	NEW	82-15-070	458-61-650	NEW-P	82-09-074	460-46A-050	NEW-P	82-12-070
458-61-260	NEW-P	82-09-074	458-61-650	NEW	82-15-070	460-46A-060	NEW-P	82-12-070
458-61-270	NEW-P	82-09-074	458-61-660	NEW-P	82-09-074	460-46A-070	NEW-P	82-12-070
458-61-270	NEW	82-15-070	458-61-660	NEW	82-15-070	460-46A-080	NEW-P	82-12-070
458-61-280	NEW-P	82-09-074	458-61-670	NEW-P	82-09-074	460-46A-085	NEW-P	82-12-070
458-61-280	NEW	82-15-070	458-61-670	NEW	82-15-070	460-46A-090	NEW-P	82-12-070
458-61-290	NEW-P	82-09-074	458-61-680	NEW-P	82-09-074	460-46A-095	NEW-P	82-12-070
458-61-290	NEW	82-15-070	458-61-680	NEW	82-15-070	460-46A-100	NEW-P	82-12-070
458-61-300	NEW-P	82-09-074	460-16A-108	NEW-P	82-12-071	460-46A-105	NEW-P	82-12-070
458-61-300	NEW	82-15-070	460-16A-108	NEW-C	82-17-057	460-46A-110	NEW-P	82-12-070
458-61-310	NEW-P	82-09-074	460-33A	NEW-C	82-19-033	460-46A-120	NEW-P	82-12-070
458-61-310	NEW	82-15-070	460-33A-010	NEW-P	82-16-007	460-46A-145	NEW-P	82-12-070
458-61-320	NEW-P	82-09-074	460-33A-015	NEW-P	82-16-007	460-46A-150	NEW-P	82-12-070
458-61-320	NEW	82-15-070	460-33A-020	NEW-P	82-16-007	460-46A-155	NEW-P	82-12-070
458-61-330	NEW-P	82-09-074	460-33A-025	NEW-P	82-16-007	460-46A-160	NEW-P	82-12-070
458-61-330	NEW	82-15-070	460-33A-030	NEW-P	82-16-007	460-46A-165	NEW-P	82-12-070
458-61-340	NEW-P	82-09-074	460-33A-035	NEW-P	82-16-007	463-30-020	AMD-E	82-04-036
458-61-340	NEW	82-15-070	460-33A-040	NEW-P	82-16-007	463-30-020	AMD-P	82-04-056
458-61-350	NEW-P	82-09-074	460-33A-045	NEW-P	82-16-007	463-30-020	AMD	82-10-027
458-61-350	NEW	82-15-070	460-33A-050	NEW-P	82-16-007	463-30-030	AMD-E	82-04-036
458-61-360	NEW-P	82-09-074	460-33A-055	NEW-P	82-16-007	463-30-030	AMD-P	82-04-056
458-61-360	NEW	82-15-070	460-33A-060	NEW-P	82-16-007	463-30-030	AMD	82-10-027
458-61-370	NEW-P	82-09-074	460-33A-065	NEW-P	82-16-007	463-30-040	AMD-E	82-04-036
458-61-370	NEW	82-15-070	460-33A-070	NEW-P	82-16-007	463-30-040	AMD-P	82-04-056
458-61-380	NEW-P	82-09-074	460-33A-075	NEW-P	82-16-007	463-30-040	REP	82-10-027
458-61-380	NEW	82-15-070	460-33A-080	NEW-P	82-16-007	463-30-320	AMD-E	82-04-036
458-61-390	NEW-P	82-09-074	460-33A-085	NEW-P	82-16-007	463-30-320	AMD-P	82-04-056
458-61-390	NEW	82-15-070	460-33A-090	NEW-P	82-16-007	463-30-320	AMD	82-10-027
458-61-400	NEW-P	82-09-074	460-33A-100	NEW-P	82-16-007	463-39-115	AMD-P	82-11-067
458-61-400	NEW	82-15-070	460-33A-105	NEW-P	82-16-007	463-39-115	AMD	82-14-051
458-61-410	NEW-P	82-09-074	460-33A-110	NEW-P	82-16-007	468-38-010	AMD-P	82-14-092
458-61-410	NEW	82-15-070	460-42A-080	AMD-P	82-14-022	468-38-010	AMD	82-18-010
458-61-420	NEW-P	82-09-074	460-42A-080	AMD	82-18-037	468-38-020	AMD-P	82-14-092
458-61-420	NEW	82-15-070	460-42A-081	NEW-P	82-14-022	468-38-020	AMD	82-18-010
458-61-430	NEW-P	82-09-074	460-42A-081	NEW	82-18-037	468-38-030	AMD-P	82-14-092
458-61-430	NEW	82-15-070	460-44A-010	REP-P	82-12-025	468-38-030	AMD	82-18-010

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
468-38-040	AMD-P	82-14-092	468-38-410	AMD	82-18-010
468-38-040	AMD	82-18-010	468-38-420	AMD-P	82-14-092
468-38-050	AMD-P	82-14-092	468-38-420	AMD	82-18-010
468-38-050	AMD	82-18-010	468-38-430	AMD-P	82-14-092
468-38-060	AMD-P	82-14-092	468-38-430	AMD	82-18-010
468-38-060	AMD	82-18-010	468-38-440	AMD-P	82-14-092
468-38-070	AMD-P	82-14-092	468-38-440	AMD	82-18-010
468-38-070	AMD	82-18-010	468-38-450	REP-P	82-14-092
468-38-080	AMD-P	82-14-092	468-38-450	REP	82-18-010
468-38-080	AMD	82-18-010	468-38-460	REP-P	82-14-092
468-38-090	AMD-P	82-14-092	468-38-460	REP	82-18-010
468-38-090	AMD	82-18-010	468-62-010	REP-P	82-09-057
468-38-100	AMD-P	82-14-092	468-62-010	REP	82-13-014
468-38-100	AMD	82-18-010	468-62-020	REP-P	82-09-057
468-38-110	AMD-P	82-14-092	468-62-020	REP	82-13-014
468-38-110	AMD	82-18-010	468-62-030	REP-P	82-09-057
468-38-120	AMD-P	82-14-092	468-62-030	REP	82-13-014
468-38-120	AMD	82-18-010	468-62-040	REP-P	82-09-057
468-38-130	AMD-P	82-14-092	468-62-040	REP	82-13-014
468-38-130	AMD	82-18-010	468-62-050	REP-P	82-09-057
468-38-140	AMD-P	82-14-092	468-62-050	REP	82-13-014
468-38-140	AMD	82-18-010	468-62-060	REP-P	82-09-057
468-38-150	AMD-P	82-14-092	468-62-060	REP	82-13-014
468-38-150	AMD	82-18-010	468-300-010	AMD-P	82-04-045
468-38-160	AMD-P	82-14-092	468-300-010	AMD	82-07-063
468-38-160	AMD	82-18-010	468-300-020	AMD-P	82-04-045
468-38-170	AMD-P	82-14-092	468-300-020	AMD	82-07-063
468-38-170	AMD	82-18-010	468-300-030	AMD-P	82-04-045
468-38-180	AMD-P	82-14-092	468-300-030	AMD	82-07-063
468-38-180	AMD	82-18-010	468-300-030	AMD-P	82-14-021
468-38-190	AMD-P	82-14-092	468-300-030	AMD	82-18-009
468-38-190	AMD	82-18-010	468-300-040	AMD-P	82-04-045
468-38-200	AMD-P	82-14-092	468-300-040	AMD	82-07-063
468-38-200	AMD	82-18-010	468-300-040	AMD-P	82-14-021
468-38-210	AMD-P	82-14-092	468-300-040	AMD	82-18-009
468-38-210	AMD	82-18-010	468-300-050	REP-P	82-04-045
468-38-220	AMD-P	82-14-092	468-300-050	REP	82-07-063
468-38-220	AMD	82-18-010	468-300-070	NEW-P	82-14-021
468-38-230	AMD-P	82-14-092	468-300-070	NEW	82-18-009
468-38-230	AMD	82-18-010	468-300-410	NEW-P	82-14-020
468-38-235	NEW-P	82-14-092	468-300-410	NEW-C	82-17-074
468-38-235	NEW	82-18-010	478-116-600	AMD-P	82-10-056
468-38-240	AMD-P	82-14-092	478-116-600	AMD	82-13-100
468-38-240	AMD	82-18-010	478-136-010	AMD-P	82-09-039
468-38-250	AMD-P	82-14-092	478-136-010	AMD	82-16-001
468-38-250	AMD	82-18-010	478-136-012	NEW-P	82-09-039
468-38-260	AMD-P	82-14-092	478-136-012	NEW	82-16-001
468-38-260	AMD	82-18-010	478-136-015	NEW-P	82-09-039
468-38-270	AMD-P	82-14-092	478-136-015	NEW	82-16-001
468-38-270	AMD	82-18-010	478-136-020	REP-P	82-09-039
468-38-280	AMD-P	82-14-092	478-136-020	REP	82-16-001
468-38-280	AMD	82-18-010	478-136-025	NEW-P	82-09-039
468-38-290	AMD-P	82-14-092	478-136-025	NEW	82-16-001
468-38-290	AMD	82-18-010	478-136-030	AMD-P	82-09-039
468-38-300	AMD-P	82-14-092	478-136-030	AMD	82-16-001
468-38-300	AMD	82-18-010	478-136-040	AMD-P	82-09-039
468-38-310	AMD-P	82-14-092	478-136-040	AMD	82-16-001
468-38-310	AMD	82-18-010	478-136-050	REP-P	82-09-039
468-38-320	AMD-P	82-14-092	478-136-050	REP	82-16-001
468-38-320	AMD	82-18-010	478-136-060	NEW-P	82-09-039
468-38-330	AMD-P	82-14-092	478-136-060	NEW	82-16-001
468-38-330	AMD	82-18-010	480-12-031	AMD-P	82-13-066
468-38-340	AMD-P	82-14-092	480-12-031	AMD	82-16-029
468-38-340	AMD	82-18-010	480-12-033	AMD-P	82-09-038
468-38-350	AMD-P	82-14-092	480-12-033	AMD	82-12-060
468-38-350	AMD	82-18-010	480-12-081	NEW-P	82-13-066
468-38-360	AMD-P	82-14-092	480-12-081	NEW	82-16-029
468-38-360	AMD	82-18-010	480-12-082	NEW-P	82-13-066
468-38-370	AMD-P	82-14-092	480-12-082	NEW	82-16-029
468-38-370	AMD	82-18-010	480-12-096	REP-P	82-13-066
468-38-380	REP-P	82-14-092	480-12-096	REP	82-16-029
468-38-380	REP	82-18-010	480-12-110	AMD-P	82-09-037
468-38-390	AMD-P	82-14-092	480-12-110	AMD	82-12-062
468-38-390	AMD	82-18-010	480-12-195	AMD-E	82-02-083
468-38-400	AMD-P	82-14-092	480-12-195	AMD-P	82-02-086
468-38-400	AMD	82-18-010	480-12-195	AMD	82-05-022
468-38-410	AMD-P	82-14-092	480-12-195	AMD-E	82-09-041
480-12-195	AMD-P	82-09-042	480-12-195	AMD	82-12-061
480-12-195	AMD	82-12-061	480-12-210	AMD-P	82-14-085
480-12-210	AMD-P	82-14-085	480-12-210	AMD-C	82-17-035
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480-12-210	AMD-W	82-18-038	480-12-350	AMD-P	82-09-036
480-12-350	AMD-P	82-09-036	480-12-350	AMD	82-12-063
480-62-090	AMD-E	82-02-085	480-62-090	AMD-E	82-02-085
480-62-090	AMD-P	82-02-088	480-62-090	AMD-P	82-02-088
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480-70-400	AMD-P	82-02-087	480-70-400	AMD	82-05-021
480-80-125	AMD-P	82-05-047	480-80-125	AMD-C	82-07-092
480-80-125	AMD-C	82-07-092	480-80-125	AMD-C	82-10-066
480-80-125	AMD-C	82-13-067	480-80-125	AMD-C	82-13-067
480-80-125	AMD	82-13-088	480-80-125	AMD	82-13-088
490-03-010	AMD-P	82-09-066	490-03-010	AMD-P	82-09-066
490-03-010	AMD-W	82-12-017	490-03-010	AMD-W	82-12-017
490-03-010	AMD-P	82-13-093	490-03-010	AMD-P	82-13-093
490-28A-003	NEW-P	82-13-093	490-28A-011	NEW-P	82-09-066
490-28A-011	NEW-P	82-09-066	490-28A-011	NEW-W	82-12-017
490-28A-011	NEW-W	82-12-017	490-36A-040	NEW-P	82-09-066
490-36A-040	NEW-P	82-09-066	490-36A-040	NEW-W	82-12-017
490-36A-040	NEW-W	82-12-017	490-36A-040	NEW-P	82-13-093
490-500-180	AMD	82-04-078	490-500-180	AMD	82-04-078
490-500-190	AMD	82-04-078	490-500-190	AMD	82-04-078
490-500-520	AMD	82-04-075	490-500-520	AMD	82-04-075
490-500-570	AMD-P	82-09-072	490-500-570	AMD-P	82-09-072
490-500-570	AMD	82-12-069	504-16-100	REP-P	82-17-045
504-16-100	REP-P	82-17-045	504-16-110	REP-P	82-17-045
504-16-110	REP-P	82-17-045	504-16-115	REP-P	82-17-045
504-16-115	REP-P	82-17-045	504-16-120	REP-P	82-17-045
504-16-120	REP-P	82-17-045	504-16-140	REP-P	82-17-045
504-16-140	REP-P	82-17-045	504-16-150	REP-P	82-17-045
504-16-150	REP-P	82-17-045	504-16-160	REP-P	82-17-045
504-16-160	REP-P	82-17-045	504-16-170	REP-P	82-17-045
504-16-170	REP-P	82-17-045	504-17-010	NEW-P	82-17-045
504-17-010	NEW-P	82-17-045	504-17-020	NEW-P	82-17-045
504-17-020	NEW-P	82-17-045	504-17-030	NEW-P	82-17-045
504-17-030	NEW-P	82-17-045	504-17-040	NEW-P	82-17-045
504-17-040	NEW-P	82-17-045	504-17-050	NEW-P	82-17-045
504-17-050	NEW-P	82-17-045	504-17-060	NEW-P	82-17-045
504-17-060	NEW-P	82-17-045	504-17-070	NEW-P	82-17-045
504-17-070	NEW-P	82-17-045	504-17-080	NEW-P	82-17-045
504-17-080	NEW-P	82-17-045	504-17-090	NEW-P	82-17-045
504-17-090	NEW-P	82-17-045	504-17-100	NEW-P	82-17-045
504-17-110	NEW-P	82-17-045	504-17-110	NEW-P	82-17-045
504-17-120	NEW-P	82-17-045	504-17-120	NEW-P	82-17-045
504-17-130	NEW-P	82-17-045	504-17-130	NEW-P	82-17-045
504-17-140	NEW-P	82-17-045	504-17-140	NEW-P	82-17-045
504-17-150	NEW-P	82-17-045	504-17-150	NEW-P	82-17-045
504-17-160	NEW-P	82-17-045	504-17-160	NEW-P	82-17-045
504-17-170	NEW-P	82-17-045	504-17-170	NEW-P	82-17-045
504-17-180	NEW-P	82-17-045	504-17-180	NEW-P	82-17-045
504-17-190	NEW-P	82-17-045	504-17-190	NEW-P	82-17-045
504-17-200	NEW-P	82-17-045	504-17-200	NEW-P	82-17-045
504-17-210	NEW-P	82-17-045	504-17-210	NEW-P	82-17-045
504-17-220	NEW-P	82-17-045	504-17-220	NEW-P	82-17-045
504-17-230	NEW-P	82-17-045	504-17-230	NEW-P	82-17-045
504-17-240	NEW-P	82-17-045	504-17-240	NEW-P	82-17-045
504-17-250	NEW-P	82-17-045	504-17-250	NEW-P	82-17-045
504-17-900	NEW-P	82-17-045	504-17-900	NEW-P	82-17-045
504-17-910	NEW-P	82-17-045	504-17-910	NEW-P	82-17-045
504-17-930	NEW-P	82-17-045	504-17-930	NEW-P	82-17-045
516-20	REP-P	82-05-038	516-20	REP	82-11-063
516-20	REP	82-11-063	516-20-005	REP-P	82-05-038
516-20-005	REP-P	82-05-038	516-20-005	REP	82-11-063
516-20-005	REP	82-11-063	516-20-010	REP-P	82-05-038
516-20-010	REP-P	82-05-038	516-20-010	REP	82-11-063
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