

# Washington State Register

**MAY 21, 1986**

**OLYMPIA, WASHINGTON**

**ISSUE 86-10**



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## CITATION

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

## 5. EFFECTIVE DATE OF RULES

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

## 6. EDITORIAL CORRECTIONS

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

## 7. INDEX AND TABLES

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

1985 - 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986
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<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

**WSR 86-10-001****PROPOSED RULES****DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed April 24, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

Amd	WAC 296-62-05403	Scope and application.
Amd	WAC 296-62-05405	Definitions applicable to this section.
Amd	WAC 296-62-05407	Hazard determination.
Amd	WAC 296-62-05413	Material safety data sheets.
Amd	WAC 296-62-05415	Employee information and training.
Amd	WAC 296-62-05417	Trade secrets.
Amd	WAC 296-62-05425	Appendix C—Information sources (advisory).
New	WAC 296-62-05427	Appendix D is a legal definition of a trade secret.

Sections are amended to include requirements for the agriculture industry (SIC Codes 01, 02, and 07), new requirements for material safety data sheets, trade secrets and to correct typographical errors.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 5, 1986.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050 and 49.17.240.

The specific statute these rules are intended to implement is RCW 49.17.220(3), 49.17.060(1), 49.17.240(2) and 49.70.115.

This notice is connected to and continues the matter in Notice No. WSR 86-06-051 filed with the code reviser's office on March 5, 1986.

Dated: April 24, 1986

By: Richard A. Davis  
Director**WSR 86-10-002****PROPOSED RULES****DEPARTMENT OF LICENSING****(Collection Agency Board)**

[Filed April 24, 1986]

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

Amd	WAC 308-29-060	Sale of a licensed collection agency.
New	WAC 308-29-070	Disclosure of rate of interest.
New	WAC 308-29-080	Notice to credit reporting bureaus;

that the agency will at 10:00 a.m., Friday, June 20, 1986, in the Department of Licensing Exam Center, First Floor, 1300 Quince Street, Olympia, 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 19.16.410.

The specific statute these rules are intended to implement is RCW 19.16.410.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 13, 1986.

Dated: April 22, 1986

By: Cynthia J. Jones  
Executive Secretary**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s):  
WAC 308-29-060 Sale of a licensed collection agency;  
308-29-070 Disclosure of rate of interest; and 308-29-080 Notice to credit reporting bureaus.

Statutory Authority: RCW 19.16.410.

Specific Statute that Rules are Intended to Implement: RCW 19.16.410.

Summary of the Rules: WAC 308-29-060 sets forth what items must be incorporated into the body of a sale agreement or document of transfer whenever a licensee intends to sell or otherwise transfer his interest in a collection agency; 308-29-070 requires a collection agency to disclose the rate of interest that is being charged; and 308-29-080 requires collection agencies, when they report the existence of a claim to a credit reporting bureau, to inform the credit reporting bureau of satisfaction of the claim.

Reasons Supporting the Proposed Actions: WAC 308-29-060 is to protect creditors from collection agencies selling their accounts without notice; 308-29-070 is to ensure that collection agencies are fully informing debtors of what they owe, and to require compliance with legal rates of interest; and 308-29-080 is to ensure that once a debt is satisfied, the debtor's name is cleared with a credit reporting bureau.

Responsible Personnel: In addition to members of the Collection Agency Board and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Cynthia Jones, Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-2494 comm, 234-2494 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Collection Agency Board.

Agency Comments or Recommendations: Rule-making authority under chapter 19.16 RCW is delegated to the director of the Department of Licensing. The Collection Agency Board is responsible for discipline, and has undertaken to review existing rules and to propose amendments necessary to fulfill the obligations imposed upon the board by RCW 19.16.360.

These rules are 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 Rules or Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been included since these rules do not impact small business as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL-306, filed 6/1/79)

WAC 308-29-060 SALE OF A LICENSED COLLECTION AGENCY. Whenever a licensee intends to sell or otherwise transfer his or its interests in a collection agency, the seller (licensee) and buyer or transferee will insure that there is incorporated in the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.

(b) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(c) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(d) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.

(e) The buyer (transferee) or seller (transferor) shall provide notice of the sale or transfer to the seller's or transferor's clients. The sale or transfer document shall provide which party to the sale or transfer is responsible for providing said notice.

NEW SECTION

WAC 308-29-070 DISCLOSURE OF RATE OF INTEREST. Whenever a collection agency is required pursuant to chapter 19.16 RCW to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest; said rate of interest not to exceed the legal maximum rate pursuant to chapter 19.52 RCW.

NEW SECTION

WAC 308-29-080 NOTICE TO CREDIT REPORTING BUREAU. In the event a collection agency informs a credit reporting bureau of the existence of a claim, the collection agency shall, within forty-five days of satisfaction of said claim, notify the credit reporting bureau that said claim has been satisfied.

**WSR 86-10-003****ADOPTED RULES****DEPARTMENT OF LICENSING**

[Order TL/RG 22—Filed April 24, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to display of indicia of aircraft registration, adding new section WAC 308-79-050.

This action is taken pursuant to Notice No. WSR 86-06-042 filed with the code reviser on March 4, 1986. 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 47.68.250 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 April 21, 1986.

By Theresa Anna Aragon  
Director

NEW SECTION

WAC 308-79-050 DISPLAY OF INDICIA OF REGISTRATION. (1) That every aircraft registered with the Washington state department of licensing shall prominently display an insignia or decal, to be provided by the Washington state department of licensing, on the tail or fuselage of such aircraft, just above N number, or on the right rear window panel, as evidence of registration;

(2) That no aircraft which is not lawfully registered shall display such insignia or evidence of registration, or any other mark, number, decal or insignia which might be reasonably believed to be evidence of state registration; and

(3) That failure to display such insignia shall be prima facie evidence that such aircraft is not registered.

**WSR 86-10-004****ADOPTED RULES****DEPARTMENT OF LICENSING****(Board of Occupational Therapy Practice)**

[Order PL 588—Filed April 24, 1986]

Be it resolved by the Board of Occupational Therapy Practice, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-171-001	Definitions.
Amd	WAC 308-171-100	Examinations.
Amd	WAC 308-171-103	Persons exempt from licensure pursuant to RCW 18.59.040(5).
New	WAC 308-171-104	Foreign trained applicants.
Amd	WAC 308-171-200	Definition of "commonly accepted standards for the profession."

This action is taken pursuant to Notice No. WSR 86-06-054 filed with the code reviser on March 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

WAC 308-171-001 is proposed under authority of RCW 18.59.130(2) and 18.59.020(5) and is intended to implement RCW 18.59.020 (4) and (5) and 18.59.080. WAC 308-171-100 is proposed under authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.060(3). WAC 308-171-103 is proposed under authority of RCW 18.59.130(2) and 18.59.040 (5)(b) and is intended to implement RCW 18.59.040 (5)(b). WAC 308-171-104 is proposed under authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.070(1). WAC 308-171-200 is proposed under authority of RCW 18.59.130(2), 18.59.040 (5)(b) and 18.59.070(1) and is intended to implement RCW 18.59.040 (5)(b) and 18.59.070(1).

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 April 11, 1986.

By John P. Hatcher  
Chairman

AMENDATORY SECTION (Amending Order PL 513 [529], filed 2/11/85 [5/23/85])

✓ WAC 308-171-001 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" in RCW 18.59.020(4) shall mean ((an on-site visit)) face to face meetings between the occupational therapist and occupational therapy assistant occurring at intervals as determined necessary by the occupational therapist to ((meet the individual's needs, but shall occur at least once every two weeks)) establish or revise the client's short-term treatment objectives. The ((on-site visit)) meetings shall be documented and the documentation shall be maintained in ((the individual's)) each clients treatment record((s)). The failure to meet to establish or revise the client's short-term treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist and/or the occupational therapy assistant's license to practice in the state of Washington pursuant to

WAC 308-171-300 (4) and (14), WAC 308-171-301 (2) and (3) and RCW 18.59.100.

(3) "Professional supervision" in RCW 18.59.020(5) shall mean ((continuous on-site supervision by an occupational therapist or an occupational therapy assistant under the direction of an occupational therapist.)):

(a) documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) the occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 308-171-300 (4) and (14), WAC 308-171-301 (2) and (3) and RCW 18.59.100.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 513, filed 2/11/85)

✓ WAC 308-171-100 EXAMINATIONS. (1) The current series of the American Occupational Therapy Association certification examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and ~~((June))~~ July.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

(4) The executive secretary of the board shall negotiate with the American Occupational Therapy Association, Inc. for the use of the certification examination.

(5) The examination shall be conducted in accord with the American Occupational Therapy Association, Inc.'s security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Association, Inc.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) Public notice of the examination dates shall be provided by issuance of press releases by the department at least ninety days prior to the examination dates.

(9) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy Association, Inc.

#### AMENDATORY SECTION (Amending Order PL 529, filed 5/23/85)

#### ✓ WAC 308-171-103 PERSONS EXEMPT FROM LICENSURE PURSUANT TO RCW 18.59.040(5).

(1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having ~~((obtained and maintained certification by the American Occupational Therapy Association, Inc.))~~ passed the American Occupational Therapy Association certification examination and having engaged in occupational therapy practice; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300; and not having been convicted of a crime involving moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business.

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 308-171-104 FOREIGN TRAINED APPLICANTS. An applicant obtaining education and training at foreign institutions shall submit the following information for the board's consideration in determining whether or not to waive the education and experience requirements for licensure, pursuant to RCW 18.59.070(1):

(1) An official description of the education program at the educational institution and if the description is not in English, then an English translation signed by the translator shall be submitted with the official description;

(2) An official transcript of the applicant's grades from the educational institution and if the transcript is not in English, then an English translation signed by the translator shall be submitted with the official transcript;

(3) Applicant's affidavit containing the following information:

(a) location and dates of employment as an occupational therapist or occupational therapy assistant for the three years immediately prior to the date of application;

(b) description of capacity in which applicant was employed, including job titles and description of specific duties;

(c) description of nature of clientele; and

(d) name and title of direct supervisors;

(4) Written job description for each employment as an occupational therapist or occupational therapy assistant for the three years immediately prior to the date of application;

(5) Signed, written statements from employers or direct supervisors for the three years immediately prior to the date of application containing the following information:

(a) dates of applicant's employment;

(b) description of applicant's specific duties; and

(c) employer or direct supervisor's title;

(6) If the applicant graduated from the educational institution in the three years immediately prior to the application, the applicant shall obtain a signed, written statement from the applicant's program director at the educational institution discussing the applicant's field-work experience at the educational institution.

After reviewing the information submitted, the board may require submission of additional information necessary for purposes of clarifying the information previously submitted.

#### AMENDATORY SECTION (Amending Order PL 513, filed 2/11/85)

✓ WAC 308-171-200 DEFINITION OF "COMMONLY ACCEPTED STANDARDS FOR THE PROFESSION" "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean ~~((obtaining certification by))~~ having passed the American Occupational Therapy Association ((inc. no later than December 31, 1984 and thereafter maintaining)) certification examination, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 308-171-300, and not having been convicted of a crime of moral turpitude or a



felony which relates to the profession of occupational therapy.

**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 86-10-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-22—Filed April 25, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishing rules.

I, William R. Wilkerson, 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 regulations provide for an orderly subsistence fishery.

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 April 24, 1986.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

NEW SECTION

**WAC 220-32-05900J COLUMBIA, WIND, AND YAKIMA RIVERS SUBSISTENCE FISHING.** Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice, it is lawful for treaty Indian fishermen possessing treaty rights under the Yakima Treaty to fish for foodfish for subsistence purposes as provided for in this section:

(1) *Columbia River: Open until further notice; lawful gear is restricted to dipnet, rod and reel with bait or lures, and, by permit, setnet, only; circumference of net hoops may not exceed 26 feet; no more than two nets may be fished from any one platform and nets are to be attended at all times.*

(2) *Wind River: Open 6:00 p.m. each Monday to 12:00 p.m. the following Wednesday only, from April 28, 1986 to May 28, 1986; open where the Wind River borders the tribal in-lieu site only; gear limited to dipnet, setbag net, and rod and reel with bait or lures.*

(3) *Yakima River: Open 6:00 p.m. each Monday to 12:00 p.m. the following Saturday only, from April 28,*

*1986 to June 28, 1986, at Sunnyside Dam; Open 6:00 p.m. each Thursday to 12:00 p.m. the following Saturday only, from May 1, 1986, to June 28, 1986, at Horn Rapids, Prosser, and Wapato Dams; after June 28 open until further notice in waters bordering the Yakima Indian Reservation; lawful gear is restricted to dipnet, setbag net, and rod and reel with bait or lures; no fishing is allowed from boats or other floating devices; no spring chinook may be taken or molested within 30 feet of fish bypass pipes associated with canal juvenile screening structures, or within 30 feet of any portion of a fish ladder.*

(4) *Violation of any of the provisions of this section is a violation of the Fisheries Code.*

**WSR 86-10-006**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**WATER QUALITY AUTHORITY**  
 [Memorandum—April 24, 1986]

The September 30, 1985, schedule of dates and locations for official meetings of the Puget Sound Water Quality Authority has been changed. The Authority has made changes in those dates and locations and will notify the press and all individuals and organizations expressing interest.

The schedule for the remainder of the biennium is as follows:

<u>1986</u>		
May 21	Bellevue	9:30 a.m.
May 22	Seattle	9:00 a.m.
June 18	Coupeville	9:30 a.m.
June 19	Coupeville	9:00 a.m.
July 16	Olympia	9:30 a.m.
August 20	Friday Harbor	9:30 a.m.
August 21	Friday Harbor	9:00 a.m.
September 17	Seattle	9:30 a.m.
October 15	Tulalip Reservation	9:30 a.m.
November 6	Seattle	9:30 a.m.
November 12	Tacoma	9:30 a.m.
December 17	Seattle	9:30 a.m.
<u>1987</u>		
January 21	Olympia	9:30 a.m.
February 18	Port Townsend	9:30 a.m.
March 18	Bremerton	9:30 a.m.
April 15	Seattle	9:30 a.m.
May 20	Mount Vernon	9:30 a.m.
June 18	Port Angeles	9:30 a.m.

**WSR 86-10-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 86-23—Filed April 28, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, 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 this rule conforms state regulations with Pacific Fishery Management Council recommendations and intent regarding seasons and maximum allowable harvest of 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 April 28, 1986.

By William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-24-02000J** **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken with troll gear in the waters west of the Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:

(1) Effective 12:01 a.m. May 1, 1986, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters except for those waters of a closed conservation zone at the mouth of the Columbia River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46°18'00" north latitude, then southerly to the Columbia River light ship buoy at 46°11'06" north latitude then due east to shore from which conservation zone no salmon may be taken, fished for, or possessed.

(2) Lawful terminal gear hooks are restricted to barbless hooks.

(3) No chinook salmon less than 28 inches in total length may be retained or possessed.

(4) The above waters will close for commercial troll fishing for salmon at 12:01 a.m. May 11, 1986, or when the chinook harvest ceiling of 33,700 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.

(5) It shall be unlawful to possess or land fish in Washington, harvested by troll gear from waters outside the area from Cape Falcon, Oregon, to the United States-Canada border.

(6) It shall be unlawful to land fish taken with the described opened waters, in any Puget Sound port east of the Sekiu River, unless notification to the Washington

Department of Fisheries—Harvest Management Division is made prior to landing.

(7) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.

(8) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

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

**WSR 86-10-008**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
**(Library Commission)**  
[Memorandum—April 23, 1986]

The June meeting date of the Washington State Library Commission has been changed to June 2 in the Golden Delicious Room of the Wenatchee Convention Center, Wenatchee, preceded by a hearing at 10:00 a.m.

**WSR 86-10-009**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**  
[Memorandum—April 29, 1986]

The regular meeting of the Board of Natural Resources, Department of Natural Resources, scheduled for Tuesday, June 3, 1986, will be rescheduled to be held on Tuesday, June 17, 1986, Senate Hearing Room 3, John A. Cherberg Building, Olympia, Washington, 9:00 a.m.

✓ **WSR 86-10-010**  
**ADOPTED RULES**  
**DEPARTMENT OF CORRECTIONS**  
[Order 86-05—Filed April 29, 1986]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 137-08-060 Public records available.  
Amd WAC 137-08-070 Public records officer.  
Amd WAC 137-08-140 Remedy for review of denial of disclosure.

This action is taken pursuant to Notice No. WSR 86-07-066 filed with the code reviser on March 19, 1986. 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 10.97.080 and 42.17.320 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 April 29, 1986.

By Robert E. Trimble  
for Amos E. Reed  
Secretary

AMENDATORY SECTION (Amending Order 85-06, filed 6/10/85)

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

(2) The department shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The department's failure to so respond shall entitle the person seeking disclosure to petition the public ((records)) disclosure officer pursuant to WAC 137-08-140.

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

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

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

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

(2) Within ten working days after receipt of a petition for review of a decision denying disclosure, the public ((records)) disclosure officer shall review the decision((s)) denying disclosure ((in the most prompt fashion possible)), and advise the petitioner, in writing, of the public disclosure officer's decision on the petition. Such review shall be deemed completed at the end of the second business day following ((receipt by the department of the petition for review. This)) denial of disclosure, and shall constitute final agency action for the purposes of judicial review((, pursuant to RCW 42.17.320)).

**WSR 86-10-011**

**EMERGENCY RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Order 475—Filed April 29, 1986]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements and other activities on lands protected by the Department of Natural Resources to May 15, 1986, for all of Washington.

I, Brian J. Boyle, 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 due to adequate amounts of rainfall, current and forecasted weather conditions, the risk of life and property from wildfire is reduced. The "closed season" in Washington is therefore postponed from May 1, 1986, to May 15, 1986.

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

This rule is promulgated pursuant to RCW 76.04.252 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 April 29, 1986.

By Brian J. Boyle  
Commissioner of Public Lands

NEW SECTION

*WAC 332-26-080a CLOSED SEASON Pursuant to RCW 76.04.252, the period May 15, 1986, to October 15, 1986, shall be known as the closed season for restrictions on forest lands protected by the Department of Natural Resources, unless different dates are designated by the Supervisor because of fire weather conditions prevailing.*

REPEALER

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

*WAC 332-26-080 CLOSED SEASON*

**WSR 86-10-012**

**PROPOSED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed April 29, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules

concerning use of terms "re-elect," "retain," and "return," new section WAC 390-18-040;

that the agency will at 9:00 a.m., Tuesday, May 27, 1986, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 27, 1986.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 27, 1986.

This notice is connected to and continues the matter in Notice Nos. WSR 86-04-053 and 86-08-029 filed with the code reviser's office on February 3, 1986, and March 26, 1986.

Dated: April 28, 1986  
 By: Graham E. Johnson  
 Executive Director

**WSR 86-10-013**  
**PROPOSED RULES**  
**PUBLIC DISCLOSURE COMMISSION**  
 [Filed April 29, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning registration and reporting instructions for situations in which lobbyists hire other lobbyists, new section WAC 390-20-141;

that the agency will at 9 a.m., Tuesday, May 27, 1986, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 27, 1986.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 27, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-06-050 filed with the code reviser's office on March 5, 1986.

Dated: April 28, 1986  
 By: Graham E. Johnson  
 Executive Director

**WSR 86-10-014**  
**ADOPTED RULES**  
**HIGHER EDUCATION COORDINATING BOARD**  
 [Order 4/86—Filed April 30, 1986]

Be it resolved by the Higher Education Coordinating Board, acting at 908 East Fifth Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to

state work study program, WAC 250-40-050, restrictions on student placement and compensation.

This action is taken pursuant to Notice No. WSR 86-07-042 filed with the code reviser on March 17, 1986. 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 Higher Education Coordinating Board as authorized in RCW 28B.12.060.

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 April 29, 1986.  
 By Neil D. Uhlman  
 Acting Executive Director

AMENDATORY SECTION (Amending Order 5-82, filed 7/20/82)

✓ WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to an Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial

aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students (~~employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation~~) shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the nonresident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

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

**WSR 86-10-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-24—Filed April 30, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, 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 this rule conforms state regulations with Pacific Fishery Management Council recommendations and intent regarding seasons and maximum allowable harvest of 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 April 30, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-24-02000K LAWFUL ACTS—TROLL FISHERY.** *Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and WAC 220-24-030, effective immediately it is unlawful to take, fish for, or possess any salmon for commercial purposes taken with troll gear in the waters west of th Bonilla-Tatoosh line, the Pacific Ocean, or west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as follows:*

*(1) Effective 12:01 a.m. May 1, 1986, it is lawful to take, fish for and possess all salmon species except coho salmon in the above waters except for those waters of a closed conservation zone at the mouth of the Columbia*

River defined as those waters bounded by a line extending for six nautical miles due west from North Head along 46°18'00" north latitude, then southerly to the Columbia River light ship buoy at 46°11'06" north latitude then due east to shore from which conservation zone no salmon may be taken, fished for, or possessed.

(2) Lawful terminal gear hooks are restricted to barbless hooks.

(3) No chinook salmon less than 28 inches in total length may be retained or possessed.

(4) The above waters will close for commercial troll fishing for salmon at 12:01 a.m. May 11, 1986, or when the chinook harvest ceiling of 33,700 chinook salmon is taken from Cape Falcon, Oregon, to the United States-Canada border, whichever is earliest.

(5) All fish harvested during the opened period, May 1-10, must be landed prior to 12:01 a.m. May 12, 1986.

(6) It shall be unlawful to possess or land fish in Washington, harvested by troll gear from waters outside the area from Cape Falcon, Oregon, to the United States-Canada border.

(7) It shall be unlawful to land fish taken with the described opened waters, in any Puget Sound port east of the Sekiu River, unless notification to the Washington Department of Fisheries-Harvest Management Division is made prior to landing.

(8) The above waters will reopen for commercial troll fishing for salmon at 12:01 a.m. May 14, 1986, and will continue until May 31 or a time by when it is projected that the May chinook harvest quota of 33,700 fish may be taken.

(9) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes with purse seine, drag seine, or gill net gear from Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4.

(10) It shall be unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 or land in the State of Washington, any salmon taken for commercial purposes contrary to the provisions of Chapter 220-47 WAC relative to seasons and species and as provided in WAC 220-24-020.

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

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000J **LAWFUL ACTS—TROLL FISHERY.** (86-23)

**WSR 86-10-016**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order ET 86-9—Filed May 1, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Government

contracting—Construction, installations, or improvements to government real property, new section WAC 458-20-17001.

This action is taken pursuant to Notice No. WSR 86-07-056 filed with the code reviser on March 19, 1986. 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 May 1, 1986.

By Matthew J. Coyle  
Acting Director

### NEW SECTION

WAC 458-20-17001 **GOVERNMENT CONTRACTING—CONSTRUCTION, INSTALLATIONS, OR IMPROVEMENTS TO GOVERNMENT REAL PROPERTY.** (1) Special business and occupation tax applications and special sales/use tax applications pertain for prime and subcontractors who perform certain construction, installation, and improvements to real property of or for the United States, its instrumentalities, or a county or city housing authority created pursuant to chapter 35.82 RCW. These specific construction activities are excluded from the definition of "sale at retail" under RCW 82.04.050. All other sales to the United States, its agencies or instrumentalities are taxable as retail sales or wholesale sales, as appropriate. See WAC 458-20-190.

(2) The definitions of terms and general provisions contained in WAC 458-20-170 apply equally for this rule, as appropriate. In addition, the terms, "clearing land" and "moving earth" include well drilling, core drilling, and hole digging, whether or not casing materials are installed and any grading or clearing of land, including the razing of buildings or other structures.

#### **BUSINESS AND OCCUPATION TAX**

(3) Amounts derived from constructing, repairing, decorating, or improving new or existing buildings or other structures, including installing or attaching tangible personal property therein or thereto, and clearing land or moving earth, of or for the United States, its instrumentalities, or county or city housing authorities of chapter 35.82 RCW are taxable under the government contracting classification of business and occupation tax. The measure of the tax is the gross contract price.

(4) Government contractors who manufacture or produce any tangible personal property for their own commercial or industrial use as consumers in performing government contracting activities are subject to the manufacturing classification of business and occupation tax measured by the value of the property manufactured

or produced. See also, WAC 458-20-134. The manufacturing tax applies even though the property manufactured or produced for commercial use may be subsequently incorporated into buildings or other structures under the government contract and may thereby enhance the gross contract price.

RETAIL SALES TAX

(5) The retail sales tax does not apply to the gross contract price, or any part thereof, for any business activities taxable under the government contracting classification. Prime and subcontractors who perform such activities are themselves included within the statutory definition of "consumer" under RCW 82.04.190 and are required to pay retail sales tax upon all purchases of materials, including prefabricated and precast items, equipment, and other tangible personal property which is installed, applied, attached, or otherwise incorporated in their government contracting work. This applies for all such purchases of tangible personal property for installation, etc., even though the full purchase price of such property will be reimbursed by the government or housing authority in the gross contract price. It also applies notwithstanding that the contract may contain an immediate title vesting clause which provides that the title to the property vests in the government or housing authority immediately upon its acquisition by the contractor.

(6) Also, the retail sales tax must be paid by government contractors upon their purchases and leases or rentals of tools, consumables, and other tangible personal property used by them as consumers in performing government contracting.

USE TAX

(7) The use tax applies upon the value of all materials, equipment, and other tangible personal property purchased at retail, acquired as a bailee or donee, or manufactured or produced by the contractor for commercial or industrial use in performing government contracting and upon which no retail sales tax has been paid by the contractor, its bailor or donor.

(8) Thus the use tax applies to all property provided by the federal government to the contractor for installation or inclusion in the contract work as well as to all government provided tooling.

(9) The use tax is to be reported and paid by the government contractor who actually installs or applies the property to the contract. Where the actual installing contractor pays the tax, no further use tax is due upon such property by any other contractor.

(10) NOTE TO CONTRACTORS: The United States Supreme Court has sustained the government contracting tax applications for this state, even though the ultimate economic burden of the tax is borne by the United States Government (Washington v. US, 75 L.Ed 2d 264, 1983).

(11) This rule does not apply to public road construction. See WAC 458-20-171.

WSR 86-10-017  
EMERGENCY RULES  
DEPARTMENT OF LABOR AND INDUSTRIES  
[Order 86-23—Filed May 1, 1986]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to electrical contractor license, journeyman, specialty, and trainee certificate, examination and copy fees, WAC 296-401-175. The revision adjusts these fees to more accurately reflect cost to the department.

I, R. A. Davis, 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 public to benefit from the reduced electrical fees which are to be effective at the beginning of the electrician certificate renewal period.

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

This rule is promulgated pursuant to RCW 19.28.060 and 19.28.210 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in RCW 19.28.060 and 19.28.210.

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 May 1, 1986.

By Richard A. Davis  
Director

AMENDATORY SECTION (Amending Order 85-16, filed 9/27/85)

WAC 296-401-175 ELECTRICAL CONTRACTOR LICENSE, ADMINISTRATOR, JOURNEYMAN, SPECIALTY AND TRAINEE CERTIFICATE, EXAMINATION AND COPY FEES.

(1) General or specialty electrical contractor license (expires December 31 each year) -	\$ 40
(2) Electrical contractor name or business structure change -	\$ 40
(3) Administrator certificate examination application (nonrefundable) -	\$ ((50))20
(4) Administrator certificate examination -	\$ 50
(5) Administrator certificate renewal (expires December 31 each year) -	\$ 20
((5)) (6) Late renewal of administrator certificate -	\$ 40
((6)) (7) Transfer of administrator designation	\$ ((20))10
((7)) (8) Journeyman or specialty certificate (expires June 30 each year) -	\$ ((25))12
((8)) (9) Late renewal of journeyman or specialty electrician certificate -	\$ ((50))24
((9)) (10) Journeyman or specialty electrician examination application (nonrefundable) -	\$ ((50))20
((10)) (11) Journeyman or specialty electrician examination -	\$ 30

(12) Trainee certificate (expires one year after purchase) - \$ ((20))12  
(((+))) (13) Certified copy of ((bond and/or license)) document(s) (maximum \$24 per file) - \$ 2

**WSR 86-10-018**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed May 1, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to gas companies, WAC 480-80-240. The proposed amendatory section is shown below as Appendix A, Cause No. U-86-42. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43-21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rules amended on an emergency basis on April 30, 1986, General Order No. R-258, and filed with the code reviser's office together with this notice;

that the agency will at 9:00 a.m., Wednesday, June 11, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, 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 80.01.040 and 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1986.

Dated: April 30, 1986  
By: Paul Curl  
Acting Secretary

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-80-240 relating to gas companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.160 which direct that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to allow the gas companies to file on one day's notice the effect of any change in purchased gas costs where a maximum commodity rate was previously granted and the Federal Energy Regulatory Commission has authorized such changes.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed

rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

**APPENDIX "A"**

AMENDATORY SECTION (Amending Order R-238, filed 9/19/85)

WAC 480-80-240 WITHOUT STATUTORY NOTICE. (1) On every tariff that is to become effective on less than thirty days' notice by permission, or regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

(a) By authority of W.U.T.C. W.S.N. Order No. . . . .

(b) By authority of order of the Washington utilities and transportation commission, Cause No. U- . . . . .

(2) Tariffs providing (a) rates for classes of service, etc. not heretofore rendered and covered by the utility's tariff, (b) tariff revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs without statutory notice will be granted by the commission only in instances where it deems that circumstances or conditions fully justify it. A complete explanation giving the reasons for such request will be required in connection with the tariff revision, which revision will bear an effective date not less than thirty days after the commission receives same and all notices relative thereto will contain, in addition to the minimum requirements hereinbefore set forth, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of a W.S.N. Order, which date is (date sought) . . . . . If such permission is granted by the commission, it will alter the inserted effective date in keeping therewith subsequent to which the utility affected thereby, after receiving advice to that effect, shall alter, to the same extent, the effective date on the tariff revision which is on file at its listed business offices in the territory affected thereby and on all posted notices relative thereto, with all such alterations bearing appropriate reference to the applicable W.S.N. Order. Said altered posted notice shall remain posted in that manner until the date originally inserted as the effective date thereof.

(4)(a) Any gas company engaged in the distribution of natural gas whereby the rates in its tariff are in part a function of purchased gas costs shall be entitled to an exemption to the thirty-day statutory notice period defined in subsection (1) under the following conditions:

(i) When the Federal Energy Regulatory Commission has determined the maximum commodity rate to be charged the gas company based on prospective purchased gas costs of the pipeline supplier for the next six months, and any changes in purchased gas costs below the maximum commodity rate are authorized by tariff to take effect on one day's notice.

(ii) The gas company maintains a separate purchased gas cost schedule as a part of its general tariff defining its prospective maximum commodity rate for natural gas referred to in subsection (4)(a)(i), and this schedule shall have a mechanism to reflect changes in purchased gas costs to any schedule that is a part of the distribution company's general tariff.



(iii) The mechanism within the purchased gas cost adjustment schedule shall delineate the maximum commodity rate, current incremental adjustment to the maximum commodity rate, and cumulative adjustment to the maximum commodity rate during the six-month period.

(iv) Each rate schedule which is to incorporate the instant changes in purchased gas costs shall be clearly identified.

(b) Rate changes under this section resulting from changes in purchased gas costs that occur during the six-month interval between determinations of the maximum commodity rate may take effect on a minimum of one day's notice.

(c) The establishment of the maximum commodity rate shall not be eligible for this exemption from the thirty-day statutory notice requirement.

### WSR 86-10-019

#### EMERGENCY RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-258, Cause No. U-86-42—Filed May 1, 1986]

In the matter of amending WAC 480-80-240 relating to gas companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is on April 24, 1986, the Federal Energy Regulatory Commission (FERC) authorized Northwest Pipeline Corporation (pipeline) to file on one day's notice the effect of any change in purchased gas costs below the maximum commodity rate previously authorized. The Washington Utilities and Transportation Commission (commission) should also be positioned to allow the gas companies subject to its regulation to effectuate promptly changes in purchased gas costs less than the maximum commodity rates established by FERC in order to mitigate the loss of industrial customers and the potential attendant rate impact on remaining customers on the system. The commission believes that good cause has been shown to allow changes to implement rates less than the FERC maximum commodity rate to be filed without requiring thirty days notice, and that such changes be permitted on one day's notice consistent with the filings by the pipeline with FERC.

This rule adoption is being promulgated pursuant to RCW 80.01.040 and 80.04.160.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment of WAC 480-80-240 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-80-240 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-80-240 as

amended will allow the gas companies to file on one day's notice the effect of any change in purchased gas costs where a maximum commodity rate was previously granted and the Federal Energy Regulatory Commission has authorized such changes.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-80-240 as set forth in Appendix A, be adopted, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 30th day of April, 1986.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Robert W. Bratton, Commissioner  
Richard D. Casad, Commissioner

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-238, filed 9/19/85)

WAC 480-80-240 WITHOUT STATUTORY NOTICE. (1) On every tariff that is to become effective on less than thirty days' notice by permission, or regulation or order of the commission, if it is not otherwise excluded from that requirement, notation must be made on the tariff that it is issued under special permission or by order of the commission as follows:

(a) By authority of W.U.T.C. W.S.N. Order No. ....

(b) By authority of order of the Washington utilities and transportation commission, Cause No. U- ....

(2) Tariffs providing (a) rates for classes of service, etc. not heretofore rendered and covered by the utility's tariff, (b) tariff revisions which reflect no basic change affecting the public, (c) changes in banded rates as to which notice to customers has been or will be given in accordance with tariff rules applicable to such service, or (d) initial tariffs not affecting regulated service, may become effective on a minimum of one day's notice.

(3) Requests for permission to change tariffs without statutory notice will be granted by the commission only in instances where it deems that circumstances or conditions fully justify it. A complete explanation giving the reasons for such request will be required in connection with the tariff revision, which revision will bear an effective date not less than thirty days after the commission receives same and all notices relative thereto will contain, in addition to the minimum requirements hereinbefore set forth, a statement to the effect that the utility is seeking an earlier effective date than the inserted effective date by means of a W.S.N. Order, which date is           (date sought)          . If such permission is

granted by the commission, it will alter the inserted effective date in keeping therewith subsequent to which the utility affected thereby, after receiving advice to that effect, shall alter, to the same extent, the effective date on the tariff revision which is on file at its listed business offices in the territory affected thereby and on all posted notices relative thereto, with all such alterations bearing appropriate reference to the applicable W.S.N. Order. Said altered posted notice shall remain posted in that manner until the date originally inserted as the effective date thereof.

(4)(a) Any gas company engaged in the distribution of natural gas whereby the rates in its tariff are in part a function of purchased gas costs shall be entitled to an exemption to the thirty-day statutory notice period defined in subsection (1) under the following conditions:

(i) When the Federal Energy Regulatory Commission has determined the maximum commodity rate to be charged the gas company based on prospective purchased gas costs of the pipeline supplier for the next six months, and any changes in purchased gas costs below the maximum commodity rate are authorized by tariff to take effect on one day's notice.

(ii) The gas company maintains a separate purchased gas cost schedule as a part of its general tariff defining its prospective maximum commodity rate for natural gas referred to in subsection (4)(a)(i), and this schedule shall have a mechanism to reflect changes in purchased gas costs to any schedule that is a part of the distribution company's general tariff.

(iii) The mechanism within the purchased gas cost adjustment schedule shall delineate the maximum commodity rate, current incremental adjustment to the maximum commodity rate, and cumulative adjustment to the maximum commodity rate during the six-month period.

(iv) Each rate schedule which is to incorporate the instant changes in purchased gas costs shall be clearly identified.

(b) Rate changes under this section resulting from changes in purchased gas costs that occur during the six-month interval between determinations of the maximum commodity rate may take effect on a minimum of one day's notice.

(c) The establishment of the maximum commodity rate shall not be eligible for this exemption from the thirty-day statutory notice requirement.

**WSR 86-10-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2366—Filed May 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general and seasonal day care services, amending WAC 388-15-170.

I, Lee D. Bomberger, 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 will result in substantially improved services to clients.

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 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 May 1, 1986.

By Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2333, filed 1/22/86)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care, protection, and related services for a child under fifteen years of age during the portion of the twenty-four-hour day when neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and is not an AFDC family grant recipient((;));

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment((;));

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department((;));

(d) Parent to keep physical or mental health appointment((;));

(e) Child in need of day care as part of children's protective service case plan((;));

(f) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010 (1)(a), (b), and (c). Also see WAC 388-15-010(2).

(3) Child care, except for seasonal farmworker day care, ((may)) shall be purchased for children or families who are:

(a) Family units whose gross income is equal to or below ((thirty-four)) thirty-eight percent of the state median income ((for a family of four)) adjusted for family size, ((or))

(b) Family units whose gross income ((between thirty-four)) is above thirty-eight and ((forty-six)) at or below fifty-two percent of the SMIAFS wherein the family shall pay to the day care provider fifty percent of

their gross monthly income above the (~~thirty-four~~) thirty-eight percent SMIAFS toward the cost of day care.

~~((b))~~ (c) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal farmworker day care is:

(a) Both parents, or the single parent (in the case of the one-parent family), must be currently employed or seeking work in agriculturally related work or with agencies serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed thirty-eight percent of the state median income adjusted for family size; or gross income (~~between~~) above thirty-eight percent and (~~fifty-three~~) at or below fifty-two percent of the state median income adjusted for family size wherein the family shall pay to the day care provider fifty percent of their average gross monthly income above the thirty-eight percent state median income adjusted for family size toward the cost of day care.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four-hour day while the child's (~~parent(s)~~) parent or parents are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available(;) and this type of child care is the parental choice(;) and

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care; and/or(;) and

(iii) A child's physical, mental, or emotional problems make it necessary he or she remain in his or her home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program DSHS is responsible for arranging, approving, or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older(;) and

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year(;) and every two years thereafter(;) and

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care(;) and

(iv) Subject to the discretion of the worker, give written evidence from a medical authority he or she is in sufficient physical, emotional, and mental health to be a safe caretaker(;) and

(v) Produce written references indicating he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests(;) and

(vi) Be able to work with children without recourse to physical punishment or psychological abuse(;) and

(vii) Be able to accept and follow instructions(;) and

(viii) Maintain personal cleanliness(;) and

(ix) Be prompt and regular in job attendance(;) and

(x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.

(e) Responsibilities of in-home caretaker. The in-home caretaker shall:

(i) Consider his or her primary function that of child care,

(ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be fifty dollars or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

**WSR 86-10-021**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2367—Filed May 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and

adopt at Olympia, Washington, the annexed rules relating to nursing home discharge allowance, amending WAC 388-15-145.

This action is taken pursuant to Notice No. WSR 86-07-053 filed with the code reviser on March 18, 1986. 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 April 30, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1456, filed 11/16/79)

✓ WAC 388-15-145 NURSING HOME DISCHARGE ALLOWANCE. A one-time allowance may be issued to medical care program eligible nursing home residents who ~~((have been certified))~~ are ready for discharge.

(1) The allowance must be used to obtain or re-establish independent housing and to start or resume housekeeping.

(2) Persons eligible for the discharge allowance must:

(a) Have no existing independent residence or have a residence which cannot be re-established without monetary assistance,

(b) Not have a spouse or dependents living in an independent residence to which the person could return, and

(c) Have no more than ((~~\$600~~)) six hundred dollars in cash or other liquid resources which could be converted at face value to cash within thirty days.

(3) The discharge allowance issued is based on the actual amount required to establish or ((reestablish)) re-establish an independent residence for the individual((, subject to the following maximums:)) with a maximum of four hundred dollars.

<del>((Cash</del>	<del>Maximum</del>
<u>Resource Level</u>	<u>Discharge Allowance</u>
<del>0 - \$300</del>	<del>\$400</del>
<del>\$301 - \$400</del>	<del>\$300</del>
<del>\$401 - \$500</del>	<del>\$200</del>
<del>\$501 - \$600</del>	<del>\$100))</del>

**WSR 86-10-022**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2368—Filed May 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hearing aids, amending WAC 388-86-040.

This action is taken pursuant to Notice No. WSR 86-07-052 filed with the code reviser on March 18, 1986. 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 April 30, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2278, filed 9/4/85)

✓ WAC 388-86-040 HEARING AIDS. (1) The department ~~((shall))~~ provides to categorically needy recipients:

(a) ~~((One))~~ The purchase of a new hearing aid covered by a one-year warranty under the following conditions:

(i) On prescription of ((an otolaryngologist, or)) the attending physician ((where no otolaryngologist is available in the community)), and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated.

(iii) The ((recipient)) department is not responsible for purchase of batteries~~((, any attachments and replacements)).~~

(b) ~~((A one-time))~~ The repair of a ((state purchased or privately owned)) hearing aid when the repair is covered by a ninety-day warranty. ((After expiration of the warranty, the recipient is responsible for repairs and for purchase of batteries, any attachments and replacements:))

(c) ~~((For exceptions to this subsection see WAC 388-87-027:))~~ Where there are significant handicapping factors the division may approve:

(i) A second hearing aid and/or replacement; or

(ii) A hearing aid when the 50 decibel loss in the better ear is not met.

(2) Group screening for hearing aids is not permitted under the program.

(3) ~~((Requests for hearing aids on behalf of nursing home residents must be reviewed by a department nursing care consultant.~~

~~((4))~~ Individuals under age eighteen (~~((must be))~~) are referred to the crippled children's service conservation of hearing program.

~~((5))~~ (4) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

**WSR 86-10-023**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2369—Filed May 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-33-355 Suspension of grant.  
Amd WAC 388-33-376 Advance and adequate notice—Suspension, termination or reduction of grant.

This action is taken pursuant to Notice No. WSR 86-07-025 filed with the code reviser on March 13, 1986. 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 April 30, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2261, filed 7/31/85)

WAC 388-33-355 SUSPENSION OF GRANT.

(1) A suspension action is taken when:

(a) A general assistance recipient has income sufficient to meet his or her maintenance requirements for more than one but not to exceed two months, or

(b) The amount of the monthly grant following the budgeting of income (~~((or deduction to make restitution on an overpayment))~~) is less than ten dollars per month, or

(c) The recipient has entered or is in an institution and his or her income is equal to or exceeds his or her grant requirements but is less than his or her grant requirements plus medical costs and/or nursing home or intermediate care, or

(d) An AFDC or RA recipient receives an extra paycheck (~~((because of an extra week))~~) in a month which makes them ineligible for one month, or

(e) A general assistance grant recipient has entered a state mental hospital; Western State Hospital, Eastern State Hospital, or PORTAL program, or

(f) The department has knowledge of, or reason to believe, ineligibility would be for only one month and was caused by income or circumstance in the report month.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) of this section cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

AMENDATORY SECTION (Amending Order 1320, filed 7/20/78)

WAC 388-33-376 ADVANCE AND ADEQUATE NOTICE—SUSPENSION—TERMINATION—REDUCTION OF GRANT. (1) In cases of planned actions to terminate, suspend, or reduce grants to recipients of AFDC, GA, medical assistance, or medical only, the ~~((local office))~~ department shall give advance and adequate notice, except as provided in WAC 388-33-385.

(a) "Advance" means that the notice is mailed at least ten days before the date of action.

(b) "Adequate" means a written statement of what action the ~~((local office))~~ department intends to take, the facts relating to the decision, the policy supporting the action, the right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) When advance notice of planned action is not required as provided in WAC 388-33-385:

(a) Notification of planned reduction shall be provided by state office;

(b) The local office shall notify the recipient of suspension or termination action as described in subsection (1)(b) of this section.

(3) When changes in either state or federal law require automatic grant adjustments for classes of recipients, notice shall be given including the specific change in law. The state office shall determine the method by which notice is given.

**WSR 86-10-024**  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2370—Filed May 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Standards of assistance—Supplemental security income (SSI) program, amending WAC 388-29-295.

I, Lee D. Bomberger, 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 department is exercising its discretionary authority to act on the option to reduce the SSP granted states who have federally administered state supplements. We are filing this rule on an emergency basis as well as for regular adoption to assure the department remains within its appropriation, avoid program reductions and to satisfy legislative intent expressed in the 1985 budget process. Without this rule, the dollars available for the SSI state supplement will be expended before the end of the biennium.

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 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 May 1, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

**Reviser's note:** The Department of Social and Health Services filed the following explanatory statement with Emergency Order No. 2370:

"On December 5, 1985 the department filed Administrative Order #2311, amendments to WAC 388-29-295. This filing was assigned Washington State Register #86-01-007.

On March 24, 1986, Robert Doran, Judge of the Thurston County Superior Court, voided WSR 86-01-007. (Case #86-2-00195-3, copy attached).

This filing, therefore, amends the previous version of WAC 388-29-295 rather than the voided Order #2311."

**AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)**

WAC 388-29-295 STANDARDS OF ASSISTANCE — SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. ((Effective January 1, 1985)) The standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
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**Area I**

<i>Living alone</i>			
<i>Individuals</i>	<del>\$(366.60)</del>	<del>\$325.00</del>	<del>\$ 38.30)</del>
	364.00	336.00	\$28.00
<i>Couples</i>			
<i>Both eligible</i>	<del>((525.40)</del>	<del>488.00)</del>	<del>37.40))</del>
	526.00	504.00	22.00
<i>With essential person</i>	<del>((525.40)</del>	<del>488.00)</del>	<del>37.40))</del>
	526.00	504.00	22.00
<i>With ineligible spouse</i>	<del>((525.40)</del>	<del>325.00)</del>	<del>200.40))</del>
	526.00	336.00	190.00

	Standard	Federal Benefit	State Supplement
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**Area II**

<i>Living alone</i>			
<i>Individuals</i>	<del>((343.85)</del>	<del>325.00)</del>	<del>17.85))</del>
	343.55	336.00	7.55
<i>Couples</i>			
<i>Both eligible</i>	<del>((495.45)</del>	<del>488.00)</del>	<del>7.45))</del>
	504.00	504.00	0
<i>With essential person</i>	<del>((495.45)</del>	<del>488.00)</del>	<del>7.45))</del>
	504.00	504.00	0
<i>With ineligible spouse</i>	<del>((495.45)</del>	<del>325.00)</del>	<del>170.45))</del>
	496.15	336.00	160.15
<i>Shared living</i>			
<i>Individuals</i>	<del>((229.35)</del>	<del>216.67)</del>	<del>12.68))</del>
	229.81	224.00	5.81
<i>Couples</i>			
<i>Both eligible</i>	<del>((341.91)</del>	<del>325.34)</del>	<del>16.57))</del>
	342.30	336.00	6.30
<i>With essential person</i>	<del>((341.91)</del>	<del>325.34)</del>	<del>16.57))</del>
	342.30	336.00	6.30
<i>With ineligible spouse</i>	<del>((341.91)</del>	<del>216.67)</del>	<del>125.24))</del>
	342.30	224.00	118.30

**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 86-10-025**

**NOTICE OF PUBLIC MEETINGS  
HIGHER EDUCATION PERSONNEL BOARD**  
[Memorandum—April 30, 1986]

**NOTICE OF MEETING DATE CHANGE**

Former Date	New Date	Location
July 18, 1986	July 17, 1986	Lower Columbia College 1600 Maple Street Longview, Washington

**WSR 86-10-026  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 86-25—Filed May 2, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, 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 green sea urchins are available, and a permit-only fishery will allow assessment of catch effort and marketability.

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 May 2, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-52-07300E SEA URCHINS.** Notwithstanding the provisions of WAC 220-52-073, it is lawful at any time to take urchins at times, in sizes, and using gear other than that specified in this section, or during seasons other than those specified in WAC 220-52-074, if so authorized by a special permit issued by the director.

**WSR 86-10-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-26—Filed May 2, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aquaculture rules.

I, William R. Wilkerson, 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 emergency regulations are necessary until the permanent regulations take effect.

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 75.58.040 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 May 2, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-76-01000A AQUATIC FARM REGISTRATION REQUIRED.** Notwithstanding the provisions of WAC 220-76-010, effective immediately until further notice, (1) It shall be unlawful for any person to cultivate aquatic products (private sector cultured aquatic products as defined under RCW 15.85.020(3)) without the aquatic farmer having first registered the aquatic farm with the department. Any aquatic farm must be registered with the department prior to the commencement of culture activities.

(2) Aquatic farm registrations are non-transferable. In the event there is a change of ownership of an aquatic fish farm established under chapter 220-76 WAC the aquatic farm registration issued to the previous owner shall be invalid.

(3) Registrations must be renewed annually, prior to December 31 for the succeeding calendar year. Reporting of aquaculture activity (WAC 220-69-243) during the previous calendar year shall constitute for the following year.

#### NEW SECTION

**WAC 220-76-01500A AQUATIC FARM—DEFINITION.** Notwithstanding the provisions of WAC 220-76-015, effective immediately until further notice, an aquatic farm is any facility or tract of land used for private, commercial culture of aquatic products. Each geographically separate facility or tract of land used for commercial culture shall constitute a separate farm. In marine waters, facilities, or tracts of land in the same marine aquaculture district which are owned or operated by the same person shall be considered to be a single farm for the purposes of this section.

#### NEW SECTION

**WAC 220-76-02000A AQUATIC FARM REGISTRATION FORM—REQUIRED INFORMATION.** There is hereby created an aquatic farm registration form to be prepared, printed, and distributed on request by the department of fisheries. The following information shall be provided by the aquatic farmer.

(1) *Company name/owner:* Name of individual or company owning or leasing the aquatic farm, mailing address and telephone number.

(2) *Contact person:* Name and telephone number of the individual immediately responsible for operation of the aquatic farm.

(3) *DSHS Shellfish Certification No:* Department of Social and Health Services shellfish certification number where required by the Department of Social and Health Services.

(4) *Species cultured:* Common name of aquatic species cultured.

(5) *Culture method:* Method(s) of cultured used on aquatic farm.

(6) *Legal description, street address, county and aquaculture district for freshwater or onshore aquatic farm, and the number of separate tracts or facilities within that district which comprise the aquatic farm.*

(7) Name of bay or inlet, county and aquaculture district for marine aquatic farms.

(8) Signature: Signature of company official or owner.

(9) A site drawing of the aquatic farm and a brief narrative describing the facility and its operation. Freshwater farms should identify the source of culture water, where the water is discharged and the watershed where the facility is located.

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

**NEW SECTION**

WAC 220-69-23402A AQUATIC FARM PRODUCTION REPORT. Notwithstanding the provisions of WAC 220-69-23402, effective immediately until further notice,

(1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the department. The aquatic farmer shall provide the following information:

(a) Firm name: Name of aquaculture firm and telephone number.

(b) Firm address: Address of aquaculture firm.

(c) Aquatic farm registration number: Department assigned farmer number.

(d) Species: Common name of species grown at aquatic farm site.

(e) Quantity sold: Quantity of each species sold each quarter.

(f) Signature: Signature of firm executive or authorized representative and date signed.

(2) The aquaculture production report shall be used for quarterly reporting of aquaculture production.

(3) Every aquatic farmer selling or shipping out of state his private sector cultured aquatic products shall keep complete and accurate records showing the quantity of these products sold and the location of the aquatic farm where they were grown, and shall completely, legibly and accurately prepare an aquatic farm production report. The report shall be mailed to the department within thirty days of the end of each quarter for which production is reported.

**NEW SECTION**

WAC 220-22-51000A AQUACULTURE DISTRICTS.

AREA 41A - shall include all waters of Budd Inlet south of a line between Dofflemeyer Point to Cooper Point.

AREA 41B - shall include all waters of Carr Inlet north and west of a line between Gibson Point on Fox Island and Hyde Point on McNeil Island and a line crossing Pitt Passage southwest from Signal Tower No. 5, and all waters of Hale Passage west of a line from Point Fosdick and Fox Point on Fox Island.

AREA 41C - shall include all waters of Case Inlet between Hartstene Island and the Longbranch Peninsula between an east-west line from the extreme north shore of Herron Island, and an east-west line from Johnson Point.

AREA 41D - shall include all waters of Case Inlet north of Area 41C and west of a line running north from Dougall Point.

AREA 41E - shall include all waters of Eld Inlet south of a line across the entrance of Eld Inlet projected from Dofflemeyer Point through Cooper Point.

AREA 41F - shall include all waters surrounding Anderson Island south of Area 41B and 41C and a southwesterly line from Gibson Point on Fox Island to Sunset Beach.

AREA 41G - shall include all waters of Hammersley Inlet and Oakland Bay west of a line between Hungerford Point and Arcadia and the entrance of Hammersley Inlet.

AREA 41H - shall include all waters of Totten and Skookum Inlets southwest of a line from Arcadia to Hunter Point.

AREA 41J - shall include all waters of Pickering Passage and Peale Passage bounded by Areas 41A, 41C, 41H, 41G, 41D, and a line running south from Brisco Point on Hartstene Island.

AREA 41K - shall include all waters of Henderson Inlet and Dana Passage east of Area 41J and south of Area 41C.

AREA 41L - shall include all waters of The Narrows, Dalco Passage, and Commencement Bay north and west of Areas 41F and 41B and south of a line from the Gig Harbor entrance marker to Neill Point on Vashon Island to Browns Point.

AREA 41M - shall include all waters of East Passage north and east of Area 41L and south of a line from Point Vashon to Brace Point.

AREA 41M - shall include all waters of Colvos Passage north of Area 41L and south of a line from Point Southworth to Point Vashon.

AREA 42A - shall include all waters of Dyes Inlet, the Washington Narrows, and Sinclair Inlet west of a southeast line from the north shore of the Washington Narrows entrance.

AREA 42B - shall include all waters of Discovery Bay south of a line between Diamond Point and Cape George.

AREA 42C - shall include all waters of all waters of Hood Canal south of the Hood Canal Floating Bridge and north of a line between Quatsap Point and the entrance of Stavis Bay.

AREA 42D - shall include all waters of Hood Canal south of Area 42D and north of a line between Lilliwaup Creek and the south entrance of Dewatto Bay.

AREA 42F - shall include all waters of Oak Bay west of a line from Liplip Point on Marrowstone Island to Olele Point and east of the bridge connecting Indian Island and the mainland.

AREA 42G - shall include all waters near Port Angeles south of a line between Angeles Point and the northern extremity of Dungeness Spit.

AREA 42H - shall include all waters north of the Hood Canal Bridge and south of a line between Olele Point and Foulweather Bluff.

AREA 42J - shall include all waters of Port Madison east of the Agate Pass Bridge and west of a line between Point Jefferson and Skiff Point on Bainbridge Island.



AREA 42K – shall include all waters of Port Orchard south of an east-west line at Battle Point on Bainbridge Island, west of a line projected from Restoration Point on Bainbridge Island through the westernmost portion of Blake Island to the Mainland in Yukon Harbor, excluding Area 42A.

AREA 42L – shall include all waters of Port Townsend and Kilisut Harbor bounded by the Indian Island bridge and a line from Marrowstone Point to Point Wilson.

AREA 42M – shall include all waters of Liberty Bay and those contiguous waters north of Area 42K and south of Area 42J.

AREA 42N – shall include all waters of Admiralty Inlet and Puget Sound north of Areas 41N and 41M, east of 42K and 42J, east of Areas 42H, 42F and 42L, south of a line between Point Wilson and Admiralty Head, and west of a line between Possession Point and Picnic Point.

AREA 42P – shall include all waters of Sequim Bay.

AREA 42R – shall include all waters south of a line between the northern extremity of Dungeness Spit and Point Wilson, excluding Areas 42B and 42P.

AREA 42S – shall include all waters of Strait of Juan de Fuca west of Angeles Point.

AREA 43A – shall include all waters of Padilla Bay west of the line from Shannon Point and the closest portion of Guemes Island, and south of a line between Clark Point on Guemes Island and William Point on Samish Island.

AREA 43B – shall include all waters of Lummi Bay and Bellingham Bay east of the line between Sandy Point and Point Migley on Lummi Island, northeast of the line between William Point on Samish Island and Governors Point.

AREA 43C – shall include all waters of Boundary Bay and Drayton Harbor northeast of the line between Point Roberts and Birch Point, and south of the international border.

AREA 43D – shall include all waters of Possession Sound east of Area 42N, and south of a line from Sandy Point on Whidbey Island, to Camano Head, then to south entrance of Tulalip Bay.

AREA 43E – shall include all waters of Port Susan north of Area 43D.

AREA 43F – shall include all waters of Samish Bay southwest of Area 43B.

AREA 43G – shall include all waters of Saratoga Passage between a line from Sandy Point on Whidbey Island and Camano Head, and a line from Polnell Point on Whidbey Island to Rocky Point on Camano Island.

AREA 43H – shall include all waters of Skagit Bay and Similk Bay north of Area 43G, south of the La Connor bridge, and east of the Deception Pass Bridge.

AREA 43J – shall include all U.S. waters of the Strait of Georgia, the U.S. waters surrounding the San Juan Islands, and the U.S. waters of the Strait of Juan de Fuca west of the line between Bonilla Point on Vancouver Island and Tatoosh Island, not previously described in this section.

AREA 44A – shall include all waters of Grays Harbor north of the marked Chehalis River channel and

west of a line between Point Chehalis and the southwestern most point of the Ocean Shores peninsula.

AREA 44B – shall include all waters of Grays Harbor south of the marked Chehalis River channel and west of a line between Point Chehalis and the southwestern most point of the Ocean Shores peninsula.

AREA 45A – shall include all waters of Willapa Bay north of the Willapa River channel and west of the North River channel.

AREA 45B – shall include all waters of Willapa Bay north of the Willapa River channel, west of the North River channel and west of a line between Cape Shoalwater and Leadbetter Point.

AREA 45C – shall include all waters of Willapa Bay south of the Willapa River channel and east of Stoney Point.

AREA 45D – shall include all waters of Willapa Bay south of the Willapa River channel, west of Stoney Point, east of the Nahcotta Channel, and north and east of a line running north from Goose Point to the middle of the Bay Center Channel and then westerly following the Bay Center Channel to the Nahcotta Channel.

AREA 45E – shall include all waters of Willapa Bay east of the Nahcotta Channel, south of Area 45D, and north of a line projected west from Sandy Point.

AREA 45F – shall include all waters of Willapa Bay east of the Nahcotta Channel, south of Area 45E, and northeast of a line following the Nemah River Channel to channel marker "4" then west of the Nahcotta Channel.

AREA 45G – shall include all waters of Willapa Bay west of Diamond Point, southwest of the Nahcotta Channel, south of Area 45F, and north of a line between Paradise Point on Long Island and Sunshine Point.

AREA 45H – shall include all waters of Willapa Bay south of Area 45G and north and west of the ferry crossing to Long Island.

AREA 45J – shall include all waters of Willapa Bay west of the Long Island ferry crossing and south of High Point.

AREA 45K – shall include all waters of Willapa Bay north of High Point, east of the Nahcotta Channel, and south of the line between Diamond Point and the Nahcotta Boat Basin.

AREA 45L – shall include all waters of Willapa Bay north of High Point, west of the Nahcotta Channel and south of the line between Diamond Point and the Nahcotta Boat Basin.

AREA 45M – shall include all waters of Willapa Bay east of the line between Cape Shoalwater and Leadbetter Point, south of Area 45B, west of Areas 45D, 45E, and 45F, and north of latitude 46 degrees, 35 minutes north.

AREA 45N – shall include all waters of Willapa Bay south of Area 45M, east of Areas 45F and 45G, and north of Areas 45K and 45L.

Area 47A shall include all freshwater streams, ponds or lakes in Clallam County.

Area 47B shall include all freshwater streams, ponds or lakes in Clark County.

Area 47C shall include all freshwater streams, ponds or lakes in Cowlitz County.

Area 47D shall include all freshwater streams, ponds or lakes in Grays Harbor County.

Area 47E shall include all freshwater streams, ponds or lakes in Island County.

Area 47F shall include all freshwater streams, ponds or lakes in Jefferson County.

Area 47G shall include all freshwater streams, ponds or lakes in King County.

Area 47H shall include all freshwater streams, ponds or lakes in Kitsap County.

Area 47J shall include all freshwater streams, ponds or lakes in Lewis County.

Area 47K shall include all freshwater streams, ponds or lakes in Mason County.

Area 47L shall include all freshwater streams, ponds or lakes in Pacific County.

Area 47M shall include all freshwater streams, ponds or lakes in Pierce County.

Area 47N shall include all freshwater streams, ponds or lakes in San Juan County.

Area 47O shall include all freshwater streams, ponds or lakes in Skagit County.

Area 47P shall include all freshwater streams, ponds or lakes in Skamania County.

Area 47Q shall include all freshwater streams, ponds or lakes in Snohomish County.

Area 47R shall include all freshwater streams, ponds or lakes in Thurston County.

Area 47S shall include all freshwater streams, ponds or lakes in Wahkiakum County.

Area 47T shall include all freshwater streams, ponds or lakes in Whatcom County.

Area 48A shall include all freshwater streams, ponds or lakes in Adams County.

Area 48B shall include all freshwater streams, ponds or lakes in Asotin County.

Area 48C shall include all freshwater streams, ponds or lakes in Benton County.

Area 48D shall include all freshwater streams, ponds or lakes in Chelan County.

Area 48E shall include all freshwater streams, ponds or lakes in Columbia County.

Area 48F shall include all freshwater streams, ponds or lakes in Douglas County.

Area 48G shall include all freshwater streams, ponds or lakes in Ferry County.

Area 48H shall include all freshwater streams, ponds or lakes in Franklin County.

Area 48J shall include all freshwater streams, ponds or lakes in Garfield County.

Area 48K shall include all freshwater streams, ponds or lakes in Grant County.

Area 48L shall include all freshwater streams, ponds or lakes in Kittitas County.

Area 48M shall include all freshwater streams, ponds or lakes in Klickitat County.

Area 48N shall include all freshwater streams, ponds or lakes in Lincoln County.

Area 48O shall include all freshwater streams, ponds or lakes in Okanogan County.

Area 48P shall include all freshwater streams, ponds or lakes in Pend Oreille County.

Area 48Q shall include all freshwater streams, ponds or lakes in Spokane County.

Area 48R shall include all freshwater streams, ponds or lakes in Stevens County.

Area 48S shall include all freshwater streams, ponds or lakes in Walla Walla County.

Area 48T shall include all freshwater streams, ponds or lakes in Whitman County.

Area 48U shall include all freshwater streams, ponds or lakes in Yakima County.

**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 86-10-028

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 86-27—Filed May 2, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sport fishing regulations.

I, William R. Wilkerson, 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 spring chinook 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 May 2, 1986.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-57-50500K **LITTLE WHITE SALMON RIVER.** Notwithstanding the provisions of WAC 220-57-505, effective 12:01 a.m. May 8, 1986 through May 31, 1986 bag limit A in the waters of the (Little) White Salmon River (Drano Lake) downstream of WDF boundary markers, placed on points of land downstream and across from the federal salmon hatchery, and upstream of the Highway 14 Bridge. Lawful angling days are Thursday through Sunday only.

**WSR 86-10-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 5, 1986]

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 congregate care facilities and adult family homes, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., Tuesday, June 10, 1986, in the Auditorium, Office Building #2, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 18, 1986.

The authority under which these rules are proposed is RCW 74.08.044.

The specific statute these rules are intended to implement is RCW 74.08.044.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

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

Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 27, 1986. The meeting site is in a location which is barrier free.

Dated: May 2, 1986

By: Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-15-551, 388-15-552, 388-15-553, 388-15-554, 388-15-555, 388-15-560, 388-15-562, 388-15-564, 388-15-566, 388-15-568; repealing WAC 388-15-140; and new section WAC 388-15-548.

Purpose of These Revisions: To eliminate inconsistencies in the rules for adult family home and congregate care financial eligibility and make eligibility the same for both programs.

These Changes are Necessary: To prevent clients who qualify for the federally funded COPES and CAPS programs from receiving the state funded regular AFH/CCF payments, and to assure that qualified persons with incomes less than the cost of the facilities are entitled to the care.

Statutory Authority: RCW 74.08.044.

Summary of Rule Changes: Persons are eligible for CCF/AFH care who are eligible for SSI or GA-U, and

Title XIX recipients categorically relatable to SSI. The contracted cost of care plus an allowance for clothing, personal maintenance and incidentals is established as the GA-U standard. In WAC 388-15-552, the reference to "income less than eighty percent state median income" is removed, since this provision is covered in existing WAC 388-15-020 (1)(e). AFH/CCF service is extended to APS clients for up to 90 days, per legislation. Obsolete material related to alcohol/substance abuse treatment eligibility is eliminated. WAC 388-15-140 is repealed and reinstated with no substantive change as new WAC 388-15-148 to be in closer proximity to the other rules regarding residential care.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Dorothy Jeffries, Program Manager, Bureau of Aging and Adult Services, mailstop OB 43G, phone 753-2502.

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

#### NEW SECTION

WAC 388-15-548 RESIDENTIAL SERVICES. (1) Residential services are those services necessary to select the appropriate residential placement to meet the particular needs and desires of eligible adults, including placement in adult family homes, congregate care facilities, and nursing homes, as well as periodically reviewing the placement for appropriateness. The department's nursing care consultants will be used as resources to verify that individuals with medical problems are receiving care in settings where their medical needs are appropriately and adequately met.

(2) Goals for residential services shall be limited to those specified in WAC 388-15-010 (1)(a) through (e). Also see WAC 388-15-010(2) and 388-15-030.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

WAC 388-15-551 ADULT FAMILY HOME—~~(DEFINITION)~~ AUTHORITY TO PURCHASE CARE—STANDARDS. (1) ~~((An adult family home is a private home licensed to care for no more than four residents which has entered into a service delivery contract with the department))~~ Pursuant to RCW 74.08.043 and 74.08.045, the department is authorized to purchase from licensed adult family homes, as defined under chapter 74.15 RCW, RCW 74.08.044, and chapter 388-76 WAC, personal and special care and supervision for eligible persons, as defined in this chapter, who are in need of such care and supervision.

(2) Minimum standards of care for an adult family home are those required for licensure under chapter 74.15 RCW, RCW 74.08.044, and chapter 388-76 WAC.

#### AMENDATORY SECTION (Amending Order 2029, filed 10/6/83)

WAC 388-15-552 ADULT FAMILY HOME—ELIGIBLE PERSONS. (1) ~~((Persons who are eligible to receive adult family home care placement services:~~

(a) ~~Have income less than eighty percent state median income adjusted for family size (SMIAFS), or~~

(b) ~~Are unable to maintain a safe environment in an independent living arrangement, or require training, supervision, or assistance with activities of daily living services and/or health-related services, including nursing care as described in WAC 388-73-304(5).~~

(2) ~~Persons are eligible to receive adult family home payment services whose))~~ To be eligible for state payments under this chapter for regular care in an adult family home, an individual must be:

(a) An adult eighteen years of age or over;

(b) ((Nonexempt income exceeds the basic cost of care, but)) A recipient of Supplemental Security Income, or continuing general assistance, or a Title XIX recipient categorically relatable to SSI.

(c) Unable to maintain a safe environment in an independent living arrangement, or require training, supervision, or assistance with activities of daily living services and/or health-related services, including nursing care if the adult family home licensee is authorized by the licensing authority to provide nursing care.

~~((b)) (d) ((Is less than the cost of their individual level of care as assessed by department staff))~~ Ineligible to be included in the COPES or CAP program.

(2) Persons receiving adult protective services may be authorized to receive the provider payment only, notwithstanding subsection (1)(b) of this section, for up to ninety days during any twelve-month period without regard to income, if the care is an integral but subordinate part of the adult protective service plan. Such services shall be provided only until the situation necessitating the services has stabilized.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

WAC 388-15-553 ADULT FAMILY HOME—DETERMINATION OF NEED. The department, through a comprehensive adult assessment, in consultation with the individual, shall ((assess)) determine if the individual requires adult family home care. Adult family home services include and are limited to those ((necessary for activities of daily living, such as eating/dining, community mobility, etc., and health-related services such as diet and ambulation. Consideration will be given to other services available for the client including community services such as chore services, home health aide, etc., as well as other residential services available)) allowed under adult family home licensure.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

WAC 388-15-554 ADULT FAMILY HOME—PLACEMENT IN FACILITY. (1) Selection of an adult family home is to be made by the individual, ((his/her)) his or her relatives, or others acting on ((his/her)) his or her behalf, provided that the department determines such adult family home can provide care and supervision adequate to meet the needs of that individual.

(2) The client's right to choose or refuse adult family home placement shall be acted upon. In those circumstances where the person is under a guardianship, the guardian shall be consulted to determine the extent of his or her authority. If such authority extends to the placement of the person, the guardian's directive shall be acted upon.

#### AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

WAC 388-15-555 ADULT FAMILY HOME—PAYMENTS—STANDARDS—PROCEDURES. (1) All nonexempt net income of a person placed in an adult family home shall first be applied to the person's clothing, personal maintenance and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of adult family home care.

((+)) (2) ((Nonexempt income is gross income less the first twenty dollars of any earned or unearned income plus the next sixty-five dollars of the earned income plus one-half the remainder of the earned income)) See WAC 388-92-025 for computation of available income for SSI or SSI-related recipients. See WAC 388-37-020(4) and 388-37-025 for computation of available income for continuing general assistance recipients.

((+)) (3) ((Adult family home residents may also retain up to fifty hundred dollars in cash or other liquid resources. Any resources in excess of this limitation are considered nonexempt income to be applied to cost of care and services. Also see WAC 388-29-580 and 388-92-045 for standards and resources)) The continuing general assistance standard for an adult family home resident shall be the cost standard of the facility plus a specified amount for the clothing, personal maintenance and necessary incidentals, as defined in chapter 388-29 WAC.

(4) The department shall pay the adult family home for contracted care, a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department. The sum paid shall be decreased by the amount of the client's participation toward cost of care.

#### AMENDATORY SECTION (Amending Order 1579, filed 12/17/80)

WAC 388-15-560 CONGREGATE CARE—DEFINITION—AUTHORITY TO PURCHASE CARE—STANDARDS. (1) A congregate care facility is a ((licensed)) boarding home ((or a licensed private establishment which has entered into a congregate care contract with the department)) licensed under chapter 18.20 RCW and RCW 74.08.044, or a licensed private establishment as defined by chapter 71.12 RCW, which has entered into a congregate care contract with the department.

(2) Pursuant to RCW 74.08.043 and 74.08.045, the department is authorized to purchase, from congregate care facilities as defined in this chapter, personal and special care and supervision for eligible persons, as defined in this chapter, who are in need of such care and supervision.

(3) Minimum standards of care for a congregate care facility are those required for licensure under chapters 18.20 and 71.12 RCW, and chapter 248-16 WAC.

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 1805, filed 5/5/82)

WAC 388-15-562 CONGREGATE CARE—ELIGIBLE PERSONS. (1) ((Persons are)) To be eligible ((to receive regular program congregate care who)) for state payments under this chapter for care in a congregate care facility, an individual must:

- (a) ((Are)) Be an adult((s)) eighteen years of age or over;
- (b) ((Are)) Be a recipient((s)) of Supplemental Security Income ((and state supplementation)) or ((are recipients of)) continuing general assistance, or a Title XIX recipient categorically relatable to SSI;
- (c) ((Are)) Be unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health-related services;
- (d) ((Do)) Not require nursing care in excess of that described in RCW 18.20.160 and the provisions of WAC 248-16-228; and
- (e) ((Do)) Meet the criteria in subsections (2), (3), (4), or (5) of this section.

(2) For regular program congregate care:

(a) Not require developmental disabilities specialized services as described in chapter 275-36 WAC unless there is a plan of care developed to provide for these specialized services apart from regular CCF services provided by the congregate care facility;

((f)) (b) ((Are not eligible)) Be ineligible for mental health CCF program as described in subsection ((f)) (3) of this section unless there is a plan of care developed to provide for mental health specialized services apart from the regular congregate care services provided by the CCF facility; ((and;))

((g)) (c) ((Do)) Not require alcoholism and/or drug treatment as described in subsection ((g)) (4) and (5) of this section((:

(2) Persons are eligible to receive mental health congregate care who:

- (A) Are adults eighteen years of age or over;
- (B) Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance;
- (C) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services); and
- (d) ((Do not require nursing care in excess of that allowed by boarding home licensure)) Be ineligible to be included in the COPES or CAP programs;
- ((e) Meet the following mental health client criteria:
- (i) Have been discharged from a state psychiatric hospital or a local psychiatric inpatient facility within the past twelve months; or
- (ii) Be expected, as a result of a mental disorder, to continue to exhibit one or more of the following characteristics for an extended period:

- (A) Inability to perform basic living skills without supervision;
- (B) Inability to maintain or develop a personal support system;
- (C) Have a combination of physical, cognitive, or emotional disabilities leading to serious behavioral problems; or
- (iii) In the opinion of a mental health specialist (as defined by WAC 275-25-710) psychiatric hospitalization is imminent unless placement in an extended care facility is secured;
- (f) Are actively involved in mental health treatment as defined in the client's individual treatment plan or on a waiting list to receive such treatment. A client shall be ineligible for the mental health rate after a sixty-day period of refusal of mental health treatment:

(3) Persons are eligible to receive alcoholism and/or drug treatment congregate care who:

- (a) Are adults eighteen years of age or over;
- (b) Are recipients of supplemental security income and state supplementation or are recipients of continuing general assistance;

~~(c) Are unable to maintain a safe environment in an independent living arrangement or require personal care and supervision, assistance with activities of daily living and/or health related services;~~

~~(d) Do not require nursing care in excess of the nursing care allowed by boarding home or private establishment licensure;~~

~~(e) Persons receiving adult protective services may be authorized to receive the provider payment only, notwithstanding subsection (1)(b) of this section, for up to ninety days during any twelve-month period without regard to income, if the care is an integral but subordinate part of the adult protective service plan. Such services shall be provided only until the situation necessitating the services has stabilized.~~

~~(3) For mental health congregate care, clients must also:~~

~~(a) Meet the criteria as acutely mentally ill, chronically mentally ill, or seriously disturbed as defined in WAC 275-56-010. Priority for placement shall be given as follows:~~

~~(i) Clients housed in state or community psychiatric facilities, but no longer require that level of care.~~

~~(ii) Clients in imminent jeopardy of psychiatric hospitalization unless an alternative placement is secured.~~

~~(iii) Clients having had two or more psychiatric hospitalizations in the previous two years.~~

~~(iv) Other clients meeting the criteria specified in WAC 275-56-010.~~

~~(b) Actively participate in a mental health treatment program according to their individual treatment plan or be on a waiting list to receive such treatment.~~

~~(i) Clients shall become ineligible for the mental health rate after a sixty-day period of refusing to participate in mental health treatment.~~

~~(ii) Alternative residential placements must be arranged for those found ineligible for nonparticipation.~~

~~(4) For drug treatment congregate care(~~(- are using a controlled substance once a week or more and are at least mildly dysfunctional due to drug use as defined by the office of drug abuse. Clients recently released from jail or prison or a treatment program are eligible when):~~ Be judged by ~~((the))~~ a certified drug treatment professional to be in ~~((imminent danger))~~ need of ~~((recidivism without))~~ drug treatment~~((:))~~).~~

~~((f)) (5) For alcoholism congregate care(~~(- manifest any physical and/or behavioral problem due to the use or abuse of alcohol as):~~ Be determined by ~~((staff of))~~ a state-approved ~~((alcohol treatment facility))~~, community alcoholism counselor to be in need of treatment.~~

~~((4)) (6) Placement in a congregate care facility is limited to ~~((facilities having))~~ available DSHS contracted beds.~~

#### AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-564 CONGREGATE CARE—DETERMINATION OF NEED. The department, ~~((after))~~ through a comprehensive adult assessment, in consultation with the individual, based on the criteria in WAC 388-15-562, shall determine if the individual requires congregate care. ~~((Consideration will be given to other alternative care arrangements))~~ Congregate care services include and are limited to those allowed under boarding home or private establishments licensure.

#### AMENDATORY SECTION (Amending Order 1579, filed 12/17/80)

WAC 388-15-566 CONGREGATE CARE—PLACEMENT IN FACILITY. (1) Selection of a congregate care facility is to be made by the individual~~((:))~~ or ~~((his/her))~~ his or her relatives or others acting on ~~((his/her))~~ his or her behalf from those facilities having available contracted beds, provided that the department determines such congregate care facility can provide care and supervision adequate to meet the needs of that individual.

(2) The client's right to choose or refuse congregate care placement shall be acted upon. In those circumstances where the person is under a guardianship, the guardian shall be consulted to determine the extent of his or her authority. If such authority extends to the placement of the person, the guardian's directive shall be acted upon.

#### AMENDATORY SECTION (Amending Order 1805, filed 5/5/82)

WAC 388-15-568 CONGREGATE CARE—PAYMENT—STANDARDS—PROCEDURES. (1) All nonexempt net income of a person placed in a congregate care facility shall first be applied to the person's clothing, personal maintenance~~((:))~~ and necessary incidentals. Any remaining nonexempt income shall be applied to the cost of the congregate care.

(2) See WAC 388-92-025 for computation of available income for SSI or SSI-related recipients. See WAC 388-37-020(4) and 388-37-025 for computation of available income for continuing general assistance recipients.

(3) Payment is limited to the level of care approved by the department for the type of care authorized, i.e., regular, mental health, COPEs, or alcoholism and/or drug treatment. There is no specialized congregate care program rate for developmentally disabled persons.

~~((3)) (4) The department shall pay ~~((to the congregate))~~ for contracted care ~~((facility, for those services provided:))~~ a sum not to exceed the rates set forth in the most recent schedule of rates established and published by the department. The sum paid shall be decreased by the amount of the client's participation toward cost of care.~~

(5) The continuing general assistance standard for a congregate care resident shall be the contracted cost standard of the facility plus a specified amount for clothing, personal maintenance and necessary incidentals, as defined in chapter 388-29 WAC.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-15-140 RESIDENTIAL SERVICES.

**WSR 86-10-030**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed May 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Standards of assistance—Supplemental security income (SSI) program, amending WAC 388-29-295.

These rules were filed on an emergency basis on May 1, 1986;

that the agency will at 10:00 a.m., Tuesday, June 10, 1986, in the Auditorium, Office Building #2, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 18, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

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

Lee D. Bomberger, Acting Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-

7015 by May 27, 1986. The meeting site is in a location which is barrier free.

Dated: May 2, 1986  
 By: Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045 and 34.04.030.

Re: Amendment of WAC 388-29-295 is necessary to cause as early an effective date after January 1, 1986, as is legally possible.

Reasons These Rules are Necessary: To assure departmental expenditures for state supplement payments (SSP) remain within appropriated sums for the biennium. In addition, the department exercises its discretionary authority to act on the option extended states who have federally administered state supplements by Social Security Act amendment of 1983 as discussed in the Department of Health and Human Services Memorandum SI-16-0-1, April 4, 1983.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Decrease the state supplement to the SSI program effective May 1, 1986. In January 1986, a class action, *Mahoney v. Shinpoch*, was filed. The suit claimed the defendant failed to comply with the rule-making procedures in RCW 34.04.010. A summary judgment order dated March 24, 1986, enjoined the department from reducing the SSI state supplement and voided WSR 86-01-007. The department is exercising its discretionary authority to act on the option to reduce the SSP granted states who have federally administered state supplement. We are filing this rule on an emergency basis as well as for regular adoption to assure the department remains within its appropriation, to avoid program reductions and to satisfy legislative intent expressed in the 1985 budget process. Without this rule, the dollars available for the SSI state supplement will be expended before the end of the biennium.

Persons Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dorothy Hopkins, Community Services Program Manager, Division of Income Assistance, mailstop OB-31J, phone (scan) 234-4041; and Charles F. Murphy, Assistant Attorney General, Attorney General's Office, mailstop PY-13, phone 459-6558.

This change is necessary so the department can exercise its discretionary authority to act on the option granted by the federal government in addition to the need to remain within departmental appropriations, avoid program reductions and the need to satisfy 1985 legislative intent expressed in the budget process. A specific prohibition against over expending any appropriation is found in RCW 43.88.290.

Regular adoption to immediately follow emergency adoption.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-295 STANDARDS OF ASSISTANCE — SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. ((Effective January 1, 1985)) The standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
<b>Area I</b>			
Living alone			
Individuals	<del>\$(366.60)</del> 364.00	<del>\$325.00</del> \$336.00	<del>\$ 38.30)</del> \$28.00
Couples			
Both eligible	<del>((525.40)</del> 526.00	<del>488.00</del> 504.00	<del>37.40))</del> 22.00
With essential person	<del>((525.40)</del> 526.00	<del>488.00</del> 504.00	<del>37.40))</del> 22.00
With ineligible spouse	<del>((525.40)</del> 526.00	<del>325.00</del> 336.00	<del>200.40))</del> 190.00
<b>Area II</b>			
Living alone			
Individuals	<del>((343.85)</del> 343.55	<del>325.00</del> 336.00	<del>17.85))</del> 7.55
Couples			
Both eligible	<del>((495.45)</del> 504.00	<del>488.00</del> 504.00	<del>7.45))</del> 0
With essential person	<del>((495.45)</del> 504.00	<del>488.00</del> 504.00	<del>7.45))</del> 0
With ineligible spouse	<del>((495.45)</del> 496.15	<del>325.00</del> 336.00	<del>170.45))</del> 160.15
Shared living			
Individuals	<del>((229.35)</del> 229.81	<del>216.67</del> 224.00	<del>12.68))</del> 5.81
Couples			
Both eligible	<del>((341.91)</del> 342.30	<del>325.34</del> 336.00	<del>16.57))</del> 6.30
With essential person	<del>((341.91)</del> 342.30	<del>325.34</del> 336.00	<del>16.57))</del> 6.30
With ineligible spouse	<del>((341.91)</del> 342.30	<del>216.67</del> 224.00	<del>125.24))</del> 118.30

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 86-10-031**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed May 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning AFDC—Deprivation due to incapacity, amending WAC 388-24-065.

It is the intention of the secretary to adopt these rules on an emergency basis on or about May 5, 1986; that the agency will at 10:00 a.m., Tuesday, June 10, 1986, in the Auditorium, Office Building #2, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 18, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

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

Lee D. Bomberger, Acting Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 27, 1986. The meeting site is in a location which is barrier free.

Dated: May 2, 1986

By: Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-24-065.

Purpose of the Rule or Rule Change: To revise the definition of incapacity to determine deprivation for AFDC-Incapacity.

Reason These Rules are Necessary: Settlement of *Sen Loun v. Rahm*.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: A person must have a reduced ability to support his/her children due to a verified incapacity. The number of hours a person works does not affect his/her eligibility for AFDC-R due to incapacity.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Betty Brinkman, Program Manager, Division of Income Assistance, OB-31J, phone 753-4908.

These rules are necessary as a result of state court decision, *Loun v. Rahm*, Wash. Superior Court, Thurston Co., No. 85-2-00459-8.

#### AMENDATORY SECTION (Amending Order 2153, filed 9/17/84)

WAC 388-24-065 AID TO FAMILIES WITH DEPENDENT CHILDREN—DEPRIVATION DUE TO INCAPACITY. (1) A child is considered to be deprived of parental support and care by reason of parental incapacity when he or she lives with two natural or adoptive parents or one natural or adoptive parent and one stepparent and one or both parents are substantially incapacitated.

(2) ("Incapacity" refers to the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss.

(a) "Substantially incapacitated" shall mean the person can be expected to work at gainful employment for no more than one-half the time customarily required of fully employable persons; or the person cannot perform necessary homemaking activities and/or provide adequate care for the children without help from other individuals.

(b) An exception to the rule in subsection (2)(a) of this section may be made when a person with limited skill and abilities is working more than half time in a special workshop or special work arrangement for

handicapped individuals and the work is not fully competitive. Incapacity may continue to exist if the person is incapable of work in competitive work arrangements with full wages.

(c) Incapacity can be of a permanent or temporary nature, but must be expected to last for a period of at least thirty days from the date of application)) Deprivation due to physical or mental incapacity of a parent shall be deemed to exist when the parent of an otherwise eligible child has a physical or mental illness, defect, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child and be expected to last at least thirty days. In making the determination of ability to support, the limited employment opportunities of the handicapped shall be taken into account.

(3) Deprivation exists if the incapacity:

(a) Reduces substantially or eliminates the parent's ability to care for the child;

(b) Is the reason employers refuse to employ the parent for work he or she could do. (This includes behavioral disorders and other impairments interfering with the securing and maintaining of employment); or

(c) Prevents the parent from working full-time at a job in which he or she has customarily engaged; and from working full-time on another job for which he or she is equipped by education, training, or experience or which can be learned by on-the-job training; or

(d) Prevents the parent from accomplishing as much on a job as a regular employee and is the reason he or she is paid on a reduced basis even though working full time; or

(e) Qualifies the parent for placement in a job which is rehabilitative, therapeutic or in a sheltered workshop not considered to be a competitive full-time job and he or she is placed in such a job.

(4) A claim of incapacity shall be substantiated by medical evidence.

(a) The primary source of evidence for a physical incapacity will be a written report from a physician, a certified registered nurse (CRN) if within area of certification, or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law.

(b) The primary source of evidence for a mental incapacity must be a report from a psychiatrist, a clinical psychologist, or a mental health professional designated by the local community mental health agency as defined in RCW 71.05.020, except a physician may evaluate a mental condition at the department's discretion.

(c) Any of the aforementioned may be used as primary sources of evidence for incapacity due to alcoholism or drug addiction.

(d) Supplemental evidence may be obtained from other treating practitioners, to include a chiropractor, nurse, physician's assistant, or DSHS institutions or agencies from which the individual is receiving or has received services.

(e) These reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function, along with relevant medical history and sufficient medical documentation to support any conclusions of incapacity.

((4)) (5) Incapacity due to mental or emotional disorders (including addictive dependence on alcohol or drugs) shall be determined on the basis of distinct impairments substantially reducing a parent's ability to engage in activities necessary to carry on full-time specified responsibilities, such as employment, home management and/or adequate care of children. Evidence of inability to understand, remember, and follow instructions or inability to communicate appropriately with others may be sufficient to establish incapacity.

((5)) (6) Individuals determined to be incapacitated due to alcoholism or drug abuse shall be required to accept referral to a community alcoholism or drug treatment program for evaluation and recommendation for treatment. (See subsection ((4)) (12) of this section.)

((6)) (7) The medical evidence shall be supported by an objective appraisal of all factors relevant to the individual's situation.

(a) Consideration shall be given to the individual's age, emotional health, aptitudes, adjustment to and acceptance of the incapacity, family circumstances, employment history, education, and the extent to which the individual is able to carry out specified responsibilities such as employment or homemaking. Social or educational deficiencies do not of themselves establish incapacity but may have a bearing on an individual's ability to overcome an incapacity.

(b) If an individual has an obvious incapacity for which medical evidence verifies inability to engage in gainful employment, such an appraisal is not required.

~~((7))~~ (8) Deprivation due to incapacity shall be determined by the department in accordance with the criteria in subsections (1) through ~~((6))~~ (7) of this section. The department shall:

71 (a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Consult with the medical consultant as necessary for evaluation of medical data.

(d) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a re-determination of incapacity.

~~((8))~~ (9) Eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity.

~~((9))~~ (10) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

~~((10))~~ (11) Eligibility of either parent or stepparent in the home for veterans' benefits based on disability of fifty percent or more or for any Social Security Administration benefit based on disability shall establish incapacity for aid to families with dependent children benefits, without further medical documentation.

~~((11))~~ (12) Acceptance of available medical treatment:

(a) Deprivation cannot be established when an AFDC parent or stepparent whose incapacity deprives his or her child or children or stepchild or stepchildren of parental support or care, refuses without good cause to accept available medical treatment which would reasonably be expected to render him or her employable.

(i) "Available medical treatment" shall mean and include medical, surgical, psychiatric therapy, treatment in an alcoholism or drug treatment center, or any combination thereof.

(ii) "Reasonably be expected to render him or her employable" shall mean that, in the opinion of the department, the recommended medical, surgical, or psychiatric therapy, or any combination thereof, is of such a nature and prognosis that, in the specific instance of the individual involved, medical experience indicates the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner, or to resume care of the home or children.

(iii) "Refuses without good cause" shall mean the department shall determine whether the individual is justified in refusing recommended medical treatment.

(b) An individual is justified in refusing recommended available medical treatment when, according to the best objective judgment of the department, such refusal is based upon one or more of the following conditions:

(i) The individual is genuinely fearful of undergoing recommended treatment even though such fear may appear to be unrealistic or irrational;

(ii) The individual could lose a faculty, or the remaining use of a faculty he or she now has, and refuses to accept the risk;

(iii) The individual will not accept recommended medical treatment because of religious scruples.

(iv) The individual is temporarily unable to participate in medical treatment due to an intervening incapacity.

**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 86-10-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2371—Filed May 5, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC—Deprivation due to incapacity, amending WAC 388-24-065.

I, Lee D. Bomberger, 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 comply with a court order in the case of *Loun v. Rahm* (Case No. 85-2-00459-8).

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 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 May 2, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2153,  
filed 9/17/84)

*WAC 388-24-065 AID TO FAMILIES WITH DEPENDENT CHILDREN—DEPRIVATION DUE TO INCAPACITY. (1) A child is considered to be deprived of parental support and care by reason of parental incapacity when he or she lives with two natural or adoptive parents or one natural or adoptive parent and one stepparent and one or both parents are substantially incapacitated.*

*(2) (~~"Incapacity" refers to the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss.~~)*

*(a) ~~"Substantially incapacitated" shall mean the person can be expected to work at gainful employment for no more than one-half the time customarily required of fully employable persons, or the person cannot perform necessary homemaking activities and/or provide adequate care for the children without help from other individuals.~~*

*(b) ~~An exception to the rule in subsection (2)(a) of this section may be made when a person with limited skill and abilities is working more than half time in a special workshop or special work arrangement for handicapped individuals and the work is not fully competitive.~~*



~~Incapacity may continue to exist if the person is incapable of work in competitive work arrangements with full wages.~~

~~(c) Incapacity can be of a permanent or temporary nature, but must be expected to last for a period of at least thirty days from the date of application)) Deprivation due to physical or mental incapacity of a parent shall be deemed to exist when the parent of an otherwise eligible child has a physical or mental illness, defect, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child and be expected to last at least thirty days. In making the determination of ability to support, the limited employment opportunities of the handicapped shall be taken into account.~~

~~(3) Deprivation exists if the incapacity:~~

~~(a) Reduces substantially or eliminates the parent's ability to care for the child;~~

~~(b) Is the reason employers refuse to employ the parent for work he or she could do. (This includes behavioral disorders and other impairments interfering with the securing and maintaining of employment); or~~

~~(c) Prevents the parent from working full-time at a job in which he or she has customarily engaged; and from working full-time on another job for which he or she is equipped by education, training, or experience or which can be learned by on-the-job training; or~~

~~(d) Prevents the parent from accomplishing as much on a job as a regular employee and is the reason he or she is paid on a reduced basis even though working full time; or~~

~~(e) Qualifies the parent for placement in a job which is rehabilitative, therapeutic or in a sheltered workshop not considered to be a competitive full-time job and he or she is placed in such a job.~~

~~(4) A claim of incapacity shall be substantiated by medical evidence.~~

~~(a) The primary source of evidence for a physical incapacity will be a written report from a physician, a certified registered nurse (CRN) if within area of certification, or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law.~~

~~(b) The primary source of evidence for a mental incapacity must be a report from a psychiatrist, a clinical psychologist, or a mental health professional designated by the local community mental health agency as defined in RCW 71.05.020, except a physician may evaluate a mental condition at the department's discretion.~~

~~(c) Any of the aforementioned may be used as primary sources of evidence for incapacity due to alcoholism or drug addiction.~~

~~(d) Supplemental evidence may be obtained from other treating practitioners, to include a chiropractor, nurse, physician's assistant, or DSHS institutions or agencies from which the individual is receiving or has received services.~~

~~(e) These reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function,~~

along with relevant medical history and sufficient medical documentation to support any conclusions of incapacity.

~~((4)) (5) Incapacity due to mental or emotional disorders (including addictive dependence on alcohol or drugs) shall be determined on the basis of distinct impairments substantially reducing a parent's ability to engage in activities necessary to carry on full-time specified responsibilities, such as employment, home management and/or adequate care of children. Evidence of inability to understand, remember, and follow instructions or inability to communicate appropriately with others may be sufficient to establish incapacity.~~

~~((5)) (6) Individuals determined to be incapacitated due to alcoholism or drug abuse shall be required to accept referral to a community alcoholism or drug treatment program for evaluation and recommendation for treatment. (See subsection ((11)) (12) of this section.)~~

~~((6)) (7) The medical evidence shall be supported by an objective appraisal of all factors relevant to the individual's situation.~~

~~(a) Consideration shall be given to the individual's age, emotional health, aptitudes, adjustment to and acceptance of the incapacity, family circumstances, employment history, education, and the extent to which the individual is able to carry out specified responsibilities such as employment or homemaking. Social or educational deficiencies do not of themselves establish incapacity but may have a bearing on an individual's ability to overcome an incapacity.~~

~~(b) If an individual has an obvious incapacity for which medical evidence verifies inability to engage in gainful employment, such an appraisal is not required.~~

~~((7)) (8) Deprivation due to incapacity shall be determined by the department in accordance with the criteria in subsections (1) through ((6)) (7) of this section. The department shall:~~

~~71 (a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part of the applicant, the examining physician or other source of documentation.~~

~~(b) Request additional information when necessary.~~

~~(c) Consult with the medical consultant as necessary for evaluation of medical data.~~

~~(d) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.~~

~~((8)) (9) Eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity.~~

~~((9)) (10) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.~~

~~((10)) (11) Eligibility of either parent or stepparent in the home for veterans' benefits based on disability of~~

fifty percent or more or for any Social Security Administration benefit based on disability shall establish incapacity for aid to families with dependent children benefits, without further medical documentation.

((++)) (12) Acceptance of available medical treatment:

(a) Deprivation cannot be established when an AFDC parent or stepparent whose incapacity deprives his or her child or children or stepchild or stepchildren of parental support or care, refuses without good cause to accept available medical treatment which would reasonably be expected to render him or her employable.

(i) "Available medical treatment" shall mean and include medical, surgical, psychiatric therapy, treatment in an alcoholism or drug treatment center, or any combination thereof.

(ii) "Reasonably be expected to render him or her employable" shall mean that, in the opinion of the department, the recommended medical, surgical, or psychiatric therapy, or any combination thereof, is of such a nature and prognosis that, in the specific instance of the individual involved, medical experience indicates the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner, or to resume care of the home or children.

(iii) "Refuses without good cause" shall mean the department shall determine whether the individual is justified in refusing recommended medical treatment.

(b) An individual is justified in refusing recommended available medical treatment when, according to the best objective judgment of the department, such refusal is based upon one or more of the following conditions:

(i) The individual is genuinely fearful of undergoing recommended treatment even though such fear may appear to be unrealistic or irrational;

(ii) The individual could lose a faculty, or the remaining use of a faculty he or she now has, and refuses to accept the risk;

(iii) The individual will not accept recommended medical treatment because of religious scruples.

(iv) The individual is temporarily unable to participate in medical treatment due to an intervening incapacity.

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 86-10-033
PROPOSED RULES
COLUMBIA BASIN COLLEGE
[Filed May 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Columbia Basin College intends to adopt, amend, or repeal rules concerning:

Table with 3 columns: Action (Amd, Rep), WAC Number, and Description of Rule Change.

Table with 3 columns: Action (Rep, Amd), WAC Number, and Description of Rule Change.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 7, 1986.

The authority under which these rules are proposed is chapters 28B.19 and 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before June 30, 1986.

Dated: May 1, 1986
By: Jean Dunn
Administrative Assistant

STATEMENT OF PURPOSE

Title: Academic employee—Annual workload standards; Faculty promotion—Generally; Faculty promotion—Selection process; Faculty promotion—Screening process; Faculty promotion—Final list of candidates; Tenure regulations—Nonrenewal of tenured faculty contracts; Applications and accounting for absences and benefits, obligations, and reimbursement; and Types of leaves.

Summary of Rules: Academic employee—Annual workload standards, clarification of average number of hours of campus responsibility; Faculty promotion—Generally, minimum requirements clarified; Faculty promotion—Selection process, screening, final list of candidates, process no longer utilized; Tenure regulations—Nonrenewal of tenured faculty contracts, specifies grounds for nonrenewal; Applications and accounting for absences and benefits, . . . , requiring notification of employee on leave to inform college of intent to return to employment (timeframe); and Types of leaves, housekeeping – educational leaves changed to sabbatical leaves; changing remuneration to conform to RCW; adding leave category called personal business.

Drafting, Implementation and Enforcement: Dr. Fred L. Esvelt, President, Columbia Basin College, 2600 North 20th, Pasco, WA 99301.

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-30-011 ACADEMIC EMPLOYEE—ANNUAL WORKLOAD STANDARDS. The annual workload standards for full-time contracted academic employees shall average ((as follows)) thirty hours of campus responsibilities per week and shall include the following specific responsibilities:

- (1) 15 minimum and 17 maximum classroom contact hours per week, per quarter, for straight lecture mode;
(2) 18 minimum and 22 maximum classroom contact hours per week, per quarter, for lecture/lab mode, e.g., science, art, music, physical education;
(3) 22 minimum and 27 maximum classroom contact hours per week, per quarter, for a predominantly lab mode, e.g., occupational programs, skills labs; and
(4) 35 student contact hours per week, per quarter, for counselors and librarians.

Hourly ranges are designed to reflect both existing programs and provide flexibility to meet future programs needs. Academic employees who have met minimum hours per week per quarter will not be required to teach extended day classes except as provided in WAC 132S-30-014.

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-30-042 FACULTY PROMOTION—GENERAL. Academic employees at Columbia Basin College shall be provided the opportunity to be promoted from one salary range to a higher range. This opportunity is made available to those academic employees who have demonstrated a commitment to professional instruction beyond that which is expected for incremental salary schedule advancement.

The minimum requirements for each salary range ~~((are))~~ shall be expressed in the annually adopted salary schedule. All academic employees who meet the minimum requirements are eligible for promotion and shall be considered for possible recommendation annually.

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-30-064 TENURE REGULATIONS—NONRENEWAL OF TENURED FACULTY CONTRACTS. (1) The appointing authority shall be deemed to have authority not to renew the contract of any tenured faculty appointee for sufficient cause which for the purpose of ~~((WAC 132S-30-064))~~ this section shall include those grounds enumerated in WAC 132S-30-060 as well as budget reasons, change of instructional program, or lack of students participating in a particular instructional program, if:

(a) Notice of such nonrenewal is tendered to the individual faculty appointee prior to the last day of winter quarter of any regular college year. Three weeks prior to tendering such notice the president shall refer the matter of nonrenewal to the review committee with appropriate documentation specifying the grounds for the intended nonrenewal of a tenured faculty appointee's contract.

(b) The review committee to which the matter is referred shall then conduct proceedings pursuant to WAC 132S-30-062 (3) and (4) and at the conclusion of such proceedings make an appropriate recommendation to the appointing authority: PROVIDED, If the review committee to which a proceeding is referred pursuant to this subsection fails to make a recommendation through the president to the appointing authority prior to the last day of winter quarter, such a failure shall be deemed a recommendation that sufficient cause as defined in subsection (1) of this section exists for the nonrenewal of the specific tenured faculty appointee's contract for the ensuing regular college year.

(2) After the college president has determined that the contract of a tenured faculty appointee shall not be renewed for the ensuing regular college year, but prior to referring the matter to the review committee for proceedings and the recommendations of such review committee, the college president shall:

(a) Determine whether fiscal problems can be eliminated by the nonrenewal of a probationary faculty appointee's contract for the ensuing regular college year, and if such procedure would not provide a feasible solution;

(b) Determine whether the individual tenured faculty appointee is qualified for another faculty position within Community College District 19; or

(c) If such tenured faculty member is not qualified for another position, the college president shall use his best efforts in attempting to procure similar employment for such faculty member in another community college district within the state of Washington.

(3) If an individual tenured faculty appointee's contract is not renewed for the reasons previously stated in this rule, and a change of circumstances has caused the reestablishment of such former teaching position the president shall then offer such appointment to the tenured faculty member whose contract was not previously renewed.

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-30-082 APPLICATIONS AND ACCOUNTING FOR ABSENCES AND BENEFITS, OBLIGATIONS, AND REIMBURSEMENT. All applications and accounting for absences will be the mutual responsibility of the individual employee and the administration, the processing of which will follow administrative channels to ensure maximum accountability and accurate personal record keeping.

This general policy shall apply to all leaves of absence for periods of one day or more. In no instance shall a leave of absence be granted for a period in excess of one calendar year except for military service during a period of national emergency. Leave of absence for a period of less than one day shall be granted at the discretion of the chief administrative officer.

Application for leave of absence shall be made on an appropriate form provided by the college. Applications shall require approval one week in advance of the anticipated absence. Exceptions to this requirement shall be absences which are impossible to anticipate such as bereavement or personal illness or injury. In such cases, the employee shall notify the appropriate supervisor at least one hour prior to his or her first working assignment.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy.

Employees on leave of absence may be required to meet certain obligations relating to their leave status as specifically provided by regulations implementing this policy.

Employees on leave for one quarter or more duration shall be required to notify the college at the earliest possible time of an intent to return to a full-time position. If the leave is for a year duration, such notification must be submitted to the office of academic personnel prior to the end of winter quarter during the year in which the leave is taken.

The college shall reimburse employees on leave of absence for all travel and related living expenses only when such travel and expenses are at the convenience of the college and approved by the chief administrative officer.

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

WAC 132S-30-084 TYPES OF LEAVES. (1) Bereavement leaves. A bereavement leave, not to exceed five days with pay, will be allowed all academic, administrative, and exempt employees for each death in the immediate family. "Immediate family" means the mother, mother substitute, mother-in-law, father, father substitute, father-in-law, son-in-law, daughter-in-law, grandchildren, spouse, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

(2) ~~((Educational))~~ Sabbatical leaves. The purpose of a ~~((professional))~~ sabbatical leave shall be to improve the professional skills of the faculty member through study, research, and creative work.

~~((The institution will receive direct benefit of such an experience through the increased effectiveness of those persons participating in a professional leave program.))~~ Application for sabbatical leave shall be submitted in writing to the office of the president of the college prior to the end of the year in which the leave is desired.

Selection for ~~((professional))~~ sabbatical leave shall be based on the worthiness of the project or plan as submitted by the faculty member. ~~((It is intended that each institution conduct a rigorous and thorough selection procedure in awarding of professional leave.))~~

Projects or plans ~~((should))~~ will be evaluated according to their value to the institution based on the following criteria:

(a) Value of project or plan in relationship to teaching responsibilities;

(b) Ability of applicant to achieve goals of project or plan as based on past experience and academic background;

(c) Need for new or additional knowledge in subject field to be studied;

(d) Quality of replacement personnel designated to take the responsibility of the applicant;

(e) Evidence of support (in the form of recommendations and/or financial) from other institutions, foundations, or persons concerned with the proposed plan or project.

~~((All other criteria, rules and regulations governing educational leave shall be in conformity with the professional leave guidelines as developed by the council on higher education as amended May 5, 1972.))~~ The aggregate cost of the leave, including cost of replacement personnel, shall not exceed one hundred fifty percent of the cost of the salary which would have otherwise been paid to the employee, as outlined in RCW 28B.10.650.

(3) Maternity leave. Maternity leave will be granted to a pregnant employee, married or unmarried, if the leave is requested in advance by the employee. The employee shall inform her immediate supervisor, in advance, and in writing, of her intention to take leave and the approximate time she expects to return to work. Within thirty calendar days after termination of her pregnancy, the employee shall inform her immediate supervisor of the specific date she expects to return to work. The leave shall begin no sooner than one hundred twenty calendar days before the expected date of delivery, and shall continue no later than sixty calendar days after the actual termination of the pregnancy. However, the one hundred twenty day pretermination period will be extended to a longer period if a physician's statement indicates a different period is necessary to protect the health of the employee or the

unborn child. The post-termination period of sixty days may be extended for a period not to exceed the extent of the current contract year if a physician's statement indicates that complications resulting from the pregnancy or its termination necessitate a longer period of time in order to protect the health of the employee. In the event that the employee's supervisor or the community college administration in good faith questions the statement of the employee's physician, the employee may be required to obtain a statement of verification from a different physician. The verifying physician shall be selected by the community college administration and the costs for an examination and statement shall be paid for by the community college.

An employee who temporarily vacates a position due to pregnancy is on official leave status. The vacated position can be filled temporarily, but cannot be filled permanently.

(4) Military leaves. Pursuant to state statutes, an employee who leaves a position in the school system to serve in the armed forces upon being honorably released from active duty shall resume the contract status held prior to entering the military service, subject to passing a medical examination certifying that the individual is competent to perform the functions of said contract.

(5) Personal leaves. A personal leave is considered a leave of absence from duty by an employee of the college, for which written request has been made and formal approval granted by the president.

All personal leaves of absence are without pay with the exception of: (a) Personal catastrophe ((to a maximum of)), and (b) personal business, both of which shall not exceed three days per year, nonaccumulative.

Leave under (b) personal business, shall require approval in advance and shall be taken only on professional (nonteaching) days.

The exception to the above conditions would be when an employee is summoned to appear in court as a witness or a defendant when notified to attend a hearing. A faculty member who is called for jury duty may do so without loss of pay. The college shall guarantee the salary difference between the juror's pay and that which would be received.

(6) Personal illness or injury leaves. This leave is to be considered in the form of an insurance which will protect the employee from loss of pay or employment status in the event of temporary illness or injury. The employee is responsible to provide, for recording purposes, a determination of the condition which caused the absence. A written excuse from a licensed physician may be required for verification of the absence.

Twelve days per calendar year, unlimited accumulation, for each full-time employee is allowed for absences due to personal illness or injury. No salary deduction shall be made for such absences taken within the number of total days accrued by the employee for such purposes.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy. The institution shall not continue such entitlements, including salary, beyond the total number of days accrued for an employee's personal illness or injury.

(7) Professional leaves. Professional leaves of absence without deduction of pay and with reimbursement of certain expenses may be granted to attend professional meetings upon request to the president. When necessary, the college shall provide a substitute academic employee to perform the duties of the academic employee who has been granted leave to attend a professional meeting. When a substitute cannot be obtained or other activity arranged, the class may be canceled upon the approval of the division chairman.

(8) Other leaves. Any day on which a certificated employee, while absent, is engaged in an activity under the direction of the board of trustees shall not be regarded as an absence provided such business has been cleared through the president's office. For example:

- (a) Visitation to other schools;
- (b) Speaking engagements involving education;
- (c) Research or preparation involved in presenting professional projects;
- (d) Instructionally related field trips;
- (e) College related activity supervision.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132S-30-044 FACULTY PROMOTION—SELECTION PROCESS.

WAC 132S-30-046 FACULTY PROMOTION—SCREENING PROCESS.  
WAC 132S-30-048 FACULTY PROMOTION—FINAL LIST OF CANDIDATES.

#### WSR 86-10-034 NOTICE OF PUBLIC MEETINGS FOREST PRACTICES BOARD [Memorandum—May 5, 1986]

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

The Washington Forest Practices Board will hold its rescheduled regular meeting on June 4, 1986, from 7 p.m. until 10 p.m. at the Grays Harbor Community College Music Building, Room 220.

The board will review progress of the proposed rules environmental impact statement, the related economic analysis and other business.

Main access to the college is State Highway 105 west from Aberdeen along the south shore of Grays Harbor. Visitor parking is located in the upper student parking lot on the westside of the campus. The Music Building is located east of the parking lot.

Additional information may be obtained from the Division of Private Forestry and Natural Heritage, 120 East Union Avenue, Room 109, Mailstop EK-12, Olympia, Washington 98504, (206) 753-5315.

#### WSR 86-10-035 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES [Filed May 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

Amd	WAC 296-62-05403	Scope and application.
Amd	WAC 296-62-05405	Definitions applicable to this section.
Amd	WAC 296-62-05407	Hazard determination.
Amd	WAC 296-62-05413	Material safety data sheets.
Amd	WAC 296-62-05415	Employee information and training.
Amd	WAC 296-62-05417	Trade secrets.
Amd	WAC 296-62-05425	Appendix C—Information sources (advisory).
New	WAC 296-62-05427	Appendix D is a legal definition of a trade secret.

Sections are amended to include requirements for the agriculture industry (SIC Codes 01, 02, and 07), new requirements for material safety data sheets, trade secrets and to correct typographical errors.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 22, 1986.

The authority under which these rules are proposed is RCW 49.17.040, 49.17.050 and 49.17.240.

The specific statute these rules are intended to implement is RCW 49.17.220(3), 49.17.060(1), 49.17.240(2) and 49.70.115.

This notice is connected to and continues the matter in Notice Nos. WSR 86-06-051 and 86-10-001 filed with the code reviser's office on March 5, 1986, and April 24, 1986.

Dated: May 5, 1986  
By: Richard A. Davis  
Director

**WSR 86-10-036**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
[Order 197—Filed May 5, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 308-250-010	Scope and purpose of chapter.
New	WAC 308-250-020	Official triplicate prescription forms.
New	WAC 308-250-030	Distribution and retention of the triplicate prescription forms.
New	WAC 308-250-040	Drugs administered or dispensed by the health care practitioner.
New	WAC 308-250-050	Emergency prescriptions.

This action is taken pursuant to Notice No. WSR 86-07-062 filed with the code reviser on March 19, 1986. 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 69.50.311 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 May 1, 1986.

By Theresa Anna Aragon  
Director

**CHAPTER 308-250 WAC**  
**TRIPPLICATE PRESCRIPTION FORM PROGRAM**

NEW SECTION

✓ WAC 308-250-010 SCOPE AND PURPOSE OF CHAPTER. This chapter is intended to implement RCW 69.50.311. The purpose of this chapter is to establish a triplicate prescription program participation which may be imposed by the appropriate disciplinary authority upon licensed health care practitioners with prescription or dispensing authority. Participation in this triplicate prescription program may be required of licensees as a part of disciplinary action or board-supervision of the licensee's practice. The determination as to whether to impose participation in this program upon a licensee shall be within the sole discretion of the disciplinary authority.

NEW SECTION

✓ WAC 308-250-020 OFFICIAL TRIPPLICATE PRESCRIPTION FORMS. Any licensed health care practitioner upon whom participation in the Triplicate Prescription Form Program is imposed shall obtain official triplicate prescription forms from the Washington State Department of Licensing. The practitioner shall pay a fee for these forms that is equal to the cost to the Department of the forms. The official triplicate prescriptions forms shall be utilized by the practitioner with respect to the drug or drugs specified by the disciplinary authority. The official triplicate prescriptions forms utilized in this program will be sequentially numbered. The practitioner shall account for all numbered prescriptions provided to him or her.

NEW SECTION

✓ WAC 308-250-030 DISTRIBUTION AND RETENTION OF THE TRIPPLICATE PRESCRIPTION FORMS. The triplicate prescriptions utilized pursuant to this program shall be retained as follows:

(1) The original prescription shall be provided to the patient unless the drug is dispensed or administered to the patient by the practitioner, or if an emergency prescription is issued. In instances where the drug is dispensed or administered, the provisions of WAC 308-250-040 shall apply. In the case of an emergency prescription, the provisions of WAC 308-250-050 shall apply;

(2) One copy shall be transmitted to the department. These copies shall be transmitted to the department monthly unless otherwise directed by the disciplinary authority;

(3) One copy shall be retained by the health care practitioner and shall be available for inspection by an authorized representative of the department.

(4) Any official triplicate prescription forms improperly completed, damaged or otherwise not utilized shall be accounted for by the practitioner. An explanation and accounting for the forms not properly utilized, along with any improperly completed or damaged triplicate prescriptions forms shall be returned to the department along with the other copies to be submitted pursuant to this rule.

NEW SECTION

✓ WAC 308-250-040 DRUGS ADMINISTERED OR DISPENSED BY THE HEALTH CARE PRACTITIONER. A health care practitioner participating in the triplicate prescription program shall complete a prescription form for all drugs specified by the disciplinary authority. If the drugs are administered or dispensed to the patient, the original shall be transmitted to the department along with the copy as required by WAC 308-250-030.

NEW SECTION

✓ WAC 308-250-050 EMERGENCY PRESCRIPTIONS. In an emergency, unless prohibited by the order of the disciplinary authority, a practitioner participating

in this program may orally prescribe and a pharmacist may dispense a drug specified by the disciplinary authority to be included in the triplicate prescription program. For the purposes of this rule, "emergency" means that the immediate provision of the drug is necessary for proper treatment, that no alternative treatment is available and it is not possible for the practitioner to provide a written prescription for the drug. If such a drug is orally prescribed, the practitioner shall:

- (1) Contemporaneously reduce the prescription to writing;
- (2) Cause the original of the written prescription to be delivered to the pharmacy filling the prescription within 72 hours; and,
- (3) Retain and transmit copies of the prescription as provided in WAC 308-250-030.

**WSR 86-10-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PL 587—Filed May 5, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees, amending WAC 308-12-312.

I, Theresa Anna Aragon, 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 section 13, chapter 37, Laws of 1985, amended chapter 18.08 RCW to authorize the practice of architecture by architects in corporate form. The amended fee schedule is necessary to implement the legislation by setting fees for corporate registration as an architect firm.

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

This rule is promulgated pursuant to RCW 18.08.130 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 April 21, 1986.  
 By Theresa Anna Aragon  
 Director

**AMENDATORY SECTION** (Amending Order PL 425, filed 2/3/83)

**WAC 308-12-312 FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Initial registration	\$ 35.00
Registration renewal	35.00
Late registration renewal penalty	35.00
Certificate replacement	15.00
Examination proctor fee	30.00
Reciprocity registration fee	250.00
Initial examination application	25.00
Retake examination application	20.00
Initial examination all parts	220.00
<u>Corporation Certificate of authority</u> <u>(all registered architects)</u>	<u>250.00</u>
<u>Corporation Certificate of authority</u> <u>(business or stock)</u>	<u>500.00</u>
<u>Corporation Certificate of authority</u> <u>(renewals)</u>	<u>100.00</u>

**EXAM RETAKE**

Division A: Pre-design	33.00
Division B: Site design	33.00
Division C: Building design	55.00
Division D: Structural - General	16.50
Division E: Structural - Lateral forces	12.50
Division F: Structural - Long span	8.50
Division G: Mechanical, plumbing, electrical & safety systems	16.50
Division H: Materials and methods	21.00
Division I: Construction documents and services	24.00

**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 86-10-038**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PL 592—Filed May 5, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to acupuncture, including:

- New WAC 308-180-100 Acupuncture fees.
- New WAC 308-180-120 License renewal registration date and fee.

This action is taken pursuant to Notice No. WSR 86-07-061 filed with the code reviser on March 19, 1986. 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 18.06.160 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 May 1, 1986.

By Theresa Anna Aragon  
Director

NEW SECTION

✓ WAC 308-180-100 ACUPUNCTURE FEES. The following fees shall be charges by the professional licensing division of the department of licensing.

Application/Examination	\$500.00
Re-take Examination	\$500.00
Annual License Renewal	\$500.00
Late Renewal Penalty	\$500.00
Duplication License (Reported to Professional Licensing Division if lost or stolen)	\$ 50.00
License Verification (to other jurisdictions)	\$ 5.00
Acupuncture Training Program Approval Application	\$200.00

NEW SECTION

✓ WAC 308-180-120 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) The annual license renewal date will coincide with the licensee's birth anniversary date.

(2) The original application/examination fee of \$500.00 will include the license fee for one year from the date of issuance and will require a prorated fee based upon \$500.00 to convert the issue date to birth anniversary date. Prorated fees will be submitted on or before the licensee's birth anniversary date following initial licensure.

(3) Licensees who fail to pay the license renewal fee within thirty (30) days of the license expiration date will be subject to the late penalty fee as set forth in RCW 18.06.120 and established in WAC 308-180-100.

**WSR 86-10-039**

**ADOPTED RULES**

**CHIROPRACTIC DISCIPLINARY BOARD**

[Order PL 591—Filed May 5, 1986]

Be it resolved by the Washington State Chiropractic Disciplinary Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

New WAC 113-12-075 Health food store ownership.  
And WAC 113-12-080 Vitamins, minerals and food supplements.

This action is taken pursuant to Notice No. WSR 86-07-057 filed with the code reviser on March 19, 1986. 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 18.26.110 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 April 24, 1986.

By Leslie B. White, D.C.  
Chairman

NEW SECTION

✓ WAC 113-12-075 HEALTH FOOD STORE OWNERSHIP. (1) A chiropractor may own an interest in a retail outlet for the sale of health foods only on the following conditions:

(a) The chiropractor's office(s) or premises are so physically separated from the office(s) or premises of the health food store that patients have a free and untrammelled access and exit to and from the chiropractor's office(s) or premises;

(b) The chiropractor refrains from directly or indirectly or by inference referring, directing, suggesting or inviting a patient to purchase any dietary substance recommended for the normal regimen and rehabilitation of the patient (including vitamins, minerals and food supplements), from any health food store in which the chiropractor owns an interest.

(2) Any chiropractor who fails to abide by the conditions set forth above will be subject to charges of unprofessional conduct for the illegal referral of patients within the meaning of RCW 19.68.030 which prohibits the receipt of compensation for such a referral by licensed chiropractors.

AMENDATORY SECTION (Amending Order PL 497, filed 11/15/84)

✓ WAC 113-12-080 VITAMINS, MINERALS AND FOOD SUPPLEMENTS. (1) No chiropractor shall sell or dispense or permit to be sold or dispensed any vitamins, minerals or food supplements.

(2) Dietary advice may include the recommendation of vitamins, minerals and food supplements as long as they are recommended for the normal regimen of the patient and not for treatment of a specific disease. (~~The normal regimen of the patient shall not include therapeutic levels of vitamins, minerals and food supplements.~~)

(3) The chiropractor shall not receive any direct or indirect profit from the sale of vitamins, minerals and food supplements as provided in chapter 19.68 RCW.

**WSR 86-10-040**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order TL/RG 24—Filed May 5, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to vehicle licenses, chapter 46.16 RCW, amending WAC 308-96A-005,

308-96A-010, 308-96A-015, 308-96A-020, 308-96A-035, 308-96A-040, 308-96A-050, 308-96A-075, 308-96A-100, 308-96A-105, 308-96A-120, 308-96A-135, 308-96A-145, 308-96A-205, 308-96A-210, 308-96A-220, 308-96A-260, 308-96A-275, 308-96A-295 and 308-96A-300 and repealing WAC 308-96A-030, 308-96A-055, 308-96A-060, 308-96A-115, 308-96A-125, 308-96A-130, 308-96A-140, 308-96A-155, 308-96A-160, 308-96A-165, 308-96A-170, 308-96A-200, 308-96A-215, 308-96A-225, 308-96A-230, 308-96A-235, 308-96A-240, 308-96A-265, 308-96A-270, 308-96A-280, 308-96A-285, 308-96A-290 and 308-96A-305.

This action is taken pursuant to Notice No. WSR 86-03-010 filed with the code reviser on January 6, 1986. 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 46.16.135, 46.16.225 and 46.16.490 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 46.01.110.

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 May 1, 1986.

By Theresa Anna Aragon  
Director

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-005 TERMINOLOGY. (1) ~~((“Director” shall mean the director of the department of motor vehicles unless the director of a different agency is named:~~

~~(2) “Department” shall mean the department of motor vehicles unless a different department is specified.~~

~~(3) “The state” shall mean the state of Washington.~~

~~(4)) The terms “licensing” and “registering” are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.~~

~~((5)) (2) The terms “tonnage,” “load license,” “gross weight license,” and “gross weight fees” are used interchangeably and refer to those additional fees and receipts ((therefore)) that are charged owners of motor trucks and truck tractors according to their vehicles’ maximum gross weights.~~

~~((6)) (3) “Capacity fee” is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less.~~

~~((7)) (4) A “prebill” is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.~~

~~((8) The words “staggered licensing” shall mean a system of vehicle licensing wherein vehicle licenses expire at varying times throughout a calendar year.~~

~~(9)) (5) References to “current year” ((shall)) mean the current registration year unless otherwise stated.~~

~~((10) The term “registration year” shall mean the effective period of a vehicle license issued by the department. Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.~~

~~((11)) (6) “Month of expiration” or “expiration month” is the calendar month during which a registration year ends.~~

~~((12)) (7) A “fleet” is a group of ((25)) fifteen vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.~~

~~((13) “Exempt vehicles” are those owned, rented or leased by the state, or by any county, city, town, school district or other political subdivision of the state and used exclusively by them:~~

~~(14) “Federal exempt vehicles” are those owned or leased with an option to purchase by the United States; used exclusively in its service and displaying a license plate issued by the state:~~

~~(15) “International exempt vehicles” are those owned or leased with an option to purchase by the governments of foreign countries or by international bodies to which the United States government is a signatory by treaty and used exclusively in its or their service:))~~

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-010 CERTIFICATE OF REGISTRATION REQUIRED. ~~((1) The certificate of registration must be signed by the registered owner and carried in the vehicle for which it is issued:))~~ The registration certificate ~~((for a trailer may be carried))~~ and gross weight license must be carried in the vehicle for which it is issued, or in the case of a trailer, either in the towing vehicle or in a ((waterproof)) container on the trailer. A Washington dealer issued demonstration permit or employee identification card may be used in lieu of a registration certificate for a vehicle that is part of a dealer's inventory. A photocopy of the registration and/or load license certificate may be carried in a rental ((or commercial)) vehicle in lieu of the registration certificate.

~~((2) The valid certificate of registration or verification thereof for the current year must accompany an application for title except in the case of:~~

- ~~(a) Repossession;~~
- ~~(b) Acquisition by process of law;~~
- ~~(c) Reissue to remove, add or change the name of the secured party;~~
- ~~(d) Duplicate title application; and~~
- ~~(e) Title purpose only title.~~

~~(3) The valid gross weight license or photocopy thereof must be carried in the vehicle for which it is issued or, in the case of a trailer, either in the towing vehicle or in a waterproof container on the trailer:))~~



AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-015 DUPLICATE CERTIFICATE OF REGISTRATION. If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must apply at once for a duplicate. The application must be accompanied by:

(1) An affidavit of loss signed by at least one owner of record. Such signature must be either certified by a Washington vehicle/vessel license agent or notarized; and ((by))

(2) A record of the licensing agent's verification ((with either the county which issued the registration or the records section of the department)) of the vehicle record.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-020 REPLACEMENT PLATES AND VALIDATION TABS. If a current year's license plate or plates and/or validation tab or tabs are lost, stolen, destroyed or mutilated, the registered owner must apply for replacements in accordance with RCW 46.16.270. ((The same procedures shall be followed when tabs have been applied to the wrong vehicle plates:)) Mutilated plates or tabs or the remaining plate ((or tab)) of a pair shall be surrendered at the time of application for replacements. When tabs have been affixed to the wrong vehicle, the registered owner must apply for replacements in accordance with RCW 46.16.270.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-035 MANUAL RENEWAL. (1) ((If the prebill is used for a renewal and there are no errors, no separate application need be filled out.)) If errors exist on the prebill or if the registered owner wishes to change "class," "tonnage," etc., or if a prebill was not received, application shall be made on a manual form furnished by the department.

(2) ((When the last issued certificate of registration without a prebill is used for renewal, application shall be made on a form supplied by the department, and)) The applicant ((shall)) must satisfy the licensing agent as to his/her identity by at least ((two)) one of the following:

- (a) A valid Washington state driver's license;
- (b) A valid Washington state identicaid;
- (c) A photo identification card;

Or in the event the above are not available, two of the following:

A nationally or regionally known credit card containing the signature ((and/or photograph)) of the applicant;

((d)) An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature ((and/or photograph)) of the applicant;

((e)) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or

((f)) Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

(3) Nothing in this regulation shall be construed as prohibiting a member of the immediate family of the registered owner to effect such manual renewal, if he/she is able to prove his/her identity and relationship to the registered owner.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-040 MONTHLY ABATEMENT OF EXCISE TAX. Vehicles being licensed in Washington ((for the first time)) and assigned a registration year ((with eleven months or less remaining in that registration year)) of more than twelve months shall have the annual excise tax ((reduced)) increased by ((+12)) one-twelfth for each full month of the registration year which ((has passed by the date when the vehicle is licensed in Washington or granted a Washington dealer temporary permit or a department temporary permit)) extends beyond the normal twelve-month registration year. Vehicles assigned a registration year of less than twelve months shall have the annual excise tax decreased by one-twelfth for each full month of the registration year by which the normal twelve-month registration year would exceed the assigned expiration. The normal twelve-month registration period, when first established, will begin with the month in which:

(1) The dealer indicates the vehicle was sold, if the application is made on a Washington dealer temporary permit or on an application for title; or

(2) The vehicle was sold as indicated by the seller's release date on the title or, in lieu thereof, on a bill of sale.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-050 MEMBERS OF THE ARMED FORCES—EXCISE TAX EXEMPTION FOR NONRESIDENTS. (1) Military personnel stationed in Washington ((on extended active duty)) may operate their personal vehicles with the current license plates of their "official home of record" or with current Washington plates. Military personnel are not required to pay Washington excise tax ((unless Washington is)) if their official home of record ((or they have registered to vote in Washington)) is not Washington. A properly completed "Nonresident military affidavit" on a form supplied by the department must be submitted with ((each)) the original application for the excise tax exemption. Each subsequent renewal of license for such a vehicle must be accompanied by proof of the continued nonresident military status, such as, but not limited to, an active military identification card, for the excise tax exemption. Washington residents in the military are not exempt from excise tax.

(2) The spouse of a nonresident military person who is stationed away from his or her home state has the same licensing privilege as a nonresident military person stationed in Washington as long as the vehicle is registered to the military person or to the military person and spouse, regardless of the spouse's employment or residence.

(3) If the nonresident military person sells the vehicle, the new owner ~~((is)) does not become liable for the payment of excise tax and license fees ((for a new registration year that will begin with the date of delivery of the vehicle to the new owner))~~ until expiration of the current registration.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-075 ANTIQUE CARS—USE LIMITATIONS. Vehicles with horseless carriage or restored vehicle plates are permitted to operate over and along the public highways of the state of Washington only under the following conditions:

(1) To drive to and from meetings of organizations whose members are owners of vehicles more than thirty years old;

(2) To drive to, from and during organized community events which are featuring horseless carriages or restored vehicles;

(3) To drive for the purpose of testing the vehicle or driving others for pleasure without compensation (~~PROVIDED, That no vehicle manufactured after 1931 may be operated more than ten miles from the place where it is stored when being operated pursuant to this subsection~~).

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-100 LICENSING ACCORDING TO USE INSTEAD OF VEHICLE TYPE. Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals ~~((must))~~ for commercial purposes may be licensed as trucks. Tonnage licenses must be purchased and other required fees paid.

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) ~~((Empty scale weight is less than 5,000 pounds according to the certified weight slip;~~

(b)) Seats have been permanently installed in or in place of the bed of the truck,

~~((c) Seat belts have been installed in the front seat;~~  
(d)) (b) The vehicle has been inspected and approved for this change of class by an authorized member of the state patrol((;

(e) ~~The truck schedule is used to determine excise tax;~~  
and

(f) ~~Truck license plates have been surrendered~~)).

(3) Vehicles ~~((classed as trucks by their manufacturers but designed to facilitate passenger use))~~ which are

not readily identified as either passenger cars or trucks, such as jeeps, blazers and Broncos, may be licensed either as passenger or ~~((commercial))~~ truck vehicles depending on their use. ~~((The excise tax will be taken from the truck schedule.~~

(4) ~~Station wagons may be licensed as passenger cars, trucks, private buses, stages, or for-hire vehicles, depending on use. Excise tax must be taken from the passenger schedules.~~

(5) ~~A jeep or similar vehicle may be licensed as a passenger car or a commercial vehicle depending upon its use.)~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-105 MOTOR HOMES. (1) A motor home ~~((must))~~ will normally be licensed with passenger plates. Facilities for human habitation referred to in the definition of a motor home shall mean the permanent installation of at least a stove, a bed, or a sink. The installation must be within an area covered by a waterproof roof and sides, all of which are constructed from rigid material.

(2) When a vehicle is reconstructed or converted to a motor home, the applicant must obtain a state patrol inspection. The inspector will confirm the permanent installation of at least a stove, a bed, or a sink and will confirm the rigid roof and sides. It is not necessary to confirm the permanency of installation of a former slide-in camper. It is the owner's responsibility to ~~((kept))~~ keep the camper installed whenever the unit is operated under passenger plates.

~~((3) Vehicles that are not listed in the excise tax schedule must be appraised by a county assessor to establish the basis for determining excise tax.))~~

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-120 CAMPERS. Campers may be licensed separately from ~~((the commercially))~~ licensed trucks which carry them, or the whole unit may be licensed as a motor home with passenger plates, provided that the truck is not used with the camper detached. When the truck and camper are licensed separately, the weight of the camper shall not be included as a part of the gross weight of the vehicle.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-135 FIXED LOAD VEHICLES.

(1) Vehicles designed primarily for highway use with permanently attached structures such as well-drilling machinery, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, specialized underwater exploration support equipment or similar machine or structure may be licensed as fixed load vehicles. ~~((Fixed load vehicles must for excise tax purposes. The county assessor's certificate of appraisal must be attached to the application for license.))~~  
If the vehicle carries ~~((weight or commodities))~~ lading in

addition to this fixed load, it must be licensed for the total gross weight, ((including the weight of the structure)) and not as a fixed load.

(2) Owners of vehicles designed primarily for off highway use and taxed as personal property are not required to pay excise taxes but must pay all other applicable fees when applying for a license or permit.

(3) A vehicle carrying a variable load such as a concrete mixer of the "ready mix" type, in which the concrete is mixed while the vehicle is making delivery, may not be licensed as a fixed load.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-145 CAB AND CHASSIS. A truck may be licensed as a cab and chassis. When the body or special equipment has been installed, the owner must apply for a reissue of title and registration to show the new series and body type. ((An inspection slip)) Proof of ownership, a new weight slip and additional excise tax covering the additional value of the vehicle must accompany the application.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-205 INCREASING TONNAGE. (1) A vehicle owner may increase or decrease tonnage for the remainder of the registration year or, if the vehicle is eligible for ((quarterly)) monthly tonnage, for ((one quarter only)) any number of consecutive months within the registration year.

(2) An applicant who wishes to increase or decrease the tonnage must surrender the current tonnage license ((or duplicate copy thereof)) to receive credit.

(3) If the tonnage license has been lost, ((an application for a duplicate)) the license agent's verification of tonnage and an affidavit of loss must accompany the application for increased tonnage to receive credit. ((The application for duplicate license must be filed with the agent who issued the original tonnage license or verified with that agent or the department in Olympia.))

(4) Credit ((for fees already paid will be based on the fee that has been paid for the original gross weight for the remainder of the year or quarter)) is the dollar amount remaining when the value of the expired portion of current tonnage is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for tonnage currently being issued. Any unused credit shown on the tonnage license may be applied toward purchase of future tonnage by surrender of the document.

(5) ((When the owner of an annual license is increasing the tonnage for one quarter only, the original license must still accompany the application. When the quarterly tonnage license expires, the owner may purchase another quarterly tonnage license or a tonnage license for the balance of the year. Any unused credit showing on the quarterly tonnage license will be applied to such license.

((6)) A tonnage license cannot be transferred from one vehicle to another vehicle owned by the same owner

in order to place additional tonnage on the second vehicle. An exception is made for a separate trailer tonnage license. The owner may transfer all of the trailer tonnage as an addition to tonnage on a towing unit, but this tonnage cannot then be retransferred to the trailer.

(6) When increasing tonnage, the value of the expired portion of current tonnage will be the value of all months used, not including the current month.

(7) When decreasing tonnage, the value of the expired portion of current tonnage will be the value of all months used including the current month.

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-210 TRANSFER OF TONNAGE LICENSE—NO REFUNDS ((OR RETENTION)).

(1) Tonnage licenses may be transferred from a former owner to a new owner and from a vehicle to a replacement vehicle.

(2) No refunds are given for a tonnage license or any portion of one not transferred.

((3) When transferring a tonnage license, the full amount must be used or is deemed to be used. An owner cannot transfer part of a tonnage license and retain the balance for possible future use.))

AMENDATORY SECTION (Amending Order MV-328, filed 7/24/75)

✓ WAC 308-96A-220 TRANSFER OF TONNAGE LICENSE—TO REPLACEMENT VEHICLE. (1) The tonnage or capacity license may be transferred to a replacement vehicle using a different fuel or of a different class.

(2) Tonnage may be transferred from one vehicle to two or more vehicles or from two or more vehicles to one vehicle if the latter are in fact obtained to replace the former.

(3) Tonnage may be transferred to a replacement vehicle from a presently licensed, but out-of-commission vehicle belonging to or being purchased by the same registered owner. If the inoperable vehicle without tonnage is returned to service, new tonnage must be purchased.

(4) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner; or

(b) A vehicle purchased for replacement which has either not been previously licensed or has had its tonnage license retained by its original owner ((or

(c) A vehicle purchased for replacement which has been previously licensed and has had its tonnage license released by its previous owner)).

(5) ((The tonnage or capacity license for a vehicle which is sold, destroyed or reclassified so that it no longer requires tonnage may be retained by the owner for transfer to a replacement vehicle obtained during the effective period of the current tonnage license.)) A person may transfer tonnage from one vehicle to a replacement which the person owns in circumstances which

include, but are not limited to, the following where a vehicle is:

- (a) Sold and the tonnage retained rather than given to the purchaser;
- (b) Destroyed;
- (c) Inoperative;
- (d) Reclassified so tonnage is no longer required;
- (e) Transferred to another state and registered there;
- (f) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or
- (g) Stolen.

(6) When transferring tonnage, only the dollar amount previously paid for the gross weight for unexpired months is considered. This dollar amount is then applied as a credit against fees to be charged for the gross weight license of the vehicle to which the tonnage is being transferred. If the amount due is less than the amount being transferred, the surplus is carried on the tonnage document as a credit due to be applied to a future tonnage purchase.

AMENDATORY SECTION (Amending Order DLR-09), filed 3/26/86)

✓ WAC 308-96A-260 STAGGERED LICENSING—ASSIGNMENT OF REGISTRATION YEAR FIRST TIME LICENSED. Vehicles licensed for the first time in this state (~~(after January 1, 1977;)~~) will have (~~(registration years)~~) expiration dates assigned as follows:

(1) Fleet vehicles(~~(;)~~) and prorated vehicles(~~(; vehicles that are eligible for and whose owners desire to purchase quarterly or monthly tonnage including trailers to be towed by such vehicles, and federal and international exempt vehicles)~~) will have a registration year (~~(beginning with January 1 of the year during which the vehicle is first registered and)~~) ending (~~(at midnight of)~~) December 31 (~~(of that same year)~~).

(2) For hire vehicles will have a registration year (~~(beginning with July 1 of the current year and)~~) ending (~~(at midnight of)~~) June 30 (~~(of the next succeeding calendar year)~~).

(3) Snowmobiles will have a registration year (~~(beginning with October 1 and)~~) ending (~~(at midnight)~~) September 30 (~~(of the next succeeding calendar year)~~).

(4) Exempt vehicles (~~(and vehicles issued horseless carriage or restored vehicle plates)~~) are not required to have their licenses renewed so will not have (~~(a registration year)~~) an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt (~~(and to international exempt)~~) vehicles.

(5) All other vehicles, including those issued amateur radio operator plates, personalized plates, and (~~(ATV)~~) ORV use permits will have a registration year beginning at 12:01 a.m. on the first day (~~(that)~~) of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the same date of the next succeeding year (~~(PROVIDED, That)~~), except that if the vehicle has been leased for thirteen months, the first registration year may be for thirteen months, beginning at 12:01 a.m. on

the first day of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the first day of the following month of the next succeeding year.

(6) A license purchased on February 29 will have (~~(a renewal)~~) an expiration date of February 28.

(~~((6))~~) (7) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-275 STAGGERED LICENSING—RENEWAL AFTER FIRST BILLING. Regardless of the number of months for which a vehicle is first billed, all subsequent renewals will be for a period of twelve months beginning with the expiration date of the previous license. Providing that those vehicles which, by being added to a fleet, or due to a change in use class, are required to have specific expiration dates, shall have the excise tax, basic fee and tonnage fees charged for anywhere from one to eighteen months as needed to achieve the desired expiration.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-295 (~~((QUARTERLY—TONNAGE—))~~) DISPLAY OF TABS. The department shall issue license plates, tabs, or emblems to identify the year of expiration and the month of expiration. They may be displayed as soon as they are purchased. They must be displayed from the day of the expiration of the preceding registration year. If tabs are issued, they shall be displayed on the rear license plate in the following manner:

(1) Motorcycle and camper plates shall (~~(have the tabs displayed)~~) display the year tab in the upper right corner and the month tab directly below the year tab.

(2) Plates with the state identification at the bottom of the plate shall (~~(shall)~~) have the month tab displayed in the lower left corner and the year tab in the lower right corner.

(3) Plates with the state identification at the top of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

✓ WAC 308-96A-300 (~~((QUARTERLY—TONNAGE—))~~) CHANGING ASSIGNED REGISTRATION YEAR. (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. (~~(The owner of)~~) A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned dating from the date of the renewal application.

(2) ((Notwithstanding any other regulation, beginning July 1, 1977, the department, at its discretion may extend or diminish the registration period for any vehicle if the owner of 5 or more registered vehicles requests that the registration period be the same for all vehicles: PROVIDED, That such extension or diminishment will not contribute to an imbalance of vehicles falling due within a given month.)) A vehicle license that has been expired for more than thirty days and is renewed with a different registered owner will have a new registration year assigned to the vehicle dating from the date of the renewal application.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- ✓ WAC 308-96A-030 ANNUAL LICENSE RENEWAL—RENEWAL BY MAIL.
- ✓ WAC 308-96A-055 NONRESIDENT MILITARY TEMPORARY LICENSE.
- ✓ WAC 308-96A-060 LICENSE PLATES NOT TRANSFERRABLE—EXCEPTIONS.
- ✓ WAC 308-96A-115 PERSONAL USE TRAILERS.
- ✓ WAC 308-96A-125 "DRIVE YOURSELF" OR "U-DRIVE" VEHICLES.
- ✓ WAC 308-96A-130 HEARSEs AND AMBULANCES.
- ✓ WAC 308-96A-140 SPECIAL CONSTRUCTION EQUIPMENT.
- ✓ WAC 308-96A-155 CHANGE OF CLASS.
- ✓ WAC 308-96A-160 CHANGE OF CLASS—SALE OF EXEMPT VEHICLE.
- ✓ WAC 308-96A-165 CHANGE OF CLASS—PURCHASE OF PREVIOUSLY NONEXEMPT VEHICLE BY STATE, COUNTY, OR CITY DEPARTMENT.
- ✓ WAC 308-96A-170 CHANGE OF CLASS—EXEMPT AGENCIES RETURNING LEASED VEHICLES.
- ✓ WAC 308-96A-200 COMPUTING CAPACITY FEE.
- ✓ WAC 308-96A-215 TRANSFER OF TONNAGE LICENSE—FROM PERSON TO PERSON.
- ✓ WAC 308-96A-225 TRANSFER OF TONNAGE LICENSE—TO A FARMER.
- ✓ WAC 308-96A-230 TRANSFER OF TONNAGE LICENSE—FROM A FARMER.
- ✓ WAC 308-96A-235 TRANSFER OF TONNAGE LICENSE—INVOLUNTARY TRANSFER.
- ✓ WAC 308-96A-240 TRANSFER OF TONNAGE LICENSE—VEHICLE TRANSFERRED TO ANOTHER STATE.
- ✓ WAC 308-96A-265 STAGGERED LICENSING—CONVERSION OF VEHICLES CURRENTLY LICENSED.
- ✓ WAC 308-96A-270 STAGGERED LICENSING—BILLING FOR OTHER THAN 12 MONTHS.
- ✓ WAC 308-96A-280 STAGGERED LICENSING—EXCISE TAX COMPUTATION.
- ✓ WAC 308-96A-285 QUARTERLY TONNAGE.

- ✓ WAC 308-96A-290 QUARTERLY TONNAGE—REFUNDS EXCESS OF TWELVE MONTHS.
- ✓ WAC 308-96A-305 QUARTERLY TONNAGE—DESTROYED VEHICLES REBUILT.

**WSR 86-10-041**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[April 30, 1986]

IN THE MATTER OF THE ADOPTION NO. 25700-A-380  
OF THE AMENDMENTS TO JTIR 6.2(a) ORDER

The Court, having considered the recommendation of the District and Municipal Court Judges' Association to the proposed amendments to JTIR 6.2(a), and having determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(g) and (i), the amendments shall be effective May 1, 1986.

DATED at Olympia, Washington this 30th day of April, 1986.

	James M. Dolliver
Robert F. Utter	Andersen, J.
Robert F. Brachtenbach	Keith M. Callow
Fred H. Dore	Wm. C. Goodloe
Vernon R. Pearson	

**PROPOSED AMENDMENT TO JTIR 6.2**  
**(Monetary Penalty Schedule)**

Rule 6.2(a)

(a) Effect of Schedule. The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a lesser amount which produces the next lowest even dollar total.

**WSR 86-10-042**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed May 6, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory section WAC 230-08-100;

that the agency will at 10:00 a.m., Thursday, June 12, 1986, in the Tyee Motor Inn, 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 9.46.070 (7), (8) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 12, 1986.

Dated: May 6, 1986  
By: Ronald O. Bailey  
Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory section WAC 230-08-100 Political contributions of licensees to be reported.

Description of Purpose: To increase the minimum dollar amount which is exempt from the reporting requirement.

Statutory Authority: RCW 9.46.070 (7), (8) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-08-100, to increase the minimum dollar amount which is exempt from the reporting requirement.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm; and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment.

Agency Comments: The agency believes the proposed rule is self-explanatory and needs no further comment.

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

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of this amendment.

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

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

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

These reports shall be filed in the office of the commission (~~within ten calendar days after each gift or contribution is made, or if the gift or contribution is made within three weeks prior to any election of the candidate for public office or the balloting on any legislative or referendum or other ballot issue for or to which the gift or contribution is made, then the report shall be filed within three days after each gift or contribution is made~~) by notation on the next quarterly activity report

filed, and by attaching all details concerning each gift or contribution to the report: PROVIDED, That any licensee not required to submit quarterly activity reports shall provide this information to the commission, in writing, no later than 90 days following each gift or contribution.

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

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

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

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

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

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

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

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

WSR 86-10-043  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed May 6, 1986]

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 requirements for low-level radioactive waste generators and brokers, and disposal site operator;

that the agency will at 2:00 p.m., Tuesday, June 10, 1986, in Room 153, Abbot Raphael Hall, St. Martin's Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 17, 1986.

The authority under which these rules are proposed is RCW 43.200.070.

The specific statute these rules are intended to implement is section 4, chapter 2, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 17, 1986.

Dated: May 5, 1986  
By: Phillip C. Johnson  
Deputy Director, Programs

### STATEMENT OF PURPOSE

**Title:** Requirements for low-level radioactive waste generators and brokers, and disposal site operator.

**Description of Purpose:** To implement section 4, chapter 2, Laws of 1986, which implements the federal Low-Level Radioactive Waste Policy Amendments Act of 1985.

**Statutory Authority:** RCW 43.200.070.

**Summary of Rule:** Rule imposes (1) a surcharge on low-level radioactive waste originating outside the northwest compact region, (2) information requirements on waste brokers and (3) information and compliance oversight requirements of the site operator.

**Reasons Supporting Proposed Action:** Necessary to implement state (SB 4876) and federal (PL 99-240) laws.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Elaine Carlin, 5826 Pacific Avenue, Lacey, 459-6244.

**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:** PL 99-240.

**Small Business Economic Impact Statement:** Not applicable.

#### NEW SECTION

WAC 173-325-010 **PURPOSE.** The purpose of this chapter is to implement chapter 2, section 4, laws of 1986, which implements the federal low-level radioactive waste policy amendments act of 1985.

#### NEW SECTION

WAC 173-325-020 **DEFINITIONS.** (1) "Site" means the commercial low-level radioactive waste disposal site located near Richland, Washington.

(2) "Low-level radioactive waste" is defined in Public Law 99-240.

(3) "Northwest Compact Region" means the states of Washington, Oregon, Idaho, Utah, Montana, Alaska, and Hawaii.

(4) "Department" means the Department of Ecology.

(5) "P.L. 99-240" means the federal low-level radioactive waste policy amendments act of 1985, 99 Stat. 1842.

#### NEW SECTION

WAC 173-325-030 **REQUIREMENTS FOR GENERATORS AND BROKERS.** (1) Any generator or broker shipping waste which originated outside the Northwest Compact Region for disposal at the site shall pay to the state of Washington a surcharge as follows:

(a) From March 1, 1986 through December 31, 1987, \$10 per cubic foot of waste.

(b) From January 1, 1988 through December 31, 1989, \$20 per cubic foot of waste.

(c) From January 1, 1990, through December 31, 1992, \$40 per cubic foot of waste.

(2) In addition, the Department may impose penalty surcharges up to the maximum extent allowed by P.L. 99-240.

(3) Surcharge payments must be mailed or electronically transferred no later than the day the respective waste shipment leaves the state of origin. In the lower left hand corner of the check, the valid site use permit number and shipment manifest number must be recorded. For electronic transfers, the valid site use permit number, and shipment manifest number, followed by the name of the facility (limited to 35 characters) must be transmitted at the time of the transfer. A copy of the face of the check, or of the receipt for wire transfer must be attached to the shipping manifest when the shipment arrives at the disposal site.

(4) Surcharge payment may be made by a check payable to the State of Washington or by electronic transfer. Checks should be mailed to:

"Pre-notification"  
Cashier  
Fiscal Office  
Department of Ecology  
St. Martin's Campus  
Mail Stop PV-11  
Olympia, WA 98504

Electronic transfers (telegraphic abbreviation RAINIER SEA if needed) should be directed to:

Robert S. O'Brien, State Treasurer  
Concentration Account  
Rainier National Bank  
Olympia Branch  
Account #0041399260

(5) Brokers are required to attach to the shipping manifest a tabulated list of those generators whose waste is being shipped. The tabulated list must include the following information in the format specified:

Date of Shipment: \_\_\_\_\_

Valid Site Use Permit #	Generator	State	Compact Region	Volume	Surcharge
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Prenotification forms (#A-1 and #B-1) are no longer required.

(6) Violation of any of these requirements may result in revocation of a generator's or broker's Washington State site use permit. Upon revocation of a site use permit, subsequent reissuance may be conditioned upon agreement to comply with appropriate conditions, such as a condition that surcharge payments be made by certified or cashier check, and be received in advance, and a condition that the state of Washington be provided specific information at least three days prior to shipment.

#### NEW SECTION

WAC 173-325-040 **REQUIREMENTS FOR SITE OPERATOR.** (1) For each waste shipment for which a surcharge is due (as required by WAC 173-325-030 (1)-(2)), arriving at the facility, obtain a copy of the surcharge payment check or receipt of electronic wire transfer before receiving the waste shipment for disposal.

(2) For each waste shipment of a broker arriving at the facility, obtain the written information required by WAC 173-325-030(5) before receiving the waste shipment for disposal.

(3) Provide to the Washington State Department of Ecology information on each waste shipment received for disposal at the facility, as requested by the Department.

#### NEW SECTION

WAC 173-325-050 **EFFECTIVE DATES.** This chapter shall take effect April 21, 1986, (1) except the requirements in WAC 173-325-030 (1)-(2) which took effect March 1, 1986, and (2) WAC 173-325-040(3) which takes effect immediately.

**WSR 86-10-044**

**ADOPTED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Order 86-24—Filed May 6, 1986]

I, R. A. Davis, 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 following new sections are proposed for chapter 296-52 WAC, possession, handling and use of explosives:

- New WAC 296-52-401 Scope and application.
- New WAC 296-52-405 Incorporation of standards of national organizations and federal agencies.
- New WAC 296-52-409 Variance and procedure.
- New WAC 296-52-413 Equipment approval by nonstate agency or organization.
- New WAC 296-52-417 Definitions.
- New WAC 296-52-421 Licenses—Information verification.
- New WAC 296-52-425 Dealer's license.
- New WAC 296-52-429 License for manufacturing.
- New WAC 296-52-433 Purchaser's license.
- New WAC 296-52-437 User's (blaster's) license.
- New WAC 296-52-441 Storage magazine license.
- New WAC 296-52-445 Annual inspection.
- New WAC 296-52-449 Storage magazine license fees.
- New WAC 296-52-453 Construction of magazines.
- New WAC 296-52-457 Storage of caps with other explosives prohibited.
- New WAC 296-52-461 Storage of explosives.
- New WAC 296-52-465 Storage of ammonium nitrate.
- New WAC 296-52-469 Storage of blasting agents and supplies.
- New WAC 296-52-473 Quantity and distance tables for storage.
- New WAC 296-52-477 Quantity and distance tables for separation between magazines.
- New WAC 296-52-481 Blasting agents.
- New WAC 296-52-485 Quantity and distance tables for manufacturing buildings.
- New WAC 296-52-489 Transportation.
- New WAC 296-52-493 Use of explosives and blasting agents.
- New WAC 296-52-497 Blasting agents.
- New WAC 296-52-501 Water gel (slurry) explosives and blasting agents.
- New WAC 296-52-505 Coal mining code unaffected.
- New WAC 296-52-509 Small arms ammunition, primers, propellants and black powder.

The following sections of the Washington Administrative Code are repealed:

- Rep WAC 296-52-010 Introduction.
- Rep WAC 296-52-012 Incorporation of standards of national organizations and federal agencies.
- Rep WAC 296-52-020 Purpose.
- Rep WAC 296-52-025 Variance and procedure.
- Rep WAC 296-52-027 Equipment approval by nonstate agency or organization.
- Rep WAC 296-52-030 Definitions.
- Rep WAC 296-52-040 User's (blaster's) license.
- Rep WAC 296-52-043 Use of explosives and blasting agents.
- Rep WAC 296-52-050 Transportation.
- Rep WAC 296-52-060 More stringent ordinances prevail.
- Rep WAC 296-52-080 Temporary permit for existing storage facilities.
- Rep WAC 296-52-090 Construction of magazines.
- Rep WAC 296-52-100 Quantity and distance tables for storage.
- Rep WAC 296-52-110 Limit on storage quantity.
- Rep WAC 296-52-120 Quantity and distance tables for factory buildings.
- Rep WAC 296-52-140 Quantity and distance table for separation between magazines.
- Rep WAC 296-52-150 Storage of blasting caps with other explosives prohibited.
- Rep WAC 296-52-160 License for manufacturing.

- Rep WAC 296-52-165 Blasting agents.
- Rep WAC 296-52-167 Water gel (slurry) explosives and blasting agents.
- Rep WAC 296-52-170 Storage magazine license.
- Rep WAC 296-52-180 Storage magazine license fees.
- Rep WAC 296-52-190 Dealer's license.
- Rep WAC 296-52-200 Annual inspection.
- Rep WAC 296-52-220 Purchaser's license.
- Rep WAC 296-52-230 Unlawful access to explosives.
- Rep WAC 296-52-260 Coal mining code unaffected.
- Rep WAC 296-52-270 Shipments out-of-state.
- Rep WAC 296-52-330 Explosives containers to be marked—Penalty.
- Rep WAC 296-52-350 Small arms ammunition, primers, and propellants—Transportation regulations.
- Rep WAC 296-52-360 Small arms ammunition, primers, and propellants—Separation from flammable materials.
- Rep WAC 296-52-370 Small arms ammunition, primers, and propellants—Smokeless propellants and black powder, transportation, storage and display requirements.
- Rep WAC 296-52-380 Small arms ammunition, primers, and propellants—Small arms ammunition primers, transportation, storage, and display requirements.
- Rep WAC 296-52-390 Storage of ammonium nitrate.
- Rep WAC 296-52-400 Enforcement.

This action is taken pursuant to Notice No. WSR 86-05-026 filed with the code reviser on February 19, 1986. 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 49.17.040 and 49.17.050 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 May 6, 1986.**

By R. A. Davis  
 Director

**NEW SECTION**

✓ WAC 296-52-401 **SCOPE AND APPLICATION.** The subject code shall apply to all persons in the state of Washington and shall be known as the "Safety standards for the possession and handling of explosives," hereinafter called the "Explosives Code." The department of labor and industries, through the division of industrial safety and health, shall enforce the entire code, particularly all items affecting persons covered under Title 51 RCW, the transportation and storage of explosives not exempted under RCW 70.74.191, and the licensing required under this code.

Other law enforcement agencies, city, municipal, county, Washington state, other states and federal are obliged, under their own laws, codes, and ordinances, to enforce specific aspects of the possession and handling of explosives (RCW 70.74.201).

The division of industrial safety and health shall cooperate with all other law enforcement agencies in carrying out the intent of the Explosives Code and the Explosives Act.



NEW SECTION

✓ WAC 296-52-405 INCORPORATION OF STANDARDS OF NATIONAL ORGANIZATIONS AND FEDERAL AGENCIES. (1) Whenever a provision of this chapter incorporates by reference a national code or portion thereof which has been adopted by and is currently administered by another state agency, compliance with those provisions adopted and administered by such other state agency, if from a more recent edition of such national code, will be deemed to be prima facie evidence of compliance with the provisions of this chapter.

(2) Whenever a provision of this chapter incorporates therein provisions of the Code of Federal Regulations (CFR) or any other regulations adopted by an agency of the federal government, that provision of this chapter shall be construed to mean that compliance with such regulations shall be prima facie evidence of compliance with the provisions of this chapter.

(3) Whenever a provision of this chapter incorporates therein provisions of the Code of Federal Regulations, the provisions so incorporated shall be those in effect on the date of effectiveness of this chapter, unless the content of the incorporating section specifies otherwise.

NEW SECTION

✓ WAC 296-52-409 VARIANCE AND PROCEDURE. Realizing that conditions may exist in operations under which certain state standards will not have practical application, the director of the department of labor and industries or his authorized representative may, pursuant to this section, RCW 49.17.080 and/or 49.17.090 and appropriate administrative rules of this state and the department of labor and industries and upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when other means of providing an equivalent measure of protection are afforded. Such variation granted shall be limited to the particular case or cases covered in the application for variance and may be revoked for cause. The permit for variance shall be conspicuously posted on the premises and shall remain posted during the time it is in effect. All requests for variances from safety and health standards included in this or any other chapter of Title 296 WAC, shall be made in writing to the director of the department of labor and industries at Olympia, Washington, or his duly authorized representative, the assistant director, division of industrial safety and health, department of labor and industries, Olympia, Washington. Variance application forms may be obtained from the department upon request.

NEW SECTION

✓ WAC 296-52-413 EQUIPMENT APPROVAL BY NONSTATE AGENCY OR ORGANIZATION. Whenever a provision of this chapter states that only that equipment or those processes approved by an agency or organization other than the department of labor and industries, such as the Underwriters Laboratories or the Bureau of Mines, shall be construed to mean that

approval of such equipment or process by the designated agency or group shall be prima facie evidence of compliance with the provision of this chapter.

NEW SECTION

✓ WAC 296-52-417 DEFINITIONS. Definitions as used in this chapter, unless a different meaning is plainly required by the context:

(1) "Attend" means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert and not engaged in activities which may divert his attention so that in case of an emergency he can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(2) "Authorized," "approved" or "approval" means authorized, approved, or approval by the department of labor and industries or other approving agency or individual as specified by the provisions of this chapter.

(3) "Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

(4) "Blast area" means the area of a blast within the influence of flying rock missiles, gases, and concussion.

(5) "Blast pattern" means the plan of the drill holes laid out on a bench; an expression of the burden distance and the spacing distance and their relationship to each other.

(6) "Blast site" means the area where explosive material is handled during loading, including the perimeter of blast holes and 50 feet in all directions from loaded holes or holes to be loaded. In underground mines 15 feet of solid rib or pillar can be substituted for the 50 foot distance.

(7) "Blaster" means that qualified person in charge of and responsible for the loading and firing of a blast.

(8) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(9) "Day box" means a box which is not approved as a magazine for unattended storage of explosives. Such box may be used for storage of explosives during working hours on a job site, provided that it shall always be guarded against theft, particularly in inhabited areas, and shall be attended or locked and secured against outright lifting, as the risk demands. Caps shall be safely separated from other explosives. Such day boxes shall be marked with the word "explosives."

(10) "Dealer" means any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(11) "Department" means the department of labor and industries.

(12) "Detonating cord" means a round, flexible cord containing a center core of high explosive and used to initiate other explosives.

(13) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires.

(14) "Director" means the director of the department of labor and industries, or his designated representative.

(15) "Division" means the division of industrial safety and health of the department.

(16) "Efficient artificial barricade" means an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(17) "Explosive" or "explosives" whenever used in this chapter means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the federal Department of Transportation: PROVIDED, That for the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives: PROVIDED, That such black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. Classification of explosives shall include but not be limited to the following:

NOTE: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR, Parts 100-199) (1984):

- (a) Class A explosives: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.
- (b) Class B explosives: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.
- (c) Class C explosives: (Including certain types of manufactured articles which contain Class

A or Class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(18) "Explosive-actuated power devices" means any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(19) "Explosives manufacturing building" means any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(20) "Explosives manufacturing plant" means all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(21) "Factory building" means the same as "manufacturing building."

(22) "Forbidden or not acceptable explosives" means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

(23) "Fuel" means a substance which may react with oxygen to produce combustion.

(24) "Fuse cap (fuse detonator)" means a detonator which is initiated by a safety fuse; also referred to as an ordinary blasting cap.

(25) "Fuse (safety)" means a flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a fuse detonator.

(26) "Handler" means any person/individual who handles explosives for purposes of transporting, moving, or assisting a licensed user (blaster) in loading, firing, blasting, or disposing of explosives and blasting agents. This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers or contract haulers.

(27) "Handloader" means any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(28) "Handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(29) "Highway" means any public street, public alley, or public road.

(30) "Inhabited building" means only a building regularly occupied in whole or in part as a habitation for

human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

The magazine for indoor storage is not required to be a cubic yard in size as long as it is constructed as stated in WAC 296-52-090(3).

The interpretation of an uninhabited building as defined by the "Bureau of Alcohol, Tobacco, and Firearms" Department of the Treasury, which is the federal regulatory agency of explosives, allows 50 pounds of high explosives or 5,000 caps in a warehouse, wholesale, or retail establishments. It also states: "No indoor facilities for storage of high explosive shall be located in a residence or dwelling."

We only allow 1,000 caps, which is computed to 1-1/2 pounds of explosives and is much less than the Bureau of Alcohol, Tobacco, and Firearms allows. Therefore, the department will allow indoor storage to include shops and maintenance buildings.

(31) "Magazine" means any building, structure or container, other than an explosive manufacturing building, approved for the storage of explosive materials.

(32) "Manufacturer" means any person engaged in the business of manufacturing explosive materials for purposes of sale, distribution, or use.

(33) "Motor vehicle" means any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

(34) "Mudcap" means covering the required number of cartridges that have been laid on top of a boulder with a three or four inch layer of mud (free from rocks or other material which might constitute a missile hazard). Mudcapping is also commonly known as "bulldozing" and "dobyng."

(35) "Natural barricade" means any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(36) "Oxidizer" means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(37) "Permanent magazines" means magazines that are permanently fastened to a foundation and that are left unattended. The capacity of said permanent magazines shall not exceed the limits stated in RCW 70.74-.040. Permanent magazines shall be approved and licensed.

(38) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(39) "Person responsible," for an explosives magazine, means the legal person who actually operates the magazine and who is responsible for the proper storage, protection and removal of the explosives. The responsible person may be the owner or the lessee or the authorized operator of the magazine.

(40) "Portable magazines" also called "field" magazines means magazines that are designed to be unattended and that are not permanently fastened to a

foundation. Said magazines shall be so constructed or secured that they can not be readily lifted and carried away by unauthorized persons. The capacity of said portable magazines shall be limited to the amount of explosives required for efficient operation. Portable magazines shall be approved and licensed.

(41) "Possess" means the physical possession of explosives in one's hand, vehicle, magazine or building.

(42) "Primer" means a unit, package, cartridge, or explosive used to initiate other explosives or blasting agents.

(43) "Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(44) "Public conveyance" means any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(45) "Public utility transmission system" means power transmission lines over 751 volts, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(46) "Purchaser" means any person who buys, accepts, or receives any explosives or blasting agents.

(47) "Pyrotechnics" means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(48) "Railroad" means any steam, electric, or other railroad which carries passengers for hire.

(49) "Railroad freight car" means cars that are built for and loaded with explosives and operated in accordance with DOT rules.

(50) "Semiconductive hose" means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(51) "Shall" means that the rule establishes a minimum standard which is mandatory.

(52) "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(53) "Small arms ammunition primers" means small percussion-sensitive explosive charges encased in a cap or capsule and used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(54) "Smokeless propellants" means solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(55) "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

(56) "Special industrial explosives materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, trinitrotoluene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1, 3, 5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(57) "Sprung holes" means to spring or chamber the bottom of the drilled hole to allow room for additional explosives as a bottom load.

(58) "Trailer" means semitrailers or full trailers as defined by DOT, that are built for and loaded with explosives and operated in accordance with DOT rules.

(59) "Unclassified explosives" means any two components which, when mixed become capable of detonation by a No. 6 test blasting cap.

(60) "User" means any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

(61) "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are:

(a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder,

(b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

(62) "DOT specification" are regulations of the Department of Transportation published in 49 CFR Chapter I.

NEW SECTION

✓ WAC 296-52-421 LICENSES—INFORMATION VERIFICATION. Any information request by the department, in order to verify statements in an application or in order to facilitate a department inquiry, shall be supplied prior to the issuance or renewal of a license.

NEW SECTION

✓ WAC 296-52-425 DEALER'S LICENSE. (RCW 70.74.130 and 70.74.230, apply.)

(1) The application for a dealer's license to buy explosives for the sole purpose of resale shall be made to Department of Labor and Industries, Division of Industrial Safety and Health, Olympia.

(2) The license shall be renewed annually, no later than the expiration date.

(3) When an order for explosives is placed in person, by telephone, or in writing by a purchaser, the seller shall request proper authorization and identification from the purchaser and shall record the purchaser's license number.

(4) A dealer shall not distribute explosive materials to a company or individual on the order of a person who

does not appear on the up to date list of representatives or agents and if the person does appear on the list, the dealer shall verify the identity of such person.

(5)(a) A dealer's record of all explosives purchased and sold as defined in RCW 70.74.010, shall be kept on file and a copy transmitted not later than the tenth of every month to the department.

(b) The purchaser's name and license number shall be stated on dealer's record, and the name of the person authorized by the purchaser to physically receive the explosives.

(6) Any package, cask, or can containing any explosive, nitroglycerin, dynamite, or powder that is put up for sale, or is delivered to any warehouseman, dock, depot, or common carrier shall be properly labeled thereon to indicate its explosive classification.

(7) If the explosives are delivered by the dealer or dealer's authorized agent to an explosives magazine, the license number of said magazine and the legal signature of the recipient, properly authorized and identified, shall be obtained.

(8) No person shall sell, display, or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

NEW SECTION

✓ WAC 296-52-429 LICENSE FOR MANUFACTURING. RCW 70.74.110, applies.

(1) The application for license for manufacturing explosives and/or blasting agents shall be made to Department of Labor and Industries, Division of Industrial Safety and Health, Olympia.

(2) The license shall be renewed annually, no later than the expiration date.

(3) A copy of the plan of the plant submitted with said application and approved by the department shall be kept in the plant open to inspection by the department.

(4) The manufacturing of explosives is covered by chapter 296-50 WAC.

NEW SECTION

✓ WAC 296-52-433 PURCHASER'S LICENSE. RCW 70.74.135, applies.

(1) The application for a purchaser's license shall be made by a legal person, including public agencies, to Department of Labor and Industries, Division of Industrial Safety and Health, Olympia.

Application forms may be obtained at all department district offices, and from explosives dealers.

Purchaser will be required to verify they have a user (blaster) with a valid license, which will be confirmed and approved by the department.

The department will grant a purchaser's license after all legal requirements have been fulfilled.

The license is valid for one year from date of issuance.

(2) Purchaser shall, prior to ordering explosive materials, furnish the dealer a current list of the representatives or agents authorized to order explosive materials on their behalf showing the name, address, drivers license number or valid identification and date and place of

birth. A copy of the list shall be submitted with the purchaser's application. The dealer and the department lists shall be updated as changes occur.

(3) The individual who physically receives the purchased explosives shall prove to the satisfaction of the dealer that he, personally, is the purchaser, or the person authorized by the purchaser to receive said purchased explosives. Such authorization procedure shall be approved by the department. Said receiver of explosives shall identify himself properly and shall sign the dealer's record with his legal signature.

#### NEW SECTION

✓ WAC 296-52-437 USER'S (BLASTER'S) LICENSE. RCW 70.74.020, applies.

(1) The application for a user's (blaster's) license to use, blast or dispose explosives and blasting agents shall be made to Department of Labor and Industries, Division of Industrial Safety and Health, Olympia.

Application forms may be obtained at all department district offices, and from explosives dealers.

The license is valid for one year from date of issuance.

User (blaster) may be required to verify name of licensed purchaser, which will be confirmed and approved by the department.

(2) In addition to the submission of the application form, all new applicants, all applicants requesting change in classification of their license, and all applicants who have not renewed their user (blaster) license within sixty days of expiration will be required to submit a resume of successful blasting experience, properly witnessed, and to pass a written examination prepared and administered by the department.

(3) User (blaster) qualifications:

(a) A user (blaster) shall be able to understand and give written and oral orders.

(b) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(c) A user (blaster) shall be qualified by reason of training, knowledge, and experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(d) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(4) The department will issue a user's license card which shall state the limitations imposed on the licensee and shall be presented by the user to authorized persons, upon request, together with valid personal identification.

(5) A "hand loader" as defined in RCW 70.74.010, does not require a user's license.

#### NEW SECTION

✓ WAC 296-52-441 STORAGE MAGAZINE LICENSE. RCW 70.74.120, applies.

(1)(a) A separate application shall be made for each and every magazine.

(b) The application for a license to operate a permanent or portable storage magazine for explosives shall be made by the person responsible for the storage of the explosives, to the Department of Labor and Industries, Division of Industrial Safety and Health, Olympia.

(c) The exact location of the storage magazine shall be shown on the application, as well as, the kind and maximum quantity of explosives stored, and the distance to nearby structures and other magazines.

(2) A license fee shall be paid for one year, as shown in WAC 296-52-449. The fee will be collected or billed upon receipt of application.

(3) The said license shall be renewed annually, no later than the expiration date.

(4) A license number shall be permanently affixed on the inside and outside of each storage magazine. This license number will stay with each magazine during its life.

(5) The unlawful entry into an explosives magazine or an actual or suspected theft of explosives shall be reported immediately to the department and to the local law enforcement agency.

(6) If the magazine is used or leased by a person other than the owner, such other person shall then be responsible for the safe operation of the magazine, and for obtaining of the license.

When the responsibility for a magazine is transferred from one person to another, the transferor shall immediately notify the department, stating the magazine license number. The transferee shall execute a new application and pay the fee for one year, based on WAC 296-52-449.

(7) When a magazine is moved, altered or destroyed, the responsible person shall notify the department stating the magazine license number. When a magazine is altered, the alterations made shall be stated.

The moving of a magazine on a job site within a reasonable distance from its original location stated on the application is permitted without notifying the department; provided, that the new location complies with the Explosives Act and Explosives Code, and that the magazine can be quickly located for an inspection.

#### NEW SECTION

✓ WAC 296-52-445 ANNUAL INSPECTION. RCW 70.74.150, applies.

The department of labor and industries shall make, or cause to be made, at least one inspection during every year, of each licensed explosives plant or magazine.

#### NEW SECTION

✓ WAC 296-52-449 STORAGE MAGAZINE LICENSE FEES. RCW 70.74.140, applies.

The annual license fee for operating each magazine has been established by the department and shall be as shown in the following table:

Maximum Weight (pounds) of explosives permitted in each magazine	Maximum Number of blasting caps permitted in each magazine	Annual Fee (dollars) for each magazine
200	133,000	5.00
600	400,000	10.00
1,000	667,000	15.00
2,000	1,330,000	20.00
4,000	2,670,000	25.00
6,000	4,000,000	30.00
8,000	5,230,000	35.00
10,000	6,670,000	40.00
20,000	13,330,000	45.00
Max. 300,000	Max. 20,000,000	50.00

**NEW SECTION**

✓ WAC 296-52-453 CONSTRUCTION OF MAGAZINES. (1) Construction of all explosive storage magazines must comply with Washington state and Bureau of Alcohol, Tobacco, and Firearms regulations.

(2) Construction of permanent storage facilities.

(a) General. A Class 1 storage facility shall be a permanent structure; a building, an igloo or army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(b) Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(c) Masonry wall construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior wall shall be covered with a nonsparking material.

(d) Fabricated metal wall construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness or material of equivalent strength, or shall have at least a 6 inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(e) Wood frame wall construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking materials shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(f) Floors. Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(g) Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If

piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(h) Roof.

(i) Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to a 7/8-inch sheathing.

(ii) Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:

(A) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(B) A fabricated metal roof shall be constructed of 3/16-inch plate steel lined with 4 inches of hardwood or material of equivalent strength (for each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch).

(i) Doors. All doors shall be constructed of 1/4-inch plate steel and lined with 2 inches of hardwood or material of equivalent strength. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(j) Locks. Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open; or a three-point lock. Padlocks shall have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(k) Ventilation. Except at doorways, a 2-inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(l) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed, countersunk or nonsparking.

(m) Igloos, army-type structures, tunnels and dugouts. Storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear unless the magazine meets the requirements of (h)(ii) of this subsection. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of subsection (1) (a), (b), (f), (i), (j), (k) and (l) of this section.

## (3) Construction of portable (field) storage facilities.

(a) General. A Class 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Portable magazines shall be at least one cubic yard in size. They are to be supported to prevent direct contact with the ground. The ground around magazines shall slope away for drainage or other adequate drainage provided. When unattended, vehicular magazines shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the department.

(b) Construction. The exterior and doors shall be constructed of not less than 1/4-inch steel and lined with at least two inches of hardwood. Magazines with top openings shall have lids with water-resistant seals or shall overlap the sides by at least one inch when in a closed position.

(c) Hinges and hasps. Hinges and hasps shall be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.

(d) Locks. Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open; or a three-point lock. Padlocks shall have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(e) Ventilation. Except at doorways, a 2-inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(f) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities and all nails therein shall be blind-nailed, countersunk, or nonsparking.

NOTE: The following alternatives may be used. (All steel and wood dimensions indicated are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturer's represented thicknesses may be used.)

(i) Exterior of 5/8-inch steel, lined with an interior of any type of nonsparking material.

(ii) Exterior of 1/2-inch steel, lined with an interior of not less than 3/8-inch plywood.

(iii) Exterior of 3/8-inch steel, lined with an interior of two inches of hardwood.

(iv) Exterior of 3/8-inch steel, lined with an interior of three inches of softwood or 2-1/4-inches of plywood.

(v) Exterior of 1/4-inch steel, lined with an interior of five inches of softwood or 5-1/4-inches of plywood.

(vi) Exterior of 3/16-inch steel, lined with an interior of four inches of hardwood.

(vii) Exterior of 3/16-inch steel, lined with an interior of seven inches of softwood or 6-3/4-inches of plywood.

(viii) Exterior of 3/16-inch steel, lined with an intermediate layer of three inches of hardwood and an interior lining of 3/4-inch plywood.

(ix) Exterior of 1/8-inch steel, lined with an interior of five inches of hardwood.

(x) Exterior of 1/8-inch steel, lined with an interior of nine inches of softwood.

(xi) Exterior of 1/8-inch steel, lined with an intermediate layer of four inches of hardwood and an interior lining of 3/4-inch plywood.

(xii) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four inches solid concrete block or four inches solid brick or four inches of solid concrete, and an interior lining of 1/2-inch plywood placed securely against the masonry lining.

(xiii) Standard eight-inch concrete block with voids filled with well-tamped sand/cement mixture.

(xiv) Standard eight-inch solid brick.

(xv) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six-inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.

(xvi) Exterior of 1/8-inch steel, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inches well-tamped dry sand or sand/cement mixture and an interior lining of 3/4-inch plywood.

(xvii) Exterior of any type of fire-resistant material, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch plywood, and a fourth intermediate layer of two inches of hardwood or 14-gauge steel and an interior lining of 3/4-inch plywood.

(xviii) Eight-inch thick solid concrete.

(4) Construction of detonator (blasting cap) indoor storage facilities.

(a) General. Class 3 storage facility for detonators (blasting caps) in quantities of 1,000 or less shall be fire-resistant and theft-resistant. They need not be bullet-resistant and weather-resistant if the locked uninhabited building in which they are stored provide protection from the weather and from bullet penetration.

(b) Construction. Sides, bottoms and covers shall be constructed of not less than number 12-gauge metal and lined with a nonsparking material.

(c) Hinges and hasps shall be attached so they cannot be removed from the outside.

(d) Locks. One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes.

(5) Construction of blasting agent, low explosive or electric blasting cap storage facilities.

(a) General. A Class 4 storage facility may be a building, an igloo, or army-type structure, a tunnel, a dugout, a box, a trailer, or a semitrailer or other mobile

facility. They shall be fire-resistant, weather-resistant and theft-resistant. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the department.

**NOTE:** As a result of tests with electric blasting caps, it has been determined that these blasting caps are not subject to sympathetic detonation. Therefore, a Class 4 storage facility meets the necessary requirements for storage of electric blasting caps.

(b) **Construction.** These magazines shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundations are to be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the building shall be enclosed with fire-resistant material. The walls and floors are to be constructed of, or covered with, a nonsparking material or lattice work. The doors shall be metal or solid wood covered with metal.

(c) **Hinges and hasps.** Hinges and hasps shall be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.

(d) **Locks.** Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open; or a three-point lock. Padlocks shall have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(6) **Construction of blasting agent storage facilities.**

(a) **General.** A Class 5 storage facility may be a building, igloo or army-type structure, tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility. They shall be weather-resistant and theft-resistant. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the department.

(b) **Construction.** The doors shall be constructed of solid wood or metal.

(c) **Hinges and hasps.** Hinges and hasps shall be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps shall be installed so that they cannot be removed when the doors are closed and locked.

(d) **Locks.** Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two

keys to open; or a three-point lock. Padlocks shall have at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter. Padlocks shall be protected with not less than 1/4-inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

**NOTE:** Trailers, semitrailers, and similar vehicular magazines may, for each door, be locked with one steel padlock (which need not be protected by a steel hood) having at least 3/8-inch diameter, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(7) **Construction of day box storage facilities for explosives.**

(a) **General.** A temporary storage facility shall be a day box. It must be fire-resistant, weather-resistant and theft-resistant. The ground around such storage facilities shall slope away for drainage.

(b) **Construction.** A day box shall be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either 1/2-inch plywood or 1/2-inch Masonite-type hardboard. Doors shall overlap sides by at least one inch.

(c) **Hinges and hasps.** Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside).

(d) **Locks.** One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes.

(e) **Unattended storage.** No explosive materials shall be left in a day box if unattended. The explosive materials contained therein shall be removed to licensed storage facilities for unattended storage.

(8) **Construction of day box storage facilities for detonators (blasting caps).**

(a) **General.** Temporary storage facilities for blasting caps in quantities of 100 or less.

(b) **Construction.** Sides, bottoms and covers shall be constructed of number 12-gauge metal and lined with a nonsparking material.

(c) **Hinges and hasps** shall be attached thereto by welding.

(d) **Locks.** A single five-tumbler proof lock shall be sufficient for locking purposes.

(e) **No explosive materials** shall be left in such facilities if unattended. The explosive materials contained therein shall be removed to licensed storage facilities for unattended storage.

(9) **Magazine heating systems requirements, NFPA Code No. 495, "Manufacture, Transportation, Storage and Use of Explosive Materials, 1973."** The following will apply:

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



(b) The magazine heating systems shall meet the following requirements:

(i) The radiant heating coils within the building shall be installed in such a manner that the explosive materials or their containers cannot contact the coils and air is free to circulate between the coils and the explosive materials or their containers.

(ii) The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the explosive materials or their containers.

(iii) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130°F.

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

(v) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code, (National Fire Protection Association; NFPA No. 70-1984). All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

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

(vii) The storage of explosive materials and their containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the explosive materials.

(10) Lighting.

(a) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines.

(b) Electric lighting used in any explosives storage magazine shall meet the standards prescribed by the "National Electrical Code," (National Fire Protection Association, NFPA 70-84), for the conditions present in the magazine at any time. All electrical switches shall be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

#### NEW SECTION

✓ WAC 296-52-457 STORAGE OF CAPS WITH OTHER EXPLOSIVES PROHIBITED. No blasting caps, or other detonating or fulminating caps, or detonators, or flame-producing devices shall be kept or stored in any magazine in which other explosives are kept or stored.

#### NEW SECTION

✓ WAC 296-52-461 STORAGE OF EXPLOSIVES.

(1) General. All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements as defined in chapter 70.74 RCW and chapter 296-52 WAC, unless they are

in the process of manufacture, being physically handled in the operating process, being used or being transported to a place of storage or use. No explosives and no detonators (blasting caps) in quantities of 1,001 or more shall be stored in any building or structure except a Class 1, permanent, magazine that has been approved and licensed.

Note 1: Separate storage of components capable of detonation when mixed. Any two components which, when mixed, become capable of detonation by a number 6 cap must be stored in separate locked containers or in a licensed, approved magazine.

Note 2: Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances, as referenced in WAC 296-52-493(g), can be observed.

Note 3: Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(2) Quantity restrictions. Explosive materials in excess of 300,000 pounds or blasting caps in excess of 20,000,000 shall not be stored in one storage magazine.

(3) Inventory and responsibility.

(a) Magazines shall be in the charge of a competent person at all times who shall be at least twenty-one years of age, and who shall be held responsible for the enforcement of all safety precautions.

(b) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives.

(c) Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(4) Surrounding area.

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

(b) The land surrounding a magazine shall be kept clear of all combustible materials, brush, dried grass, leaves and other materials for a distance of at least 25 feet.

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

(5) Signs. The premises on which a magazine is located shall be conspicuously marked with signs containing the words "EXPLOSIVES - KEEP OFF" in letters at least three inches high. Such signs shall warn any person approaching the magazine of the presence of explosives, but shall be so located that a bullet passing directly through the face of the sign will not strike the magazine.

(6) Temporary storage at a site for blasting operations shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be

maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

(7) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(8) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that nonsparking metallic slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(c) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(d) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(e) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(f) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(9) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the provisions of chapter 296-52 WAC.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

(10) All explosive manufacturing buildings and magazines in which explosives or blasting agents, except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. All distances prescribed in the following quantity and distance tables are unbarricaded, and, if there is an efficient artificial barricade or natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway, or public utility transmission system, the distance prescribed in the following quantity and distance tables may be reduced by one-half. Blasting and electric blasting caps in strength through number 8 should be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than number 8 should be computed on the combined weight of explosives.

(11) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "separation of magazines", except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "separation of magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

NEW SECTIONWAC 296-52-465 STORAGE OF AMMONIUM NITRATE. (1) Scope and definitions.

(a) Except as provided in (d) of this subsection applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting.

(b) This section does not apply to the transportation of ammonium nitrate.

(c) This section does not apply to storage under the jurisdiction of and in compliance with the regulations of the United States Coast Guard (see 46 CFR Parts 146-149).

(d) The storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by the "definition of test procedures for ammonium nitrate fertilizer" is prohibited.

(e) Nothing in this section shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to the public is created.

(f) The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and test procedures for ammonium nitrate fertilizer," available from the National Plant Food Institute, 1700 K Street N.W., Washington, D.C. 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

(g) The standards for ammonium nitrate (nitrous oxide grade) are those found in the "specifications, properties, and recommendations for packaging, transportation, storage, and use of ammonium nitrate," available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

## (2) General provisions.

(a) This subsection applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds or more.

(b) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(d) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(e) The wall on the exposed side of a storage building within 50 feet of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistant construction. In lieu of the fire-resistant wall, other suitable means of exposure protection

such as a free standing wall may be used. The roof coverings shall be Class C or better, as defined in Roof Coverings, NFPA 203M-1970.

(f) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, traps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(g) The continued use of an existing storage building or structure not in strict conformity with this section may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(h) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) Storage of ammonium nitrate in bags, drums, or other containers.

(a) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(b) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of (a) of this subsection.

(c) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130°F.

(d) Bags of ammonium nitrate shall not be stored within 30 inches of the storage building walls and partitions.

(e) The height of piles shall not exceed 20 feet. The width of piles shall not exceed 20 feet and the length 50 feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches below the roof or supporting and spreader beams overhead.

(f) Aisles shall be provided to separate piles by a clear space of not less than 3 feet in width. At least one service or main aisle in the storage area shall be not less than 4 feet in width.

(4) Storage of bulk ammonium nitrate.

(a) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(b) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet.

(c) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(d) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(e) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "ammonium nitrate" with letters at least 2 inches high.

(f) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(g) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead.

(h) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130°F.

(i) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(5) Contaminants.

(a) Ammonium nitrate shall be in a separate building or shall be separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage or organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subsection need extend only to the underside of the roof.

(b) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in (a) of this subsection by a space of at least 30 feet.

(c) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to WAC 296-24-330, and when walls and sills or curbs are provided in accordance with (a) or (b) of this subsection.

(d) LP-Gas shall not be stored on the premises except when such storage conforms to WAC 296-24-475.

(e) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to chapter 296-52 WAC.

(f) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(g) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 of WAC 296-52-481, but by not less than 50 feet.

(h) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with chapter 296-52 WAC.

(6) General precautions.

(a) Electrical installations shall conform to the requirements of chapter 296-46 WAC for ordinary locations. They shall be designed to minimize damage from corrosion.

(b) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78-1968.)

(c) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) Fire protection.

(a) Not more than 2,500 (2270 metric) tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of the approved type and installed in accordance with WAC 296-24-607.

(b) Suitable fire control devices such as small hose or portable fire extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. Suitable fire control devices shall comply with the requirements of WAC 296-24-592 and 296-24-602.

(c) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

NEW SECTION

✓ WAC 296-52-469 STORAGE OF BLASTING AGENTS AND SUPPLIES. (1) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in WAC 296-52-453 (2)(a) for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(2) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in WAC 296-52-453 (5) and (6) or in one-story warehouses (without basements) which shall be:

(a) Noncombustible or fire resistive;

(b) Constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire;

(c) Weather resistant;

(d) Well ventilated; and

(e) Equipped with a strong door kept securely locked except when open for business.

(3) Semitrailer or full-trailer vans used for highway or on-site transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with Table H-21 with respect to inhabited buildings, passenger railways, and public highways and according to Table H-22 with respect to one another. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(4) Warehouses used for the storage of blasting agents shall be located in accordance with the provisions of Table H-21 with respect to inhabited buildings, passenger railways, and public highways, and according to Table H-22 with respect to one another.

(5) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in Table H-21, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance.

(6) Smoking, matches, open flames, spark producing devices, and firearms are prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(7) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire resistive separation of not less than one hour resistance. The provisions of this subsection shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(8) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(9) Caked oxidizers, either in bags or in bulk, shall not be loosened by blasting.

(10) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than twenty-one years of age.

**NEW SECTION**

**WAC 296-52-473 QUANTITY AND DISTANCE TABLES FOR STORAGE.**

**TABLE H-21  
AMERICAN TABLE OF DISTANCES FOR  
STORAGE OF EXPLOSIVES**

If there is an efficient artificial or natural barricade between magazine and building, railroad, highway or public utility transmission system, the distance in the following table may be reduced by one-half. Reference WAC 296-52-461(10)

Column 1 Quantity that may be had, kept or stored		Column 2 Distance From Nearest Inhabited Building	Column 3 Distance From Nearest Railroad	Column 4 Distance From Nearest Highway & Pub. Util. Trans. System
Pounds over	Pounds not over	Feet	Feet	Feet
2	5	140	60	60
5	10	180	70	70
10	20	220	90	90
20	30	250	100	100
30	40	280	110	110
40	50	300	120	120
50	75	340	140	140
75	100	380	150	150
100	125	400	160	160
125	150	430	170	170
150	200	470	190	190
200	250	510	210	210
250	300	540	220	220
300	400	590	240	240
400	500	640	260	260
500	600	680	270	270
600	700	710	290	290
700	800	750	300	300
800	900	780	310	310
900	1,000	800	320	320
1,000	1,200	850	340	330
1,200	1,400	900	360	340
1,400	1,600	940	380	350
1,600	1,800	980	390	360
1,800	2,000	1,010	410	370
2,000	2,500	1,090	440	380
2,500	3,000	1,160	470	390
3,000	4,000	1,270	510	420
4,000	5,000	1,370	550	450
5,000	6,000	1,460	590	470
6,000	7,000	1,540	620	490
7,000	8,000	1,600	640	500
8,000	9,000	1,670	670	510
9,000	10,000	1,730	690	520
10,000	12,000	1,750	740	540
12,000	14,000	1,770	780	550
14,000	16,000	1,800	810	560
16,000	18,000	1,880	840	570
18,000	20,000	1,950	870	580
20,000	25,000	2,110	940	630
25,000	30,000	2,260	1,000	680
30,000	35,000	2,410	1,050	720
35,000	40,000	2,550	1,100	760
40,000	45,000	2,680	1,140	800
45,000	50,000	2,800	1,180	840
50,000	55,000	2,920	1,220	880
55,000	60,000	3,030	1,260	910
60,000	65,000	3,130	1,290	940
65,000	70,000	3,220	1,320	970
70,000	75,000	3,310	1,350	1,000
75,000	80,000	3,390	1,380	1,020
80,000	85,000	3,460	1,410	1,040
85,000	90,000	3,520	1,440	1,060
90,000	95,000	3,580	1,460	1,080
95,000	100,000	3,630	1,490	1,090
100,000	110,000	3,670	1,540	1,100
110,000	120,000	3,710	1,580	1,110
120,000	130,000	3,750	1,620	1,120
130,000	140,000	3,780	1,670	1,130
140,000	150,000	3,800	1,700	1,140
150,000	160,000	3,870	1,740	1,160
160,000	170,000	3,930	1,780	1,180
170,000	180,000	3,980	1,810	1,200
180,000	190,000	4,020	1,840	1,210
190,000	200,000	4,060	1,870	1,220
200,000	210,000	4,110	1,910	1,240
210,000	230,000	4,200	1,960	1,270

Column 1 Quantity that may be had, kept or stored		Column 2 Distance From Nearest Inhabited Building	Column 3 Distance From Nearest Railroad	Column 4 Distance From Nearest Highway & Pub. Util. Trans. System
Pounds over	Pounds not over	Feet	Feet	Feet
230,000	250,000	4,310	2,020	1,300
250,000	275,000	4,430	2,080	1,340
275,000	300,000	4,550	2,150	1,380

**NEW SECTION**

✓ WAC 296-52-477 QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES. Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances based on the following:

(1) Blasting caps in strengths through number 8 should be rated at one and one-half pounds of explosive per one thousand caps;

(2) For strengths higher than number 8, use the total combined weight of explosives;

(3) For quantity and distance purposes, detonating cord of 50 or 60 grains shall be calculated as equivalent to 9 pounds of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

(4) Magazines in which explosives are kept and stored shall be detached from other structures and separated from other magazines in conformity with the quantity and distance table set forth below:

TABLE H-21  
QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12
40	50	28	14
50	75	30	15
75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105
25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385

Note 1. "Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note 2. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet.

Note 3. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from

the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

Note 4. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

(4) WAC 296-52-461(1) does not apply to:

(a) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 750,000, smokeless propellants in quantities of less than 150 pounds or black powder, as used in muzzle loading firearms, in quantities of less than 25 pounds;

(b) Explosive-actuated power devices when in quantities less than 50 pounds net weight of explosives;

(c) Fuse lighters and fuse igniters;

(d) Safety fuses other than cordeau detonant fuses.

**NEW SECTION**

**WAC 296-52-481 BLASTING AGENTS.**

TABLE H-22

TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS<sup>1, 6</sup>

Donor weight		Minimum separation distance of receptor when barricaded <sup>2</sup> (ft.)		Minimum thickness of artificial barricades <sup>5</sup> (in.)
Pounds over	Pounds not over	Ammonium nitrate <sup>3</sup>	Blasting agent <sup>4</sup>	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40

Donor weight		Minimum separation distance of receptor when barricaded <sup>2</sup> (ft.)		Minimum thickness of artificial barricades <sup>5</sup> (in.)
Pounds over	Pounds not over	Ammonium nitrate <sup>3</sup>	Blasting agent <sup>4</sup>	
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes to table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents:

Note 1. These distances apply to the separation of stores only. Table H-21 shall be used in determining separation distances from inhabited buildings, passenger railways, and public highways.

Note 2. When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances, and barricade thicknesses in excess of those prescribed in Table H-21 are not required.

Note 3. The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute\*; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons. (\*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.)

Note 4. These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the United States Department of Transportation (DOT) regulations.

Note 5. Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

Note 6. When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

Note 7. Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

- (a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)
- (b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses:

(i) Calculation of weighted distance from combined masses:

Let  $M_2, M_3 \dots M_n$  be donor masses to be combined.

$M_1$  is a potential acceptor mass.

$D_{12}$  is distance from  $M_1$  to  $M_2$  (edge to edge).

$D_{13}$  is distance from  $M_1$  to  $M_3$  (edge to edge), etc.

To find weighted distance [ $D_{1(2,3 \dots n)}$ ] from combined masses to  $M_1$ , add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{1(2,3 \dots n)} = \frac{M_2 \times D_{12} + M_3 \times D_{13} \dots + M_n \times D_{1n}}{M_2 + M_3 \dots + M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

- (c) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects. In applying Table H-21 to distances from highways, railroads, and

inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in Table H-21, Note 5.

- (d) When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in Table H-21.
- (e) Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.
- (f) Good housekeeping practices shall be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within 25 feet of such bin. Accumulation of spilled product on the ground shall be prevented.

NEW SECTION

✓ WAC 296-52-485 QUANTITY AND DISTANCE TABLES FOR MANUFACTURING BUILDINGS. All explosives manufacturing buildings shall be located one from the other and from other buildings on explosives manufacturing plants in which persons are regularly employed, and all magazines shall be located from factory buildings and buildings on explosives plants in which persons are regularly employed, in conformity with the intraexplosives plant quantity and distance table below.

TABLE H-23

EXPLOSIVES		Distance Feet
Pounds Over	Pounds Not Over	
		Separate Building or Within Substantial Dividing Walls
.....	10	40
10	25	60
25	50	80
50	100	100
100	200	120
200	300	130
300	400	140
400	500	160
500	750	180
750	1,000	210
1,000	1,500	230
1,500	2,000	260
2,000	3,000	280
3,000	4,000	300
4,000	5,000	320
5,000	6,000	340
6,000	7,000	360
7,000	8,000	380
8,000	9,000	400
9,000	10,000	420
10,000	12,500	450
12,500	15,000	470
15,000	17,500	490
17,500	20,000	530
20,000	25,000	560
25,000	30,000	590
30,000	35,000	620
35,000	40,000	640
40,000	45,000	660
45,000	50,000	680
50,000	55,000	700
55,000	60,000	720
60,000	65,000	740
65,000	70,000	



EXPLOSIVES		
Pounds Over	Pounds Not Over	Distance Feet
70,000	75,000	770
75,000	80,000	780
80,000	85,000	790
85,000	90,000	800
90,000	95,000	820
95,000	100,000	830
100,000	125,000	900
125,000	150,000	950
150,000	175,000	1,000
175,000	200,000	1,050
200,000	225,000	1,100
225,000	250,000	1,150
250,000	275,000	1,200
275,000	300,000	1,250

### NEW SECTION

WAC 296-52-489 TRANSPORTATION. (1) The transportation of explosives by vehicle on public highways shall be administered by the United States Department of Transportation, CFR 49-1978, Parts 100 through 199, and the Washington state patrol under RCW 46.48.170. The following sections cover the transportation of explosives on the job site.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from the disabled vehicle to another, only when proper and qualified supervision is provided.

(2) Transportation vehicles. Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(3) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199.

(4) (a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC.

(i) Only extinguishers listed or approved by Underwriters Laboratories, Inc., or the Factor Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(5) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle.

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any

motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

(6) Transporting of explosives and blasting caps or electric blasting caps in the same vehicle. Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse and/or electric blasting caps may be transported in the same vehicle with other explosives, provided the following condition is complied with:

The top, lid or door, sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, asbestos board or sheetrock and sheet metal. In order of arrangement, from inside to outside, the laminate must consist of the following with the minimum thickness of each lamination as indicated: 1/4-inch plywood, 1-inch solid hardwood, 1/2-inch plywood, 1/2-inch sheetrock or 1/4-inch asbestos board, and 22-gauge sheet metal constructed inside to outside in that order.

(7) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for one day's usage.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Only a state approved powder car or vehicle shall be used underground.

(e) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(f) Wires on electric caps shall be kept shunted until wired to the bus wires.

(g) The powder car or vehicle shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written record of such inspection shall be kept on file for the duration of the job.

(8) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

## NEW SECTION

WAC 296-52-493 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast site. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or day box magazines shall be used for taking detonators and other explosives from storage magazines to the blast site.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least twenty-four hours in advance of blasting, specifying the location and intended item of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blast site during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked.

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, September 1981.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 radio pilot lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5 - 25	100
25 - 50	150
50 - 100	220
100 - 250	350
250 - 500	450
500 - 1,000	650
1,000 - 2,500	1,000
2,500 - 5,000	1,500
5,000 - 10,000	2,200
10,000 - 25,000	3,500
25,000 - 50,000	5,000
50,000 - 100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1 - 10	5
10 - 30	10
30 - 60	15
60 - 250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(i) Electric detonators shall be shunted until wired into the blasting circuit.

(j) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(k) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(l) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(m) The employer shall permit only persons having proof of valid safety explosive training to handle explosives at the blasting site.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) When opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and properly disposed of.

(3) Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

NOTE: There may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended unless stored in a licensed magazine.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden, mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from

explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(n) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background. All loaded stumps must be marked for identification on logging sites.

(o) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded. Batteries shall not be used for springing holes.

(p) No loaded holes shall be left unattended.

(q) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(r) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges - electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function and be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American wire gauge) solid core insulated wire. Bus wires - depends on the size of the blast, fourteen gauge (American wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or stored in licensed magazine.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse.

Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or

otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL	— A 1-minute series of long blasts 5 minutes prior to blast signal.
BLAST SIGNAL	— A series of short blasts 1 minute prior to the shot.
ALL CLEAR SIGNAL	— A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, not less than fifteen minutes in tunnels, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refiring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-493(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round

shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

#### NEW SECTION

✓ WAC 296-52-497 **BLASTING AGENTS.** (1) General. Unless otherwise set forth in this section, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in WAC 296-52-501.

(2) Fixed location mixing.

(a) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight shall be used because of its reduced blast effects.

(b) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(iv) The building shall be well ventilated.

(v) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be located outside the mixing building.

(vi) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(c) Equipment used for mixing blasting agents shall conform to the requirements of this subsection.

(i) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(ii) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(iii) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In gravity flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

(d) The provisions of this subsection shall be considered when determining blasting agent compositions.

(i) The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation.

(ii) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(iii) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125°F. minimum shall be used.

(iv) Crude oil and crankcase oil shall not be used.

(v) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(vi) Peroxides and chlorates shall not be used.

(e) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in WAC 296-24-956 through 296-24-960; otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Safety precautions at mixing plants shall include the requirements of this subsection.

(i) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(ii) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(iii) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(iv) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(v) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(vi) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(vii) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(viii) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(ix) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(3) Bulk delivery and mixing vehicles.

(a) The provisions of this subsection shall apply to off-highway private operations as well as to all public highway movements.

(b) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subsection.

(i) The body shall be constructed of noncombustible materials.

(ii) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(iii) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(iv) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(c) Operation of bulk delivery vehicles shall conform to the requirements of WAC 296-52-489(2). These include the placarding requirements as specified by department of transportation.

(i) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(ii) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: See 49 CFR Chapter I.

(iii) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(iv) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in moving the vehicle, has assistance of a second person to guide the driver's movements.

(v) No intransit mixing of materials shall be performed.

(d) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subsection.

(i) A positive grounding device shall be used to prevent the accumulation of static electricity.

(ii) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.



(iii) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(e) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(i) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(ii) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

(4) Bulk storage bins.

(a) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(b) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(c) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(d) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of WAC 296-24-956 through 296-24-960. They shall be designed to minimize damage from corrosion.

(e) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H-22.

(f) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H-22.

(5) Transportation of packaged blasting agents.

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of WAC 296-52-489 shall be complied with.

(b) Vehicles transporting blasting agents shall only be driven by and in charge of a driver at least twenty-one years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the states vehicle and traffic laws.

(c) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(g) When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

(h) Vehicles used for transporting blasting agents on public highways shall be placarded in accordance with DOT regulations.

(6) Use of blasting agents. Persons using blasting agents shall comply with all of the applicable provisions of WAC 296-52-493.

#### NEW SECTION

✓ WAC 296-52-501 WATER GEL (SLURRY) EXPLOSIVES AND BLASTING AGENTS. (1) General provisions. Unless otherwise set forth in this section, water gels shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(2) Types and classifications.

(a) Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for "explosives" in this section, except as noted in subsection (d) of this section.

(b) Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in WAC 296-52-417 under blasting agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this section.

(c) Water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in WAC 296-52-417 under blasting agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for "blasting agents" in this section.

(d) When tests on specific formulations of water gels result in department of transportation classification as a Class B explosive, bullet-resistant magazines are not required, see WAC 296-52-453.

(3) Fixed location mixing.

(a)(i) Buildings or other facilities used for mixing water gels shall be located with respect to inhabited buildings, passenger railroads and public highways, in accordance with Table H-21.

(ii) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses that may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight shall be used because of its reduced blast effects.

(b) Buildings used for the mixing of water gels shall conform to the requirements of this subsection.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) Where fuel oil is used all fuel oil storage facilities shall be separated from the mixing plant and located in

such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(iv) The building shall be well ventilated. Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(v) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(c) Ingredients of water gels shall conform to the requirements of this subsection.

(i) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with WAC 296-52-461.

(ii) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(iii) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(iv) Ingredients shall not be stored with incompatible materials.

(v) Peroxides and chlorates shall not be used.

(d) Mixing equipment shall comply with the requirements of this subsection.

(i) The design of the processing equipment, including mixing and conveying equipment, shall be compatible with the relative sensitivity of the materials being handled. Equipment shall be designed to minimize the possibility of frictional heating, compaction, overloading, and confinement.

(ii) Both equipment and handling procedures shall be designed to prevent the introduction of foreign objects or materials.

(iii) Mixers, pumps, valves, and related equipment shall be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(iv) All electrical equipment including wiring, switches, controls, motors, and lights, shall conform to the requirements of WAC 296-24-956 through 296-24-960.

(v) All electric motors and generators shall be provided with suitable overload protection devices. Electrical generators, motors, proportioning devices, and all other electrical enclosures shall be electrically bonded. The grounding conductor to all such electrical equipment shall be effectively bonded to the service-entrance ground connection and to all equipment ground connections in a manner so as to provide a continuous path to ground.

(e) Mixing facilities shall comply with the fire prevention requirements of this subsection.

(i) The mixing, loading, and ingredient transfer areas where residues or spilled materials may accumulate shall

be cleaned periodically. A cleaning and collection system for dangerous residues shall be provided.

(ii) A daily visual inspection shall be made of the mixing, conveying, and electrical equipment to establish that such equipment is in good operating condition. A program of systematic maintenance shall be conducted on regular schedule.

(iii) Heaters which are not dependent on the combustion process within the heating unit may be used within the confines of processing buildings, or compartments, if provided with temperature and safety controls and located away from combustible materials and the finished product.

(4) Bulk delivery and mixing vehicles.

(a) The design of vehicles shall comply with the requirements of this subsection.

(i) Vehicles used over public highways for the bulk transportation of water gels or of ingredients classified as dangerous commodities, shall meet the requirements of the department of transportation and shall meet the requirements of WAC 296-52-489 and 296-52-497 of this section.

(ii) When electric power is supplied by a self-contained motor generator located on the vehicle the generator shall be at a point separate from where the water gel is discharged.

(ii) The design of processing equipment and general requirements shall conform to subsection (3)(c) and (d) of this section.

(iv) A positive action parking brake which will set the wheel brakes on at least one axle shall be provided on vehicles when equipped with air brakes and shall be used during bulk delivery operations. Wheel chocks shall supplement parking brakes whenever conditions may require.

(b) Operation of bulk delivery and mixing vehicles shall comply with the requirements of this subsection.

(i) The placarding requirements contained in DOT regulations apply to vehicles carrying water gel explosives or blasting agents.

(ii) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The operator shall be familiar with the commodities being delivered and the general procedure for handling emergency situations.

(iii) The hauling of either blasting caps or other explosives, but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers; see 49 CFR Chapter I.

(iv) No person shall be allowed to smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing, transfer, or down-the-hole loading of water gels at or near the blasting site.

(v) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall furnish the driver the assistance of a second person to guide the driver's movements.

(vi) No intransit mixing of materials shall be performed.

(vii) The location chosen for water gel or ingredient transfer from a support vehicle into the bore hole loading vehicle shall be away from the blasthole site when the bore holes are loaded or in the process of being loaded.

NEW SECTION

✓ WAC 296-52-505 COAL MINING CODE UN-AFFECTED. RCW 70.74.210 applies.

NEW SECTION

✓ WAC 296-52-509 SMALL ARMS AMMUNITION, PRIMERS, PROPELLANTS AND BLACK POWDER. Storage, transportation, and display requirements.

(1) Small arms ammunition shall be separated from flammable liquids, flammable solids and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet.

(2) Small arms smokeless propellant (class B) shall be packed, stored and transported in DOT approved shipping containers and the following shall apply.

	<u>Maximum Pounds Permitted</u>	<u>Special Restrictions</u>
Private residence or car	25 pounds or less 25 to 50 pounds	None Store in strong box or cabinet constructed of 3/4-inch plywood (minimum) or equivalent, on all sides, top and bottom.
Dealer's warehouse	150 pounds	20 to 150 pounds shall be stored in portable wooden boxes having walls at least one inch nominal thickness.
Dealer's display	75 pounds	In one pound containers.

Quantities in excess of 50 pounds shall be transported in accordance with federal department of transportation regulations.

Quantities in excess of 150 pounds shall be stored in approved, licensed magazines as required in WAC 296-52-441 and 296-52-453.

(3) Small arms ammunition primers shall be packed, stored and transported in DOT approved shipping containers. They shall be separate from flammable liquids, flammable solids and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet. The following shall also apply.

	<u>Maximum Number Permitted</u>	<u>Special Restrictions</u>
Private residence	10,000 primers	None
Private car	25,000 primers	None
Dealer's display	10,000 primers	None
Dealer's warehouse	750,000 primers	No more than 100,000 shall be stored in a pile and piles shall be separated by at least 15 feet.

Quantities in excess of 750,000 primers shall be stored in approved, licensed magazines as required by WAC 296-52-441 and 296-52-453.

(4) Black powder, as used in muzzle loading firearms, shall be packed, stored and transported in DOT approved shipping containers and the following shall apply.

	<u>Maximum Pounds Permitted</u>	<u>Special Restrictions</u>
Private residence _____	5 pounds _____	None
Private car _____	5 pounds _____	None
Dealer's warehouse _____	25 pounds _____	None
Dealer's display _____	4 pounds _____	In one pound containers.

Quantities in excess of 25 pounds of black powder, as used in muzzle loading firearms, shall be stored in approved, licensed magazines as required by WAC 296-52-441 and 296-52-453.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- ✓ WAC 296-52-010 INTRODUCTION.
- ✓ WAC 296-52-012 INCORPORATION OF STANDARDS OF NATIONAL ORGANIZATIONS AND FEDERAL AGENCIES.
- ✓ WAC 296-52-020 PURPOSE.
- ✓ WAC 296-52-025 VARIANCE AND PROCEDURE.
- ✓ WAC 296-52-027 EQUIPMENT APPROVAL BY NONSTATE AGENCY OR ORGANIZATION.
- ✓ WAC 296-52-030 DEFINITIONS.
- ✓ WAC 296-52-040 USER'S (BLASTER'S) LICENSE.
- ✓ WAC 296-52-043 USE OF EXPLOSIVES AND BLASTING AGENTS.
- ✓ WAC 296-52-050 TRANSPORTATION.
- ✓ WAC 296-52-060 MORE STRINGENT ORDINANCES PREVAIL.
- ✓ WAC 296-52-080 TEMPORARY PERMIT FOR EXISTING STORAGE FACILITIES.
- ✓ WAC 296-52-090 CONSTRUCTION OF MAGAZINES.
- ✓ WAC 296-52-095 STORAGE OF EXPLOSIVES.
- ✓ WAC 296-52-100 QUANTITY AND DISTANCE TABLES FOR STORAGE.
- ✓ WAC 296-52-110 LIMIT ON STORAGE QUANTITY.
- ✓ WAC 296-52-120 QUANTITY AND DISTANCE TABLES FOR FACTORY BUILDINGS.
- ✓ WAC 296-52-140 QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES.
- ✓ WAC 296-52-150 STORAGE OF BLASTING CAPS WITH OTHER EXPLOSIVES PROHIBITED.
- ✓ WAC 296-52-160 LICENSE FOR MANUFACTURING.
- ✓ WAC 296-52-165 BLASTING AGENTS.
- ✓ WAC 296-52-167 WATER GEL (SLURRY) EXPLOSIVES AND BLASTING AGENTS.
- ✓ WAC 296-52-170 STORAGE MAGAZINE LICENSE.
- ✓ WAC 296-52-180 STORAGE MAGAZINE LICENSE FEES.
- ✓ WAC 296-52-190 DEALER'S LICENSE.
- ✓ WAC 296-52-200 ANNUAL INSPECTION.
- ✓ WAC 296-52-220 PURCHASER'S LICENSE.
- ✓ WAC 296-52-230 UNLAWFUL ACCESS TO EXPLOSIVES.

- ✓ WAC 296-52-260 COAL MINING CODE UNAFFECTED.
- ✓ WAC 296-52-270 SHIPMENTS OUT-OF-STATE.
- ✓ WAC 296-52-330 EXPLOSIVES CONTAINERS TO BE MARKED—PENALTY.
- ✓ WAC 296-52-350 SMALL ARMS AMMUNITION, PRIMERS, AND PROPELLANTS—TRANSPORTATION REGULATIONS.
- ✓ WAC 296-52-360 SMALL ARMS AMMUNITION, PRIMERS, AND PROPELLANTS—SEPARATION FROM FLAMMABLE MATERIALS.
- ✓ WAC 296-52-370 SMALL ARMS AMMUNITION, PRIMERS, AND PROPELLANTS—SMOKELESS PROPELLANTS AND BLACK POWDER, TRANSPORTATION, STORAGE AND DISPLAY REQUIREMENTS.
- ✓ WAC 296-52-380 SMALL ARMS AMMUNITION, PRIMERS, AND PROPELLANTS—SMALL ARMS AMMUNITION PRIMERS, TRANSPORTATION, STORAGE, AND DISPLAY REQUIREMENTS.
- ✓ WAC 296-52-390 STORAGE OF AMMONIUM NITRATE.
- ✓ WAC 296-52-400 ENFORCEMENT.

**WSR 86-10-045**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1886—Filed May 6, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to other brands and grades, WAC 16-403-225.

This action is taken pursuant to Notice No. WSR 86-08-080 filed with the code reviser on April 2, 1986. 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 chapter 15.17 RCW 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 May 6, 1986.

By C. Alan Pettibone  
 Director

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

✓WAC 16-403-225 OTHER BRANDS AND GRADES. (1) Any person, firm or organization wishing to pack apples under any other grade or brand than according to the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture the year in which the apples so to be packed are grown: PROVIDED, That upon request of such person, firm, or organization, having reregistered such grade or brand for ten or more consecutive years, the grade or brand may be permanently registered.

(2) If such grade or brand is approved by the director of agriculture, apples may be packed under such grade or brand, instead of the official state grading rules and all boxes of apples so packed shall be marked with that grade or brand: PROVIDED, That private grades or brands for apples may only be registered and approved when they meet the specifications required of Washington fancy grade or better.

NOTE: Private grades do not meet marking requirements of U.S. Apple and Pear Act and shall not be used on export shipments.

**WSR 86-10-046**  
**PROPOSED RULES**  
**HOSPITAL COMMISSION**  
 [Filed May 6, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning rules for reporting hospital patient discharge information, amending chapter 261-50 WAC;

that the agency will at 9:30 a.m., Thursday, June 12, 1986, in the Vance Airport Inn, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 26, 1986.

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 2, 1986.

Dated: May 5, 1986  
 By: Maurice A. Click  
 Executive Director

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045. Amending chapter 261-50 WAC.

Purpose of this Amendment: To expand the Commission Hospital Abstract Reporting System (CHARS) to include the collection of revenue center codes, units of service and total charges for revenue centers; identification numbers for the attending physician and physician performing the principal procedure; and addition of charity care to the payer codes.

Statutory Authority: RCW 70.39.180.

Summary of Rule Changes and Statement of Reasons Supporting the Proposed Action: WAC 261-50-030 Reporting of UB-82 data set information, revenue center codes, the units of service and total charges must be reported for the Medicare required revenue codes as defined in the UB-82 Procedures Manual. The Medicaid number of the attending physician and the physician who performs the principal procedure is required. These changes are effective January 1, 1987. These additional data elements are essential to identify differences in resource requirements by diagnoses-related group, differences in acuity levels of hospitals and differences in practice patterns. Outdated portions of this section have been deleted. Payer identification number 625 has been defined to include CHAMPUS and Indian health and a new payer code number 630 has been added for charity care effective 30 days after filing of these rules with the code reviser; WAC 261-50-040 Acceptable media for submission of data, to delete outdated requirements for acceptable media for submission of data. Effective January 1, 1987, instructions for submittal of data will be prescribed by the commission in a "Procedure Manual for Submitting Discharge Data"; WAC 261-50-045 Magnetic diskette and tape record layout, to indicate that it is effective through December 31, 1986. After that date, this information will be contained in the "Procedure Manual for Submitting Discharge Data"; and WAC 261-50-090 Penalties for violation, to make the language consistent with other chapters of Title 261 WAC.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules: Maurice A. Click, Executive Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capital Way, Mailstop FJ-21, Olympia, Washington 98504, (206) 753-1990.

Name of the Organization Proposing the Rule: Washington State Hospital Commission.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. This chapter provides for an alternative media (hardcopy) on which smaller hospitals may submit the required patient discharge information. Hospital Commission staff believes this alternative submission media enables smaller hospitals to report patient discharge information in the least onerous fashion.

AMENDATORY SECTION (Amending Order 85-05, Resolution No. 85-05, filed 8/13/85)

WAC 261-50-030 REPORTING OF UB-82 DATA SET INFORMATION. (1) Effective with all hospital patient discharges on or after July 1, 1984, hospitals shall collect and report the following UB-82 data set elements to the commission: (References to: "Lcn" means location on the UB-82 billing form; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes).

(a) Lcn-3 Patient Control Number Type=A Just=L Size=17 Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records and posting of payments. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification. Example "235198-001" or "345873."

(b) Lcn=4 Type of Bill Type=A Size=3  
This three-digit code requires 1 digit each, in the following sequence form: Type of facility, Bill Classification, Frequency.

- Digit #1 must be "1" to indicate a hospital.
- Digit #2 must be a "1" or a "2" to indicate an inpatient.
- Digit #3 must be one of the following:
  - 1 - Admit through discharge claim
  - 2 - Interim - first claim
  - 3 - Interim - continuing claim
  - 4 - Interim - last claim
  - 5 - Late charge(s) only
  - 6 - Adjustment of prior claim
  - 7 - Replacement of prior claim
  - 8 - Void/Cancel of a prior claim

Example: "111" or "114."

(c) Lcn= 7 Medicare Provider Number Type=A Just=L Size=6  
This is the number assigned to the provider by Medicare. Example: "020888." Note: Dashes are excluded. On hardcopy of the UB-82 billing form, the dash may be included. Example: "02-0888."

(d) Lcn=10 Patient Identifier Type=A Just=L Size=((3+))10  
This field may be developed manually and entered in location 10 on the UB-82 for hardcopy submittal (basic service hospitals). For magnetic tape or diskette submittal, programming will be required to generate the composite variable and place it in the required record layout.

(e) Lcn=11 Zipcode Type=A Just=L Size=9  
Patient's zipcode. If 9 digits are used the zipcode is provided in xxxxxxxx format (no hyphen). Example: "98102" or "981023452." On hardcopy of the UB-82 billing form, this value may be indicated with a hyphen.

(f) Lcn=12 Birthdate Type=N Size=6  
The patient's date of birth in MMDDYY format. Example: "062424" or "122292." Note: If the patient is over 100 years old at the date of admission, then "17" must be the value ((fm) {off}) in the "Condition Code #1" field. On hardcopy of the UB-82 (({billing})) billing form, this value may be indicated in MM-DD-YY format.

(g) Lcn=13 Sex Type=A Size=1  
Patient's sex in M/F format. Example: "M" or "F."

(h) Lcn=15 Admission Date Type=D Size=6  
Admission Date in MMDDYY format. Example: "030284" or "120883." On hardcopy of the UB-82 billing form, this value may be indicated with hyphens. Example: "12-08-83."

(i) Lcn=17 Type of Admission Type=A Size=1  
This field is filled with one of the following codes:

- 1 Emergency
- 2 Urgent
- 3 Elective
- 4 Newborn
- 5 Other

Example: "1" or "3."

(j) Lcn=18 Source of Admission Type=A Size=1  
This field is completed with one of the following codes:

- 1 Physician referral
- 2 Clinic referral
- 3 HMO referral
- 4 Transfer from another hospital
- 5 Transfer from a SNF
- 6 Transfer from another HCF
- 7 Emergency room
- 8 Court/law enforcement
- 9 Other

Example "1" or "4."

(k) Lcn=21 Patient Status Type=A Size=2  
Patient discharge disposition in one of the following codes:

- 01 Discharged home
- 02 Discharged to another short-term general hospital
- 03 Discharged to SNF
- 04 Discharged to an ICF
- 05 Discharged to another type institution
- 06 Discharged to home under care of HHA
- 07 Left against medical advice
- 20 Expired
- 30 Still patient

Example: "((f01) {02}) 01," "02" or "06."

(l) Lcn=22 Statement Covers Period Type=D Size=12  
This is the beginning and ending dates for which the UB-82 covers. This should be provided in the following format:

MMDDYYMMDDYY. Example: "080183081083" or "12283122583." On hardcopy of the UB-82 billing form, dashes may be included in the dates. Example: "08-01-83 08-10-83."

((Chapter 261-50 WAC)) Chapter 261-50 WAC

(m) Lcn=35 Condition Code #1 Type=A Size=2  
If a patient is equal to or over 100 years old at the time of admission, the value "17" must be the value of this field.

(n) Lcn=51 Revenue Code Type=N Just=R Size=3  
The Medicare required revenue code (as defined in the UB-82 Procedures Manual), which identifies a specific accommodation, ancillary service or billing calculation. Effective January 1, 1987.

(o) Lcn=52 Units of Service Type=N Just=R Size=3  
A quantitative measure of services rendered by revenue category to or for the patient. For those revenue centers listed in the Washington State Hospital Commission's Accounting and Reporting Manual for Hospitals, page 5110 (cont. 1), Figure 4, the Units of Service reported must correspond to the required Standard Unit of Measure. The Units of Service for all other revenue codes may be those used by the hospital. Effective January 1, 1987.

(p) Lcn=53 Total Charges by Revenue Code Category Type=N Just=R Size=9  
Total charges pertaining to the related revenue code. Reported in xxxxxxxx format, where the last two digits are cents and no decimal point is shown. Effective January 1, 1987.

(q) Lcn=53 Total Charges Type=N Just=R Size=9  
Total Charges for Revenue Code 001 in xxxxxxxx format, where the last two digits are cents and no decimal point is shown. Example: "367287" or "1223398."

((The following is effective through September 30, 1985:

{(o) Lcn=57A Payer Identification #1 Type=A Just=L Size=25  
Data should be entered in the following format "XXX xxxxxxx" where XXX is equal to one of the following entries:

- 001 for Medicare
- 002 for Medicaid
- 003 for self insured employers
- 004 for Group Health
- 005 for other HMO
- 006 for commercial
- 007 for county medical bureaus
- 008 for labor and industries
- 009 for self pay
- 010 - 500 for Blue Cross (See UB-82 Manual)

Examples: "001," or "002." Note: The first three digits of this field must be filled.)

The following changes are effective October 1, 1985:

{(r) Lcn=57A Payer Identification #1 Type=A Just=L Size=((25))3

Data should be entered in the following format "XXXxxxxxxx..." where XXX ((f+)) equals a required 3-digit numeric identification code, and xxx equals a supporting written description (not required). The required code options include:

- 001 for Medicare
- 002 for Medicaid
- 004 for health maintenance organizations
- 006 for commercial insurance
- 008 for labor and industries
- 009 for self pay
- 610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service
- 625 for other sponsored patients, e.g., CHAMPUS, Indian health
- 630 charity care, as defined in WAC 261-14-020(5)

Examples: "001," or "002." Note: The first three digits of this field must be filled.

(({r}) Lcn=57B Payer Identification #2 Type=A Just=L Size=((25))3

Same requirements as in Payer Identification #1. This field should only be completed when a secondary payer has been identified.

(({t}) Lcn=77 Principal Diagnosis Code Type=A Just=L Size=6

ICD9-CM Code describing the principal diagnosis (the condition established after study to be chiefly responsible or causing the hospitalization) that exists at time of admission. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

(({u}) Lcn=78 Diagnosis #2 Code Type=A Just=L Size=6

ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

((††)) (v) Lcn=79 Diagnosis #3 Code Type=A Just=L Size=6 ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

((††)) (w) Lcn=80 Diagnosis #4 Code Type=A Just=L Size=6 ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

((††)) (x) Lcn=81 Diagnosis #5 Code Type=A Just=L Size=6 ICD9-CM Code of secondary diagnosis corresponding to additional diagnosis that co-exist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay. Example: "0539," or "23452." Note: Leading zeros are included and decimals are excluded.

((††)) (y) Lcn=84 Principal Procedure Code Type=A Just=L Size=5  
The ICD9-CM Code that identifies the principal procedure performed during the patient admission. Example: "100" or "0101." Note: Leading zeros are included and decimals are excluded.

((††)) (z) Lcn=85 Procedure #2 Code Type=A Just=L Size=5  
Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

((††)) (aa) Lcn=86 Procedure #3 Code Type=A Just=L Size=5  
Secondary procedure code identifying procedures, other than the principal procedure, performed during the admission. Note: Leading zeros are included and decimals are excluded.

((††)) (ab) Lcn=92 Attending Physician ID Type=A Just=L Size=22  
This field may be used in the future and is included here so that the record length is compatible with microcomputer database management systems.)

The Medicaid assigned number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a Medicaid number assigned, the state license number should be used. Effective January 1, 1987.

((††)) (ac) Lcn=93 Other Physician ID Type=A Just=L Size=22  
The Medicaid assigned number of the licensed physician who performed the principal procedure. For physicians who do not have a Medicaid number, the state license number should be used. If no principal procedure was performed, this field should be left blank. Effective January 1, 1987.

(2) The patient identifier reported pursuant to WAC 261-50-030 (1)(d) shall be composed of the last two letters of the patient's last name, the last two letters of the patient's first name, or one or two initials if no first name is available, and the patient's birthdate in MMDDYY format, i.e., 060650, and shall be entered in field 4 on the record layout and in location 10 on the UB-82 billing form. For example, John Doe, born on January 2, 1948, would be coded: OEHN010248. This data element is required for all hospital patient discharges on or after January 1, 1985. In situations where no first name or initials are available, e.g. a newborn without a first name, the last two letters of the patient's last name shall be followed by 2 blank spaces, followed by the patient's birthdate.

(3) It shall be the responsibility of each hospital to ensure that data reported pursuant to WAC 261-50-030(1) is provided for all patient discharges. Each patient discharge must carry a separate, unique patient control number on a separate UB-82 record. For example, a mother and her newborn require separate UB-82s, each with a separate, unique patient control number.

**AMENDATORY SECTION** (Amending Order 85-05, Resolution No. 85-05, filed 8/13/85)

WAC 261-50-040 ACCEPTABLE MEDIA FOR SUBMISSION OF DATA. The following is effective through December 31, 1986. For purposes of the data collected and reported pursuant to

WAC 261-50-030, hospitals may submit such data on the following media:

((The following is effective through September 30, 1985:

((††) Hardcopy of the UB-82 billing form or a form prescribed by the commission:

(a) For all patient discharges during the period from July 1, 1984 to September 30, 1984;

(b) For all patient discharges after September 30, 1984 from hospitals which are classified as "basic service" hospitals;

(2) Magnetic floppy diskette (5 1/4 inch) formatted in Microsoft Disk Operating System (MS-DOS) version 2.0 and utilizing the MS-DOS back-up function;

(3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications;

(a) 800, 1600, or 6250 bytes per inch;

(b) ASCII or EBCDIC data representation codes;

(c) Block length, if blocked;

(d) Unlabeled;

(e) Seven or nine track;

(f) Hospital name and patient discharge period.}

The following changes are effective October 1, 1985)).

(1) Hardcopy of the UB-82 billing form or a form prescribed by the commission for all patient discharges from hospitals which are classified as "basic service" hospitals;

(2) Magnetic floppy diskette (5 1/4 inch) formatted in PC-DOS 2.0 or Microsoft Disk Operating System (MS-DOS) version 2.0, with a record length of 256 bytes and external identification specifying:

(a) Hospital name;

(b) Patient discharge period (MMDDYY to MMDDYY);

(c) The number of 256 byte records each diskette contains.

(3) Magnetic tape with the following physical specifications as well as external identification setting forth such specifications:

(a) 1600 bytes per inch;

(b) EBCDIC data representation codes;

(c) Block length 6400, (25 records of 256 bytes);

(d) Unlabeled;

(e) Nine track;

(f) Hospital name;

(g) Patient discharge period (MMDDYY to MMDDYY).

The following is effective January 1, 1987. For purposes of the data collected and reported pursuant to WAC 261-50-030, hospitals shall submit such data in such form as prescribed by the commission in the "Procedure Manual for Submitting Discharge Data".

**AMENDATORY SECTION** (Amending Order 85-05, Resolution No. 85-05, filed 8/13/85)

WAC 261-50-045 MAGNETIC DISKETTE AND TAPE RECORD LAYOUT. The following is effective through December 31, 1986. (1) For purposes of data submitted in accordance with WAC 261-50-040 (2) and (3), the data elements for each patient discharge record must have a logical record length of 256 characters along with the following record layout: (References to: "No" means field number for the record; "Lcn" means location on the UB-82 billing form; "Description" means description of the record field; "Type" means (A)lpha, (N)umeric, or (D)ate; "Just" means justification, either (R)ight or (L)eft; "Size" means size of the field in bytes; "Position" means position of the field on magnetic diskette or tape.)

No.	Lcn	Description	Type	Just	Size	Position
1	3	Patient Control Number	A	L	17	1-17
2	4	Type of Bill	A		3	18-20
3	7	Medicare Provider Number	A	L	6	21-26
4	10	Patient Identifier	A	L	31	27-57
5	11	Zipcode	A	L	9	58-66
6	12	Birthdate	N		6	67-72
7	13	Sex	A		1	73-73
8	15	Admission Date	D		6	74-79
9	17	Type of Admission	A		1	80-80
10	18	Source of Admission	A		1	81-81
11	21	Patient Status	A		2	82-83
12	22	Statement Covers Period	N		12	84-95
13	35	Condition Code #1	A		2	96-97
14	53	Total Charges	N	R	9	98-106
15	57A	Payer Identification #1	A	L	25	107-131
16	57B	Payer Identification #2	A	L	25	132-156
17	77	Principal Diagnosis Code	A	L	6	157-162
18	78	Diagnosis #2 Code	A	L	6	163-168
19	79	Diagnosis #3 Code	A	L	6	169-174

Dated: April 30, 1986

By: Paul Curl  
Acting Secretary

No.	Len	Description	Type	Just	Size	Position
20	80	Diagnosis #4 Code	A	L	6	175-180
21	81	Diagnosis #5 Code	A	L	6	181-186
22	84	Principal Procedure Code	A	L	5	187-191
23	85	Procedure #2 Code	A	L	5	192-196
24	86	Procedure #3 Code	A	L	5	197-201
25		Filler	A		22	202-256

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-12-033, 480-12-180, 480-12-195 and 480-12-340 relating to motor carriers.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.211 and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to (1) broaden the authority of existing carriers to protest new applications for temporary authority, and extend the time for commission determination of whether temporary authority previously issued should be continued; (2) update motor carrier safety standards to coincide with those published by the United States Department of Transportation and in effect on January 1, 1986; (3) enlarge the time credit may be extended by carriers from seven to fifteen days; and (4) permit carriers of dump truck commodities to bill on a monthly basis.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.211 as it relates to driver safety, and RCW 81.80.290.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

**APPENDIX "A"**

**AMENDATORY SECTION** (Amending Order R-236, filed 8/30/85)

WAC 480-12-033 TEMPORARY PERMITS. (1) The commission may issue temporary permits for authority to engage in common or contract carrier operations for a period of not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permit is consistent with the public interest.

(a) In determining whether or not the requested temporary authority is consistent with the public interest the commission will consider the following factors:

- (i) A showing of an immediate and urgent need for the requested service;
- (ii) The presence of lack of available service capable of meeting the need; and
- (iii) Any other circumstances indicating that the grant of such temporary authority is consistent with the public interest.

(2) Any group of six or more hospitals, or any group of hospitals which in the aggregate have more than 30,000 patient discharges per year (determined on the basis of each hospital's commission-approved budget in effect as of July 1, 1984), may in writing request a waiver from the commission to the required record layout of WAC 261-50-045(1) providing such hospitals have a common alternative record layout with the required data set elements set forth in WAC 261-50-030.

**AMENDATORY SECTION** (Amending Order 85-05, Resolution No. 85-05, filed 8/13/85)

WAC 261-50-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the information required by WAC 261-50-030, 261-50-040, 261-50-045 and 261-50-065 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of violation by the commission. The executive director of the commission may grant extensions of time to file the information, in which cases failure to file the information shall not constitute a violation until the extension period has expired.

**WSR 86-10-047  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed May 6, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to motor carriers, WAC 480-12-033, 480-12-180, 480-12-195 and 480-12-340. The proposed amendatory sections are shown below as Appendix A, Cause No. TV-1956. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, June 25, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, 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 80.01.040, 81.80.211 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.



(b) An application for a temporary permit shall be supported by a notarized statement from one or more shippers, consignees or others setting forth all pertinent facts relating to their need for the applied-for temporary service.

(c) Temporary authority issued under this subsection shall be published in the commission's weekly application docket along with a list of supporting shippers. Any interested carrier may, within ten days from the date of publication, ~~((submit))~~ protest the grant of authority by submitting a notarized statement that it has contacted the supporting shippers, consignees, or others supporting the application, that it has discussed their shipping problems with them, and that it is ready, willing and able and commits to provide service to their satisfaction on demand, or that the granting of temporary authority is not consistent with the public interest.

(2) The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common or contract carriers.

In determining whether or not the requested temporary authority will be granted, the commission will consider whether the failure to grant such authority may result in the destruction of or injury to the motor carrier properties sought to be acquired, or whether the failure to grant such authority may interfere with the future usefulness of such properties in the performance of adequate and continuous service to the public.

(3) Any temporary permit granted under subsection (1) of this section (except a temporary permit which has been canceled ~~((within twenty days after date of issuance))~~ as hereinafter provided) or subsection (2) of this section, shall be continued in force beyond the expiration date specified in such temporary permit, until the determination of an application for permanent permit authority to engage in operations authorized by such temporary permit, provided such application for permanent permit authority has been filed in accordance with the applicable laws, rules, and instructions not later than sixty days after issuance of the temporary permit.

(4) The commission may impose special terms and conditions in connection with granting of temporary permits. The commission will impose the following condition in connection with the granting of temporary permits issued pursuant to subsection (1) of this section:

"This permit is subject to cancellation any time within ~~((twenty))~~ forty-five days after date of issuance, if the commission ~~((receives evidence))~~ determines that no emergency exists or another carrier with authority is ready, willing and able to render satisfactory service to the shipper or evidence that this temporary permit was not issued in the public interest."

(5) Emergency temporary authority may be authorized for periods of thirty days or less to meet an immediate and urgent need for service due to emergencies, in which time or circumstances do not reasonably permit the filing and processing of an application for a temporary permit in the usual manner: PROVIDED, That emergency temporary authority may be issued for periods not to exceed ninety days for the hauling of agricultural commodities as defined by WAC 480-12-990, or Christmas trees.

Emergency temporary authority may be authorized upon application to the commission or any of its duly authorized agents upon payment of the fee set by WAC 480-12-030 and the furnishing of proof of possession of public liability and property damage insurance in limits provided in WAC 480-12-350. Such proof may consist of an insurance policy or a certificate of insurance.

(6) Temporary permits may be authorized only when the vehicles to be used in performance of the hauling under said temporary permit have passed a vehicle safety inspection by a commission agent.

#### AMENDATORY SECTION (Amending Order R-196, filed 2/23/83)

WAC 480-12-180 EQUIPMENT—DRIVERS—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, except that with respect to

section 396.11 no driver vehicle inspection report need be filed if no defects are found, and excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on January 1, ~~((1983))~~ 1986, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) Safety chains or other load fastening devices. Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a) (iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

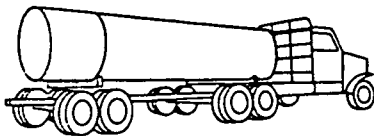
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

NOTE: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

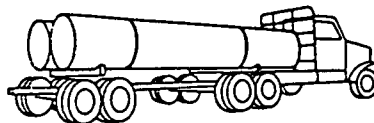
PLACEMENT AND NUMBER OF WRAPPERS

One log load



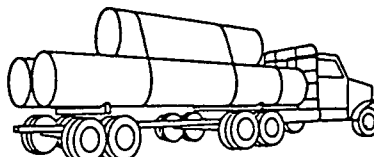
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



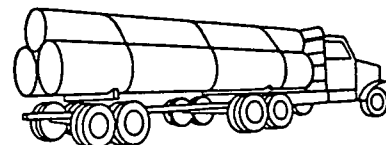
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



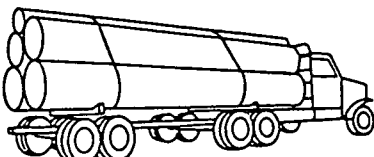
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



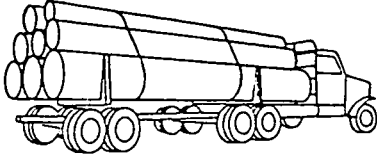
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



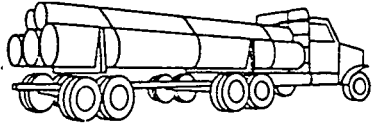
A minimum of two wrappers required.

Seven or more log load  
all logs seventeen feet or less



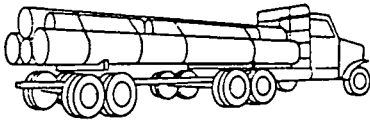
A minimum of two wrappers required.

Five or more log load  
if any logs are more than seventeen feet



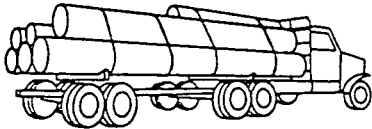
A minimum of three wrappers required.

Outside logs or top logs



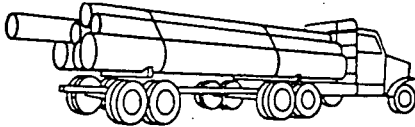
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



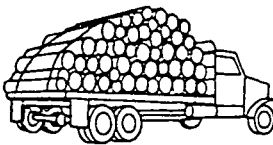
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

NOTE: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) Approved load fastening devices. The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) Anti-spray devices. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) Qualifications of drivers. Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto in effect on January 1, (~~1983~~) 1986, are adopted and prescribed by the commission to be observed by

all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

(8) Whenever the term "lightweight vehicle" is used in this section or is used in rules adopted herein by reference, such term shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

#### AMENDATORY SECTION (Amending Order R-186, filed 6/2/82)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, Parts 170-189, as well as and including all appendices and amendments thereto, in effect on January 1, ~~((1982))~~ 1986, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

#### AMENDATORY SECTION (Amending Order R-174, filed 9/9/81)

WAC 480-12-340 CREDIT, EXTENSION OF, BY COMMON CARRIERS. (1) In extending credit by common carriers to shippers and consignees for transportation charges, if such charges are not paid when due, the further extension of credit shall immediately cease and all necessary legal steps be taken at once to collect the outstanding amount. In all such cases the full circumstances shall be reported to the commission for such action as it may deem necessary.

(2) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicles may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of ~~((7))~~ fifteen days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first ~~((12 o'clock))~~ 12:00 midnight following delivery of the freight. When the freight bill is not presented to

the shipper on or before the date of delivery, the credit period shall run from the first ~~((12 o'clock))~~ 12:00 midnight following the presentation of the freight bill.

(3) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of ~~((30))~~ thirty calendar days to be computed from the first ~~((12 o'clock))~~ 12:00 midnight following the presentation of the subsequently presented freight bill.

(4) Freight bills for all transportation charges shall be presented to the shippers within ~~((7))~~ seven calendar days from the first ~~((12 o'clock))~~ 12:00 midnight following delivery of the freight.

(5) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carriers shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(6) The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carriers, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(7) Carriers engaged in garbage, refuse or debris collection, or in the transportation of dump truck commodities may present monthly bills; carriers of logs and carriers of household goods shall be governed as to extension of credit by other orders of the commission relating to the subject.

(8) Carriers billing for the transportation of unmanufactured or unprocessed agricultural commodities, including the return of empty containers, where the farmer or grower pays the freight charges, shall present the freight bill to said farmer or grower within ~~((7))~~ seven calendar days from the first ~~((12 o'clock))~~ 12:00 midnight following delivery of the freight. The carrier may extend credit for transportation charges for a period of ~~((30))~~ thirty calendar days, to be computed from the first ~~((12 o'clock))~~ 12:00 midnight following presentation of the subsequently presented freight bill.

(9) The provisions of this rule shall not apply to payments of intra-state transportation charges by use of charge cards when a carrier offering charge card payment services has obtained approval for such charge card plan or plans as provided in WAC 480-12-465 and when the shipper of household goods does not force an involuntary extension of credit by the carrier by causing the charge card issuer to reverse the charge transaction and charge payments back to the carrier's account.

**WSR 86-10-048**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the enforcement of honeybee tracheal mite quarantine, chapter 16-470 WAC;

that the agency will at 1:00 p.m., Wednesday, June 25, 1986, in the USDA Conference Room, Agricultural Center, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1986.

The authority under which these rules are proposed is chapters 15.60 and 17.24 RCW.

Dated: May 7, 1986  
By: Art G. Losey  
Assistant Director

## STATEMENT OF PURPOSE

Title: WAC 16-470-240.

Description of Purpose: The honeybee tracheal mite quarantine is necessary to regulate migratory beekeepers moving bees between known infested states and Washington state in order to prevent the uncontrollable introduction of acarine disease into Washington state which could economically impact the Washington state apiary industry.

Statutory Authority: Chapters 15.60 and 17.24 RCW.

Reasons for Supporting Proposed Action: To provide for the enforcement of the honeybee tracheal mite quarantine.

Summary of Rules: Provide for honeybee tracheal mite quarantine.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Robert O. Rebhan, Plant Services Supervisor, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

## NEW SECTION

WAC 16-470-240 HONEY BEE TRACHEAL MITE - ENFORCEMENT. The following shall apply to the enforcement of rules in this chapter relating to honey bee tracheal mite and Chapter 15.60 RCW:

(1) Enforcement may be carried out by the Washington state department of agriculture and/or with cooperation from other government or law enforcement agencies.

(2) Vehicles carrying regulated articles, as specified in Chapter 15.60 RCW and WAC 16-470-210 through 16-470-230, may be stopped to verify compliance.

(3) Vehicles carrying regulated articles without a health certificate as required by Chapter 15.60.100 RCW, from states of origin other than Washington may be refused entry and the person transporting such articles required to remove them from Washington state.

(4) Regulated articles not in compliance with this chapter may be removed from the transporting vehicle and placed under quarantine pending sampling and laboratory analysis as prescribed by the department. Costs incurred by the department in the enforcement of this section shall be paid prior to the release of the required articles from quarantine.

(5) Regulated articles found to be infested with honeybee tracheal mites and placed under quarantine may be transported to a depopulation, fumigation site or other site as prescribed by the department on a vehicle as designated by the department. Such vehicle carrying quarantined regulated articles shall be deemed under quarantine during such transportation.

**WSR 86-10-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**  
[Order 86-10—Filed May 7, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas.

Amd WAC 458-20-24002 Sales and use tax deferral—Manufacturing and research/development facilities.

I, Matthew J. Coyle, 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 tax deferral program administered under these rules has been modified for prospective purposes which necessitates emergency amendment to the rules so that the guidelines and criteria for seeking and obtaining tax deferrals will be in place on June 11, 1986, the effective date of the law. Rule 24002 requires amendment to reflect the extension of time limits on the tax deferral program already being administered under 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 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 May 7, 1986.

By Matthew J. Coyle  
Acting Director

AMENDATORY SECTION (Amending Order ET 85-5, filed 10/7/85)

WAC 458-20-24001 SALES AND USE TAX DEFERRAL—MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES IN DISTRESSED AREAS. ~~((†))~~ (1) INTRODUCTION. Chapter ((232, Laws of 1985)) 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain distressed areas of the state. Thus, the legislature established this tax deferral program to be effective solely in those distressed areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified minimum number of jobs. In general, the deferral applies to sales and use taxes on materials, labor, and services rendered in the construction of qualified buildings, machinery, and equipment.

~~((†))~~ (2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

(3) DEFINITION OF TERMS. For purposes of this ((rule)) section:

(a) "Applicant" means a person applying for a tax deferral under chapter ~~((232, Laws of 1985))~~ 82.60 RCW.

(b) "Person" has the meaning given in RCW 82.04-.030. It means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this ~~((rule))~~ section the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons."

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Recipient" means a person who has been granted a tax deferral under this program.

(e) "Department" means the department of revenue.

(f) "Eligible area" means a county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent; i.e., the average unemployment rate for the county must be twenty percent above the average unemployment rate for the state in the preceding three calendar years. In determining an eligible area the department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security.

(g) "Eligible investment project" means that portion of an investment project which:

~~((+))~~ (i) Is directly utilized to create at least one new full time qualified employment position for each ~~((two))~~ three hundred thousand dollars of investment on which a deferral is requested; and

~~((2))~~ (ii) Either initiates a new operation or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement ~~((; and~~  
~~3. Does not exceed twenty million dollars in value)).~~

(h) For the purposes of the above paragraph the following definitions will apply:

(i) "Qualified employment position" means a permanent, full time employee employed in the eligible investment project during the entire tax year following the operational completion of the project. In the event an employee is either voluntarily or involuntarily separated from employment the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(ii) The requirement for employment during the "entire tax year," for purposes of this tax deferral program, will be satisfied if the full time position is filled for a period of twelve consecutive months.

(iii) An "improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing building where the cost exceeds 25 percent of the true and fair value of the existing plant complex prior to the initiation of construction. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction.

(iv) "True and fair value" means ~~((:))~~ the value listed on the assessment rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application.

(v) "Plant complex" shall mean land, machinery, and buildings adapted to industrial, computer, warehouse, or research and development use as a single functional or operational unit for the designing, assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

~~((: +))~~ (vi) "Eligible investment project" does not include ~~((: +))~~ either an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), or

~~((2))~~ investment projects which have already received deferrals under chapter ~~((232, Laws of 1985))~~ 82.60 RCW.

(i) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons.

(j) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136 now and as hereafter amended. Manufacturing, for purposes of this ~~((rule only))~~ section, shall also include computer programming, the production of computer-related service, and the activities performed by research and development laboratories and commercial testing laboratories.

(k) "Qualified buildings" means new structures used to house manufacturing activities as defined above and includes plant offices, warehouses, or other facilities for the storage of raw material and finished goods if such facilities are essential or an integral part of a manufacturing operation. The term also includes parking lots, landscaping, sewage disposal systems, cafeterias, and the like, which are attendant to the initial construction of an eligible investment project. The term "new structures" means either a newly constructed building or a building newly purchased by the certificate holder. A preowned

or existing building is eligible for deferral provided that the certificate holder expands, modernizes, renovates, or remodels the preowned or existing building by physical alteration thereof.

(l) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation, as defined above. "Qualified machinery and equipment" includes, but is not limited to, computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long or short term lease by the recipient. The tax deferral applies to equipment purchased outright by the recipient (or the transfer of machinery and equipment into the state of Washington) and leased equipment. Acquisition of spare parts for machinery, equipment, etc., in excess of normal operating levels shall not be eligible for deferral.

(m) "New machinery and equipment" means either new to the taxing jurisdiction of the state or new to the certificate holder. Used equipment is eligible for deferral provided that the certificate holder either brings the machinery or equipment into Washington for the first time or purchases it at retail in Washington.

(n) "Initiation of construction," for purposes of applying for the investment tax deferral relating to the construction of new buildings, shall mean the date upon which on-site construction work commences.

(o) "Initiation of construction," for purposes of applying for the investment tax deferral relating to a major improvement of existing buildings, shall mean the date upon which the new construction by renovation, modernization, or expansion, by physical alteration, begins.

(p) "Operationally complete" means the eligible investment project is constructed or improved to the point of being fully and functionally useable for its intended purpose as described in the application.

~~(HH:)~~ (4) APPLICATION PROCEDURE. An application for sales and use tax deferral under ~~(chapter 232, Laws of 1985)~~ this program must be made prior to the initiation of construction, as defined above. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

(5) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate shall be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue

a certificate pursuant to the provisions of WAC 458-20-100, within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department.

~~((In the event an application is submitted prior to the publication of state-wide and county unemployment statistics for the year preceding the year in which application is made, the department will take no action on the application until the statistics are published even though this period may extend beyond the sixty-day approval period. If, after publication of the statistics, it is determined that the applicant is eligible for tax deferral the department, within ten days of publication, shall issue the tax deferral certificate effective on the date the application was received by the department.~~

~~IV:)~~ (6) For purposes of making application for tax deferral and of approving such applications, the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish a list of eligible areas by county, on May 1 of each year.

(7) USE OF THE CERTIFICATE. A tax deferral certificate issued ~~((pursuant to chapter 232, Laws of 1985))~~ under this program shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings and qualified machinery and equipment as defined in this ~~(rate)~~ section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(8) The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all tax deferral sales.

~~(V:)~~ (9) AUDIT PROCEDURE. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. ~~((A certificate holder is eligible for deferral of sales and use taxes on any eligible investment project up to twenty million dollars in project value.))~~ Following approval of the application and issuance of a sales and use tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate. At that time the certificate holder may not utilize the certificate further. If a certificate holder has reached its level of estimated costs ~~((which level is less than twenty million dollars))~~ and the project is not operationally complete, the certificate holder may apply for a supplemental certificate stating a revised amount upon which the deferral of sales and use taxes is

requested. The certificate holder shall amend the original application to account for the additional costs. The department ~~((may))~~ will grant or deny the amended application ~~((depending on the total biennial tabulation of deferred taxes))~~ on the same basis as original applications.

(10) The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

(11) Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

(12) The department shall keep a running total of all deferral certificates granted during each fiscal biennium. ~~((The department will not allow any deferral certificates to be issued which would cause the tabulation for a biennium to exceed twenty million dollars in deferred taxes. If the department has granted a total of nineteen million dollars in deferrals during any fiscal biennium and there is a reasonable expectation that the total of all deferrals shall reach or exceed twenty million dollars in the current biennium, the department shall notify each new applicant of the department's tabulation and of the fact that the applicant's deferred taxes may carry over into the next biennium in accordance with the guidelines set forth in the following paragraph.~~

~~An application for deferral of taxes shall be prioritized based upon the time of receipt by the department of the original application. For purposes of this regulation, the term "time of receipt" shall mean the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department. If more than one application is received on the same day and, under the provisions of this paragraph, only a portion of the taxes may be deferred, the amount of taxes to be deferred by each applicant shall be determined on a pro rata basis.~~

~~If all or part of an application for deferral is disallowed because the total tabulation for the biennium exceeds twenty million dollars in deferred taxes the disallowed portion shall be carried over for approval into the next biennium. However, the applicant's carryover~~

~~into the next biennium is only permitted if the tabulation for the next biennium does not exceed twenty million dollars as of the date on which the department has disallowed all or part of the application.))~~

(13) The deferral is allowable only in respect to investment in the construction of a new plant complex or the enlargement or improvement of an existing plant complex directly used in manufacturing activities, as defined above. Where a plant complex is used partly for manufacturing and partly for purposes which do not qualify for deferral under this ~~((rule))~~ section and it is not possible to identify the nonqualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

(14) The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

~~((+))~~ (a) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or

~~((+))~~ (b) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.

(15) After that date the lessee/recipient shall pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(16) No taxes may be deferred under this ~~((rule))~~ section prior to July 1, 1985. No applications for deferral of taxes will be accepted after May 1, 1991 nor will sales or use tax deferral certificates be issued on or after July 1, 1991. In tabulating the total amount of deferrals granted under this law there shall be considered a total of three fiscal biennia within which applications shall be accepted.

~~((+))~~ (17) REPORTING AND MONITORING PROCEDURE. Each recipient of sales and use tax deferral shall submit a report to the department on December 31st of each year during the repayment period until all taxes are repaid. The first report shall be submitted in the third year after the date on which the construction project has been operationally complete to coincide with the first payment of deferred taxes. The report shall contain information from which the department may determine whether the recipient is meeting the requirements of the deferral law.

(18) The report shall be made to the department in a form and manner prescribed by the department. The report shall contain information regarding the recipient's average employment in the state for the prior three years, the actual employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is



one that contains material omissions or contains knowingly false statements and information.

(19) The department shall notify the department of employment security of the names of all recipients of tax deferrals under (~~chapter 232, Laws of 1985~~) this program. On or before December 31st of each year a deferral is in effect, the department shall request information on each recipient's employment in the state for that year, including employment related to the deferral project, and the wages of such employees. The department of employment security shall make, and certify to the department, all determinations of employment and wages required under this (~~paragraph~~) subsection.

(20) If, on the basis of the recipient's annual report or other information including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, the department will (~~(+)~~) (a) declare the amount of deferred taxes outstanding to be immediately due or (~~(+)~~) (b) assess interest on the deferred taxes for the project (~~(, under the following guidelines:)~~).

(~~(+)~~) (21) If the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes. The interest shall be assessed at the rate of nine percent per annum, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are paid. A recipient of deferred taxes shall have from the date on which the construction project was certified as operationally complete to December 31st of the first year of repayment in which to create the required number of employment positions under this law.

(~~(+)~~) (22) If the department finds that the investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due. The reasons for disqualification include, but are not limited to, the following:

(a) The facility is not used for a manufacturing, warehouse, computer, or research and development operations;

(b) The recipient has not made an investment in qualified buildings, machinery, and equipment.

(23) Any action taken by the department (~~(under paragraph (1) or (2) above)~~) to assess interest or disqualify a recipient for tax deferral shall be subject to administrative review pursuant to the provisions of WAC 458-20-100.

(~~(H)~~) (24) The law expressly excuses the obligation for repayment of sales or use tax upon the value of labor directly applied in the construction of an investment project for which deferral has been granted, PROVIDED:

(a) That deferral has been granted after June 11, 1986; and

(b) That eligibility for the granted tax deferral has been perfected by actually meeting all of the eligibility

requirements, based upon the recipient's annual December 31 reports and any other information available to the department.

(25) The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials.

(26) The above information must be maintained in the recipient's permanent records for the department's review and verification at the time of the final audit of the investment project.

(27) In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges.

(28) The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(29) PAYMENT PROCEDURES. The recipient of sales and use tax deferral under this (~~regulation~~) program shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(30) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this rule during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

AMENDATORY SECTION (Amending Order ET 85-5, filed 10/7/85)

WAC 458-20-24002 SALES AND USE TAX DEFERRAL—NEW MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES. ((#)) (1) INTRODUCTION. Chapter ((2, Laws of 1985 1st ex. sess.)) 82.61 RCW, as amended, establishes a sales and use tax deferral program for certain manufacturing or research and development investment projects. The deferral will be granted only to persons not currently engaged in manufacturing or research and development activities in the state of Washington on June 14, 1985, the effective date of the deferral program. Applications for the tax deferral may be accepted up through June 30, ((+1986)) 1988; a holder of a tax deferral certificate must initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate. In general, the deferral applies to the construction of new buildings and the acquisition of related machinery and equipment.

(2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

((#)) (3) DEFINITION OF TERMS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this rule.

(4) "Applicant" means a person applying for a tax deferral under this rule.

(5) "Person" has the meaning given in RCW 82.04-.030. It means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this rule the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons".

(6) "Eligible investment project" means construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ((+1986)) 1988.

(7) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production

or fabrication of specially made or custom-made articles.

(8) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(9) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development purposes and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under this rule.

(10) "Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation.

(11) "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington for the first time or makes a retail purchase of the machinery and equipment in Washington.

(12) "Acquisition of equipment and machinery" shall have the meaning given to the term "sale" in RCW 82-.04.040. It means any transfer of the ownership of, title to, or possession of, tangible personal property for a valuable consideration. A sale takes place when the goods sold are actually or constructively delivered to the buyer in this state.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(15) "Operationally complete" means that the eligible investment project is constructed or improved to the point of being fully and functionally useable for the intended purpose as described in the application.

(16) "Initiation of construction" means that date upon which on-site construction commences.

(17) "Plant complex" shall mean land, machinery, and buildings adapted to commercial, industrial, or research and development use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw materials or fabricated parts.

(18) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A

person who does not build (~~or remodel~~) its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons. An eligible investment project does not include any project which or person who have previously been the recipient of a tax deferral under Washington law.

~~((H:))~~ (19) APPLICATION PROCEDURES. An application for sales and use tax deferral under (~~chapter 2, Laws of 1985 1st ex. sess.~~) this program must be made prior to either the initiation of construction or the acquisition of equipment or machinery, as defined above, whichever occurs first. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

(20) The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department, including information relating to employment at the investment project.

(21) The department will examine and verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate will be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100 within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

(22) A tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation, or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June

14, 1985 and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985 shall also be ineligible to receive a tax deferral certificate.

(23) No application for deferral of taxes shall be accepted after June 30, (~~1986~~) 1988. For purposes of this regulation, the time of receipt of an application shall be determined by the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department.

~~((V:))~~ (24) USE OF THE CERTIFICATE. A tax deferral certificate issued (~~pursuant to chapter 2, Laws of 1985 1st ex. sess.~~) under this program shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings, machinery, and equipment as defined in this (~~rule~~) section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(25) The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all deferral sales.

~~((V:))~~ (26) AUDIT PROCEDURES. The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

(27) Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sale and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

(28) The deferral is allowable only in respect to investment in the construction of a new plant complex

used in manufacturing or research and development activities, as defined above. Where a plant complex is used partly for manufacturing or research and development purposes and partly for purposes which do not qualify for deferral under this ((~~rule~~)) section and it is not possible to identify the nonqualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

(29) The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

((~~+~~)) (a) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or

((~~2~~)) (b) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.

(30) After that date the lessee/recipient shall pay the appropriate sales tax to the lessor for the remaining term of the lease.

(31) No taxes may be deferred under this ((~~rule~~)) section prior to June 14, 1985. No applications for deferral of taxes will be accepted after June 30, ((~~1986~~)) 1988, nor will sales or use tax deferral certificates be issued after August 29, ((~~1986~~)) 1988. A certificate holder must commence construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate but no later than December 31, ((~~1986~~)) 1988.

((~~V~~)) (32) REPORTING AND MONITORING PROCEDURE. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. The applicant shall also provide information relative to the number of jobs contemplated to be created by the project.

(33) The department and the department of trade and economic development shall jointly make two reports to the legislature about the effect of this deferral law on new manufacturing and research and development activities and projects in Washington. The report shall contain information concerning the number of deferral certificates granted, the amount of state and local sales and use taxes deferred, the number of jobs created, and other information useful in measuring such effects. The departments shall submit their joint reports to the legislature by January 1, 1986 and by January 1 ((~~1987~~)) of each year through 1989.

(34) Any recipient of a sales and use tax deferral may be asked to submit reports to the department or department of trade and economic development during any period of time the recipient is receiving benefits under this deferral law. The report shall be made to the department in a form and manner prescribed by the department. The recipient may be asked to report information

regarding the actual average employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report, the department may not impose any penalties or sanctions against the recipient.

((~~VH~~)) (35) PAYMENT PROCEDURES. The recipient of sales and use tax deferral under this ((~~regulation~~)) program shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(36) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this program during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

**WSR 86-10-050**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed May 7, 1986]

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 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas.
- Amd WAC 458-20-24002 Sales and use tax deferral—Manufacturing and research/development facilities.
- Amd WAC 458-20-240 Manufacturers, tax credits;

that the agency will at 9:00 a.m., Tuesday, June 10, 1986, in the Revenue Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 17, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapters 82.60 and 82.61 RCW and chapter 116, Laws of 1986, (ESHB 1754) as yet uncodified.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

Dated: May 7, 1986  
By: Matthew J. Coyle  
Acting Director

### STATEMENT OF PURPOSE

Title: WAC 458-20-240 Manufacturers, tax credits.

Description of Purpose: The provisions of current Rule 240 and the tax credits program administered thereunder have expired. This rule is being used to administer the new manufacturers' tax credits program enacted by chapter 116, Laws of 1986. The entire text of this rule is new language which provides an explanation of the new program, definitions of terms, credit application procedures, the qualifying guidelines for credit approval, procedures for credits usage, program limitations and deadlines, reporting and monitoring procedures, and conditions for withdrawal of credits and other noncompliance results.

Statutory Authority: RCW 82.32.300 and chapter 116, Laws of 1986, (ESHB 1754) as yet uncodified.

Specific Statute(s) Rule is Intended to Implement: Chapter 116, Laws of 1986, uncodified.

Reasons Supporting Proposed Action: This credits program is completely new to the state of Washington. The enacting legislation contemplates the application of formulas and processes for administration of the program which must be administratively devised to meet the practical needs of all potential credit applicants and recipients, as well as the monitoring and reporting needs of the agency. This administrative rule is necessary to provide full notice of the availability of tax credits benefits and the criteria for obtaining them.

Title: WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas.

Description of Purpose: Chapter 116, Laws of 1986, amends chapter 82.60 RCW in several specific respects. The amendments to Rule 24001 incorporate these statutory amendments as follows: By removing the \$20 million cap on investment projects qualified for deferral; by providing for an excuse from repayment of sales/use tax deferred on the labor portion of fully qualified investment projects approved for deferral after June 11, 1986; and by making administrative changes to assure uniformity and consistency in the programs providing for tax deferrals and tax credits for manufacturer's investment programs provided for by chapter 116, Laws of 1986.

Statutory Authority: RCW 82.32.300 and chapter 116, Laws of 1986, as yet uncodified.

Specific Statute(s) Rule is Intended to Implement: Chapter 82.60 RCW and chapter 116, Laws of 1986, (ESHB 1754) as yet uncodified.

Reasons Supporting Proposed Action: The tax deferral program administered under this rule has been modified for prospective purposes which necessitates emergency amendment to the rule so that the guidelines and criteria for seeking and obtaining tax deferrals will be in place on June 11, 1986, the effective date of the law. Other ministerial amendments to the rule are required for uniformity and consistency with the revenue rules' numbering and lettering identification format.

Title: WAC 458-20-24002 Sales and use tax deferral—Manufacturing and research/development facilities.

Description of Purpose: To implement the provisions of chapter 116, Laws of 1986, by extending the life of the tax deferral program from December 31, 1986, to December 31, 1988. To make purely administrative, ministerial changes in the rule for consistency with numbering and lettering identification of sections and subsections of the rule. The statutory law has been amended to incorporate certain administrative positions which are already included in the rule and need no rule amendment.

Statutory Authority: RCW 82.32.300 and chapter 116, Laws of 1986, as yet uncodified.

Specific Statute(s) Rule is Intended to Implement: Chapter 82.61 RCW and chapter 116, Laws of 1986, (ESHB 1754) as yet uncodified.

Reasons Supporting Proposed Action: Rule 24002 requires amendment to reflect the extension of time limits on the tax deferral program already being administered under this rule and to make other housekeeping amendments for consistency sake. Because the program is ongoing, this rule is being adopted on an emergency basis.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

### AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

WAC 458-20-240 ((~~MANUFACTURING~~)) MANUFACTURERS, TAX CREDITS. ((~~GENERAL RULE. RCW 82.04.435 provides for a credit against the business and occupation tax otherwise payable by qualified manufacturers as a result of tax actually paid under chapter 82.08 RCW (retail sales tax) or chapter 82.12 RCW (use tax) on materials, labor and services in the construction of new buildings or the enlarging of existing buildings directly used in such manufacturing activities. In general, the credit is extended to those persons whose activities are defined in RCW 82.04.120 (the definition of the term "to manufacture") with respect to retail sales tax or use tax paid by such persons, their lessors or their contract vendors, on materials, labor and services in connection with such construction or enlarging. The following general principles will apply:~~

#### LIMITATIONS:

(1) By statutory restriction this credit is available only to "persons engaging in activities defined in RCW 82.04.120" (the definition of the term "to manufacture"), which will include only those persons whose business activities falling within the purview of the business and occupation tax occur under RCW 82.04.240 tax on manufacturers, RCW 82.04.260(2) flour and soybean or sunflower oil manufacturers, (3) seafood products manufacturers, (4) manufacturing fruit and vegetables, (5) manufacturing aluminum, and RCW 82.04.280 printing and

publishing, and including manufacturing activities which might be reported for tax under RCW 82.04.250 (retailing) or RCW 82.04.270 (wholesaling) according to the provisions of RCW 82.04.440. As to persons taxable under RCW 82.04.260(8) (slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale) the credit will be allowable only as to tax paid on the construction of new buildings or the enlarging of existing buildings directly used in those of the listed activities which constitute "manufacturing" as defined in RCW 82.04.120 and not with respect to tax paid on buildings, or portions of buildings used in the storage, handling or marketing of unprocessed fresh perishable meat products.

(2) Credits will not be allowable until an application therefor has been filed with and approved by the department of revenue. Such application must be made within two years of the date of payment of the taxes giving rise to such credits.

(3) Credits are allowable only in respect to tax paid on the construction of new buildings or the enlargement of existing buildings (as hereinafter defined) directly used in manufacturing activities. Where a building is used partly for manufacturing and partly for purposes which do not qualify for credit under this rule, the applicable tax credit shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the building directly used for manufacturing purposes bears to the construction cost per square foot of the total building.

(4) The terms "manufacturer" and "manufacturing" are to be narrowly construed and the credit is not allowable in respect to buildings utilized for such nonmanufacturing activities as extracting, marketing, parking and transportation, nor to office and storage facilities except as specifically provided herein.

(5) Credits are allowable only in respect to tax paid on the construction of new or enlarged buildings, not on the repair or renovation of existing buildings.

(6) Credits may be taken only against tax payable which is attributable to manufacturing activities conducted in the particular factory, mill or manufacturing plant in which such buildings are located. Thus, the credit may not be taken against business and occupation tax liability occurring as the result of manufacturing activities conducted at a separate plant nor against the tax due on any nonmanufacturing activities.

(7) No credit will be allowable for tax paid on purchases of labor, material or services on which the supplier becomes entitled to compensation after January 1, 1971, except that with respect to purchases made pursuant to any contract entered into prior to January 1, 1971, credit will be allowed in respect to tax paid on such purchases prior to July 1, 1972; further, as to the construction of buildings used directly in the manufacture of metals, the credit will include taxes paid on all purchases for construction which was in progress on January 1, 1971 and was completed after that date.

#### DEFINITIONS:

(1) The term "contract vendor" shall mean only those persons who will convey by a contract of sale buildings, as defined herein, to a manufacturer to be used as a new manufacturing facility. The term will not include contractors who may be engaged by manufacturers for the purpose of the construction of structures, nor will it include vendors who will supply tangible personal property under contract to a manufacturer. The term will not include vendors of buildings which have been previously used for any purpose.

(2) The term "lessors" shall mean only those persons who will rent or lease buildings, as herein defined, to a manufacturer to be used as a new manufacturing facility. The term will not include lessors of tangible personal property to manufacturers nor will it include lessors of manufacturing buildings which have previously been used for any purpose.

(3) The term "manufacturer" shall include only those persons operating a manufacturing plant whose activities are described under the provisions of RCW 82.04.120 "to manufacture" and as further defined under the subheading "definitions" of the department of revenue's published WAC 458-20-136, manufacturing, processing for hire, fabricating.

(4) The term "buildings" means and includes only those structures used to house or shelter manufacturing activities, including the usual lighting, heating, and sanitary plumbing facilities. The term does not include any construction performed outside the exterior walls of the building such as landscaping, walks and driveways, parking areas, septic tanks and drain fields, water, electrical or sewer lines and the like. The term does include plant offices and facilities for the storage of raw materials or finished goods when such facilities are essential to and an

integral part of the factory, mill or manufacturing plant in which they are located. The term includes potlines and furnaces used directly in the manufacture of metals, but does not include any other manufacturing or industrial fixtures or equipment such as tanks, conveyor systems, cranes, industrial machinery and related facilities irrespective of whether or not such facilities or equipment are affixed to the realty.

**CHANGES IN OWNERSHIP.** In general, a tax credit may be taken only by the person who has paid the retail sales tax or use tax, or whose lessors or contract vendors have paid the tax, and the credit may not be transferred or sold to a successor as defined in RCW 82.04.180. However, when the control of and beneficial interest in the subject matter of the transfer of assets remains in the same individuals or entity after completion, and the transfer of assets is deemed exempt from retail sales tax or use tax according to the principles set forth in WAC 458-20-106, any portion of the tax credit remaining unused may be utilized by the surviving entity under the limitations otherwise provided by the law.

**DETERMINING ALLOWABLE CREDITS.** Prior to taking any deduction under the business and occupation tax on a regular return filed, the amount of the sales tax or use tax paid on the constructing or enlarging of buildings directly used in performing manufacturing activities is to be established and approved by the department of revenue so that the appropriate credit can be established on the manufacturer's account, against which subsequent deductions will apply. In no event may a tax credit be deducted until the retail sales tax has been paid. In the case of a complex project where an advisory ruling is desired, application for a tentative determination by the department of revenue as to the eligibility of the project for credit may be made in letter form at any time. Application for tax credit shall be made by letter describing the project, setting forth all pertinent facts including the following: Name of contractor or material vendor, nature and location of work performed or materials supplied, date of invoice, date of payment, amount of invoice exclusive of sales tax and amount of tax paid. Tentative authorization must be secured from the department before deductions or offsets against the business and occupation tax will be allowed. Upon such authorization, special reporting forms will be supplied the taxpayer for purposes of deducting and reconciling the tax credit.) (1) **INTRODUCTION.** Chapter 116, Laws of 1986 establishes a business and occupation tax credits program. Its purpose is to stimulate the economy and create employment opportunities in specific distressed areas of this state. In addition to the tax credit benefits of this program, specific financial incentives to employers who locate or expand business facilities in this state are administered by the Washington state employment security department. The provisions of this section, however, apply only for manufacturing or research and development activities conducted at specific business facilities in announced eligible areas of this state.

(2) Effective April 1, 1986, persons engaged in manufacturing or research and development activities, who otherwise qualify, will receive credits against their business and occupation tax due under chapter 82.04 RCW. Those credits amount to one thousand dollars for each qualified employment position directly created in an eligible business project, as those terms are defined in this section.

(3) **DEFINITIONS.** For purposes of the tax credits program the following definitions will apply.

(a) "Applicant" means a person applying for tax credit under this program.

(b) "Department" means the department of revenue.

(c) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed exceeds the average state unemployment for those years by twenty percent.

The department will publish a list of such eligible areas by May 1 of each year during the life of this program.

(d) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That in order to qualify as an eligible business project, the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which credit is being sought than they were at the same facility in the immediately preceding year.

(e) The term "eligible business project" defined earlier, does not include any of the following:

- (i) Any business project undertaken by a light and power business;
- (ii) Any portion of a business project creating employment positions outside an eligible area;

(iii) Any business projects of persons who are receiving sales tax deferrals under chapter 82.61 RCW (see WAC 458-20-24002).

(f) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136. For purposes of this section the term also includes computer programming, the production of computer software, and other computer-related services, and the activities of research and development and commercial testing laboratories.

(g) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, services, or process before commercial sales have begun.

(h) "Qualified employment position" means a permanent full-time employee, employed in an eligible business project during the entire tax year: PROVIDED, That,

(i) Once a full-time position is established and filled it will continue to qualify for tax credit purposes so long as it is filled by any person or, during any period of vacancy, the employer is training or actively recruiting a replacement employee;

(ii) A position will not be deemed to be filled in order to qualify for tax credit if it is vacant for any period in excess of thirty consecutive days;

(iii) The requirement for employment during the "entire" tax year will be satisfied if the full-time position is filled for a period of twelve consecutive months.

(i) "Permanent full-time employee" means a person who works for the recipient on a paid basis, at least thirty-five hours per week. It does not include independent contractors, independent representatives, persons compensated exclusively on a commissioned basis, or seasonal and similar employment personnel who work for the recipient for only a part of the year.

(j) "Tax year" means the calendar year in which taxes are due.

(k) "Recipient" means a person receiving tax credits under this program.

(l) "Credit computation year" means the tax year for which credits are being sought. The first credit computation year for which any person can seek and qualify for credit approval under this program is tax year 1987.

(m) "Base year" means the entire calendar year immediately preceding the credit computation year. The first base year under this program is 1986.

(4) APPLICATION PROCEDURES. Application for tax credits under this program must be made using the prescribed application for B & O tax credit on new employees. These forms are available from the department on request. The completed application must be submitted to the department before the actual hiring of qualified employment positions for which credit is sought.

(5) The department will determine if the information contained on the application qualifies the applicant for tax credits and will either approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice which will notify the recipient in writing of the dollar amount of tax credits available for use and the credit taking procedures. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of any credit disapproval pursuant to the provisions of WAC 458-20-100.

(6) Under the law, tax credits may be received only for the creation of qualified employment positions at specific facilities within "eligible areas" as defined earlier. For purposes of making application for tax credits the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish such statistics and a list of eligible areas by county, on May 1 of each year.

(7) A separate application must be submitted for each credit computation year.

(8) QUALIFYING FOR CREDIT. There are three qualifying tests, all of which must be met, in order to receive approval for tax credits under this program.

(a) The applicant must be a "manufacturing" business as defined earlier; and

(b) The specific facility at which the manufacturing activities are being conducted must be within an eligible area as defined earlier; and

(c) The average full-time qualified employment positions at the specific facility during the credit computation year must be at least fifteen percent greater than such employment average for the preceding year.

(9) Because chapter 116, Laws of 1986 includes an emergency effective date of April 1, 1986, and because the stated intent is to stimulate the economy and create employment opportunities, this tax credits program is effective immediately. Full-time employees expected to be

hired after any application for credits is submitted but before January 1, 1987, will be deemed to be employed as of January 1, 1987. They will be includable within the qualified employment position computation for that year. Thus, credits may be available for all positions hired after the effective date of the law if they otherwise qualify and within the dollar limits explained later.

(10) The threshold, fifteen percent employment increase test (qualifying test number three) is met by:

(a) Stating in the application the actual average number of full-time employment positions which existed at the facility during the base year;

(b) Stating the projected number of new positions to be filled during the credit computation year;

(c) Stating the average number of full-time employment positions for the credit computation year including the new projected positions;

(d) Achieving an increase of at least fifteen percent of (c) over (a) above.

(i) Examples. Applicant has no employees at the facility for base year 1986 and intends to hire ten persons, some in 1986 and some in 1987. Because for first year implementation of the program the 1986 hires will be deemed to be hired January 1, 1987, the applicant's base year average remains zero. Thus, its credit computation year average will always meet the fifteen percent increase test, even if only one new position is hired.

(ii) Applicant has an average employment of ten positions in base year 1986 and intends to hire two more persons, one yet in 1986 and one in 1987. This applicant must achieve a 1.5 position increase in 1987 to meet the fifteen percent threshold test. Since its new 1986 hire will be attributed to January 1, 1987, it must project to hire the other new position by July 1, 1987, in order to meet the fifteen percent increase average of 1.5 for that credit computation year.

(iii) Applicant has an average employment of fifty positions in base year 1986 and intends to hire five more persons by January 1, 1987. This applicant will not qualify for 1987 tax credits because its 1987 average (fifty-five positions) is not at least fifteen percent greater than its base year 1986. In order to qualify for any credits this applicant would have to project hiring of at least eight new positions (a 1987 average of at least 57.5 employment positions) to meet the needed percentage increase.

(iv) The applicant in the previous example intends to hire ten new positions, five yet in 1986 and the other five sometime in 1987. Since the 1986 hires will be attributed to January 1, 1987 hiring, this applicant must hire the other five new positions early enough in 1987 to be able to compute a 1987 average of at least 57.5 for that year. Thus, the additional five 1987 hirings would have to be projected to be hired by at least July 1, 1987 in order to qualify for credits.

(11) NOTE. The department will be able to advise applicants of their minimum number of hiring needs and the latest time within the credit computation year that the positions must be filled to qualify for credits, based upon the information provided in the application.

(12) The carry-over of positions hired in 1986 into 1987 is a first year carry-over only. After 1986, all hiring increases must occur during the computation year for purposes of meeting the fifteen percent threshold test. Thus, applications for the 1988 credits computation year will be tested only by the average increase of 1988 employment positions over the 1987 base year average.

(13) In simplest terms, qualification for tax credits depends upon whether enough new positions are expected to be hired early enough to meet the fifteen percent average increase test.

(14) The fifteen percent threshold test to qualify for tax credits is a "lookahead" test which has no relationship to the dollar amount of credits which may be available. Also, the test for qualifying for approval of tax credits is unrelated to the end-of-year reporting and verification of credits, the "look-back" test explained later in this section. Rather, the fifteen percent test is a credits qualification test only.

(15) Applications for tax credits under this program must include the applicant's expected hirings for the full credit computation year for which credits are sought. After an application is approved and tax credits are granted, no adjustment or amendment of the credits approval will be possible for that credit computation year.

(16) CREDITS APPROVAL AND USE. Tax credits approved by the department may be used to offset current business and occupation tax liability if the recipient has incurred any such liability during the credit computation year. The credits may be used as soon as actual hiring of the projected qualified employment positions begin. For example, if a recipient has been approved for \$10,000.00 of tax credits based upon

projections to hire ten new positions, that recipient may use each \$1,000.00 of tax credit at the time it hires each new employee.

(17) The law provides that the tax credits available under this program must be used to offset business and occupation tax which has been paid during the same tax year. However, rather than paying the tax and then seeking a refund in the amount of credits available, the recipient will take the available credits against current tax liability as it accrues.

(18) The tax credits approved under this program will be taken by the recipients on their regular combined excise tax return for their regular assigned tax reporting period. The amount of credit taken should be filled in on line 42 on the front of the return form, with a copy of the credit approval notice issued to the recipient attached to that return.

(19) Credits may be used as hiring is done or may accrue until they are most beneficial for the recipient's use. This is true even for first year credits available for hiring new positions in 1986. As soon as credits are approved and hiring begins, credits may be used, even during the remainder of 1986. However, all first year credits must be used before December 31, 1987. After the first credit year, all tax credits approved for a credit computation year must be used within that calendar year. If the recipient does not incur enough business tax liability to utilize all credits approved, the unused credits will expire on December 31 of that credit computation year. No tax refunds will be made for any tax credits which exceed actual tax liability during the credit year.

(20) If a recipient is approved for tax credits and has incurred and paid sufficient business and occupation tax liability to offset the credits, but for any reason has not used the available credits by December 31 of the credit year, a tax refund will be issued at the end of that tax year. Such recipients should contact the Olympia headquarters office of the department to arrange for such refund.

(21) The tax credits approved for a recipient under this program may be used to offset business and occupation tax liability which the recipient owes because of business activity anywhere in this state. The liability for which the credit is used does not have to be incurred or flow from business engaged in at the specific facility in the eligible area.

(22) Tax credits available in any credit computation year may be used to offset business and occupation tax due on the fourth quarterly return or last monthly return of the tax year, even though that return is not actually filed with the department until January 15 of the following year.

(23) CREDIT AND PROGRAM LIMITATIONS. This is essentially a two year tax credit program. Unless it is extended by law, it will expire for all purposes on July 1, 1988. No applications will be accepted or credits approved, nor may any credits available under this program be used after July 1, 1988.

(24) No recipient is eligible for tax credits in excess of three hundred thousand dollars during the entire life of this program.

(25) The total of credits approved for all applicants under this program will not exceed fifteen million dollars per biennium. Any application for credits which is otherwise qualified but which is denied in whole or in part for a biennium because of this total program credit limit, will carry over for approval in the next biennium. However, once the total program credit limit has been met for the next biennium as well, no further tax credits will be approved.

(26) The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of qualified employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at locations outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(27) PERFECTING APPROVED CREDITS. In order to perfect its entitlement to any credits approved and legally used such credits against business and occupation tax due, a recipient must actually hire the required number of qualified employment positions to comply with the application upon which tax credits were approved. Such created positions must be maintained for a continuous period of twelve consecutive months. (See the definition of "qualified employment position" at subsection (3)(h) of this section.) The law establishes a "look-back" test

at the end of the credit computation year to determine that the tax recipient has complied.

For purposes of administering this program the department will consider a period of twelve consecutive months of employment to satisfy the definition of "qualified employment position," to perfect the entitlement to tax credits used.

(28) REPORTING AND MONITORING. All recipients of tax credits under this program must file an annual report with the department on or before December 31 of each credit computation year. Based upon this report the department will verify that the recipient is perfecting its entitlement to any tax credits approved by actually employing the required number of new qualified employment positions as represented in the recipient's credit application.

(29) Because this program is being fully implemented in mid-year 1986, the annual report due on December 31, 1986, will be an informational report only. No tax credits approved, whether actually used in 1986 or not, will be withdrawn or denied based upon this 1986 report. The annual report due on December 31, 1987, will be the first report which may result in tax credits being withdrawn.

(30) The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately assessed and payable. An inadequate report is one which fails to provide any information in the possession of a recipient which is necessary to confirm that the requisite number of employment positions have been created and maintained for twelve consecutive months. As credits are approved, the department will advise all recipients of the nature of information to be included on their annual reports.

(31) The department will monitor credit applications and annual reports on an ongoing basis over the life of this credit program. The department will maintain a running tabulation of credits approved for individual recipients as well as program credit totals and will advise applicants and recipients in writing of the program credit limitations which may affect their entitlement.

(32) NONCOMPLIANCE—WITHDRAWAL OF CREDITS. The law provides that if the department finds that a recipient is not eligible for tax credits for any reason other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used shall be immediately due. No interest or penalty will be assessed in such cases.

(33) However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the taxes against which the credit has been used. This interest assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. Such interest will accrue until the taxes for which the credit was used are fully repaid.

(34) The administrative review and appeal provisions of chapter 83-.32 RCW are available for any actions of the department, under this program, by which any applicant or recipient is adversely affected.

#### AMENDATORY SECTION (Amending Order ET 85-5, filed 10/7/85)

WAC 458-20-24001 SALES AND USE TAX DEFERRAL—MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES IN DISTRESSED AREAS. ((†)) (1) INTRODUCTION. Chapter ((232, Laws of 1985)) 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain distressed areas of the state. Thus, the legislature established this tax deferral program to be effective solely in those distressed areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified minimum number of jobs. In general, the deferral applies to sales and use taxes on materials, labor, and services rendered in the construction of qualified buildings, machinery, and equipment.

((†)) (2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

(3) DEFINITION OF TERMS. For purposes of this ((rate)) section:

(a) "Applicant" means a person applying for a tax deferral under chapter ((232, Laws of 1985)) 82.60 RCW.

(b) "Person" has the meaning given in RCW 82.04.030. It means any individual, receiver, administrator, executor, assignee, trustee in



bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this ~~((rule))~~ section the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons."

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Recipient" means a person who has been granted a tax deferral under this program.

(e) "Department" means the department of revenue.

(f) "Eligible area" means a county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent; i.e., the average unemployment rate for the county must be twenty percent above the average unemployment rate for the state in the preceding three calendar years. In determining an eligible area the department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security.

(g) "Eligible investment project" means that portion of an investment project which:

(1) (i) Is directly utilized to create at least one new full time qualified employment position for each ~~((two))~~ three hundred thousand dollars of investment on which a deferral is requested; and

(2) (ii) Either initiates a new operation or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement ~~((and~~

~~3. Does not exceed twenty million dollars in value)).~~

(h) For the purposes of the above paragraph the following definitions will apply:

(i) "Qualified employment position" means a permanent, full time employee employed in the eligible investment project during the entire tax year following the operational completion of the project. In the event an employee is either voluntarily or involuntarily separated from employment the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(ii) The requirement for employment during the "entire tax year," for purposes of this tax deferral program, will be satisfied if the full time position is filled for a period of twelve consecutive months.

(iii) An "improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing building where the cost exceeds 25 percent of the true and fair value of the existing plant complex prior to the initiation of construction. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction.

(iv) "True and fair value" means ~~((:))~~ the value listed on the assessment rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application.

(v) "Plant complex" shall mean land, machinery, and buildings adapted to industrial, computer, warehouse, or research and development use as a single functional or operational unit for the designing, assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

(vi) "Eligible investment project" does not include ~~((+))~~ either an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), or

~~((2))~~ investment projects which have already received deferrals under chapter ~~((232, Laws of 1985))~~ 82.60. RCW.

(i) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by

such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons.

(j) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136 now and as hereafter amended. Manufacturing, for purposes of this ~~((rule only))~~ section, shall also include computer programming, the production of computer-related service, and the activities performed by research and development laboratories and commercial testing laboratories.

(k) "Qualified buildings" means new structures used to house manufacturing activities as defined above and includes plant offices, warehouses, or other facilities for the storage of raw material and finished goods if such facilities are essential or an integral part of a manufacturing operation. The term also includes parking lots, landscaping, sewage disposal systems, cafeterias, and the like, which are attendant to the initial construction of an eligible investment project. The term "new structures" means either a newly constructed building or a building newly purchased by the certificate holder. A preowned or existing building is eligible for deferral provided that the certificate holder expands, modernizes, renovates, or remodels the preowned or existing building by physical alteration thereof.

(l) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation, as defined above. "Qualified machinery and equipment" includes, but is not limited to, computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long or short term lease by the recipient. The tax deferral applies to equipment purchased outright by the recipient (or the transfer of machinery and equipment into the state of Washington) and leased equipment. Acquisition of spare parts for machinery, equipment, etc., in excess of normal operating levels shall not be eligible for deferral.

(m) "New machinery and equipment" means either new to the taxing jurisdiction of the state or new to the certificate holder. Used equipment is eligible for deferral provided that the certificate holder either brings the machinery or equipment into Washington for the first time or purchases it at retail in Washington.

(n) "Initiation of construction," for purposes of applying for the investment tax deferral relating to the construction of new buildings, shall mean the date upon which on-site construction work commences.

(o) "Initiation of construction," for purposes of applying for the investment tax deferral relating to a major improvement of existing buildings, shall mean the date upon which the new construction by renovation, modernization, or expansion, by physical alteration, begins.

(p) "Operationally complete" means the eligible investment project is constructed or improved to the point of being fully and functionally useable for its intended purpose as described in the application.

~~((HH:))~~ (4) APPLICATION PROCEDURE. An application for sales and use tax deferral under ~~((chapter 232, Laws of 1985))~~ this program must be made prior to the initiation of construction, as defined above. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

(5) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate shall be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department.

~~((In the event an application is submitted prior to the publication of state-wide and county unemployment statistics for the year preceding the year in which application is made, the department will take no action on the application until the statistics are published even though~~

this period may extend beyond the sixty-day approval period. If, after publication of the statistics, it is determined that the applicant is eligible for tax deferral the department, within ten days of publication, shall issue the tax deferral certificate effective on the date the application was received by the department.

~~(V-)~~ (6) For purposes of making application for tax deferral and of approving such applications, the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish a list of eligible areas by county, on May 1 of each year.

(7) USE OF THE CERTIFICATE. A tax deferral certificate issued (pursuant to chapter 232, Laws of 1985) under this program shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings and qualified machinery and equipment as defined in this ((rule)) section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(8) The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all tax deferral sales.

~~(V-)~~ (9) AUDIT PROCEDURE. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. ~~((A certificate holder is eligible for deferral of sales and use taxes on any eligible investment project up to twenty million dollars in project value.))~~ Following approval of the application and issuance of a sales and use tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate. At that time the certificate holder may not utilize the certificate further. If a certificate holder has reached its level of estimated costs ~~((which level is less than twenty million dollars))~~ and the project is not operationally complete, the certificate holder may apply for a supplemental certificate stating a revised amount upon which the deferral of sales and use taxes is requested. The certificate holder shall amend the original application to account for the additional costs. The department ~~((may))~~ will grant or deny the amended application ~~((depending on the total biennial tabulation of deferred taxes))~~ on the same basis as original applications.

(10) The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

(11) Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

(12) The department shall keep a running total of all deferral certificates granted during each fiscal biennium. ~~((The department will not allow any deferral certificates to be issued which would cause the tabulation for a biennium to exceed twenty million dollars in deferred taxes. If the department has granted a total of nineteen million dollars in deferrals during any fiscal biennium and there is a reasonable expectation that the total of all deferrals shall reach or exceed twenty million dollars in the current biennium, the department shall notify each new applicant of the department's tabulation and of the fact that the applicant's deferred taxes may carry over into the next biennium in accordance with the guidelines set forth in the following paragraph:))~~

An application for deferral of taxes shall be prioritized based upon the time of receipt by the department of the original application. For purposes of this regulation, the term "time of receipt" shall mean the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department. If more than one application is received on the same day and, under the provisions of this paragraph, only a portion of the taxes may be deferred, the amount of taxes to be deferred by each applicant shall be determined on a pro rata basis.

If all or part of an application for deferral is disallowed because the total tabulation for the biennium exceeds twenty million dollars in deferred taxes the disallowed portion shall be carried over for approval into the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed twenty million dollars as of the date on which the department has disallowed all or part of the application:))

(13) The deferral is allowable only in respect to investment in the construction of a new plant complex or the enlargement or improvement of an existing plant complex directly used in manufacturing activities, as defined above. Where a plant complex is used partly for manufacturing and partly for purposes which do not qualify for deferral under this ((rule)) section and it is not possible to identify the non-qualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

(14) The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

~~((+))~~ (a) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or

~~((+))~~ (b) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.

(15) After that date the lessee/recipient shall pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(16) No taxes may be deferred under this ((rule)) section prior to July 1, 1985. No applications for deferral of taxes will be accepted after May 1, 1991 nor will sales or use tax deferral certificates be issued on or after July 1, 1991. In tabulating the total amount of deferrals granted under this law there shall be considered a total of three fiscal biennia within which applications shall be accepted.

~~((+))~~ (17) REPORTING AND MONITORING PROCEDURE. Each recipient of sales and use tax deferral shall submit a report to the department on December 31st of each year during the repayment period until all taxes are repaid. The first report shall be submitted in the third year after the date on which the construction project has been operationally complete to coincide with the first payment of deferred taxes. The report shall contain information from which the department may determine whether the recipient is meeting the requirements of the deferral law.

(18) The report shall be made to the department in a form and manner prescribed by the department. The report shall contain information regarding the recipient's average employment in the state for the prior three years, the actual employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(19) The department shall notify the department of employment security of the names of all recipients of tax deferrals under ((chapter 232, Laws of 1985)) this program. On or before December 31st of each year a deferral is in effect, the department shall request information on each recipient's employment in the state for that year, including employment related to the deferral project, and the wages of such employees. The department of employment security shall make, and certify to the department, all determinations of employment and wages required under this ((paragraph)) subsection.

(20) If, on the basis of the recipient's annual report or other information including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, the department will ~~((+))~~ (a) declare the amount of deferred taxes outstanding to be immediately due or ~~((+))~~ (b) assess interest on the deferred taxes for the project ~~(under the following guidelines:))~~.

~~((+))~~ (21) If the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes. The interest shall be assessed at the rate of nine percent per annum, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are paid. A recipient of deferred taxes shall have from the date on which the construction project was certified as operationally complete to December 31st of the first year of repayment in which to create the required number of employment positions under this law.

~~((+))~~ (22) If the department finds that the investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due. The reasons for disqualification include, but are not limited to, the following:

(a) The facility is not used for a manufacturing, warehouse, computer, or research and development operations;

(b) The recipient has not made an investment in qualified buildings, machinery, and equipment.

(23) Any action taken by the department ~~((under paragraph (1) or (2) above))~~ to assess interest or disqualify a recipient for tax deferral shall be subject to administrative review pursuant to the provisions of WAC 458-20-100.

~~((+))~~ (24) The law expressly excuses the obligation for repayment of sales or use tax upon the value of labor directly applied in the construction of an investment project for which deferral has been granted, PROVIDED:

(a) That deferral has been granted after June 11, 1986; and

(b) That eligibility for the granted tax deferral has been perfected by actually meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department.

(25) The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials.

(26) The above information must be maintained in the recipient's permanent records for the department's review and verification at the time of the final audit of the investment project.

(27) In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges.

(28) The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(29) PAYMENT PROCEDURES. The recipient of sales and use tax deferral under this ~~((regulation))~~ program shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(30) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on

any taxes deferred under this rule during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

AMENDATORY SECTION (Amending Order ET 85-5, filed 10/7/85)

WAC 458-20-24002 SALES AND USE TAX DEFERRAL—NEW MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES. ~~((+))~~ (1) INTRODUCTION. Chapter ~~((2, Laws of 1985 1st ex. sess.))~~ 82.61 RCW, as amended, establishes a sales and use tax deferral program for certain manufacturing or research and development investment projects. The deferral will be granted only to persons not currently engaged in manufacturing or research and development activities in the state of Washington on June 14, 1985, the effective date of the deferral program. Applications for the tax deferral may be accepted up through June 30, ~~((+1986))~~ 1988; a holder of a tax deferral certificate must initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate. In general, the deferral applies to the construction of new buildings and the acquisition of related machinery and equipment.

(2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

~~((+))~~ (3) DEFINITION OF TERMS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this rule.

(4) "Applicant" means a person applying for a tax deferral under this rule.

(5) "Person" has the meaning given in RCW 82.04.030. It means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this rule the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons".

(6) "Eligible investment project" means construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, ~~((+1986))~~ 1988.

(7) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(8) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(9) "Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development purposes and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under this rule.

(10) "Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation.

(11) "Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington for the first time or makes a retail purchase of the machinery and equipment in Washington.

(12) "Acquisition of equipment and machinery" shall have the meaning given to the term "sale" in RCW 82.04.040. It means any transfer of the ownership of, title to, or possession of, tangible personal property for a valuable consideration. A sale takes place when the goods sold are actually or constructively delivered to the buyer in this state.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(15) "Operationally complete" means that the eligible investment project is constructed or improved to the point of being fully and functionally useable for the intended purpose as described in the application.

(16) "Initiation of construction" means that date upon which on-site construction commences.

(17) "Plant complex" shall mean land, machinery, and buildings adapted to commercial, industrial, or research and development use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw materials or fabricated parts.

(18) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build (~~or remodel~~) its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons. An eligible investment project does not include any project which or person who have previously been the recipient of a tax deferral under Washington law.

~~(19)~~ (19) APPLICATION PROCEDURES. An application for sales and use tax deferral under (~~chapter 2, Laws of 1985 1st ex. sess.~~) this program must be made prior to either the initiation of construction or the acquisition of equipment or machinery, as defined above, whichever occurs first. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

(20) The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department, including information relating to employment at the investment project.

(21) The department will examine and verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate will be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100 within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

(22) A tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation, or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985 and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985 shall also be ineligible to receive a tax deferral certificate.

(23) No application for deferral of taxes shall be accepted after June 30, (~~1986~~) 1988. For purposes of this regulation, the time of receipt of an application shall be determined by the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department.

~~(24)~~ (24) USE OF THE CERTIFICATE. A tax deferral certificate issued (~~pursuant to chapter 2, Laws of 1985 1st ex. sess.~~) under this program shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings, machinery, and equipment as defined in this (~~rule~~) section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(25) The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all deferral sales.

~~(26)~~ (26) AUDIT PROCEDURES. The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

(27) Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sale and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

(28) The deferral is allowable only in respect to investment in the construction of a new plant complex used in manufacturing or research and development activities, as defined above. Where a plant complex is used partly for manufacturing or research and development purposes and partly for purposes which do not qualify for deferral under this (~~rule~~) section and it is not possible to identify the nonqualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

(29) The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

~~(a)~~ (a) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or

~~(b)~~ (b) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease

term, excluding any period of extension or option to renew extends beyond such repayment date.

(30) After that date the lessee/recipient shall pay the appropriate sales tax to the lessor for the remaining term of the lease.

(31) No taxes may be deferred under this ~~((rule))~~ section prior to June 14, 1985. No applications for deferral of taxes will be accepted after June 30, ~~((1986))~~ 1988, nor will sales or use tax deferral certificates be issued after August 29, ~~((1986))~~ 1988. A certificate holder must commence construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate but no later than December 31, ~~((1986))~~ 1988.

~~((41))~~ (32) REPORTING AND MONITORING PROCEDURE. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. The applicant shall also provide information relative to the number of jobs contemplated to be created by the project.

(33) The department and the department of trade and economic development shall jointly make two reports to the legislature about the effect of this deferral law on new manufacturing and research and development activities and projects in Washington. The report shall contain information concerning the number of deferral certificates granted, the amount of state and local sales and use taxes deferred, the number of jobs created, and other information useful in measuring such effects. The departments shall submit their joint reports to the legislature by January 1, 1986 and by January 1, ~~((1987))~~ of each year through 1989.

(34) Any recipient of a sales and use tax deferral may be asked to submit reports to the department or department of trade and economic development during any period of time the recipient is receiving benefits under this deferral law. The report shall be made to the department in a form and manner prescribed by the department. The recipient may be asked to report information regarding the actual average employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report, the department may not impose any penalties or sanctions against the recipient.

~~((44))~~ (35) PAYMENT PROCEDURES. The recipient of sales and use tax deferral under this ~~((regulation))~~ program shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(36) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this program during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

**WSR 86-10-051**

**NOTICE OF PUBLIC MEETINGS  
NUCLEAR WASTE BOARD**

[Memorandum—May 1, 1986]

The Nuclear Waste Board has scheduled a special board meeting to review the public testimony received in regard to the state's position on the draft environmental impact statement (DEIS). The meeting will be held on June 27, 1986, at 1:30 at the Energy Facility Site Evaluation Council Hearings Room, 4224 6th Avenue, Lacey, Washington.

The purpose of the meeting is to examine the public testimony received on the executive and technical summaries on the preliminary state position on the DEIS.

**WSR 86-10-052**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

[Memorandum—May 7, 1986]

The Washington Department of Ecology hereby gives notice of a public hearing on the draft study, "A Study of Hazardous Waste Management Priorities for Categories of Wastes in Washington State." The Department of Ecology will provide a brief presentation of the study and its recommendations.

Public hearings to receive comments on this study will be held as follows:

- June 4, 1986      Spokane County Health District  
Auditorium  
West 1101 College  
Spokane, WA  
7:00 p.m.
- June 5, 1986      Department of Energy  
Auditorium  
825 Jadwin  
Richland, WA  
7:00 p.m.
- June 10, 1986     Port of Seattle  
Commissioners Chambers  
2201 Alaskan Way South  
Pier 66  
Seattle, WA  
7:00 p.m.
- June 11, 1986     PUD  
1200 Fort Vancouver Way  
Vancouver, WA  
7:00 p.m.

Copies of the study are available at any of the Department of Ecology offices:

Southwest Regional Office  
7272 Cleanwater Lane  
Olympia, WA 98504

Northwest Regional Office  
4350 150th Avenue N.E.  
Redmond, WA 98052

Central Regional Office  
3601 West Washington  
Yakima, WA 98903

Eastern Regional Office  
East 103 Indiana  
Spokane, WA 99207

Department of Ecology  
Headquarters  
Attn: Karen Zawlocki  
M/S PV-11  
Olympia, WA 98504  
Phone: (206) 459-6299

Anyone who wishes to submit a written statement for inclusion in the hearing record may forward the same to the Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, Attn: Karen Zawlocki on or before June 20, 1986.

The study shall be completed and final modifications made by Tuesday, July 1, 1986, at the Department of Ecology in Olympia, Washington.

**WSR 86-10-053**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 86-04—Filed May 7, 1986]

I, Phillip Johnson, deputy director of the Washington [Department of] Ecology, do promulgate and adopt at the Washington [Department of] Ecology, Lacey, Washington, the annexed rules relating to ambient air quality standards and emission limits for radionuclides, chapter 173-480 WAC. Allowed concentrations of radionuclides in the ambient air and quantities emitted by emission units are established for the state and certain sources.

This action is taken pursuant to Notice No. WSR 86-07-067 filed with the code reviser on March 19, 1986. 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 70.94.331 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 May 1, 1986.

By Phillip C. Johnson  
Deputy Director

Chapter 173-480 WAC  
**AMBIENT AIR QUALITY STANDARDS AND  
EMISSION LIMITS FOR RADIONUCLIDES**

<b>WAC</b>	
173-480-010	Purpose.
173-480-020	Applicability.
173-480-030	Definitions.
173-480-040	Ambient standard.
173-480-050	General standards for maximum permissible emissions.
173-480-060	Emission standards for new and modified emission units.
173-480-070	Emission monitoring and compliance procedures.
173-480-080	Regulatory actions and penalties.

NEW SECTION

✓ WAC 173-480-010 **PURPOSE.** The purpose of this chapter is to define maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.

NEW SECTION

✓ WAC 173-480-020 **APPLICABILITY.** (1) The ambient air standards shall apply to the entire state. Measurements may be made at all points up to property lines of point, area and fugitive emission sources.

(2) The emission limits of this chapter shall apply to all radionuclide emission units.

NEW SECTION

✓ WAC 173-480-030 **DEFINITIONS.** Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings: General terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to the standards and limits of radionuclides as defined in this section.

(1) Best available radionuclide control technology "BARCT" means technology which will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides which would be emitted from any proposed new or modified emission units which the permitting authority on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such emission unit or modification through application of production processes or available methods, systems, and techniques. In no event shall application of best available radionuclide technology result in emissions of radionuclides which would exceed the ambient annual standard limitation specified in this chapter.

(2) "Critical organ" means the most exposed human organ or tissue exclusive of the skin (integumentary system) and the cornea.

(3) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quantity of radiation and its distribution in the body.

(4) "Radionuclide" means any nuclide that emits radiation.

(5) "Rem" means a unit of dose equivalent radiation.

(6) "Whole body" means all human organs or tissue exclusive of the skin (integumentary system) and the cornea.

#### NEW SECTION

✓ WAC 173-480-040 AMBIENT STANDARD. Emissions of radionuclides in the air shall not cause a maximum accumulated dose equivalent of more than 25 mrem/y to the whole body or 75 mrem/y to a critical organ of any member of the public. Doses due to radon-220, radon-222, and their respective decay products are excluded from these limits. Compliance with the standard shall be determined by procedures in WAC 173-480-070.

#### NEW SECTION

✓ WAC 173-480-050 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. (1) All radionuclide emission units are required to meet the emission standards in this chapter. At a minimum all emission units shall meet WAC 402-10-010 requiring every reasonable effort to maintain radioactive materials in effluents to unrestricted areas, as low as reasonably achievable (ALARA). For the purposes of this chapter, control equipment of facilities operating under ALARA shall be defined as reasonably available control technology (RACT).

(2) PSD: The emission requirements for an emission unit of radionuclides shall be the same for all areas of the state independent of prevention of significant deterioration (PSD) classification.

(3) Whenever another federal or state regulation or limitation in effect controls the emission of radionuclides to the ambient air, the more stringent control of emissions shall govern.

#### NEW SECTION

✓ WAC 173-480-060 EMISSION STANDARDS FOR NEW AND MODIFIED EMISSION UNITS.

(1) Whenever the construction, installation or establishment of a new emission unit subject to this chapter is contemplated, the project shall utilize best available radionuclide control technology (BARCT).

(2) Addition to, enlargement, modification, replacement, alteration of any process or emission unit or replacement of air pollution control equipment which will significantly change potential radionuclide emissions or significantly change the dose equivalent will require the proposed project to utilize best available radionuclide control technology (BARCT) for emission control.

#### NEW SECTION

✓ WAC 173-480-070 EMISSION MONITORING AND COMPLIANCE PROCEDURES. (1) The procedures specified in chapter 402-80 WAC shall be used to determine compliance with the standard. Radionuclide emissions shall be determined and dose equivalents to members of the public shall be calculated using department of social and health services approved sampling

procedures, department of social and health services approved models, or other procedures, including those based on environmental measurements that department of social and health services has determined to be suitable.

(2) Compliance with this standard shall be determined by calculating the dose to members of the public at the point of maximum annual air concentration in an unrestricted area where any member of the public may be.

#### NEW SECTION

✓ WAC 173-480-080 REGULATORY ACTIONS AND PENALTIES. (1) The department or any activated local air pollution control authority may enforce this chapter with the provisions of WAC 173-403-170, Regulatory actions; and 173-403-180, Criminal penalties.

(2) The responsible person may also be subject to the provisions of RCW 34.04.030, Emergency rules and amendments; 70.98.130, Administrative procedure; 70.98.140, Injunction proceedings; and 70.98.200, Penalties as cited by the department of social and health services.

### WSR 86-10-054

#### PROPOSED RULES

#### DEPARTMENT OF REVENUE

[Filed May 7, 1986]

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:

New	WAC 458-40-18721	Stumpage values (tables for July 1, through December 31, 1986).
New	WAC 458-40-18722	Harvester adjustments (tables for July 1, through December 31, 1986).
Amd	WAC 458-40-18700	Definitions.
Amd	WAC 458-40-18704	Stumpage value area and hauling distance zone—Map.
Amd	WAC 458-40-18706	Timber quality code numbers—Tables;

that the agency will at 10:00 a.m., Wednesday, June 11, 1986, in the Conference Room, Second Floor, Evergreen Plaza 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 June 30, 1986.

The authority under which these rules are proposed is chapter 84.33 RCW.

The specific statute these rules are intended to implement is chapter 84.33 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 11, 1986.

Dated: May 7, 1986

By: John B. Conklin

Forest Tax Supervisor

#### 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: Tables for determination of stumpage values, new sections WAC 458-40-18721 and 458-40-18722; and amendatory sections WAC 458-40-18700, 458-40-18704 and 458-40-18706.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by chapter 84.33 RCW.

Statutory Authority: Chapter 84.33 RCW, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables set out the value of stumpage for each species or subclassification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial or industrial use during the period July 1, 1986, through December 31, 1986.

Drafters of the Rule: John Conklin, (206) 753-2871, and Joe Gienty, (206) 586-2903, 6004 South Capitol Boulevard, Tumwater, WA 98501; Rule Implementation and Enforcement: Trevor W. Thompson, Director, Property Tax, 6004 South Capitol Boulevard, Tumwater, WA 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

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

**AMENDATORY SECTION** (Amending Order FT-85-5, filed 12/31/85)

WAC 458-40-18700 DEFINITIONS. (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 submitted to the department for approval prior to the time of harvest.

(2) Applicable rate of tax. The applicable rate of tax shall be that excise tax rate in effect at the time the timber is harvested.

(3) 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, and 5 in the stumpage value area map of WAC 458-40-18704, 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" 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 458-40-18704, 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.

(4) 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.

(5) Competitive bidding process. The competitive bidding process means the offering of timber which is advertised to the general public for sale at a public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. For purposes of this chapter the competitive bidding process includes making available to the general public permits for the removal of forest products.

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

(7) 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.

(8) 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 applicable rate of tax as provided in chapter 84.33 RCW.

(9) Harvester. Harvester ((shall)) means every person who from his own land or from land of another under ((a)) right or license granted by lease or contract, either directly or by contracting with others(;; fells, cuts, or 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)) for the necessary labor and mechanical services, fells, cuts, or takes timber for commercial or industrial use: PROVIDED, That whenever any government entity, as described in chapter 315, Laws of 1986, sells timber for commercial or industrial use, the harvester is the first person or private business that acquires title to or possessory interest in such timber.

(10) 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.

(11) Harvesting and marketing costs. 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 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.

(12) 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.

(b) Old growth. 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 unless the harvest type comes within the definition in this chapter of special forest products.

(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.

(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. 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 (d) of this subsection and west of the Cascade summit shall be reported as young growth unless the harvest type comes within the definition in this chapter of special forest products or within the definition of thinning.

(13) 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.

(14) Lump sum sale. A lump sum sale, also known as a cash sale or an installment sale, is a sale of timber wherein the total sale price as determined at the time of sale is final and not dependent upon the volume of timber actually harvested.

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

(16) Other consideration. As used herein other consideration shall mean improvements to the land that are required by contract by the seller and are of a permanent nature. For instance, other consideration may include, but is not limited to the construction of permanent roads, and the installation of permanent bridges.

(17) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest is a permanent road.

(18) Private timber. Private timber is all timber harvested from privately owned lands. Private timber includes timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

(19) Pro rata unit price. The pro rata unit price shall be the result of dividing the total sale price of a lump sum sale by the sale volume.

(20) Public timber. Public timber is timber harvested from state, federal, municipal, county, and other government owned lands.

(21) Remote island. A remote island is an area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(22) Sale price. The sale price shall mean the amount paid for standing timber in cash or other consideration.

(23) 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.

(24) Scale sale. A scale sale means a sale in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest.

(25) Small harvester. Small harvester means every person who from his own land or from the 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))~~ and 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 1000 MBF in a calendar year of combined public and private harvest (excluding conifer utility, and hardwood utility). ~~((H))~~ PROVIDED, That whenever any government entity, as described in chapter 315, Laws of 1986, sells timber for commercial or industrial use, the harvester is the first person or private business that acquires title to or possessory interest in such timber. Small harvester does not include persons or businesses performing under contract the necessary labor or mechanical services for a harvester, and it does not include ~~((harvesters))~~ harvesters of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards~~((;))~~ and bolts, ~~((flatsawn;))~~ and shingle blocks.

(26) Small harvester option. Harvesters of no more than 500 MBF per calendar quarter or a total of 1000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility) may elect to calculate the timber tax in the manner provided by RCW 84.33.073 and 84.33.074. A harvester who elects to use this option shall use the quarterly reporting forms provided for this option by the department.

(27) 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) Douglas-fir, western hemlock, true fir, noble fir, western redcedar, Alaska-cedar, western larch, ponderosa pine, lodgepole pine,

western white pine, Sitka spruce, Engelmann spruce, red alder, and cottonwood shall be reported as separate species where designated as such in the stumpage value tables.

(b) 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, lodgepole pine and other posts, pine Christmas trees, Douglas-fir Christmas trees, Douglas-fir and other Christmas trees, true fir and other Christmas trees.

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

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

(e) 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.

(28) 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 ~~((ten))~~ eight such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18704. Stumpage value areas 1, 2, 3, 4, and 5 are located west of the Cascade summit and stumpage value areas 6, 7, ~~((8-9;))~~ and 10 are located east of the Cascade summit.

(29) Taxable stumpage value of timber. The taxable stumpage value of timber shall be the value determined by one of the following methods as appropriate:

(a) Private timber. The taxable stumpage value of private timber shall be the appropriate value for each species of timber harvested, or for each species of special forest product harvested, as set forth in the stumpage value tables adopted under this chapter.

(b) Private timber — small harvester option. The taxable stumpage value for the small harvester option shall be determined by one of the following methods, whichever is most appropriate to the circumstances of the harvest.

(i) Sale of logs — Timber which has been severed from the stump and cut into various lengths for further processing. The taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing. Actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, the deduction shall be a percentage of the gross receipts from the sale of the harvested timber as determined by the department. The deduction shall be fifty percent of the gross receipts. A landowner who has sold logs for a percentage share of gross receipts should report the value received under WAC 458-40-18700 (29)(b)(ii).

(ii) Sale of stumpage — Standing or fallen trees which have not been severed from the stump, providing the harvest occurs within twelve months of the date of sale. The taxable stumpage value is the actual gross receipts received for the timber for the most recent sale prior to harvest. No harvesting and marketing cost deduction is allowable. If there has been a sale of stumpage and a subsequent sale of logs within twelve months, the taxable stumpage value shall be the gross receipts for the stumpage. If harvest occurs more than twelve months after the date of sale, report under WAC 458-40-18700 (29)(b)(i).

(c) Public timber. The taxable stumpage value for public timber sales shall be determined as follows:

(i) Noncompetitive sales: Timber not sold by a competitive bidding process shall be valued in the same manner as private timber.

(ii) Scale sales: The taxable stumpage value shall be the sum of the products of each species volume multiplied by the unit price for each species.

(iii) Lump sum sales: For sales in which the harvest is completed within a single quarterly reporting period, the taxable value shall be the actual sale price for the timber in cash or other consideration. For sales in which the harvest extends over more than one quarterly reporting period, the taxable value for each period shall be based on the actual quantity harvested and the estimated pro rata unit price. In no event shall the taxable value of the sale differ from the original sale price in cash or other consideration.

(iv) Sale of logs: When public timber is sold in the form of logs, the taxable value shall be the actual purchase price for the logs less deductions as appropriate for the costs of felling, bucking, and yarding

the logs to the point of sale. Cost deductions shall be the actual costs when documented proof of such costs are available. In the absence of verifiable actual cost data, cost deductions shall be based on the appraised costs as appraised by the seller, if available; or an estimate of such costs based on the best available information from the sale of similar timber under similar harvesting conditions.

(30) 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.

(31) 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 458-40-18706, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(32) Unit price. The unit price shall mean the sale price (including cash or other consideration) for each unit of volume. The unit price will most often be expressed as dollars per MBF.

(33) This rule shall not be construed to affect any public timber contracts in effect prior to August 1, 1982: PROVIDED, That the excise tax imposed by chapter 84.33 RCW applies to timber harvested

after April 4, 1986, from lands sold to any government agency wherein the seller retained the cutting rights, or acquired cutting rights by quit claim deed for any length of time; regardless of the date the right to harvest was established.

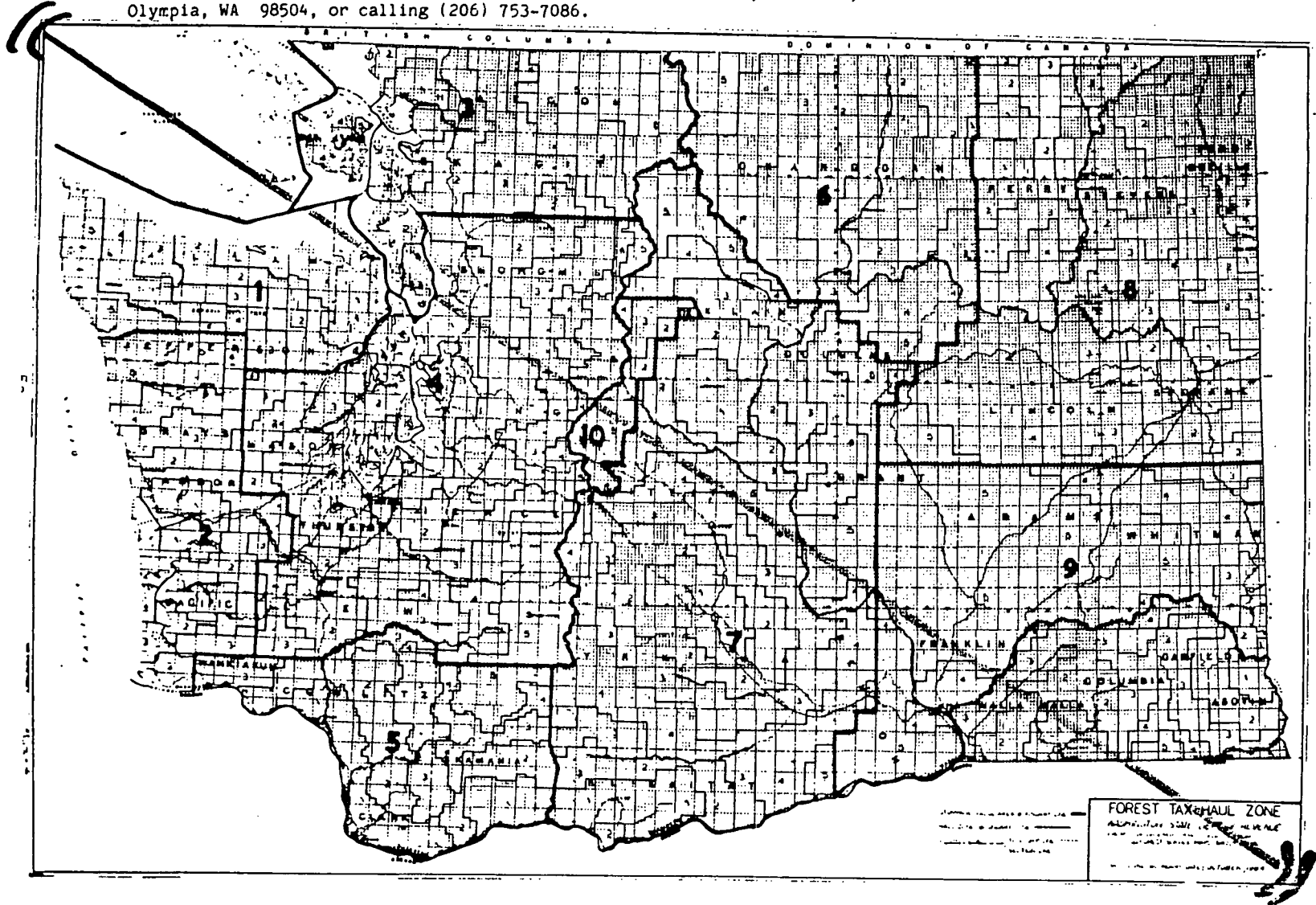
AMENDATORY SECTION (Amending Order FT-84-7, filed 12/28/84)

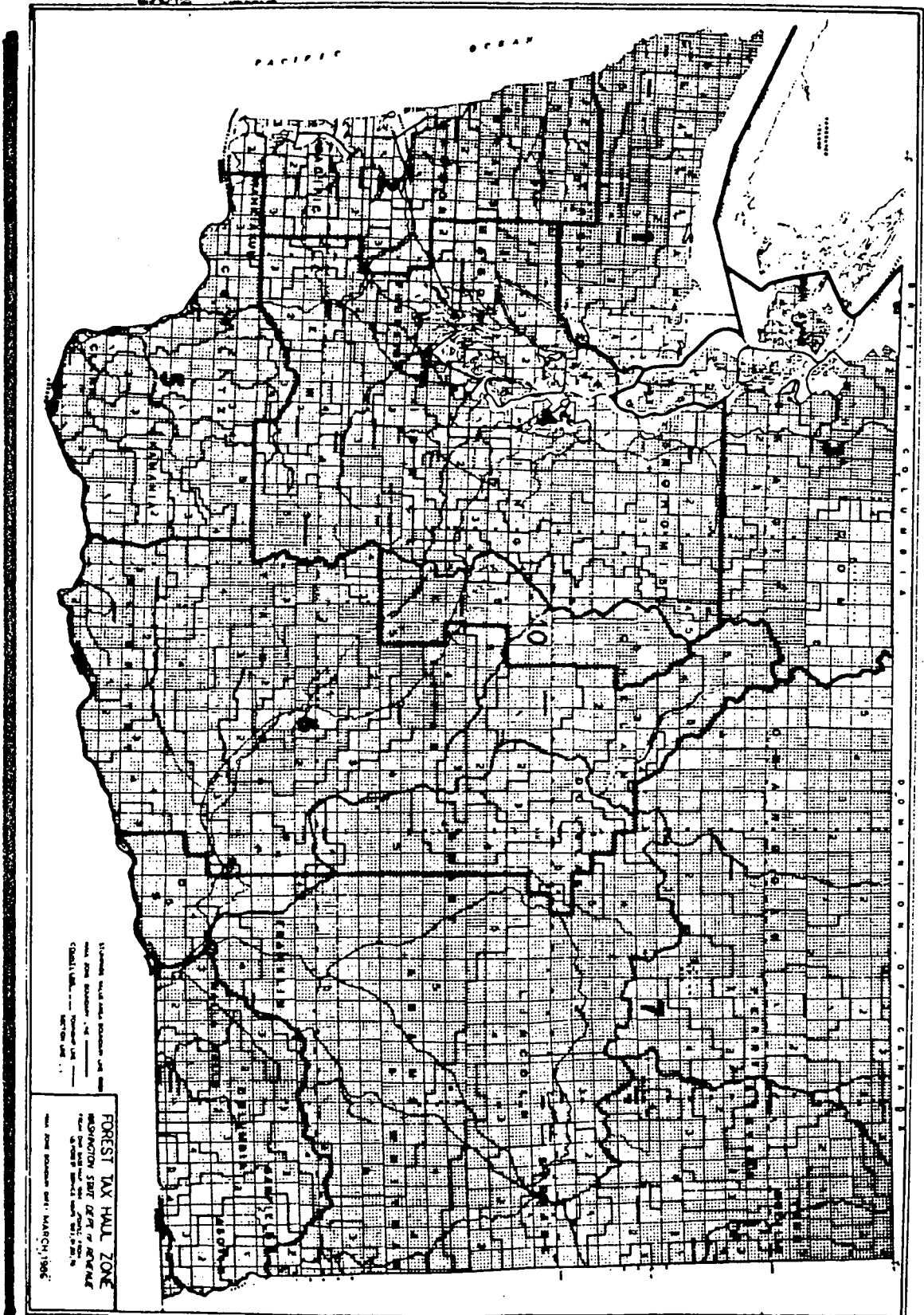
WAC 458-40-18704 STUMPAGE VALUE AREAS AND HAULING DISTANCE ZONE—MAP. In order to allow for differences in market conditions and other relevant factors throughout the state as required by chapter 84.33 RCW, the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions; the department has designated zones within each area which have similar accessibility to conversion points and other similar hauling cost factors.

The stumpage value area and hauling distance zone map shall be used to determine the proper stumpage value table and haul zone to be used in calculating the taxable stumpage value.

The following stumpage value area and hauling distance zone map is hereby adopted:

WAC 458-40-18704 STUMPAGE VALUE AREA AND HAUL DISTANCE ZONE--MAP  
Those harvesters who want a larger scale map may obtain one by writing to  
State of Washington, Department of Revenue, Forest Tax Section, MS-AX-02,  
Olympia, WA 98504, or calling (206) 753-7086.





WAC 453-40-18701 STUMPAGE VALUE AREA AND HAUL DISTANCE ZONE-MAP  
 Those harvesters who want a larger scale map may obtain one by  
 writing to State of Washington, Department of Revenue, Forest Tax  
 Section, MS-AK-02, Olympia, WA. 98504, or calling (206) 753-7086.

STUMPAGE VALUE AREA  
 HAUL DISTANCE ZONE  
 COUNTY BOUNDARIES  
 MAJOR CITIES

**FOREST TAX HULL ZONE**  
 WASHINGTON STATE DEPT. OF REVENUE  
 FOREST TAX SECTION  
 1000 WEST 10TH AVE., SUITE 100  
 OLYMPIA, WA 98504  
 (206) 753-7086

MAP DATE: MARCH, 1985

**AMENDATORY SECTION** (Amending Order FT-85-5, filed 12/31/85)

WAC 458-40-18706 **TIMBER QUALITY CODE NUMBERS—TABLES.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by chapter 84.33 RCW, the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted:

**TABLE 1—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5  
OLD GROWTH  
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
1	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
2	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
3	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see the Official Rules for the following Log Scaling and Grading Bureaus; Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill. (January 1, 1982 edition)

**TABLE 2—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5  
YOUNG GROWTH OR THINNING  
(less than 100 years of age)**

Timber Quality Code Number	Species	Log Grade Specifications <sup>1</sup>
((H)) 1	Douglas-fir	Over 70% No. 2. Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility

<sup>1</sup>For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see the Official Rules for the following Log Scaling and Grading Bureaus; Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill. (January 1, 1982 edition)

**TABLE 3—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREAS 6 AND 7  
MERCHANTABLE SAWTIMBER, ALL AGES**

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale

TABLE 3—cont.

Timber Quality Code Number	Species	Log Grade Specifications
5	Utility	All logs graded as utility

TABLE 4—TIMBER QUALITY CODE TABLE  
STUMPAGE VALUE AREA 10

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

NEW SECTION

WAC 458-40-18721 STUMPAGE VALUES—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1986. As required by chapter 84.33 RCW the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type special forest products the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1 through December 31, 1986.

TABLE 1—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
July 1 through December 31, 1986

OLD GROWTH  
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$204	\$198	\$192	\$186	\$180
		2	199	193	187	181	175
		3	122	116	110	104	98
Western Hemlock <sup>2</sup>	WH	1	120	114	108	102	96
		2	107	101	95	89	83
		3	76	70	64	58	52
Western Redcedar <sup>3</sup>	RC	1	231	225	219	213	207
		2	221	215	209	203	197
		3	166	160	154	148	142

TABLE 1—cont.  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	198	192	186	180	174
		2	177	171	165	159	153
		3	94	88	82	76	70
Other Conifer	OC	1	120	114	108	102	96
		2	107	101	95	89	83
		3	76	70	64	58	52
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.

TABLE 2—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
July 1 through December 31, 1986

YOUNG GROWTH OR THINNING  
(less than 100 years of age)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$161	\$154	\$147	\$140	\$133
		2	157	150	143	136	129
		3	145	138	131	124	117
		4	109	102	95	88	81
Western Hemlock <sup>2</sup>	WH	1	130	123	116	109	102
		2	111	104	97	90	83
		3	84	77	70	63	56
		4	84	77	70	63	56
Western Redcedar <sup>3</sup>	RC	1	230	223	216	209	202
		2	172	165	158	151	144
		3	170	163	156	149	142
Other Conifer	OC	1	130	123	116	109	102
		2	111	104	97	90	83
		3	84	77	70	63	56
		4	84	77	70	63	56
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.

TABLE 3—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 1  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards	RCS	1	\$115	\$109	\$103	\$97	\$91
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	47	41	35	29	23
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

TABLE 4—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 2  
July 1 through December 31, 1986

OLD GROWTH  
(100 years of age or older)  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$156	\$150	\$144	\$138	\$132
		2	147	141	135	129	123
		3	125	119	113	107	101
Western Hemlock <sup>2</sup>	WH	1	126	120	114	108	102
		2	101	95	89	83	77
		3	76	70	64	58	52
Western Redcedar <sup>3</sup>	RC	1	273	267	261	255	249
		2	186	180	174	168	162
		3	163	157	151	145	139
Sitka Spruce	SS	1	203	197	191	185	179
		2	157	151	145	139	133
		3	114	108	102	96	90
Other Conifer	OC	1	126	120	114	108	102
		2	101	95	89	83	77
		3	76	70	64	58	52

TABLE 4—cont.  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	52	45	38	31	24
Cottonwood	BC	1	39	32	25	18	11
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>3</sup> Includes Alaska-cedar.

TABLE 5—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 2  
July 1 through December 31, 1986

YOUNG GROWTH OR THINNING  
(less than 100 years of age)  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$202	\$195	\$188	\$181	\$174
		2	164	157	150	143	136
		3	133	126	119	112	105
		4	131	124	117	110	103
Western Hemlock <sup>2</sup>	WH	1	127	120	113	106	99
		2	108	101	94	87	80
		3	68	61	54	47	40
		4	53	46	39	32	25
Western Redcedar <sup>3</sup>	RC	1	196	189	182	175	168
		2	148	141	134	127	120
		3	141	134	127	120	113
Other Conifer	OC	1	127	120	113	106	99
		2	108	101	94	87	80
		3	68	61	54	47	40
		4	53	46	39	32	25
Red Alder	RA	1	52	45	38	31	24
Cottonwood	BC	1	39	32	25	18	11
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>3</sup> Includes Alaska-cedar.

**TABLE 6—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 2**  
 July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS								
Stumpage Values per Product Unit								
Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number					
			1	2	3	4	5	
Western Redcedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$115	\$109	\$103	\$ 97	\$ 91	
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	47	41	35	29	23	
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47	
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25	
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50	

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.

<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>3</sup> Stumpage value per lineal foot.

**TABLE 7—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 July 1 through December 31, 1986

OLD GROWTH								
(100 years of age or older)								
Stumpage Values per Thousand Board Feet Net Scribner Log Scale <sup>1</sup>								
Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number					
			1	2	3	4	5	
Douglas-fir	DF	1	\$190	\$184	\$178	\$172	\$166	
		2	165	159	153	147	141	
		3	165	159	153	147	141	
Western Hemlock <sup>2</sup>	WH	1	126	120	114	108	102	
		2	93	87	81	75	69	
		3	76	70	64	58	52	
Western Redcedar <sup>3</sup>	RC	1	196	190	184	178	172	
		2	181	175	169	163	157	
		3	144	138	132	126	120	
Other Conifer	OC	1	126	120	114	108	102	
		2	93	87	81	75	69	
		3	76	70	64	58	52	
Red Alder	RA	1	34	27	20	13	6	

**TABLE 7—cont.**  
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Cottonwood	BC	1	31	24	17	10	3
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.

**TABLE 8—STUMPAGE VALUE TABLE**  
**STUMPAGE VALUE AREA 3**  
 July 1 through December 31, 1986

YOUNG GROWTH OR THINNING								
(less than 100 years of age)								
Stumpage Values per Thousand Board Feet Net Scribner Log Scale <sup>1</sup>								
Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number					
			1	2	3	4	5	
Douglas-fir	DF	1	\$170	\$163	\$156	\$149	\$142	
		2	158	151	144	137	130	
		3	129	122	115	108	101	
		4	127	120	113	106	99	
Western Hemlock <sup>2</sup>	WH	1	102	95	88	81	74	
		2	86	79	72	65	58	
		3	70	63	56	49	42	
		4	63	56	49	42	35	
Western Redcedar <sup>3</sup>	RC	1	202	195	188	181	174	
		2	151	144	137	130	123	
		3	150	143	136	129	122	
Other Conifer	OC	1	102	95	88	81	74	
		2	86	79	72	65	58	
		3	70	63	56	49	42	
		4	63	56	49	42	35	
Red Alder	RA	1	34	27	20	13	6	
Cottonwood	BC	1	31	24	17	10	3	
Other Hardwoods	OH	1	41	34	27	20	13	
Hardwood Utility	HU	5	9	9	9	9	9	
Conifer Utility	CU	5	9	9	9	9	9	

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.

<sup>2</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>3</sup> Includes Alaska-cedar.



**TABLE 9—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 3  
July 1 through December 31, 1986**

**SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit**

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$115	\$109	\$103	\$ 97	\$ 91
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	47	41	35	29	23
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

**TABLE 10—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
July 1 through December 31, 1986**

**OLD GROWTH  
(100 years of age or older)**

**Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$213	\$207	\$201	\$195	\$189
		2	203	197	191	185	179
		3	167	161	155	149	143
Western Hemlock <sup>3</sup>	WH	1	130	124	118	112	106
		2	118	112	106	100	94
		3	112	106	100	94	88
Western Redcedar <sup>4</sup>	RC	1	243	237	231	225	219
		2	182	176	170	164	158
		3	151	145	139	133	127
Other Conifer	OC	1	130	124	118	112	106
		2	118	112	106	100	94
		3	112	106	100	94	88
Red Alder	RA	1	38	31	24	17	10
Cottonwood	BC	1	27	20	13	6	1

**TABLE 10—cont.  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Includes Alaska-cedar.

**TABLE 11—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
July 1 through December 31, 1986**

**YOUNG GROWTH OR THINNING  
(less than 100 years of age)**

**Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$200	\$193	\$186	\$179	\$172
		2	158	151	144	137	130
		3	128	121	114	107	100
		4	97	90	83	76	69
Western Hemlock <sup>3</sup>	WH	1	104	97	90	83	76
		2	96	89	82	75	68
		3	84	77	70	63	56
		4	61	54	47	40	33
Western Redcedar <sup>4</sup>	RC	1	218	211	204	197	190
		2	171	164	157	150	143
		3	149	142	135	128	121
Other Conifer	OC	1	104	97	90	83	76
		2	96	89	82	75	68
		3	84	77	70	63	56
		4	61	54	47	40	33
Red Alder	RA	1	38	31	24	17	10
Cottonwood	BC	1	27	20	13	6	1
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 4  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards <sup>1</sup>	RCS	1	\$115	\$109	\$103	\$97	\$91
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	47	41	35	29	23
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 5  
July 1 through December 31, 1986

OLD GROWTH  
(100 years of age or older)  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$240	\$234	\$228	\$222	\$216
		2	209	203	197	191	185
		3	145	139	133	127	121
Western Hemlock <sup>3</sup>	WH	1	126	120	114	108	102
		2	118	112	106	100	94
		3	117	111	105	99	93
Western Redcedar <sup>4</sup>	RC	1	216	210	204	198	192
		2	182	176	170	164	158
		3	132	126	120	114	108
Other Conifer	OC	1	126	120	114	108	102
		2	118	112	106	100	94
		3	117	111	105	99	93
Red Alder	RA	1	39	32	25	18	11
Cottonwood	BC	1	34	27	20	13	6

TABLE 13—cont.  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Includes Alaska-cedar.

TABLE 14—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 5  
July 1 through December 31, 1986

YOUNG GROWTH OR THINNING  
(less than 100 years of age)  
Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir <sup>2</sup>	DF	1	\$198	\$191	\$184	\$177	\$170
		2	131	124	117	110	103
		3	114	107	100	93	86
		4	114	107	100	93	86
Western Hemlock <sup>3</sup>	WH	1	102	95	88	81	74
		2	83	76	69	62	55
		3	60	53	46	39	32
		4	47	40	33	26	19
Western Redcedar <sup>4</sup>	RC	1	196	189	182	175	168
		2	150	143	136	129	122
		3	129	122	115	108	101
Other Conifer	OC	1	102	95	88	81	74
		2	83	76	69	62	55
		3	60	53	46	39	32
		4	47	40	33	26	19
Red Alder	RA	1	39	32	25	18	11
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	41	34	27	20	13
Hardwood Utility	HU	5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup> Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 5  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards <sup>1</sup>	RCS	1	\$115	\$109	\$103	\$97	\$91
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	47	41	35	29	23
Western Redcedar & Other Posts <sup>2</sup>	RCP	1	0.47	0.47	0.47	0.47	0.47
Douglas-fir Christmas Trees <sup>3</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
True fir & Other Christmas Trees <sup>3</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup>Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 6  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup>Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup>Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup>Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>4</sup>Stumpage value per lineal foot.

TABLE 16—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 6  
July 1 through December 31, 1986

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$187	\$181	\$175	\$169	\$163
		2	100	94	88	82	76
Douglas-fir <sup>2</sup>	DF	1	97	91	85	79	73
Western Hemlock <sup>3</sup>	WH	1	54	48	42	36	30
Engelmann Spruce	ES	1	51	45	39	33	27
Western Redcedar <sup>4</sup>	RC	1	92	86	80	74	68
Western White Pine	WP	1	90	84	78	72	66
Lodgepole Pine	LP	1	46	40	34	28	22
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	1	1	1	1	1

<sup>1</sup>Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup>Includes Alaska-cedar.

TABLE 18—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 7  
July 1 through December 31, 1986

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$138	\$132	\$126	\$120	\$114
		2	92	86	80	74	68
Douglas-fir <sup>2</sup>	DF	1	80	74	68	62	56
Western Hemlock <sup>3</sup>	WH	1	67	61	55	49	43
Engelmann Spruce	ES	1	61	55	49	43	37
Western Redcedar <sup>4</sup>	RC	1	134	128	122	116	110
Western White Pine	WP	1	143	137	131	125	119
Lodgepole Pine	LP	1	60	54	48	42	36
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	10	10	10	10	10

<sup>1</sup>Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup>Includes Western Larch.  
<sup>3</sup>Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>4</sup>Includes Alaska-cedar.

TABLE 19—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 7  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>4</sup> Stumpage value per lineal foot.

TABLE 20—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 10  
July 1 through December 31, 1986

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$115	\$109	\$103	\$97	\$91
		2	81	75	69	63	57
		3	54	48	42	36	30
Douglas-fir <sup>2</sup>	DF	1	113	107	101	95	89
		2	79	73	67	61	55
		3	64	58	52	46	40
Western Hemlock <sup>3</sup>	WH	1	117	111	105	99	93
		2	93	87	81	75	69
		3	69	63	57	51	45
Other Conifer	OC	1	117	111	105	99	93
		2	93	87	81	75	69
		3	69	63	57	51	45
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

<sup>1</sup> Log scale conversions between Western and Eastern Washington. See conversion method Tables 4 and 5 WAC 458-40-19004.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 21—STUMPAGE VALUE TABLE  
STUMPAGE VALUE AREA 10  
July 1 through December 31, 1986

SPECIAL FOREST PRODUCTS  
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks <sup>1</sup>	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts <sup>2</sup>	LPP	1	0.22	0.22	0.22	0.22	0.22
Pine Christmas Trees <sup>3</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees <sup>4</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Stumpage value per MBF net Scribner scale. See conversion method Table 2 WAC 458-40-19004.  
<sup>2</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>3</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>4</sup> Stumpage value per lineal foot.

NEW SECTION

WAC 458-40-18722 HARVESTER ADJUSTMENTS—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1986. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by chapter 84.33 RCW, the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18719.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against special forest products.
- (2) No harvest adjustment shall be allowed against utility, conifer utility, and hardwood utility.
- (3) Stumpage value rates for conifers and hardwoods shall be adjusted to a value no lower than \$1 per thousand board feet.

Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred. Such applications should be sent to the Department of Revenue AX-02, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest damaged timber the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of July 1 through December 31, 1986:

**TABLE 1—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5  
July 1 through December 31, 1986**

**OLD GROWTH  
(100 years of age, or older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00

**II. Logging conditions**

Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$6.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$18.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$99.00

**III. Remote island adjustment:**

For timber harvested from a remote island - \$50.00

**TABLE 2—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 1, 2, 3, 4, AND 5  
July 1 through December 31, 1986**

**YOUNG GROWTH OR THINNING  
(less than 100 years of age)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 30 thousand board feet per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	-\$2.00
Class 3	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$6.00
Class 4	Harvest of less than 5 thousand board feet per acre.	-\$8.00
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$6.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$18.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$99.00

**TABLE 2—cont.**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>III. Remote island adjustment:</b>		
	For timber harvested from a remote island	-\$50.00
<b>IV. Thinning (see WAC 458-40-18700 (12)(d))</b>		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

**TABLE 3—HARVEST ADJUSTMENT TABLE  
STUMPAGE VALUE AREAS 6, 7, AND 10  
July 1 through December 31, 1986**

**MERCHANTABLE SAWTIMBER, ALL AGES**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
<b>II. Logging conditions</b>		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$13.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$26.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	-\$113.00

**III. Remote island adjustment:**

For timber harvested from a remote island - \$50.00

**DOMESTIC MARKET ADJUSTMENT:**

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	-\$10.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	-\$6.00 per MBF

**NOTE:** The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

**WSR 86-10-055**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2372—Filed May 7, 1986—Eff. July 1, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 86-07-054 filed with the code reviser on March 19, 1986. These rules shall take effect at a later date, such date being July 1, 1986.

This rule is promulgated pursuant to RCW 74.46.800 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.46 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 May 6, 1986.

By Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

✓ WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For ~~((purposes))~~ the purpose of determining audited allowable costs in computing a final settlement, an amendment to an annual report shall be considered only if filed ((if significant errors or omissions are discovered prior to the receipt)) by the provider prior to receipt by the provider of the notification scheduling the department's field audit, except that an amendment may be filed subsequent to such notification and pursuant to the provisions of WAC 388-96-769 solely for the purpose of adjusting reimbursement rates. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Amendments may be filed by the provider and considered by the department only if errors or omissions are discovered which are significant. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department ~~((may))~~ shall refuse to consider an amendment resulting in a more favorable settlement or rate to a contractor if

the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. ~~((Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769, however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.))~~

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

✓ WAC 388-96-502 INDIRECT AND OVERHEAD COSTS. If a ~~((nursing home))~~ contractor provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

✓ WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits ~~((contained in))~~ promulgated pursuant to subsection (5) of this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

(a) Actual compensation received, or

(b) The amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty beds in the nursing home, at the lower of:

(a) Actual compensation received, or

(b) Seventy-five percent of the appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

(a) Actual compensation received, or

(b) Sixty percent of the appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section.

(5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year ~~((1983))~~ 1986

Bed Size	
1 - 79	\$ <del>((29,716))</del> 32,471
80 - 159	\$ <del>((32,884))</del> 35,935
160 and up	\$ <del>((34,960))</del> 38,202

(6) ~~((A))~~ Tables to be promulgated in writing by the department ~~((will apply))~~ for subsequent ~~((calendar))~~ years shall determine maximum total compensation for licensed administrators of nursing facilities in the various bed size categories. For 1987 and subsequent years, tables shall reflect calendar year 1986 maximums increased by any inflation adjustment authorized by the legislature.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

(a) Actual compensation received, or

(b) The appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to employees working similar hours, by forty hours per week for each week covered by the cost report. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records ~~((customary for employees))~~ which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. Such records must verify the actual hours of service performed for the nursing home.

(9) Reimbursement for administrative and management services shall be limited in total amount to allowable compensation for administrative personnel set forth in this section regardless of the provisions of any employment, management or consultation agreement, or other arrangement which exists between the contractor and persons or organizations providing such services.

(10) Costs of an administrator-in-training shall not be considered for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor must submit a request for an increase in current rate together with necessary documentation which shall include a copy of the department of licensing approval of the administrator-in-training program and a schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual

termination date of the administrator-in-training program. Upon termination of the program, the current rate shall be reduced by an amount corresponding to the cost of the program.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

✓ WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the nursing home as agent of the contractor, a copy of the agreement must be received by the department at least sixty days before the agreement is to become effective. A copy of any amendment to a management agreement must be received by the department at least thirty days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of medical care recipients, the sixty-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if:

(a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates the services contracted for were actually delivered. To be allowable, fees must be for necessary, nonduplicative services.

(3) Allowable fees for general management services, including corporate or business entity management and board of director's fees and including the portion of a management fee which is not allocated to specific services such as accounting, are limited to:

(a) The maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) Actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent the fee does not exceed the lesser of:

(a) The limits set out in subsection (3) of this section; or

(b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with WAC 388-96-534.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs,

for general administrative and management services, including the portion of a management expense which is not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility are allowable costs if the visit does not exceed three weeks. Travel and housing expenses necessary for visits in excess of three weeks are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(7) Bonuses paid to employees at a contractor's nursing facility are compensation. Bonuses paid to employees at a contractor's central office or otherwise not employed at the nursing facility, who are not engaged in nonmanagerial services such as accounting, are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

✓ WAC 388-96-559 DEPRECIATION BASE. (1) Effective January 1, 1985, the total depreciation base shall be the lowest of the contractor's appraisal, if any, the department's appraisal obtained through the department of general administration of the state of Washington, if any, or the historical cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. If the department challenges the historical cost of an asset or if the contractor cannot or will not provide the historical cost of a leased asset, the department will have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington. The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal. For leased assets, the department may examine documentation in its files to determine the lessor's acquisition date at the time of the last arm's-length transaction. If the department is unable to determine the lessor's acquisition date by review of its records, the department may use the construction date of the facility, as found in the state fire marshal's records, as the lessor's acquisition date of leased assets in determining fair market value. When the appraisals are conducted, the depreciation base of the asset will not exceed the fair market value of the asset. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied

with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) If a contractor cannot or will not provide the lessor's acquisition cost of assets leased by the contractor, the appraised asset value of land, building, or equipment, determined by the department of general administration shall be adjusted by the department using the Marshall and Swift Valuation Guide to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, pursuant to subsection (7) of this section, the Marshall and Swift Valuation Guide will be used to adjust the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the Marshall and Swift Valuation Guide publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the Western District Index calculated by Marshall and Swift shall be used.

(6) If depreciable assets are acquired which were used in the Medicaid program on or after January 1, 1980, the depreciation base of such assets shall not exceed the net book value existing at the time of acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not in use in or as a nursing care facility.

(7) Subsection (6) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the previous arm's-length transfer of ownership nor shall subsection (6) of this section apply to the first arm's-length acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program prior to January 1, 1980. The depreciation base for such acquisitions shall not exceed the lesser of the fair market value of the assets determined by an appraisal conducted by the department of general administration and the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and pursuant to RCW 74.46.840, this subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving



subsection (6) of this section to apply without exception to acquisitions occurring on or after July 18, 1984.

(8) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the Marshall and Swift Valuation Guide to reflect the value of the asset at the lessor's acquisition date.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

✓WAC 388-96-565 LIVES. (1) The contractor shall use lives reflecting the estimated actual useful life of ~~((the))~~ assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets, and shall be no shorter than guideline lives contained in the Internal Revenue Service class life ADR system or published by the American Hospital Association in computing allowable depreciation. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. Lives shall be extended to reflect periods, if any, during which assets were not used to provide nursing care.

(3) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

✓WAC 388-96-567 METHODS OF DEPRECIATION. (1) Buildings, building improvements, land improvements, leasehold improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors which have elected to take either the sum-of-the-years digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559.

AMENDATORY SECTION (Amending Order 2105, filed 8/30/84)

✓WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes(;;)) or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established there was no likelihood of recovery at any time in the future. Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the

same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. ~~((Dues to national trade associations or that portion of dues paid to local or state trade associations attributable to membership in national associations shall be unallowable.))~~ Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where a final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or in connection with a fair hearing where a final administrative decision has not been

rendered; or in connection with a fair hearing where related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred assuming no final administrative decision has been rendered at the end of the report period; or in connection with a fair hearing where related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(jj) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year.

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia.

AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

✓ WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The nursing services cost area reimbursement rate will reimburse for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care provided by qualified therapists and their employees are included only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) Nursing service costs will be subject to two reasonableness tests:

(a) A test for nursing staff hours; and  
(b) A test for cost increases between the current and preceding report period.

(i) The test for nursing staff hours will use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' aids, including purchased and allocated nursing and aid staff time, and the average Battelle patient debility score for the corresponding facilities as computed by the department. Data for the regression shall be taken from correctly completed cost reports and from patient assessments completed by the department for the corresponding calendar report

year, which are available at the time the regression equation is computed. A limit on nursing and nursing aid staffing hours will be calculated and set for each facility at predicted staffing hours plus 1.75 standard errors utilizing the regression equation calculated by the department. Costs for facilities with reported hours exceeding the limit will be reduced by an amount equivalent to the hours exceeding the limit times the average wage rate for nurses and aids indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. Contractors' reporting hours exceeding the limit shall receive the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(ii) The test for cost increases shall compare the percentage change between the most recent cost report period and the next prior cost report period allowable nursing service costs for the facility against the percentage change between July of the most recent cost report period and July of the next prior cost report period medical care component of the consumer price index for urban consumers nationwide. Facilities reporting increases greater than the medical care component of the consumer price index shall be limited to a rate determined by their ((1981)) adjusted patient care costs for the period immediately preceding the most recent cost report period inflated by the medical care component of the consumer price index. If a facility is affected by this limit due to special or unusual circumstances, such as a decrease in patient days, the department may grant an exception or partial exception to the limit.

**AMENDATORY SECTION** (Amending Order 2270, filed 8/19/85)

✓ WAC 388-96-754 A CONTRACTOR'S RETURN ON INVESTMENT. (1) The department shall establish for individual Medicaid facilities return on investment allowances composed of a financing allowance and a variable return allowance.

(2)(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by eleven percent and dividing by the contractor's total patient days. Annual patient days taken from the contractor's cost report for the most recent twelve-month cost report period will be used. If the cost report covers less than twelve months, annual patient days will be estimated based upon data in the cost report. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the

regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration pursuant to this chapter.

(3) The variable return allowance shall be determined according to the following procedure:

(a) The department shall rank all facilities in numerical order from highest to lowest based upon average per diem allowable costs for the sum of the administration and operations and property cost centers for the preceding cost report period. If the contractor's administration and operations and property rates have been established based on a budget, the variable return allowance shall be calculated based on budgeted costs.

(b) The variable return allowance shall be computed by multiplying the total prospective rate for each facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. Facilities in the highest quarter will be assigned a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility and shall be added to the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective

rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) ~~((In the event the Department of Health and Human Services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities))~~ The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

**AMENDATORY SECTION** (Amending Order 1808, filed 5/14/82)

✓ **WAC 388-96-769 ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS.** (1) Prospective rates are subject to adjustment by the department in accordance with this section and subject to WAC 388-96-122 as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section will be effective as of the effective date of the original rate whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by the certification required by WAC 388-96-117 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted ~~((for settlement purposes))~~ unless the amendments meet the requirements of WAC 388-96-122 ~~((, but may be used for purposes of revising a prospective rate))~~. If changes made by the amendments are determined to be material by the department according to standards established by the department, such amended pages shall be subject to field audit. If a field audit or other information available to the department determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void and future rate payment increases, if any, scheduled as a result of such an adjustment shall be cancelled immediately. Payments made based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay an amount owed the department resulting from an error or omission or from an improper adjustment, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment or rate adjustment cancellation, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) ~~((The department shall pay any amount owed the contractor as a result of a))~~ If a cost report amendment is accepted for rate adjustment and was received by the department prior to the end of the period to which the rate is assigned, the department shall make any retroactive payment to which the contractor may be entitled within thirty days after the contractor is notified of the rate adjustment and shall increase future rate payments for the rate period, as appropriate.

(5) If a cost report amendment is received by the department subsequent to the rate period, notification of an adjustment or other disposition shall be made at preliminary or final settlement. Adjustments resulting from amendments received after the rate period shall be for the sole purpose of computing the preliminary or final settlement and no retroactive payment shall be made to the contractor. In accordance with WAC 388-96-229(1), any amount due a contractor as determined at preliminary or final settlement shall be paid within thirty days after the preliminary or final settlement report is submitted to the contractor.

(6) No adjustments for any purpose will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement. A final settlement within this

one hundred twenty-day time limit may be reopened for the limited purpose of making an adjustment to a prospective rate in accordance with this section. However, only the adjustment and related computation will be subject to review if timely contested pursuant to WAC 388-96-901 and 388-96-904. Other actions relating to a settlement reopened shall not be subject to review unless previously contested in a timely manner.

**WSR 86-10-056**  
**PROPOSED RULES**  
**FINANCE COMMITTEE**  
 [Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Finance Committee intends to adopt, amend, or repeal rules concerning local government investment pool, chapter 210-01 WAC;

that the agency will at 9:00 a.m., Thursday, June 19, 1986, in the Office of the State Treasurer, 2nd Floor, Legislative 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 chapter 294, Laws of 1986.

The specific statute these rules are intended to implement is section 9, chapter 294, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 12, 1986.

Dated: May 7, 1986

By: Robert S. O'Brien  
 State Treasurer and Chairman

### STATEMENT OF PURPOSE

Title: Local government investment pool.

Description of Purpose: To enable political subdivisions to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds.

Statutory Authority: Chapter 294, Laws of 1986.

Specific Statute Rule is Intended to Implement: Section 9, chapter 294, Laws of 1986.

Summary of Rule: Rules provide for the operation of the local government investment pool by the Office of the State Treasurer.

Reasons Supporting Proposed Action: Rules provide procedures for funds deposited and withdrawn from the local government investment pool. The rules also provide procedures for earnings to be credited to participants and administrative fees to be paid to the State Treasurer.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William R. Carbah, Investment Officer, Office of the State Treasurer, Legislative Building, Mailstop AS-23, Olympia, WA 98504-0423, phone (206) 753-1127.

Organization Proposing Rule: State Finance Committee, governmental.

Agency Comments: The agency reserves the right to modify the text of these proposed rules prior to 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 the hearing or adoption on short notice. To determine that the hearing will take place as stated in this notice, an interested party may contact William R. Carbah, Investment Officer, Office of the State Treasurer, phone (206) 753-1127.

These rules are not required as a result of federal law or federal or state court action.

These rules do not have an impact on small business.

### LOCAL GOVERNMENT INVESTMENT POOL

#### NEW SECTION

WAC 210-01-010 PROMULGATION. The STATE FINANCE COMMITTEE, after due and proper notice, and pursuant to the provisions of Chapter 294, Laws of 1986, hereby adopts and promulgates the following rules and regulations, effective July 1, 1986.

#### NEW SECTION

WAC 210-01-020 DEFINITIONS. Unless the context requires otherwise:

(1) "Local Government Investment Pool" or "pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

(2) "Pool Participant" means any county, city, town, municipal corporation, or special purpose taxing district in the state.

(3) "Local Government Official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision.

(4) "Funds" means public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands.

(5) "Financial Institution" means a qualified public depository as defined in RCW 39.58.010.

#### NEW SECTION

WAC 210-01-030 LOCAL GOVERNMENT ORDINANCE OR RESOLUTION. All local government entities participating in the Local Government Investment Pool will file with the State Treasurer a certified copy of an ordinance or resolution containing the following:

(1) Name and address of entity

(2) A statement that the governmental entity agrees to deposit or withdraw funds in the Local Government Investment Pool in accordance with the provisions of the Washington Administrative Code for the purpose of investment as stated therein.

(3) The names and titles of the officials authorized by this ordinance or resolution to order the deposit or withdrawal of funds in the Local Government Investment Pool. No more than two (2) signatures are necessary for this purpose.

#### NEW SECTION

WAC 210-01-040 PROPER ADOPTION AND FILING OF LOCAL GOVERNMENT ORDINANCE OR RESOLUTION. It shall be the responsibility of local government officials to properly execute and file the resolution or ordinance, described in WAC 210-01-030 with the State Treasurer. The State Treasurer shall not allow participation in the Local Government Investment Pool unless such resolution or ordinance has been filed with the Office of State Treasurer.

#### NEW SECTION

WAC 210-01-050 STATE TREASURER'S LIABILITY. The State Treasurer shall not be liable for any damages resulting from misfeasance, malfeasance or defalcation on the part of local government officials.

NEW SECTION

WAC 210-01-060 DEPOSIT AND WITHDRAWAL OF FUNDS. The minimum transaction size will be at least five thousand dollars (\$5,000.00).

NEW SECTION

WAC 210-01-070 TRANSACTION LIMITATION. Each pool participant shall be limited to one (1) transaction per business day. This may be either a deposit to or a withdrawal from the pool.

NEW SECTION

WAC 210-01-080 DEPOSIT PROCEDURES. A pool participant, to receive same day credit, must inform the State Treasurer's Office of a deposit by 9:00 a.m. of the day the deposit is to be made. All deposits will be made by electronic funds transfer to an account designated by the State Treasurer.

NEW SECTION

WAC 210-01-090 WITHDRAWAL PROCEDURES. A pool participant, in order to withdraw funds from the pool, must notify the State Treasurer by 9:00 a.m. of the day on which the withdrawal will take place. Each local government entity participating in the pool shall file with the State Treasurer a letter designating the financial institution at which funds withdrawn from the pool shall be deposited. This letter shall contain the name of the financial institution, location of the financial institution, account number to which funds will be deposited and account name. This letter shall be signed by local officials authorized to receive and disburse funds, as described in WAC 210-01-030. Disbursements from the pool will be by electronic funds transfer.

NEW SECTION

WAC 210-01-100 INTEREST EARNINGS CREDIT. Interest earnings on funds deposited in the Local Government Investment Pool will be credited to each pool participant's account in the pool on the last day of the month in which the interest income was earned. These funds may be left on deposit and earn interest at the discretion of each pool participant.

NEW SECTION

WAC 210-01-110 REPORTING REQUIREMENTS. The State Treasurer will provide to each pool participant a statement showing that participant's beginning balance, deposits, withdrawals, administrative charges, earnings rate, earnings, and ending balance for the calendar month.

NEW SECTION

WAC 210-01-120 ADMINISTRATIVE FEES. The State Treasurer will charge a fee for the administration of the Local Government Investment Pool. This fee will be set in a manner that will allow the State Treasurer to recover costs associated with the pool. The fee will be based on the average daily balance of the funds deposited in the pool. Each participant will pay a proportionate share of the pool's expenses based upon its share of the total pool's assets. The fee will be expressed as a percentage of the average daily funds on deposit in the pool for a specified period. This fee will be charged against each participant's earnings prior to the credit of those earnings. For Fiscal Year 1987 the administrative fee will be set at one quarter (.25%) of one percent (1.00%). The administrative fee for following fiscal periods will be adjusted to reflect actual experience.

NEW SECTION

WAC 210-01-130 PORTFOLIO MANAGEMENT. The State Treasurer shall have sole responsibility in the settling of investment strategy for the Local Government Investment Pool. Any investments made hereunder shall be made with the exercise of that degree of judgement and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable income to be derived.

## WSR 86-10-057

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning standards for apples marketed within Washington, chapter 16-403 WAC;

that the agency will at 10:00 a.m., Wednesday, June 11, 1986, in The Best Western Inn, 1700 Canyon Road, Ellensburg, WA 98926, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 25, 1986.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 11, 1986.

Dated: May 7, 1986

By: J. Allen Stine  
Assistant Director

## STATEMENT OF PURPOSE

Title: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Description of Purpose: To implement mandatory soluble solids requirements on red delicious, delicious, and golden delicious varieties of apples, and to relax the shape requirements of the Washington extra fancy grade of golden delicious variety.

Statutory Authority: Chapter 15.17 RCW.

Summary of Rules: Will require red delicious, delicious, and golden delicious varieties of apples to meet minimum soluble solids requirements on shipments to fresh market in the early harvest period. The rule will relax the shape requirement on extra fancy grade of golden delicious to fairly well formed which is the same requirement for red delicious variety.

Agency Personnel to Contact: James R. Archer, Commodity Inspection Division, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, phone (206) 753-5054.

These rules are proposed by the Department of Agriculture at the request of the Washington State Horticultural Association Grade and Pack Committee.

Agency Comment: None.

Small Business Impact Statement: None.

NEW SECTION

WAC 16-403-141 RED DELICIOUS, DELICIOUS, GOLDEN DELICIOUS—MINIMUM SOLUBLE SOLIDS. Prior to the general release date for harvest of the crop of the current growing season, as established by the delicious maturity committee of the Washington state horticultural association, shipment shall not be allowed of apples of the red delicious and delicious varieties having less than ten percent soluble solids and apples of the golden delicious variety having less than ten and one-half percent soluble solids as determined by refractometer.

**AMENDATORY SECTION** (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-160 GREEN OR YELLOW VARIETIES—WASHINGTON EXTRA FANCY. ((+)) Washington extra fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, well formed; PROVIDED, That the golden delicious variety shall be fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore, broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from slightly rough or rough russetting, provided, russetting other than rough or bark-like russetting materially affecting the appearance of the apple shall be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end or calyx end down on a flat surface. The apples are also free from injury caused by smooth net-like russetting, smooth solid russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, stem or calyx cracks, or other means; and free from damage by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

**WSR 86-10-058**

**PROPOSED RULES**

**PARKS AND RECREATION COMMISSION**

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning consumption of alcohol in state park areas, WAC 352-32-210;

that the agency will at 9:00 a.m., Friday, June 20, 1986, in the Chelan City Hall Council Chambers, 143 East Johnson, Chelan, WA 98816, 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 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 17, 1986.

Dated: May 7, 1986

By: Mike Reed  
Executive Assistant

**STATEMENT OF PURPOSE**

Title: Consumption of alcohol in state park areas, WAC 352-32-210.

Description of Purpose: To preclude the use of alcohol at Squaxin Island State Park, consistent with the policy of the landowner from whom the land is leased, the Squaxin Island Tribe, as provided in the Squaxin Island Liquor Code.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Expands the existing prohibition on the use of alcohol at Fort Simcoe State Park to include a similar prohibition at Squaxin Island State Park.

Reasons Supporting Proposed Action: The Squaxin Island Tribe has prohibited the use of alcohol beverages on Squaxin Island. This rule is adopted consistent with

the purposes of such prohibition, extending its provisions over Squaxin Island State Park on Squaxin Island.

Agency Personnel Responsible for Drafting: Richard Fankhauser, Parks Planner, 7150 Cleanwater Lane, KY-11, Olympia, Washington 98504-5711; Implementation and Enforcement: Lynn Genasci, Assistant Director - Operations, 7150 Cleanwater Lane, KY-11, Olympia, Washington 98504-5711.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: No.

**AMENDATORY SECTION** (Amending Order 91, filed 2/25/86)

WAC 352-32-210 CONSUMPTION OF ALCOHOL IN STATE PARK AREAS. (1) Opening, possessing alcoholic beverage in an open container, or consuming any alcoholic beverages in any state park area shall be prohibited except in the following designated areas and under the following circumstances:

(a) In designated campgrounds, by registered campers or their guests;

(b) In designated picnic areas, which shall include those sites within state park areas where picnic tables, benches, fireplaces, and/or outdoor kitchens are available, even though not signed as designated picnic areas; and

(c) In any building operated and maintained under a concession agreement, wherein the concessionaire has been licensed to sell alcoholic beverages by the Washington state liquor control board, and where the dispensation of such alcoholic beverages by such concessionaire has been approved by the commission.

(2) Dispensing alcoholic beverages from kegs or containers larger than two gallons is prohibited in state park areas except when authorized in writing (group use permit) by the park manager.

(3) The provisions of this rule shall not apply to any part of the Seashore Conservation Area, as designated and established by RCW 43.51.655.

(4) Opening, consuming, or storing alcoholic beverages in Fort Simcoe State Park and Squaxin Island State Park shall be prohibited.

**WSR 86-10-059**

**NOTICE OF PUBLIC MEETINGS**

**HIGHER EDUCATION FACILITIES AUTHORITY**

[Memorandum—May 5, 1986]

**NOTICE OF PUBLIC HEARING FOR ISSUANCE OF  
WASHINGTON HIGHER EDUCATION FACILITIES  
AUTHORITY REVENUE BONDS**

The Washington Higher Education Facilities Authority will hold a public hearing on Wednesday, May 21, 1986, at 10:00 a.m. at the Office of Financial Management, 300 Insurance Building, 4th Floor Conference Room, Olympia, Washington, for the purpose of considering and possibly approving Resolution No. 86-1 of the Washington Higher Education Facilities Authority, authorizing the issuance of approximately \$9,500,000 WASHINGTON HIGHER EDUCATION FACILITIES AUTHORITY REVENUE BONDS, SERIES 1986 the proceeds of which will be loaned to Gonzaga University, Spokane, Washington 99258, for refinancing certain debt of the university; partially funding construction of a new School of Business Building; funding energy efficiency improvements, improvements and landscaping on the "lower campus," repairs, renovations and improvements to the Kennedy Pavilion and Pool and acquisition of equipment for academic use; funding the initial deposit into the reserve

fund; and paying the costs and expenses incurred incident to the accomplishment of this financing.

**WSR 86-10-060**  
**PROPOSED RULES**  
**HOSPITAL COMMISSION**

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges, and changes therein, amending WAC 261-40-150;

that the agency will at 9:30 a.m., Thursday, June 12, 1986, in the Vance Airport Inn, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 26, 1986.

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 2, 1986.

Dated: May 7, 1986

By: Maurice A. Click  
Executive Director

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Amending Title 261 WAC.

**Purpose of the Amendment:** To revise existing rules setting forth the methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges, and changes therein.

**Statutory Authority:** RCW 70.39.180.

**Summary of Rule Changes and Statement of Reasons Supporting the Proposed Action:** WAC 261-40-150 (3)(a), those hospitals essential to assure access of the rural public to basic health care services are defined in order to comply with RCW 70.39.150(3); 261-40-150 (5) and (6), case mix, case mix indices and case mix value units, obtained from the Commission Hospital Abstract Reporting System, will be utilized in the budget screens, budget and rate approval, and year-end conformance in order to comply with RCW 70.39.140(2); 261-40-150 (5)(d)(i)(A)(III), the value of net property, plant and equipment is reduced for those hospitals which do not meet occupancy standards in order to assure that purchasers do not bear an undue burden for excess capacity; 261-40-150 (5)(d)(i)(B), the return on net property, plant and equipment is changed from a rate of 12 percent for proprietary hospitals and 10 percent for not-for-profit hospitals to the interest rate on 25-year "A" rated tax-exempt bonds as of September 1 of each year. This change conforms with the recommendation of

the Technical Advisory Committee (TAC) that no preferential treatment be given for rate of return due to corporate structure; 261-40-150 (5)(d)(i)(C), the working capital component is increased from 12.5 percent to 13.5 percent of the increase in net patient services revenue to adjust for the delay in payment by Medicare and other payers; 261-40-150 (5)(d)(i)(C)(I), provides for an exception to the standard working capital allowance for essential rural hospitals experiencing financial distress in order to comply with RCW 70.39.150(3); 261-40-150 (5)(d)(i)(D)(I), the definition of an undercapitalized hospital is amended to restrict the amount of capital allowed for this condition; 261-40-150 (5)(d)(i)(D)(III), the current commission policy on "equity funding" is incorporated into rule; 261-40-150 (5)(e)(i) and (ii), allowable contractual adjustments are expanded to include self-insured workers' compensation because reimbursement for self-insured workers is determined by the Department of Labor and Industries; 261-40-150 (6)(d), the fixed/variable ratios for use in adjusting for volume variance for year-end conformance are amended to 20 percent variable for Peer Group A and specialty hospitals having fewer than 50 beds; 35 percent variable for Peer Group B and specialty hospitals from 50 to 175 beds; and 50 percent variable for Peer Group C and specialty hospitals over 175 beds. Some commission members and other interested persons have expressed concern that hospitals do not make appropriate adjustments for volume variance. We propose no change for basic services hospitals, since most have low occupancy levels and operate close to minimum staffing levels. We recommend that the variable ratios be increased for all other hospitals; 261-40-150 (6)(f), the information that may be submitted to explain deviations/variances from approved revenues is clarified. Staff believes it is appropriate to explicitly identify the information that will be considered when reviewing year-end conformance; and 261-40-150 (6)(g), requires the commission to schedule a hearing within 60 days after staff findings indicate that a hospital is not in conformance and that a hospital's current budget and rates be reduced by the amount that actual revenues exceed allowable revenues. Currently, unless requested by a hospital, adjustments for excess revenue are made in the second year following the year in which the excess revenue is generated. This delay has been questioned by the commission and other interested persons. This change will result in a more timely adjustment.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement of These Rules:** Maurice A. Click, Executive Director; and David B. Smith, Associate Director of Budget and Rate Review, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capital Way, Mailstop FJ-21, Olympia, Washington 98504, (206) 753-1990.

**Name of the Organization Proposing the Rule:** Washington State Hospital Commission.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. The proposed amendments retain



provisions for alternative systems of financial reporting and modifications of the uniform reporting system which provide specialized and reduced reporting requirements for smaller hospitals: WAC 261-20-060, 261-20-074 and 261-50-040. The Hospital Commission believes that these provisions enable smaller hospitals to report the information required by the statute in the least onerous fashion. In addition, WAC 261-40-150 (5)(d)(i)(C)(I) permits the commission to allow additional working capital to those hospitals defined as essential to assure access of the rural public to basic health care services.

**AMENDATORY SECTION** (Amending Order 85-06, Resolution No. 85-06, filed 11/1/85)

WAC 261-40-150 METHODOLOGY AND CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following methodology and criteria shall be utilized by the commission in reviewing and acting on annual budget submittals. The relative importance of each criterion, and the extent to which justification for variance from the methodology and criteria is accepted, is a matter of commission discretion:

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;

(d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit ~~((any))~~ the hospital to render necessary, effective and efficient service in the public interest.

(3) Whether the commission action will assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(a) Hospitals defined as essential to assure access of the rural public to basic health care services are those hospitals that:

(i) Are not within a twenty-mile radius of an urban area exceeding thirty thousand population;

(ii) Are not within a thirty minute travel time to another hospital;

(iii) Are not within the counties of Snohomish, King, Kitsap, Pierce, Thurston, Clark and Spokane; and

(iv) Have no more than three thousand inpatient admissions per year.

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) Whether the proposed budget and the projected revenues and expenses would result in the rate structure most reasonable under the circumstances. The following shall be considered by the commission in making that determination:

(a) The commission shall determine whether the hospital's requested utilization statistics are reasonably attainable, based upon:

(i) Historical admission trends, including a revised current year estimate derived from seasonally-adjusted quarterly report information;

(ii) Historical trends of outpatient volumes as measured by inflation-adjusted outpatient revenue and outpatient equivalents of admissions;

(iii) Historical trends of the average length of stay; ~~((and))~~

(iv) Historical case mix indices as obtained from the Commission Hospital Abstract Reporting System; and

(v) Such other information as the commission may determine is appropriate as a basis for deviating from measures based upon historical trends including, but not limited to:

(A) Revisions necessary to maintain compliance with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Negotiated rate agreements that guarantee additional volumes related to a purchaser of hospital health care services;

(C) The implementation or deletion of services or programs for which certificate of need approval has been obtained, if required; and

~~((D) ((The opening of new health care service-related capacity for which certificate of need approval has been obtained, if required; and~~

~~((E)))~~ Other considerations presented by the hospital or other interested persons and determined to be appropriate by the commission.

(b) The commission shall utilize a principal screen to compare the hospital's requested net patient services revenue (total rate setting revenue less deductions from revenue) per adjusted ~~((admission))~~ case mix value unit to the hospital's ~~((target))~~ baseline net patient services revenue per adjusted ~~((admission))~~ case mix value unit as calculated in item (i) below and modified by item (ii) below:

(i) Each hospital's ~~((target))~~ baseline net patient services revenue per adjusted ~~((admission))~~ case mix value unit shall be calculated by applying to the individual hospital the same methodology utilized by the commission in establishing the volume ~~((and))~~, operating expense, and capital allowance components of the allocated target dollar amount of total state-wide hospital revenue adopted by the commission in accordance with RCW 70.39.150(6) ~~((, and adding a capital allowance component as calculated according to WAC 261-40-150 (5)(d)(i)(B) and (C); provided that, the additional considerations provided for in WAC 261-40-150 (5)(d)(i)(C)(1) and (2) shall not be included in the capital allowance component of the target net patient services revenue per adjusted admission for purposes of this item)).~~

(ii) ~~((The target net patient services revenue per adjusted admission as calculated in item (i) above shall be modified as follows, if applicable:~~

~~((A) For each hospital whose percentage increase in target net patient services revenue per adjusted admission over the current year approved level exceeds the peer group median of the target rates of increase, the hospital's target net patient services revenue per adjusted admission shall be reduced to reflect the peer group median target rate of increase;~~

~~((B) For each hospital whose target net patient services revenue per adjusted admission exceeds the peer group median of the target, the hospital's target shall be reduced by one-half of one percent for each one percent variance above the peer group median of the target;~~

~~((iii))~~ If, after volume adjusting the revised ~~((target))~~ baseline and the budget request to reasonably attainable levels of adjusted ~~((admissions))~~ case mix value units, the requested net patient services revenue per adjusted ~~((admission))~~ case mix value unit does not exceed the revised ~~((target))~~ baseline, the operating expense and capital allowance sections of the hospital's annual budget submittal will not be subject to further review provided that the resulting rates meet the criteria of ~~((WAC 261-40-150))~~ subsection (5)(f), (6), and (7) of this section.

~~((iv))~~ ~~((iii))~~ If, after volume adjusting the revised ~~((target))~~ baseline and the budget request to reasonably attainable levels of adjusted ~~((admissions))~~ case mix value units, the requested net patient services revenue per adjusted ~~((admission))~~ case mix value unit exceeds the revised ~~((target))~~ baseline, further review of the components of operating expense and capital allowance will be conducted.

(c) The commission shall determine whether the hospital's requested operating expenses are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the services are reasonably related to the total services offered by that hospital and are such that the hospital's costs do not exceed those that are necessary for a reasonably and prudently managed hospital, based upon:

(i) Adjusting the requested level of operating expenses to reflect the adjusted ~~((admissions))~~ case mix value units as determined according to ~~((WAC 261-40-150 (5)))~~ (a) of this subsection, utilizing the variable cost factors described in ~~((WAC 261-40-150))~~ subsection (6) of this section;

(ii) Applying national hospital market basket inflation forecasts to operating expenses by natural classification. National inflation forecasts will be modified to reflect regional or state-wide economic conditions, as appropriate;

(iii) Such other information as the commission may determine is appropriate as a basis for deviating from the standard variable cost ratios specified in ~~((WAC 261-40-150))~~ subsection (6) of this section or inflation forecasts. This information shall include but not be limited to:

(A) Revisions necessary to comply with the commission's Accounting and Reporting Manual for Hospitals pursuant to WAC 261-20-030;

(B) Reasonable operating expenses related to implementation or deletion of services or programs for which certificate of need approval has been obtained, if required;

(C) Reasonable operating expenses related to expansion or contraction of hospital capacity for which certificate of need approval has been obtained, if required;

(D) Volume adjustments of a magnitude which render the standard variable cost factors described in (~~WAC 261-40-150~~) subsection (6) of this section inappropriate; and

(E) Other consideration presented by the hospital and determined to be appropriate by the commission.

(d) The commission shall determine whether the hospital's requested capital allowance is appropriate based upon the following:

(i) Capital allowance (~~shall be computed as~~) include a return on net property, plant and equipment (property, plant and equipment less accumulated depreciation) used in hospital operations, an allowance for working capital, and other considerations as determined to be appropriate by the commission. (Interest expense on long-term debt shall be deducted from the return on net property, plant and equipment.)

(A) The value for net property, plant and equipment shall be derived from the balances at the end of the hospital's current year, as approved by the commission, and the projected balances at the end of the budget year. An average shall be calculated. The average of the net property, plant and equipment shall be the base upon which the return shall be calculated.

~~((+))~~ (I) Any capital expenditures contained in the projected balances at the end of the budget year which are subject to certificate of need approval will be excluded from the base until such time as the certificate of need has been issued by the department of social and health services;

~~((+))~~ (II) Any assets contained in net property, plant and equipment that do not relate to hospital operations, as defined in the commission's Accounting and Reporting Manual for Hospitals, pursuant to WAC 261-20-030, will be excluded from the base.

(III) The value for net property, plant, and equipment shall be reduced for those hospitals whose occupancy rate of licensed beds is below normative levels based upon state health coordinating council occupancy standards as stratified by hospital size and service differentiation.

(B) A return on net property, plant and equipment (~~for proprietary hospitals at the rate of 12 percent and for the not-for-profit hospitals at the rate of 10 percent~~) equal to the interest rate on twenty-five year "A" rated tax-exempt bonds, as obtained from the most recent issue of "Rate Controls" as of September 1 of each year, shall be presumed appropriate; however, the commission may vary from that rate, higher or lower, where appropriate. After computation of the return, allowable interest expense on long-term debt shall be deducted from the computed return.

(C) Working capital increases, if requested, shall be added to the return on net property, plant and equipment for determination of the total capital allowance. Working capital increases up to ~~(twelve)~~ thirteen and one-half percent of the increase in net patient services revenue from the approved budget in the current year to the approved budget as determined by the commission in the requested year shall be presumed appropriate; however, the commission may vary from that allowance, higher or lower, where appropriate.

~~((+))~~ (I) The commission may determine that a hospital (~~in peer groups 1 or 2~~) defined as essential to assure access of the rural public to basic health care services, as defined in subsection (3) of this section, is experiencing financial distress and may determine to vary from the allowance for working capital.

~~((+))~~ (II) The commission may determine to allow additional working capital where the hospital can demonstrate to the commission's satisfaction that its payer mix would require additional funding of accounts receivable.

(D) The commission may consider other elements in the determination of appropriate capital allowance for inclusion in total rate setting revenue. These considerations include, but are not limited to, the following elements:

~~((+))~~ (I) Hospitals that have been undercapitalized as determined by ~~(the average age of plant to the state-wide average; the total turnover rate of assets, which include total operating revenue divided by~~

~~total assets, and the fixed asset turnover rate, which includes total operating revenue divided by net fixed assets;~~

~~(2)) an average accounting age of property, plant and equipment which exceeds one hundred fifty percent of the state-wide average; and a total turnover rate of assets which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest "Hospital Industry Analysis Report" of the healthcare financial management association or a fixed asset turnover rate which exceeds the upper quartile of far west hospitals of the same bed size category as defined in the latest "Hospital Industry Analysis Report" of the healthcare financial management association, provided that:~~

~~(aa) The total level of capital allowance for undercapitalized hospitals should not exceed one hundred twenty-five percent of the baseline level; and~~

~~(bb) The requested rate per adjusted admission, as revised to reflect the hospital's case mix index, does not exceed the peer group median; and~~

~~(cc) The resulting increase in the rate per adjusted case mix value unit does not exceed one hundred twenty-five percent of the baseline median rate of increase.~~

(II) Whether that portion of debt principal payments which exceeds the total depreciation expense in the budget year should be allowed;

~~((+))~~ (III) If the hospital has been approved for equity funding or accumulation of funds for a project in the future and its rates are at or below the median of its peer group (~~and the equity funding~~), the proposed project is consistent with the hospital's long-range plan and financing plan which have been approved by the hospital's governing body, the proposed project is consistent with the health systems plan of the appropriate health systems agency, and any equity funding allowed in total rate setting revenue is maintained in a separate subaccount within board designated assets and cannot be used for any other purpose without prior approval of the commission; and

~~((+))~~ (IV) If the hospital has an approved certificate of need and related financing consistent with the approved certificate of need and the impact on rates of the additional funding is determined not to be excessive by the commission.

(e) Whether the budgeted deductions from revenue are appropriate:

(i) Contractual adjustments related to governmental programs, such as titles V, XVIII, XIX of the Social Security Act, Department of Labor and Industries, self-insured workers' compensation, Veteran's Administration, and Indian Health Service(;) are allowable.

(ii) Contractual adjustments related to bank card discounts, ~~(self-insured workers' compensation;)~~ negotiated rates and all other non-governmental-sponsored patients are not allowable as deductions from revenue for rate setting purposes;

(iii) Bad debts and charity will be trended as a percentage of total rate setting revenue over time and any significant changes will require justification;

(iv) Administrative adjustments exceeding one-tenth of one percent of total rate setting revenue will require justification;

(v) Deductions from revenue may be recomputed based on determinations in all other areas of the budget.

(f) Whether the reviews performed in accordance with (~~WAC 261-40-150(5))~~ (a), (b), (c), (d) and (e) of this subsection result in rates, rate schedules, other charges, and changes therein which are the most reasonable under the circumstances.

(i) Rate setting revenue per adjusted ~~(admission) case mix value unit should not exceed the 70th percentile of the peer group revenue screens as adjusted for each hospital's case mix index unless the (hospital's intensity exceeds the 70th percentile as measured by:~~

~~(A) Ratio of intensive care days to total days; and~~

~~(B) Radiology relative value units per adjusted admission; and~~

~~(C) Laboratory billable workload units per adjusted admission; and~~

~~(D) Surgery minutes per adjusted admission; or~~

~~(E) The hospital's adjusted case mix index derived from the commission hospital abstract reporting system;)~~ hospital demonstrates to the commission's satisfaction that the relatively high rates are acceptable.

(ii) The commission may consider any other information it determines is appropriate as the basis for deviating from these criteria including the relative level of deductions from revenue experienced by the hospitals;

(iii) If the rates are not approved as requested, the hospital must submit revised rates to the commission within twenty days of the date of service of the decision and order.

(6) Whether the rates implemented and revenues collected by the hospital in previous budget years conformed to the applicable commission determinations for such years.

(a) Conformance will be determined by comparing, at the end of the budget year, actual revenues for the budget year to commission-approved revenues, on the basis of ((either)) the aggregate rate per adjusted ((patient day, or the revenues for individual revenue centers, as either)) case mix value unit. The revenues may be modified, where appropriate, for volume variance between budgeted and actual levels((; such comparison shall be made using)) of adjusted case mix value units.

(b) Actual, rather than budgeted, deductions from revenue will be used in the conformance calculation.

(c) The approved capital allowance shall be considered a fixed cost when considering year-end conformance.

(d) Only that portion of total operating costs ((per patient day)) designated as variable according to the following schedule will be adjusted for volume variance:

((Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds)) (i) Peer Group A and specialty hospitals having fewer than fifty beds; fixed costs - eighty percent, variable costs - twenty percent;

((Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs - seventy percent, variable costs - thirty percent

Peer groups 5 and 6 hospitals; fixed costs - sixty percent, variable costs - forty percent)) (ii) Peer Group B and specialty hospitals having from fifty to one hundred seventy-five beds; fixed costs - sixty-five percent, variable costs - thirty-five percent;

(iii) Peer Group C and specialty hospitals having more than one hundred seventy-five beds; fixed costs - fifty percent, variable costs - fifty percent.

(e) Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs((; either in the aggregate or by revenue center)) by natural classification of expense. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable ((revenue)) operating expense variance due to volume changes.

(f) The hospital may submit any proposed justifying information to explain deviations/variances from approved revenues.

(i) Any proposed justifying information must include at least the following supporting information:

(A) The exact nature and extent of the factors contributing to excess revenue;

(B) The date at which hospital management became aware of the factors contributing to excess revenue;

(C) The date at which hospital management increased rates above the allowable level taking into account volume changes and actual deductions from revenue;

(D) An explanation of efforts to reduce other components of the budget to offset the factors contributing to the excess revenues; and

(E) An explanation of why the hospital did not seek a budget amendment.

(ii) In no event will increased operating expenses be accepted as justification if the volume adjusted allowable operating expenses equal or exceed the actual level.

(iii) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been controlled by hospital management.

(iv) In no event will proposed justifying information be accepted if the commission determines that the factors contributing to excess revenues could have been anticipated by the hospital or could have been identified by the hospital in sufficient time to submit a budget amendment in accordance with WAC 261-20-045.

(v) In no event will capital allowance in excess of the approved level be accepted as justification.

(vi) Hospitals will be allowed to retain any actual capital allowance in excess of the approved level that results from cost effective practices as defined as, and measured by, actual operating expenses that are below the volume adjusted approved operating expenses.

(g) Staff shall notify each hospital found to be out of conformance based on this subsection, and a hearing shall be conducted by the commission on conformance within sixty days. If the commission determines that a hospital's revenues have not conformed to the applicable determinations for that year, a decision and order will be issued reducing the hospital's current budget and rates by the amount that actual revenues exceed allowable revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

## WSR 86-10-061

### PROPOSED RULES

#### DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the conditions and procedures under which state funds will be made available to head start programs;

that the agency will at 3 - 5 p.m., Tuesday, June 10, 1986, in the Fifth Floor Conference Room, Department of Community Development, 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 chapter 43.63A RCW.

The specific statute these rules are intended to implement is RCW 43.06.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

Dated: May 7, 1986

By: Chuck Clarke

Deputy Director

#### STATEMENT OF PURPOSE

Title: Chapter 365-40 WAC, Head start.

Description of Purpose: Notice of intention to amend chapter 365-40 WAC (head start) is giving [given]. This chapter sets forth conditions and procedures under which state funds will be made available to head start programs.

Statutory Authority: This activity is undertaken pursuant to chapter 43.63A RCW.

Specific Statute Rule is Intended to Implement: RCW 43.06.110.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Community Development, governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Is this Rule Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not necessary.

CHAPTER 365-40

Rules and regulations regarding state funding of local Head Start program.

WAC

- 365-40-020 Definitions.
- 365-40-041 Financial support application process.
- 365-40-051 Eligibility criteria.
- 365-40-061 Allowable and unallowable costs.
- 365-40-071 Method of payment and reporting requirements.

AMENDATORY SECTION (Amending Order 85-03, filed 6/7/85)

WAC 365-40-020 DEFINITIONS. (1) "Applicant" means a unit(s) of local government, a qualified private organization, or a combination thereof, which applies for state Head Start funds.

(2) ~~((("Contractor"))~~ "Grantee" means an applicant which has been allocated state Head Start funds and which has entered into a contract to carry out a Head Start program.

(3) "Director" means the director of the Department of Community Development (hereafter, the agency).

(4) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-HS HEAD START POLICY MANUAL (OCD Notice N-30-364-4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July, 1975.

AMENDATORY SECTION (Amending Order 85-03, filed 6/7/85)

WAC 365-40-041 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Each potential applicant will be notified by the agency that application for state Head Start financial assistance is to be made to the agency.

(2) An applicant must make formal application in the form and manner specified by the agency. Such application shall be for the period July 1 - June 30 of each fiscal year. Failure of an applicant to make application in ~~((a timely manner, within forty-five days of receipt of application notice and application form from the agency,))~~ the specified time will result in no state Head Start funds being allocated.

(3) Applications for state Head Start funds shall contain the following information, in detail:

a. A description of the services to be provided or activities proposed to be undertaken by the applicant consistent with the provisions of WAC 365-40-051 and 365-40-061.

b. A budget specifying intended uses of state Head Start funds.

(4) The agency shall provide a contract for signature to the applicant or request additional information: ~~((within thirty days of receipt of the completed application from the applicant:))~~

**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 85-03, filed 6/7/85)

WAC 365-40-051 ELIGIBILITY CRITERIA. In order to receive Head Start funds, a ~~((contractor))~~ grantee must provide services to families and individuals eligible according to Federal Head Start guidelines who are in need of skills, knowledge, opportunities, and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated to programs based on the Federal enrollment levels. An additional set-aside of 3 percent of the pass through funds are allocated for programs with 60 or less children.

**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 85-03, filed 6/7/85)

WAC 365-40-061 ALLOWABLE AND UNALLOWABLE COSTS. (1) Allowable uses of state Head Start funds include, but are not limited to:

a. Purchase of supplies to be consumed by Head Start program children.

b. Payment of salaries for nonadministrative personnel such as full- or part-time teachers or specialists in speech, hearing, hygiene, reading, etc.

c. Purchases through contract for medical or dental services for Head Start children and their families.

(2) Unallowable costs include, but are not limited to:

a. Payment of salaries for administrative personnel, such as program directors, assistant directors, bookkeepers, secretaries, etc.

b. Payment of administrative support expenses such as postage, telephone, travel, utilities, and equipment.

c. Purchase of nonexpendable equipment with an original cost of \$500 or more and useful life of at least one year.

**Reviser's note:** No amendments were proposed in the above section. The section is shown exactly as filed by the agency pursuant to the requirements of RCW 34.08.040.

**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 85-03, filed 6/7/85)

WAC 365-40-071 METHOD OF PAYMENT AND REPORTING REQUIREMENTS. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will ~~((provide for monthly or quarterly))~~ specify procedures for expenditure reimbursement, with vouchers submitted within ~~((fifteen days of the end of each quarter or month, as appropriate))~~ a specified time as required by the agency.

~~((a. At the time of application, the applicant shall state whether vouchers will be submitted on a quarterly or monthly basis:))~~

~~((b:))~~ a. If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

~~((c:))~~ b. If a ~~((contractor))~~ grantee fails to file a claim for expense reimbursement within any six-month period, the agency may elect to terminate the contract.

~~((d:))~~ c. Funds allocated for a program may be reduced by the amount unclaimed in the program year immediately preceding the new funding year.

(3) If an intended use is not allowable under these rules or the approved contract, the ~~((contractor))~~ grantee will not be reimbursed for the cost of the item.

(4) The agency will notify the ~~((contractor))~~ grantee within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the ~~((contractor))~~ grantee may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the ~~((contractor))~~ grantee, the provisions of the contract may be amended.

(7) ~~((Quarterly reports))~~ Reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The contractor shall submit at time of application an annual audit of funds and resolution of findings provided under this rule by an independent auditor using standard accepted auditing techniques. Such an audit report may be conducted for or provided to other funding sources. This audit report must include a breakdown of state funds by contract number.

**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 86-10-062**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed May 7, 1986]

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 amendments to chapter 173-555 WAC, a water resources program for the Little Spokane River Basin, Water Resources Inventory Area 55. The amendments update regulatory language and policies. One stream closure is extended in geographic area;

that the agency will at 7:00 p.m., Wednesday, June 18, 1986, in the Riverside School, Chattaroy, Washington, conduct a public hearing on the proposed rules. (Public meeting 7:00 p.m., June 4, 1986, Riverside High School)

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 23, 1986.

The authority under which these rules are proposed is chapters 90.22 and 90.54 RCW.

The specific statute these rules are intended to implement is chapter 90.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 23, 1986.

Dated: April 23, 1986  
 By: Phillip C. Johnson  
 Deputy Director, Programs

**STATEMENT OF PURPOSE**

Title: Water resources program in the Little Spokane River Basin, chapter 173-555 WAC.

Description of Purpose: To amend the existing regulation, chapter 173-555 WAC, a water management program for water resources in the Little Spokane Water Resources Inventory Area.

Statutory Authority: Chapters 90.54 and 90.22 RCW.

Summary of Rule: Amends language of the regulation to clarify definitions, update language and correct legal descriptions. Extends the geographic extent of one stream closure.

Reasons Supporting Proposed Action: Although a specified review period was not included in the 1976 regulation, it is now department policy to review instream flow regulations every five years. The changes proposed are housekeeping in nature.

Agency Personnel Responsible for Drafting: Cynthia Nelson, PV-11, Olympia, WA 98504-8711, (206) 459-6116; Implementation: Eugene F. Wallace, PV-11, Olympia, WA 98504-8711, (206) 459-6056; and Enforcement: Ted Olson, North 4601 Monroe, Suite 100, Spokane, WA 99205-1295, (509) 456-5057.

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: Not applicable.

NEW SECTION

WAC 173-555-015 PURPOSE OF REGULATION. The purpose of this chapter is to set forth ecology's policies regarding management of water resources in the Little Spokane Water Resource Inventory Area. Chapter 90.54 RCW requires the department to protect instream resources while allowing for all other beneficial uses. This chapter establishes instream flow requirements and identifies quantities of water available for future appropriation.

AMENDATORY SECTION (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-020 DEFINITION. "NONCOMMERCIAL AGRICULTURAL IRRIGATION" means beneficial use of water ~~((upon))~~ for irrigation of not more than three acres of crop or pasture land for ((the purpose of crops and livestock for domestic)) noncommercial use.

AMENDATORY SECTION (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-030 ESTABLISHMENT OF ~~((BASE))~~ IN-STREAM FLOWS. (1) ~~((Base))~~ Instream flows are established for stream management units with monitoring to take place at certain control points as follows:

Stream Management Unit Information

Control Station Number, Stream Management Unit Name	Control Station Location by River Mile and Section, Township Range	Affected Stream Reach
No. 12-4270.00 Little Spokane River Elk	<del>((34.6))</del> 37.5 Sec. 8, T.29N., R. <del>((43))</del> 44 E.W.M.	From confluence with Dry Creek to the headwaters including tributaries except Dry Creek.
No. 12-4295.00 Little Spokane River Chattaroy	<del>((23.05))</del> 23.1 Sec. 34, T.28N., R.43 E.W.M.	From confluence with Deer Creek to confluence with Dry Creek including tributaries except Deer Creek.
No. 12-4310.00 Little Spokane River Dartford	<del>((10.0))</del> 11.4 Sec. <del>((6))</del> 5, T.26N., R.43 E.W.M.	From confluence with <del>((Little))</del> <u>Dartford</u> Creek to confluence with Deer Creek including tributaries except <del>((Little))</del> <u>Dartford</u> Creek.
No. 12-4315.00 Little Spokane River Confluence	<del>((3.9))</del> 1.1 Sec. <del>((3))</del> 5, T.26N., R.42 E.W.M.	From mouth to confluence with <del>((Little))</del> <u>Dartford</u> Creek including tributaries.

(2) ~~((Base))~~ Instream flows established for the stream management units in ~~((WAC 173-555-030(H)))~~ subsection (1) of this section are as follows:

~~((Base))~~ Instream Flows in the Little Spokane River Basin  
 (in Cubic Feet Per Second)

Month	Day	12-4270.00 Elk	12-4295.00 Chattaroy	12-4310.00 Dartford	12-4315.00 Confluence
Jan.	1	40	86	150	400
	15	40	86	150	400
Feb.	1	40	86	150	400
	15	43	104	170	420
Mar.	1	46	122	190	435
	15	50	143	218	460

Month	Day	12-4270.00 Elk	12-4295.00 Chattaroy	12-4310.00 Dartford	12-4315.00 Confluence
Apr.	1	54	165	250	490
	15	52	143	218	460
May	1	49	124	192	440
	15	47	104	170	420
Jun.	1	45	83	148	395
	15	43	69	130	385
Jul.	1	(41-5)	57	115	375
	15	(39-5)	57	115	375
Aug.	1	40	57	115	375
	15	38	57	115	375
Sept.	1	38	57	115	375
	15	38	63	123	380
Oct.	1	38	70	130	385
	15	39	77	140	390
Nov.	1	40	86	150	400
	15	40	86	150	400
Dec.	1	40	86	150	400
	15	40	86	150	400

(3) Base Flow Hydrographs, Figure II-1 in the document entitled "water resources management program in the Little Spokane River Basin" dated August, 1975 shall be used for definition of ((base)) instream flows on those days not specifically identified in ((WAC 173-555-030(2))) subsection (2) of this section.

(4) All rights hereafter established shall be expressly subject to the ((base)) instream flows established in ((sections WAC 173-555-030)) subsections (1) through (3) of this section, except that domestic in-house use and stockwater (excluding feedlots), shall be exempt from the instream flows.

**AMENDATORY SECTION** (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-040 FUTURE ALLOCATIONS((=RESERVATION)) OF SURFACE WATER FOR BENEFICIAL USES. (1) The department determines that ((these)) there are surface waters available for appropriation from the stream management units ((specified)) for consumptive uses in the amount specified in cubic feet per second (cfs) during the times ((specified)) shown as follows:

(a) Surface water quantities available (as of January 1976) from the east branch of the Little Spokane River, confluence with Dry Creek to headwaters, based on measurement at control station number 12-4270.00 at Elk are:

Month	May	June	July	Aug.	Sept.	Oct.
Date	1 15	1 15	1 15	1 15	1 15	1 15
Amount	26 22	17 14	11 9	5 5	5 5	7 7

(b) Surface water quantities available (as of January 1976) from the Little Spokane River from confluence with ((Little)) Dartford Creek at Dartford to ((Eloika Lake outlet, and to)) confluence with Dry Creek based on measurement at control station number ((12-4310)) 12-4310.00 at Dartford are:

Month	May	June	July	Aug.	Sept.	Oct.
Date	1 15	1 15	1 15	1 15	1 15	1 15
Amount	340 236	152 103	62 34	11 11	11 11	20 20

(c) Available surface waters for those days not specified in (a) and (b) shall be defined from Figures II-3 and II-4 in the document entitled "water resources management program in the Little Spokane River basin" dated August, 1975.

(2) The amounts of waters referred to in ((WAC 173-555-040(1) above)) subsection (1) of this section are allocated for beneficial uses in the future as follows:

(a) Three cubic feet per second from the amount available in the east branch of the Little Spokane River referred to in ((WAC 173-555-040(1)(a) above)) subsection (1)(a) of this section and five cubic feet per second from the amount available in the Little Spokane River,

((besides east branch,)) referred to in ((WAC 173-555-040(1)(b))) subsection (1)(b) of this section are allocated to future domestic, non-commercial stockwatering and noncommercial agricultural irrigation purposes within the stream reaches specified therein throughout the year.

(b) ((The remainder of the amount referred to in WAC 173-555-040(1)(a) and (b) besides the amount specified in WAC 173-555-040(2)(a) are allocated to consumptive and nonconsumptive uses not specified in WAC 173-555-040(2)(a). These are further described in the figures appended hereto.)) When the remaining quantity of water from the Little Spokane River has been appropriated, additional authorizations for diversion of water shall be considered only for single domestic in-house use and stockwater (excluding feedlots), and then only if no alternative source is available.

**AMENDATORY SECTION** (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-060 STREAMS AND LAKES CLOSED TO FURTHER CONSUMPTIVE APPROPRIATIONS. The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams and lakes to further consumptive appropriation except for single domestic in-house and ((normal)) noncommercial stockwatering purposes ((excluding feedlot operation)). Any water rights shall be issued only to single domestic in-house use and stockwater (excluding feedlots) if no alternative source is available.

**SURFACE WATER CLOSURES**

Stream* Name	Affected Reach	Date of Closure	Period of Closure
Dry Creek	Mouth to headwaters	5-26-1952	1 June-31 Oct.
Otter Creek	Mouth to headwaters	2-23-1971	"
Bear Creek	Mouth to headwaters	4-13-1953	"
Deer Creek	Mouth to headwaters	2-29-1968	"
Dragoon Creek	Mouth to headwaters	7-02-1951	"
Deep Creek	Mouth to headwaters	6-14-1961	"
Deadman Creek <sup>1/</sup>	Mouth to headwaters	11-28-1961	"
((Little)) Dartford Creek	Mouth to headwaters	4-13-1953	"
W. Branch	Outlet of	((Date of adoption)) 1-6-1976	"
Little Spokane River	Eloika Lake to headwaters		
W. Branch Little Spokane River	Outlet of Eloika Lake to mouth	Effective date of revision	
All natural lakes in the basin			"

\* Includes all tributaries in the contributing drainage area unless specifically excluded.

<sup>1/</sup> An unnamed tributary flowing through Sec. 20, T26N., R.44E. is exempted from closure.

**NEW SECTION**

WAC 173-555-065 USES BYPASSING A REACH OF THE STREAM. Projects that would reduce the flow in a section of a stream's length (e.g., hydroelectric projects that withdraw streamflow from some length of the channel) are considered consumptive with respect to the affected stream reach. Such projects will be subject to instream flow requirements as specified by the department. These flows

will be those established in WAC 173-555-030 or may be flows specifically tailored to that particular project and stream reach. When studies are required to determine such reach and project-specific flow requirements, the department will require the project proponent to conduct such studies in consultation with affected state and federal agencies and Indian tribes.

**AMENDATORY SECTION** (Amending Order DE 75-24, filed 1/6/76)

WAC 173-555-070 ((EFFECT ON PRIOR RIGHTS)) **EXEMPTIONS.** (1) Nothing in this chapter shall be construed to lessen, enlarge or modify the existing rights acquired by appropriation or otherwise.

(2) Nonconsumptive uses which are compatible with the intent of this chapter may be approved.

**NEW SECTION**

WAC 173-555-080 **REGULATION REVIEW.** The department of ecology shall initiate a review of this chapter at least once in every five-year period.

**WSR 86-10-063**

**PROPOSED RULES**

**PUBLIC DEPOSIT PROTECTION COMMISSION**

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Deposit Protection Commission intends to adopt, amend, or repeal rules concerning Practice and procedure—Public depositaries, chapter 389-12 WAC;

that the agency will at 9:00 a.m., Thursday, June 19, 1986, in the Office of the State Treasurer, Legislative 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 39.58.040.

The specific statute these rules are intended to implement is chapter 39.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 1:00 p.m., June 10, 1986.

Dated: May 7, 1986

By: Robert S. O'Brien  
State Treasurer and Chairman

**STATEMENT OF PURPOSE**

Title: Chapter 389-12 WAC.

Description of Purpose: Practice and procedure—Public depositaries.

Statutory Authority: RCW 39.58.040 and section 2(1), chapter 25, Laws of 1986.

Summary of Rule Changes: Amending existing sections of chapter 389-12 WAC to provide definitions of terms used in legislation. Adding new sections to provide minimum standards for the financial condition of qualified public depositaries, to provide that the appropriate collateral level is maintained, and to provide procedures to be followed by treasurers wishing to establish out-of-state demand accounts.

Reasons Supporting Proposed Action: The proposed rules will add or change language to allow implementation of chapters 25 and 160, Laws of 1986.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Patricia Richards, Administrator, Public Deposit Protection Commission, c/o Office of the State Treasurer, Post Office Box 1009, Olympia, Washington 98507-1009, phone (206) 753-7477, scan 234-7477, mailstop AX-03.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington Public Deposit Protection Commission, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Interested persons may submit data, views, or arguments to this commission in writing to be received by this commission before 1:00 p.m. on June 10, 1986. The commission 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 commission 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 party may contact agency personnel responsible for drafting and implementation of the rules named above.

Whether Rule is Necessary as Result of Federal Law or State Court Action: Not a result of federal law or state court action.

Small Business Economic Impact Statement: The Public Deposit Protection Commission has the responsibility for monitoring securities pledged as collateral for public deposits to ensure protection of these deposits from loss. Chapter 39.58 RCW prescribes that all qualified public depositaries pledge collateral and regularly report to the commission.

**AMENDATORY SECTION** (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-010 **PROMULGATION.** The public deposit protection commission, hereinafter referred to as the "commission," after due and proper notice, and pursuant to the provisions of chapter 193, Laws of 1969 1st ex. sess., as last amended by chapters ((+77)) 25 and 160, Laws of ((+984)) 1986, hereinafter referred to as the "act," hereby adopts and promulgates the following rules and regulations, effective ((October 10, 1984)) July 1, 1986.

**AMENDATORY SECTION** (Amending Order 84-II, Resolution No. 84-004, filed 10/11/84)

WAC 389-12-020 **DEFINITIONS.** Unless the context requires otherwise:

(1) Qualified public depository. "Qualified public depository" means a financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the commission to hold public deposits.

(2) Financial institution. A "financial institution" means any of the following which are located in this state and are lawfully engaged in business:

(a) Bank depositaries—Any branch of a bank engaged in the banking business in this state in accordance with RCW 30.04.300, and any state bank or trust company or national banking association.

(b) Thrift depositories—Any state chartered mutual savings bank or stock savings bank, any state or federally chartered savings and loan association (including federally chartered savings bank).

(3) Investment deposits. The term "investment deposit" shall mean time deposits and savings deposits of public funds available for investment. Savings deposit shall mean an interest bearing deposit of public funds that is subject to withdrawal and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. Time deposit shall mean a single maturity or multiple maturity interest bearing investment deposit of public funds, which is either evidenced by a certificate of deposit issued by a qualified public depository, or reflected in a book-entry system of such depository approved by federal regulatory authorities, state supervisor of banking and/or state supervisor of savings and loan associations, and which is payable to a treasurer on a date certain. Such certificate shall not be negotiable, nor an interest in an investment deposit transferable, except between treasurers and/or qualified public depositories.

(4) Commission report. The "commission report" shall mean a formal accounting rendered by qualified public depositories to the commission, which details pertinent information of each depository as of the close of the last business day of each calendar quarter; the commission report is due in the office of the commission not later than thirty days after the end of the calendar quarter.

(5) Date of loss. The term "date of loss" shall mean the date on which a loss shall be deemed to have occurred within the meaning of the act, and shall be the first to happen of the following:

(a) The date of the taking of possession of the financial institution by a supervisory agency; or

(b) The date of the appointment of the receiver or conservator for a financial institution; or

(c) The date of the commencement of a voluntary liquidation proceeding for a financial institution; or

(d) The date of an order issued by a regulatory authority or a court of competent jurisdiction restraining a financial institution from making payments on deposit liabilities; or

(e) The date on which the commission declares that a financial institution no longer has the ability to repay public deposits in full.

(6) Depository pledge agreement. "Depository pledge agreement" means a written tri-party agreement, on a form supplied by the commission, wherein a financial institution, in compliance with the act and as a condition precedent to becoming or continuing to be a qualified public depository, transfers and delivers securities which are eligible collateral to a corporate fiduciary under the exercise of its trust powers, to a federal reserve bank or any branch thereof or federal home loan bank or any branch thereof, which agrees to safekeep such securities for the primary benefit of the commission under the terms and conditions of the agreement and for the purposes set forth by the act and the regulations of the commission. Such agreement shall be executed on behalf of the commission by the chairman, who shall be the state treasurer.

(7) Segregation of collateral. "Segregation of collateral" means the transfer and delivery of eligible securities by a qualified public depository pursuant to a depository pledge agreement (RCW 39.58.050). A depository wishing to reduce the amount of securities pledged as collateral must submit a written request to the commission. The trustee holding the collateral shall not allow a reduction of securities without the prior written approval of the commission. Eligible securities shall not include coupon securities from which have been detached any coupon which is not matured at the time of transfer and delivery of such securities as segregated collateral. When a qualified public depository pledges eligible securities whose payments include a periodic principal reduction, the depository shall promptly advise the commission of the dates and amounts of such principal payments.

(8) Net worth. "Net worth" of a qualified public depository means:

(a) For a bank depository, the aggregate of capital, surplus, undivided profits and all capital notes and debentures which are subordinate to the interest of depositors;

(b) For a thrift depository, the aggregate of such capital stock, guaranty fund, general reserves, surplus, undivided profits, and all capital notes and debentures which are subordinate to the interest of depositors, as are eligible for inclusion in otherwise determining the net worth of a mutual savings bank, stock savings bank, or savings and loan association, excluding appraised equity capital, ~~((and))~~ income capital certificates, ~~((and))~~ net worth certificates, and deferred losses on loans sold.

(9) Corporate fiduciary. "Corporate fiduciary" for the purposes of these rules means a financial institution as defined herein which is possessed of statutorily granted trust authority provided that for the purposes of this definition such financial institution need not be located or doing business in the state of Washington.

(10) Banking institution. "Banking institution" for the purposes of these rules means an institution organized under the laws of the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, except an institution the accounts of which are insured by the federal savings and loan insurance corporation or an institution chartered by the federal home loan bank board, which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans.

(11) Out-of-state bank. "Out-of-state bank" for the purposes of these rules means a banking institution as defined in WAC 389-12-020(10) which is not organized under the laws of the state of Washington.

(12) Alien bank. "Alien bank" for the purposes of these rules means a bank organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

#### NEW SECTION

WAC 389-12-071 MINIMUM STANDARDS FOR THE FINANCIAL CONDITION OF QUALIFIED PUBLIC DEPOSITORIES. Notwithstanding any other provisions of chapter 39.58 RCW and chapter 389-12 WAC, a qualified public depository must maintain a specified ratio of net worth to assets of not less than three percent. If such ratio for a depository shall fall below three percent, the depository shall pledge securities as collateral, valued at current market value, in a total amount at least equal to one hundred percent of its current public deposits. PROVIDED, That the commission may, at any time, in its discretion, require a depository to pledge additional collateral after consultation with appropriate regulatory authorities.

The collateral pledged under this section shall not be less than the maximum liability as required in RCW 39.58.050(1), but may include collateral required by RCW 39.58.130, RCW 39.58.135, and WAC 389-12-065.

#### NEW SECTION

WAC 389-12-075 COLLATERAL LEVEL TO BE MAINTAINED. Whenever a depository must pledge securities as collateral in accordance with RCW 39.58.130, RCW 39.58.135, WAC 389-12-065, and WAC 389-12-071, the depository must monitor its public funds on deposit on a daily basis and maintain securities, valued at current market value, accordingly.

#### NEW SECTION

WAC 389-12-140 DEMAND DEPOSIT ACCOUNT WITH BANKING INSTITUTION LOCATED OUTSIDE THE STATE OF WASHINGTON. A treasurer may, with the approval of the commission, establish a demand deposit account with an out-of-state bank or an alien bank. Prior to establishing such account, a treasurer shall submit, in writing, for review by the commission, the following information: (1) detailed information setting forth the justification for such account, projected cash flows, and other benefits which will accrue to the public entity through the establishment of such account; (2) period of time such account will be in use; (3) reasons such account cannot be established with a qualified public depository; (4) name and location of banking institution or alien bank and name and telephone number of contact person at banking institution or alien bank; (5) extent of deposit insurance provided by banking institution or alien bank; (6) most recent fiscal year end and quarterly financial report, if any, provided to regulatory agency and/or shareholders by banking institution or alien bank; (7) proposed method of ensuring safety of deposits if not fully covered by deposit insurance; and (8) such other information as the commission reasonably may require.

The account shall not be established until it shall have been authorized by a resolution of the commission setting forth the terms and conditions for such account. A copy of such resolution will be forwarded to the public entity, the state auditor, and the appropriate committee of the legislature.



Accounts authorized under this section are not considered to be protected against loss by the public deposit protection act.

**WSR 86-10-064**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-14-080	Unfair labor practices—Powers of board—Procedure.
New	WAC 251-14-082	Investigation of and disposition of unfair labor practice charges.
New	WAC 251-14-083	Unfair labor practice notice and complaint—Procedure.
New	WAC 251-14-085	Amendment of complaint or answer—Unfair labor practice.
New	WAC 251-14-086	Hearings and investigation—Unfair labor practice.
New	WAC 251-14-087	Enforcement—Unfair labor practice;

that the agency will at 9:00 a.m., Friday, June 20, 1986, in the Compton Union Building, Room 212, Washington State University, Pullman, 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 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

Dated: May 6, 1986

By: John A. Spitz  
Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the code reviser on May 7, 1986, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To define the authority of the Higher Education Personnel Board to investigate and hear unfair labor practice charges and to explain the procedure for such investigations and hearings.

Specific Statute this Rule is Intended to Implement: RCW 41.56.040 through 41.56.190.

Statutory Authority: RCW 28B.16.230 to implement the provisions of that section.

Title: WAC 251-14-080 Unfair labor practices—Powers of board—Procedures.

Summary of Rule: Clarifies what information is required when filing an unfair labor practice charge and time limitation.

Title: WAC 251-14-082 Investigation of and disposition of unfair labor practice charges.

Summary of Rule: Explains the investigation procedure and the processing steps.

Title: WAC 251-14-083 Unfair labor practice—Notice and complaint—Procedure.

Summary of Rule: Explains the procedure for issuing a complaint and notice of hearing.

Title: WAC 251-14-085 Amendment of complaint or answer—Unfair labor practice.

Summary of Rule: Provides for filing an amendment to an unfair labor practice complaint or answer.

Title: WAC 251-14-086 Hearings and investigation—Unfair labor practice.

Summary of Rule: Explains the powers of the board in having access to informative material and the issuance of subpoenas.

Title: WAC 251-14-087 Enforcement—Unfair labor practice.

Summary of Rule: Explains the right of any party to the proceedings to file an appeal to the superior court.

Reasons Supporting Proposed Action: The present rule WAC 251-14-080 is broken into six sections. These sections have been changed into six separate rules for the purpose of making the rule less complex.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78, effective 6/1/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the 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 a form provided by the director or designee, and shall be filed in the office of the director within sixty calendar days after the parties become aware of the alleged unfair labor practice(s). A copy shall simultaneously be sent to the charged party. The form shall be signed by the charging party or an authorized representative and shall contain the following:

(a) The name and address of the institution.

(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, places and the unfair labor practice section relied upon in support of the charge.~~

~~(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 substantially without 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 calendar 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 calendar 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 list 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, thirty 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 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.)) A clear and concise statement 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 251-14-082 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of a properly completed 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 substantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules. If it is found that the charge(s) is frivolous or substantially without merit, the director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor. Dismissal of the charge is appealable to the higher education personnel board.

(2) If a charge does not contain all of the information required by WAC 251-14-080, the director 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 or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

#### NEW SECTION

WAC 251-14-083 UNFAIR LABOR PRACTICE NOTICE AND COMPLAINT—PROCEDURE. (1) 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 calendar 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 calendar 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.

(2) 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.

(3) The charging party shall prosecute the complaint and shall have the burden of proof.

(4) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

#### NEW SECTION

WAC 251-14-085 AMENDMENT OF COMPLAINT OR ANSWER—UNFAIR LABOR PRACTICE. The higher education 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 higher education 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 251-14-086 HEARINGS AND INVESTIGATION—UNFAIR LABOR PRACTICE. 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 list 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.

#### NEW SECTION

WAC 251-14-087 ENFORCEMENT—UNFAIR LABOR PRACTICE. The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty 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 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.

## WSR 86-10-065

## PROPOSED RULES

## HIGHER EDUCATION PERSONNEL BOARD

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.  
New WAC 251-14-084 Answer of complaint—Unfair labor practice;

that the agency will at 9:00 a.m., Friday, June 20, 1986, in the Compton Union Building, Room 212, Washington State University, Pullman, 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 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

Dated: May 6, 1986

By: John A. Spitz  
Director

## STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on May 7, 1986, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To define the authority of the Higher Education Personnel Board to investigate and hear unfair labor practice charges and to explain the procedure for such investigations and hearings.

Specific Statute this Rule is Intended to Implement: RCW 41.56.140 through 41.56.190.

Statutory Authority: RCW 28B.16.230 to implement the provisions of that section.

Title: WAC 251-14-080 Unfair labor practices—Powers of board—Procedures.

Summary of Rule: Present WAC 251-14-080 is broken into new sections which are renumbered and the language revised to clarify what information is required in making an unfair labor practice charge (see statement of purpose filed same date by Higher Education Personnel Board). In addition, this proposal extends the period for filing unfair labor practice charges to six months.

Title: WAC 251-14-084 Answer to complaint—Unfair labor practice.

Summary of Rule: Provides for the filing of an answer to the complaint by the charged party which specifically admits or denies the facts alleged in the complaint and binds the charged party to its answer.

Reasons Supporting Proposed Action: The present rule WAC 251-14-080 is changed into new sections for the purpose of making the rule less complex.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director,

Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Mark Lyon, Washington Public Employees Association, 114 West 10th, Olympia, WA 98501, 943-1121, employee organization.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 67, filed 4/27/78, effective 6/1/78)

WAC 251-14-080 UNFAIR LABOR PRACTICES—POWERS OF BOARD—PROCEDURE. (1) The board, or its designee, whose final decision is appealable to the 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 a form provided by the director or designee, and shall be filed in the office of the director within ~~((sixty calendar days after the parties become aware of the alleged unfair labor practice(s)))~~ six months of: (a) The occurrence of the illegal action, or (b) the date on which the changing party could reasonably be expected to have knowledge of the actions giving rise to the unfair labor practice charge. The form shall be signed by the charging party or an authorized representative and shall contain the following:

~~((a))~~ (i) The name and address of the institution.

~~((b))~~ (ii) 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, places and the unfair labor practice section relied upon in support of the charge.~~

~~(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 substantially without 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 calendar 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 calendar 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 list 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, thirty 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 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:)) (iii) A clear and concise statement of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.~~

~~(iv) 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.~~

~~(v) A statement of the relief sought by the charging party.  
(vi) The signature and, if any, the title of the person filing the charge.~~

**NEW SECTION**

WAC 251-14-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint or any amended complaints with the higher education personnel board within five days of service of the complaint, or amended 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 higher education 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 higher education personnel board.

(2) The answers 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 facts so admitted.

**WSR 86-10-066**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- New WAC 251-25-010 State internship program—Purpose.
- New WAC 251-25-020 State internship program—Eligibility—Duration of program.
- New WAC 251-25-030 State internship program—Rights of participants.
- New WAC 251-25-040 State internship program—Completion of internship.

- New WAC 251-25-050 State internship program—Application of rules.
- Amd WAC 251-10-025 Layoff seniority—General provisions;

that the agency will at 9:00 a.m., Friday, June 20, 1986, in the Compton Union Building, Room 212, Washington State University, Pullman, 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 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

Dated: May 6, 1986  
By: John A. Spitz  
Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the code reviser on May 7, 1986, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To specify the requirements for participation in the Washington state internship program and the rights of program participants.

Specific Statute this Rule is Intended to Implement: RCW 43.06.410.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Title: WAC 251-25-010 State internship program—Purpose.

Summary of Rule: To state the purpose of the state internship program.

Title: WAC 251-25-020 State internship program—Eligibility—Duration of internship.

Summary of Rule: To provide the eligibility requirements and the duration of the undergraduate internship program and the executive fellows program.

Title: WAC 251-25-030 State internship program—Rights of participants.

Summary of Rule: To provide that employee participants in the state internship program shall accrue layoff seniority, receive fringe benefits and have the right to return to their former positions; and to provide that student participants in the undergraduate internship program shall accrue sick leave and student participants in the executive fellows program shall accrue sick leave and vacation leave.

Title: WAC 251-25-040 State internship program—Completion of internship.

Summary of Rule: To provide that completion of an internship program shall be considered as state employment experience.

Title: WAC 251-25-050 State internship program—Application of rules.

Summary of Rule: To provide that, with the exception of WAC 251-25-030, the remainder of the Higher Education Personnel Board rules do not apply to positions in the state internship program.

**Title:** WAC 251-10-025 Layoff seniority—General provisions.

**Summary of Rule:** To provide that participation in the state internship program shall be included in calculating an employee's layoff seniority.

**Reasons Supporting Proposed Action:** The legislature passed and the governor signed Substitute House Bill 178 which mandated the Higher Education Personnel Board to adopt rules on the Washington state internship program.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

**Person or Organization Proposing Rule, and Whether Public, Private, or Governmental:** Higher Education Personnel Board staff, governmental.

**Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters:** The change is not the result of federal law or state or federal court action.

#### Chapter 251-25 WAC

#### WASHINGTON STATE INTERNSHIP PROGRAM

#### WAC

251-25-010	State internship program—Purpose.
251-25-020	State internship program—Eligibility—Duration of internship.
251-25-030	State internship program—Rights of participants.
251-25-040	State internship program—Completion of internship.
251-25-050	State internship program—Application of rules.

#### NEW SECTION

**WAC 251-25-010 STATE INTERNSHIP PROGRAM—PURPOSE.** The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government.

#### NEW SECTION

**WAC 251-25-020 STATE INTERNSHIP PROGRAM—ELIGIBILITY—DURATION OF INTERNSHIP.** The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. Any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's department. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. Any state employee, whether working toward an advanced degree or not, shall be eligible for selection into the program upon the written recommendation of the head of the employee's department. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships of one to two years.

#### NEW SECTION

**WAC 251-25-030 STATE INTERNSHIP PROGRAM—RIGHTS OF PARTICIPANTS.** (1) An employee leaving his/her position to participate in the state internship program shall:

(a) Continue to accrue layoff seniority and receive all fringe benefits as if he/she had never left the position.

(b) Have the right to return to his/her previous position or to a like position at any time during or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall accrue sick leave and vacation leave credits commensurate with other state employees.

#### NEW SECTION

**WAC 251-25-040 STATE INTERNSHIP PROGRAM—COMPLETION OF INTERNSHIP.** Successful completion of an internship in the undergraduate internship program or the executive fellows program shall be considered as state employment experience at the level at which the intern was placed.

#### NEW SECTION

**WAC 251-25-050 STATE INTERNSHIP PROGRAM—APPLICATION OF RULES.** With the exceptions noted in chapter 251-25 WAC, the remainder of the higher education personnel board rules do not apply to positions in the state internship program.

#### AMENDATORY SECTION (Amending Order 123, filed 1/30/85)

**WAC 251-10-025 LAYOFF SENIORITY—GENERAL PROVISIONS.** (1) Layoff seniority is used to determine which employee(s) will be affected by a layoff.

(2) Layoff seniority is the number of calendar days an employee has been continuously employed in the classified service.

(3) Layoff seniority is based on the earliest date of continuous classified service. For the purposes of layoff seniority, classified service of less than full time shall be considered full-time service.

(4) Authorized leave of absence without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute or as stated in subsection (5) of this section.

(5) Leave of absence without pay scheduled for cyclic year positions does not constitute a break in service and shall be included when calculating layoff seniority for employees in cyclic year positions.

(6) Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken service the veteran's active military service to a maximum of five years' credit.

(7) Participation in the state internship program pursuant to WAC 251-25-050(1) shall be included in calculating an employee's layoff seniority.

### WSR 86-10-067

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

#### (Veterinary Board of Governors)

[Filed May 7, 1986]

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

Amd	WAC 308-153-010	Definitions.
Amd	WAC 308-153-020	General requirements for all veterinary medical facilities.
Amd	WAC 308-153-030	Minimum physical facilities.
Rep	WAC 308-153-040	Minimum aseptic surgery facility.
New	WAC 308-153-045	Practice management.
Rep	WAC 308-154-070	Reporting of continuing education requirement;

that the agency will at 7:30 p.m., Wednesday, June 11, 1986, in the Sheraton Renton Inn, 800 Rainier Avenue South, Renton, WA 98055, 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, 18.130.050 (1)(12) and section 139, SHB 131, chapter 259, Laws of 1986.

The specific statute these rules are intended to implement is RCW 18.92.030, 18.130.050 (1)(12) and section 139, SHB 131, chapter 259, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

Dated: May 7, 1986

By: Delores E. Spice  
Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Veterinary Board of Governors.

Purpose of Proposed Rules: To amend, adopt and repeal rules relating to standards for veterinary medical facilities, practice management, and continuing education reporting requirements in the interest of good veterinary health care delivery to the consuming public.

Statutory Authority: RCW 18.92.030, 18.130.050 (1)(12) and section 139, SHB 131, chapter 259, Laws of 1986.

Summary of the Rules: WAC 308-153-010 Definitions; 308-153-020 General requirements for all veterinary medical facilities; 308-153-030 Minimum physical facilities; 308-153-040 Minimum aseptic surgery facility; 308-153-045 Practice management; and 308-154-070 Reporting of continuing education requirement.

Reason for Proposed Rules: WAC 308-153-010, to amend existing definitions and add to them; 308-153-020, to amend general requirements for all veterinary medical facilities and reposition existing subsections; 308-153-030, to amend minimum physical facilities requirements and, among other things, effective January 1, 1988, require a separate and distinct room if surgery is performed; 308-153-045, to adopt a rule related to practice management requirements in veterinary medical facilities; 308-153-040, to repeal the rule relating to a minimum aseptic surgery facility given the preceding proposed rules; and 308-154-070, to repeal the rule relating to the reporting of continuing education as currently required.

Responsible Personnel: The Washington State Veterinary Board of Governors and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Delores Spice, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-1761 comm, 234-1761 scan.

Proponents of the Proposed Rules: Washington State Veterinary Board of Governors.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Based upon a board survey, the only reported area of possible economic impact on more than ten percent of veterinary medical facilities (and possibly affecting approximately

ten percent of licensees) and with a possible different impact compared to the largest ten percent of facilities, is the requirement of a separate and distinct room for surgery in the proposed amendment to WAC 308-153-030(3). Approximately seventy-five percent of the facilities (and possibly affecting approximately seven percent of licensees) within this affected group estimate costs of compliance ranging from approximately \$200 to \$9999 per veterinarian depending upon the number of veterinarians in the facility; the remaining twenty-five percent of the facilities within this affected group estimate costs ranging from approximately \$10,000 to \$45,000 per veterinarian. This compares to an estimate of no economic impact by approximately eighty-seven percent of facilities (and approximately ninety percent of licensees), such unaffected group including the ten percent of the largest facilities. Although such impact may also be significantly dependent upon individual choice in complying, the board believes that the proposed delayed effective date of January 1, 1988, will further lessen any impact.

#### Chapter 308-153 WAC

#### MINIMUM STANDARDS FOR VETERINARY MEDICAL FACILITIES AND PRACTICE MANAGEMENT

#### AMENDATORY SECTION (Amending Order PL-236, filed 2/18/76)

WAC 308-153-010 DEFINITIONS. (1) Veterinary medical facility: Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, ~~((treated or))~~ diagnosed ~~((medicinally))~~ or treated medically, surgically or prophylactically, as defined in RCW 18.92.010. This does not include the owner's ~~((own))~~ animal on the owner's premises.

(2) Mobile clinic: A vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(3) Aseptic surgery: Aseptic surgical technique exists when everything ~~((which))~~ that comes in contact with the wound is sterile and ~~((all))~~ precautions are taken to ensure such sterility during the procedure. ~~((This latter))~~ These precautions include ~~((s))~~, but ~~((is))~~ are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.

(4) Antiseptic surgery: Antiseptic surgical technique exists when care is taken to avoid bacterial contamination but the precautions are not as thorough and extensive as in aseptic surgery. Surgeons and surgical assistants must wear clean attire and sterile gloves, and the patient must be appropriately draped. A separate sterile surgical pack must be used for each animal.

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-236, filed 2/18/76)

WAC 308-153-020 GENERAL REQUIREMENTS FOR ALL VETERINARY MEDICAL FACILITIES. (1) ~~((Records: Any veterinarian who treats in any manner an animal at any location must systematically maintain an adequate individual record of the animal or herd. These records must be kept for a period of three years from the date of last treatment [treatment] and are to include, but not be limited to, the following:~~

- (a) Name, address and phone number of the owner
- (b) Patient or herd identification
- (c) Vaccination record
- (d) History
- (e) Physical examination findings
- (f) Provisional diagnosis

(g) Treatment and drugs prescribed or dispensed)) Construction and maintenance: All facilities must be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities must comply with applicable state, county and municipal laws, ordinances and regulations.

(2) ((Basic sanitation: Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection:

All facilities must have ventilation adequate to assure proper patient comfort and air exchange and to be free of objectionable odors:

All working surfaces are to be constructed to permit sanitation:

Potable water, sewage facilities and electric power adequate for the practice of veterinary medicine shall be available at all times)) Ventilation: Adequate heating and cooling must be provided for the comfort of the animals, and the facility must have sufficient ventilation in all areas.

(3) ((Storage: All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals)) Lighting: Proper lighting must be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting should be adequate to identify the building and to assist the clients.

(4) Water: Potable water must be provided.

(5) Basic sanitation: Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) Waste disposal: Covered waste containers, impermeable by water, must be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) Records: Every veterinarian shall keep daily written reports of the animals he or she treats. Records for companion animals shall be kept for each animal, but records for economic animals may be maintained on a group or client basis. These records must be readily retrievable and must be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

(a) Name, address and telephone number of the owner.

(b) Name, number or other identification of the animal or group.

(c) Species, breed, age, sex and color of the animal.

(d) Immunization record.

(e) Beginning and ending dates of custody of the animal.

(f) A short history of the animal's condition as it pertains to its medical status.

(g) Physical examination findings and any laboratory data.

(h) Provisional or final diagnosis.

(i) Treatment and medication administered, prescribed or dispensed.

(j) Surgery and anesthesia.

(k) Progress of the case.

(8) Storage: All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) Biologicals ((=) and drugs: Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the U.S. Pharmacopeia, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the National Formulary, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

((Drug records shall be maintained in accordance with federal and Washington state laws:))

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

((5) Waste disposal: Covered vermin-proof waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, dead animals, debris and other waste:

Disposal facilities shall be so operated to prevent a nuisance condition, to minimize insect and other vermin infestation, odor, and disease hazards:))

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-236, filed 2/18/76)

WAC 308-153-030 MINIMUM PHYSICAL FACILITIES. All veterinary medical facilities in which animals are received for medical, ((or)) surgical or prophylactic treatment must have the following minimum ((physical)) facilities, but are not limited to only these facilities:

(1) Reception room and office: Or a combination of the two.

(2) Examination room: ((May be a separate or in conjunction with a pharmacy and/or laboratory)) Should be separate but may be combined with a room having a related function, such as a pharmacy or laboratory. It must be of sufficient size to accommodate the veterinarian, patient and client.

Examination tables must have impervious surfaces. Waste receptacles must be lined, covered or in a closed compartment, and properly maintained. A sink with clean or disposable towels must be within easy access.

(3) Surgery: ((A)) If surgery is performed, a separate and distinct area so situated as to keep contamination and infection to a minimum; provided, however, that effective January 1, 1988, a separate and distinct room so situated as to keep contamination and infection to a minimum will be required.

(4) Laboratory: May be either in the facility or through ((commercial)) consultative facilities, adequate to render diagnostic information.

(5) ((X-ray)) Radiology: Facilities for diagnostic radiography must be available either on or off the premises. The facilities must meet federal and Washington state protective requirements and be capable of producing good quality diagnostic ((films)) radiographs.

((Fluoroscopes will not be accepted as adequate x-ray equipment:))

(6) ((Cages, runs and stalls)) Animal housing areas: Any veterinary medical facility confining animals must have individual cages, ((runs)) pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise. Effective January 1, 1988, runs and exercise pens must provide and allow effective separation of adjacent animals and their waste products, and must be constructed in such a manner as to protect against ((patient)) escape or injury. Floors of runs must be of impervious material.

((If contagious infectious disease cases are kept, a complete and separate ward must be provided for them)) Animals that are hospitalized for treatment of contagious diseases must be isolated.

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 308-153-045 PRACTICE MANAGEMENT. All veterinary medical facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper sterilization or sanitation of all equipment used in diagnosis or treatment and the proper routine disposal of waste materials.

(1) Surgery: Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, asepsis or antiseptics, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Effective January 1, 1988, aseptic or antiseptic surgery shall be performed in a room designated and reserved for surgery and directly related non-contaminating activities.

(b) The surgery room shall be clean, orderly, well lighted and maintained in a sanitary condition, free of offensive odors.

(c) Storage in the surgery room shall be limited only to items and equipment related to surgery and surgical procedures.

(d) Instruments and equipment utilized in the surgery room shall be appropriate for the type of surgical service being provided.

(e) The operating table shall be constructed of a smooth and impervious material.

(f) Chemical disinfection ("cold sterilization") may be used only for field conditions or minor surgical procedures. Sterilizing of all appropriate equipment is required. Effective January 1, 1988, provisions for sterilization must include a steam pressure sterilizer (autoclave) or a gas sterilizer (e.g., ethylene oxide).

(g) Surgical packs include towels, drapes, gloves, sponges and proper instrumentation. They shall be properly prepared for sterilization by heat or gas (sufficient to kill spores) for each sterile surgical procedure.

(h) For any major procedure, such as opening the abdominal or thoracic cavity or exposing bones or joints, a separate sterile surgical pack must be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure.

(i) Uncomplicated ovariohysterectomy or castration of normal healthy animals, and minor surgical procedures, such as excising small skin lesions or suturing superficial lacerations, may be performed under clean, antiseptic conditions. Surgeons and surgical assistants shall wear clean attire and sterile gloves, and care shall be taken to avoid introducing bacterial contamination.

(j) All animals shall be properly prepared for surgery as follows:

(i) Clipping and shaving of the surgical area for major procedures requiring aseptic technique as in (h) must be performed in a room other than the surgery room. Loose hair must be removed from the surgical area.

(ii) Scrubbing the surgical area with soap and water.

(iii) Disinfecting the surgical area.

(iv) Draping the surgical area if appropriate.

(k) Anesthetic equipment appropriate for the type of patient and surgery performed shall be available at all times.

(l) Compressed oxygen or other adequate means shall be available to be used for resuscitation.

(m) Emergency drugs must be available to the surgery area.

(n) Grossly contaminated procedures, such as lancing and draining abscesses, shall not be performed in the room designated for aseptic or antiseptic surgery.

(2) Library: A library of appropriate veterinary journals and textbooks shall be available on the premises for ready reference.

(3) Laboratory: Veterinary medical facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, bacterial cultures and antibiotic sensitivity examinations, complete blood counts, histopathologic examinations and complete necropsies. The in-house laboratory facility shall meet the following minimum standards:

(a) The laboratory room shall be clean and orderly with provision for ample storage.

(b) Ample refrigeration shall be provided.

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(4) Radiology: Veterinary medical facilities shall have the capability for use of either in-house or consultant services for obtaining radiographs of diagnostic quality. Radiology equipment and use must be in compliance with federal and Washington state laws, and should follow the guidelines approved by the American Veterinary Medical Association.

(5) Biologicals and drugs: The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(b) Among things otherwise provided by RCW 69.41.050, legend drugs dispensed by a veterinarian shall be labeled with the following:

(i) Name of client or identification of animal.

(ii) Date dispensed.

(iii) Complete directions for use.

(iv) Name and strength of the drug.

(v) Name of prescribing veterinarian.

(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals this record shall be by individual animal.

(6) Limited services: If veterinary medical services are limited to specific aspects of practice,

(a) The public shall be informed of the limitation of services provided.

(b) All veterinary services provided in the facility must conform to the requirements for those services listed in WAC 308-153-030 and WAC 308-153-045.

(c) The general requirements prescribed in WAC 308-153-020 shall apply to all veterinary medical facilities.

(7) Exceptions: The standards and requirements prescribed in WAC 308-153-030(3) and 308-153-045 (1)(a), (c), (j)(i), (n), shall not apply to equine or food animal veterinary procedures.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-153-040 MINIMUM ASEPTIC SURGERY FACILITY.

WAC 308-154-070 REPORTING OF CONTINUING EDUCATION REQUIREMENT

**WSR 86-10-068**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order TL/RG 25—Filed May 7, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 308-93-010 Definitions.
- New WAC 308-93-072 UCC search requirements.
- New WAC 308-93-073 New vessels.
- New WAC 308-93-074 Class "A" titles issued.
- New WAC 308-93-078 Temporary permits.
- New WAC 308-93-079 Government exempt vessels.

This action is taken pursuant to Notice No. WSR 86-07-060 filed with the code reviser on March 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

The rule is promulgated pursuant to RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140 and 88.02.150 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 88.02.100.

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 May 1, 1986.

By Theresa Anna Aragon  
Director

**AMENDATORY SECTION** (Amending Order TL/RG 8, filed 9/13/84)

✓ WAC 308-93-010 DEFINITIONS. Unless the context clearly prescribes otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.



(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license ~~((issued by the department of fisheries)).~~

(4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for life-saving purposes.

(11) "Manufacturer's ~~((certificate))~~ statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) ~~(("Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.))~~

~~((19)))~~ "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

~~((20)))~~ (19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

~~((21)))~~ (20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

~~((22)))~~ (21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

~~((23)))~~ (22) "Waters of this state" means any waters within the territorial limits of this state.

~~((24)))~~ (23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

~~((25)))~~ (24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

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 308-93-072 UCC SEARCH REQUIREMENTS. After June 30, 1985 a class "A" title certificate may be issued when an owner presents evidence of ownership of the vessel in the registered owner's name, and evidence of the absence of security interests or claims, except those to be shown on the new title certificate. The absence of outstanding security interests shall be evidenced by a completed UCC search with appropriate releases from all named secured parties on forms provided by the department.

The name(s) on the UCC search must be in exact agreement with the name(s) of the vessel owner(s) as shown on the title application, bill of sale, Washington Coast Guard Registration, or other document approved by the department, subject to the following conditions:

(1) If the applicant for certificate of title obtained ownership of the vessel between July 1, 1982 and July 1, 1985, a UCC search must be completed for the registered owner on the current application and for the immediate previous owner(s).

(2) If the applicant for certificate of title owned the vessel from July 1, 1982 to July 1, 1985 inclusive, the UCC search must be done in the name of the registered owner on the application.

(3) If the applicant for certificate of title obtained ownership of the vessel on or after July 1, 1985, the

UCC search must be made in the name of the previous owner.

NEW SECTION

✓ WAC 308-93-073 NEW VESSELS. Application for certificate of title to a new vessel never before licensed or titled or sold by an in-state or out-of-state dealer or manufacturer must be accompanied by a manufacturer's statement of origin, carpenters certificate, or a copy of the factory invoice.

If the date of sale shown on the manufacturer's statement of origin, carpenters certificate, or factory invoice was prior to July 1, 1985, a UCC search with appropriate releases must also accompany the application.

The manufacturer's statement of origin, carpenters certificate, or factory invoice must reflect the model year, make and hull identification number of the vessel.

(1) No manufacturer's statement of origin, carpenters certificate, or factory invoice can be accepted for the issuance of a title unless all persons named, including dealers, on the manufacturer's statement of origin have released or assigned their interest thereon, or on a department release of interest form.

(2) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenters certificate, or factory invoice, or by a department release of interest form. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(3) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenters certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. An affidavit of fact describing why the statement of origin or carpenters certificate is not available must be attached to the photocopy of the factory invoice.

NEW SECTION

✓ WAC 308-93-074 CLASS "A" TITLES ISSUED. The department may issue a class "A" certificate of title to a vessel when an application includes one or more of the following:

(1) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale on or after July 1, 1985.

(2) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale prior to July 1, 1985, accompanied by a UCC search and proper releases.

(3) A previously issued and properly released Washington class "A" title for the vessel.

(4) A class "B" title accompanied by UCC search and proper releases.

(5) A certificate of title issued by a foreign state or jurisdiction accompanied by a UCC search conducted in the state or jurisdiction issuing such title and the proper releases of interest.

NEW SECTION

✓ WAC 308-93-078 TEMPORARY PERMITS. A notarized bill of sale reflecting the name and address of the purchaser, the model year, make, and hull identification number of the vessel, and the date of sale, may be used as a temporary permit in lieu of the registration certificate for a period not to exceed 15 days from the date of sale reflected on the bill of sale. The notarized bill of sale must be carried on the vessel.

NEW SECTION

✓ WAC 308-93-079 GOVERNMENT EXEMPT VESSELS. Any vessel owned by the state of Washington or by any county, city, town or other political subdivision of the state of Washington, clearly identifiable as such and used exclusively by that agency, may obtain a title and valid annual registration upon payment of all fees required under chapter 88.02 RCW but shall be exempt from payment of the excise tax. The department may assign a registration number and issue a decal, which must be displayed as prescribed under WAC 308-93-140.

**WSR 86-10-069**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**  
[Memorandum—May 7, 1986]

1:30 p.m.  
Wednesday  
May 14, 1986  
Governor's Conference Room  
Legislative Building

**WSR 86-10-070**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed May 7, 1986]

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 356-05-397 Shift change.
- Amd WAC 356-14-010 Compensation plan—(~~Preparation—Basis and~~) General provisions.
- New WAC 356-14-015 Salary and fringe benefit surveys—Requirements.
- Rep WAC 356-14-020 Compensation plan—Adoption.
- New WAC 356-14-021 Salary and fringe benefit survey plans—Intentions—Content.
- New WAC 356-14-026 Salary surveys—Application—Indexing.
- Rep WAC 356-14-030 Compensation plan—Approval by the director of the Office of Financial Management.
- New WAC 356-14-031 Compensation plan—Adoption.
- New WAC 356-14-035 Compensation plan submittal—Intentions—Content.
- Rep WAC 356-14-040 Compensation plan—Periodic review.
- New WAC 356-14-045 Salaries—Comparable worth.

Rep	WAC 356-14-050	Compensation plan—Reporting periodic recommendations.
New	WAC 356-14-055	Salary and fringe benefit surveys—State Patrol.
Amd	WAC 356-14-075	Y-rate—Administration.
Amd	WAC 356-18-120	Miscellaneous leave.
New	WAC 356-48-010	State internship program—Purpose.
New	WAC 356-48-020	State internship program—Application of rules.
New	WAC 356-48-030	State internship program—General provisions.
New	WAC 356-48-040	State internship program—Eligibility—Duration of internship.
New	WAC 356-48-050	State internship program—Rights of participants.
New	WAC 356-48-060	State internship program—Completion of internship;

that the agency will at 10:00 a.m., Thursday, June 12, 1986, in the Board Hearings 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, 41.06.160, 41.06.163, 41.06.165, 41.06.155, 43.06.410 and 43.06.420.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

Dated: May 7, 1986

By: Leonard Nord  
Secretary

#### STATEMENT OF PURPOSE

New WAC 356-05-397 Shift charge.

Statutory Authority: RCW 41.06.150.

Summary: To define "shift charge."

Reasons: The term "shift charge" is referred to in several class specifications, but is not presently defined in Title 356 WAC.

Responsibility for Drafting: Bob Conner, Department of Social and Health Services, Office Building #2, Mailstop OB-13, Olympia, WA 98504, phone 753-1234; Implementation and Enforcement: All state agencies.

Proposed by: Department of Social and Health Services, governmental agency.

Amend WAC 356-14-010 Compensation plan—((Preparation—Basis and)) General provisions.

Purpose: To provide for basis and preparation of the state compensation plan for merit system employees.

New WAC 356-14-015 Salary and fringe benefit surveys—Requirements.

Repeal WAC 356-14-020 Compensation plan—Adoption.

Purpose: To outline the Personnel Board adoption and maintenance of the Department of Personnel compensation plan.

New WAC 356-14-021 Salary and fringe benefit survey plans—Intentions—Content.

New WAC 356-14-026 Salary surveys—Application—Indexing.

Repeal WAC 356-14-030 Compensation plan—Approval by the director of the Office of Financial Management.

Purpose: To outline the Personnel Board adoption and maintenance of the Department of Personnel compensation plan.

New WAC 356-14-031 Compensation plan—Adoption.

New WAC 356-14-035 Compensation plan submittal—Intentions—Content.

Repeal WAC 356-14-040 Compensation plan—Periodic review.

Purpose: To outline the Personnel Board adoption and maintenance of the Department of Personnel compensation plan.

New WAC 356-14-045 Salaries—Comparable worth.

Repeal WAC 356-14-050 Compensation plan—Reporting periodic recommendations.

Purpose: To outline the Personnel Board adoption and maintenance of the Department of Personnel compensation plan.

New WAC 356-14-055 Salary and fringe benefit surveys—State Patrol.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 41.06.160, 41.06.163, 41.06.165 and 41.06.155.

Summary: Incorporate language from the state civil service law addressing salary/fringe benefit study.

Reasons: To help agencies understand the process of planning and conducting salary/fringe benefit surveys.

Responsibility for Drafting: Tim Seth, Personnel Analyst, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 586-0194; Implementation and Enforcement: All state agencies.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-14-075 Y-rate—Administration.

Purpose: To provide for administrative reporting and authority in Y-rate administration, and conditions therein.

Statutory Authority: RCW 41.06.150.

Summary: To provide dollar and time limits on Y-rates and to clarify treatment of Y-rates in salary fundings.

Reasons: Institutes certain limits not previously in effect.

Responsibility for Drafting: Tim Seth, Personnel Analyst, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 586-0194; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-18-120 Miscellaneous leave.

Purpose: To explain the circumstances under which miscellaneous leave may be authorized.

Statutory Authority: RCW 41.06.150.

Summary: Add a provision to this rule to allow leave with pay when employees need to seek the services of the employee advisory services.

Reasons: The employee advisory service is a state-sponsored program designed to help employees who have problems that affect their job performance. As such, it would be reasonable to allow miscellaneous leave to consult with the employee advisory service.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 825 East 5th, Mailstop EY-11, Olympia, WA 98504, phone 586-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New chapter 356-48 WAC.

WAC 356-48-010 State internship program—Purpose; 356-48-020 State internship program—Application of rules; 356-48-030 State internship program—General provisions; 356-48-040 State internship program—Eligibility—Duration of internship; 356-48-050 State internship program—Rights of participants; and 356-48-060 State internship program—Completion of internship.

Statutory Authority: RCW 41.06.150.

Specific Statute: RCW 43.06.410 and 43.06.420.

Summary and Reasons: To implement 1985 legislation to establish a state internship program to [be] administered by the Office of the Governor.

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 825 East 5th, Mailstop EY-11, Olympia, WA 98504, phone 586-1769; Implementation: All state agencies/Office of the Governor; and Enforcement: Department of Personnel and the Office of Financial Management.

Proposed by: Department of Personnel, governmental agency.

#### NEW SECTION

WAC 356-05-397 SHIFT CHARGE. In a twenty-four hour institutional or hospital setting, is the position responsible for resident/patient care and service delivery on a specified shift of a ward, cottage, or other designated living unit or treatment area: Serves as primary contact on a shift for intershift communications; assigns work and provides on-the-job training for employees; ensures that tasks are completed properly; carries a work load (covers a post); initiates and participates in performance evaluations and corrective action; and participates in or makes recommendations on the selection of staff.

#### NEW SECTION

WAC 356-14-015 SALARY AND FRINGE BENEFIT SURVEYS—REQUIREMENTS. (1) The department of personnel shall undertake comprehensive salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature.

(2) In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department of personnel shall plan and conduct on a joint basis with the higher education personnel board a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted.

#### NEW SECTION

WAC 356-14-021 SALARY AND FRINGE BENEFIT SURVEY PLANS—INTENTIONS—CONTENT. (1) It is the intention

of the legislature that salary and fringe benefit surveys be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of financial management, employee organizations, the standing committees for appropriations of the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions.

(2) The salary and fringe benefit plan shall include but not be limited to the following:

(a) A complete explanation of the technical statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey; and

(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:

(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;

(ii) Is representative of private and public employment in Washington state;

(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and

(iv) Indicates the methodology to be used in application of survey data to job classes used by state government.

(c) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.

(3) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans prepared under this section shall be developed jointly by the department of personnel in conjunction with the higher education personnel board. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the department of personnel and the higher education personnel board. The legislative budget committee shall review and evaluate all survey plans before final implementation.

(4) Interim or special surveys shall conform when possible to the statistical techniques and principles developed for regular periodic surveys under this chapter.

(5) The term "fringe benefits" as used in this chapter and in conjunction with salary surveys shall include but not be limited to compensation for:

(a) Leave time, including vacation, holiday, civil, and personal leave;

(b) Employer retirement contributions;

(c) Health and insurance payments, including life, accident, and health insurance, worker's compensation, and sick leave; and

(d) Stock options, bonuses, and purchase discounts where appropriate.

#### NEW SECTION

WAC 356-14-026 SALARY SURVEYS—APPLICATION—INDEXING. (1) Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys.

(2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.

(3) In preparation for each salary survey, all classes shall be identified and indexed (affixed) to a particular salary survey benchmark class (or group average of selected benchmark classes). Such indexing shall display the number of salary schedule ranges that each class is aligned above, the same, or below the respective benchmark class or group. Such class-by-class indexing shall be published on twenty-day notice and approved by the board.

(4) The salary relationships so established by indexing will remain the same upon application of the salary survey data to respective benchmark classes and groups. Provided, the board may approve exceptions to correct for inequities, substantial changes in duties and responsibilities, or recruiting and retention problems, consistent with other provisions of this chapter.

NEW SECTION**WAC 356-14-031 COMPENSATION PLAN—ADOPTION.**

(1) The compensation plan as developed under this chapter shall be presented to the board for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.

(2) Twenty calendar days prior to the open hearing on the plan, the director shall circulate notice of the hearing to enable employee representatives and agencies affected to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The board may amend and adopt the plan at the hearing.

NEW SECTION**WAC 356-14-035 COMPENSATION PLAN SUBMITTAL—**

**INTENTIONS—CONTENT.** (1) The results of each comprehensive and trend salary and fringe benefit survey (board approved compensation plan) shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

(2) In the case of comprehensive salary and fringe benefit surveys, the department of personnel shall furnish the following supplementary data in support of its recommended salary schedule (compensation plan):

(a) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(b) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(c) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with:

(i) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(ii) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;

(d) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(e) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

(3) It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

(4) Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

(5) The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of the office of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of the office of financial management by September 30, 1988.

NEW SECTION**WAC 356-14-045 SALARIES—COMPARABLE WORTH.**

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel in cooperation with the higher education personnel board. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.

NEW SECTION**WAC 356-14-055 SALARY AND FRINGE BENEFIT SUR-**

**VEYS—STATE PATROL.** (1) The department of personnel shall undertake comprehensive salary and fringe benefit surveys for officers of the Washington state patrol, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department of personnel shall conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend survey shall be completed and forwarded by September 30, after review and concurrence by the chief of the Washington state patrol, to the governor and director of the office of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative budget committee and the standing committees for appropriations of the senate and house of representatives. The office of financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

(2) Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

(3) A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of the office of financial management, the committee on ways and means of the senate, the committee on appropriations of the house of representatives and to the legislative budget committee six months before the beginning of each periodic survey. The legislative budget committee shall review and evaluate the survey plan before final implementation.

(4) The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of the office of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of the office of financial management by September 30, 1988.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-14-020 COMPENSATION PLAN—ADOPTION.

WAC 356-14-030 COMPENSATION PLAN—APPROVAL  
BY THE DIRECTOR OF THE OFFICE OF FINANCIAL  
MANAGEMENT.

WAC 356-14-040 COMPENSATION PLAN—PERIODIC REVIEW.

WAC 356-14-050 COMPENSATION PLAN—REPORTING PERIODIC RECOMMENDATIONS.

AMENDATORY SECTION (Amending Order 163, filed 11/16/81)

WAC 356-14-010 COMPENSATION PLAN—~~((PREPARATION—BASIS—AND))~~ GENERAL PROVISIONS. The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in fixing the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range (~~((of not less than))~~ giving full consideration to the prevailing rates in Washington state private industries, and other governmental units, for positions of a similar nature to provide like pay for like work.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay and shift (~~((differential))~~ premium and standby pay schedules determined by the personnel board in the same manner as are basic salaries.

(6) Appropriate statistical standards and reporting requirements as outlined in chapter 356-14 WAC for comprehensive and trend salary/fringe benefit surveys.

AMENDATORY SECTION (Amending Order 221, filed 4/12/85)

WAC 356-14-075 Y-RATE—ADMINISTRATION. (1) A Y-rate (~~((A Y-rate<sup>(+)</sup>))~~) is a dollar amount that (~~((+))~~) is treated as the basic salary for an employee.

(2) A Y-rate is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) Except for director-authorized class studies (when reallocations involve no change in duties or responsibilities), Y-rates may not exceed the top step of the employee's new salary range by more than four salary schedule increments. However, a higher amount may be approved by the director upon written request and justification by the employee's agency.

(4) Y-rates will remain in effect until one of the following first occurs:

(a) ~~((A specific date established by the director of personnel is reached))~~ Two years following the effective date of the Y-rate; or

(b) The employee leaves the class he/she occupied when the ((<sup>(+)</sup>)Y-rate(<sup>(+)</sup>)) was approved; or

(c) The range for the employee's present class is increased to include the ((<sup>(+)</sup>)Y-rate(<sup>(+)</sup>)) amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's ((<sup>(+)</sup>)Y-rate(<sup>(+)</sup>)) which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The ((<sup>(+)</sup>)Y-rate(<sup>(+)</sup>)) is subsequently modified by the director of personnel.

~~((+))~~ (5) On its effective date, a Y-rate will cause the employee to lose his or her periodic increment date unless the salary is between steps of the range.

~~((+))~~ (6) Unless specifically worded otherwise, by the legislature, salary increases provided by legislative action shall be limited to those amounts that would move the basic salaries no higher than the top step of the respective salary ranges.

(7) The director of personnel shall ~~((report))~~ keep records of all ((<sup>(+)</sup>)Y-rate(<sup>(+)</sup>)) approvals ((to the board)).

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-18-120 MISCELLANEOUS LEAVE. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties.

(2) Employees who receive compensation for performing civil duties during working hours shall retain their regular salary but the amount of such additional compensation up to the amount of the employee's basic salary shall be returned or credited back to the agency. The employees shall retain travel reimbursement, and per diem, if any.

#### Chapter 356-48 WAC STATE INTERNSHIP PROGRAM

##### WAC

356-48-010	State internship program—Purpose.
356-48-020	State internship program—Application of rules.
356-48-030	State internship program—General provisions.
356-48-040	State internship program—Eligibility—Duration of internship.
356-48-050	State internship program—Rights of participants.
356-48-060	State internship program—Completion of internship.

##### NEW SECTION

WAC 356-48-010 STATE INTERNSHIP PROGRAM—PURPOSE. The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government. The program shall be administered by the office of the governor.

##### NEW SECTION

WAC 356-48-020 STATE INTERNSHIP PROGRAM—APPLICATION OF RULES. With the exceptions noted in chapter 356-48 WAC, the remainder of the merit system rules do not apply to positions in the state internship program.

##### NEW SECTION

WAC 356-48-030 STATE INTERNSHIP PROGRAM—GENERAL PROVISIONS. (1) No agency shall be deemed to exceed any limitation or full-time equivalent staff positions on the basis of intern positions established under the state internship program.

(2) The provisions of chapter 356-48 WAC shall not limit the authority of state agencies to continue or establish other internship programs or positions.

##### NEW SECTION

WAC 356-48-040 STATE INTERNSHIP PROGRAM—ELIGIBILITY—DURATION OF INTERNSHIP. The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. Any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. Any state employee, whether working toward an advanced degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships for one to two years.

##### NEW SECTION

WAC 356-48-050 STATE INTERNSHIP PROGRAM—RIGHTS OF PARTICIPANTS. (1) Employees leaving classified or exempt positions in state government to participate in the state internship program shall:

(a) Continue to receive all fringe benefits as if they had never left their classified or exempt position.

(b) Have the right to return to their previous position at any time during the internship or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall:

- (a) Accrue sick leave and vacation leave credits commensurate with other state employees; and
- (b) Receive insurance and retirement credit commensurate with other employees of the employing agency.

**NEW SECTION**

WAC 356-48-060 STATE INTERNSHIP PROGRAM—COMPLETION OF INTERNSHIP. (1) Successful completion of an internship in the undergraduate internship program or the executive fellows program shall be considered as employment experience at the level at which the intern was placed.

(2) Persons who successfully complete an internship under the executive fellows program shall be eligible for positions in the career executive program.

**WSR 86-10-071  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed May 7, 1986]**

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 reservation of future public water supply for Thurston County, chapter 173-591 WAC. These rules reserve ground waters in instantaneous and annual quantities for future beneficial use by public water suppliers in Thurston County;

that the agency will at 3:00 p.m., Thursday, June 12, 1986, in the Thurston County Courthouse, Building #3, 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 July 14, 1986.

The authority under which these rules are proposed is chapter 90.54 RCW.

The specific statute these rules are intended to implement is chapter 173-500 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

Dated: May 7, 1986  
By: Phillip C. Johnson  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Chapter 173-591 WAC, Reservation of future public water supply for Thurston County.

Description of Purpose: Establishes a reservation of ground water in instantaneous quantities to serve the public water supply needs of Thurston County for a fifty year period.

Statutory Authority: Chapters 90.54 and 90.03 RCW and chapter 173-590 WAC.

Summary of Rule: Establishes a reservation of ground water for future use by public water suppliers. The reserved waters generally underlie the urban area of Thurston County. Any public water supplier, serving two or more connections, may apply for rights from the reserved ground waters. The date of priority will be the date of adoption of these rules and not the subsequent date of application for specific rights. The earlier priority date of the reserved waters is intended to assure their

continued availability. The reservation regulation shall be reviewed by the department at least once every ten years. A record of all ground water permits issued pursuant to the reservation shall be maintained by the department in a manner that will readily show the quantities allocated and the amount of unappropriated ground waters that may remain in the reserved status available for appropriation.

Reasons Supporting Such Action: A petition requesting reservation of ground water for future public water supply was received from the city of Olympia representing the Thurston County Water Utility Coordinating Committee, and accepted for processing by the department on June 24, 1985.

Agency Personnel Responsible for Drafting: Rodney G. Sakrison, Mailstop PV-11, Olympia, WA 98504, (206) 459-6166; Implementation: Eugene F. Wallace, Mailstop PV-11, Olympia, WA 98504, (206) 459-6055; and Enforcement: Marc Horton, Mailstop PV-11, Olympia, WA 98504, (206) 459-6053.

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: Implementation and enforcement activities will be carried out by existing departmental personnel without additional funding. Funds have been provided by the Department of Social and Health Services to local government for the purpose of developing coordinated water system plans and preparing petitions requesting the reservation of waters for future public water supply.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Rule Background Statement: The Water Resources Act of 1971 provided for reserving waters for future beneficial uses (RCW 90.54.050). In order to provide procedures for requesting reservations for future public water supply, the department adopted chapter 173-590 WAC, reservation for future public water supply. Among the requirements of a petitioner for a reservation is the preparation and approval by DSHS of a coordinated water supply plan as provided in chapter 70.116 RCW, the Public Water System Coordination Act. The proposed rule is among the first reservation programs proposed under the procedures set out in chapter 173-590 WAC.

Chapter 173-591 WAC  
**RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR  
THURSTON COUNTY**

WAC	
173-591-010	Purpose.
173-591-020	Authority.
173-591-030	General.
173-591-040	Reservation area defined.
173-591-050	Definitions.
173-591-060	Petition received—Notice.
173-591-070	Reservation.
173-591-080	Future nonpublic water supply—Policy uses.
173-591-090	Monitoring program.
173-591-100	Water quality.

- 173-591-110 Exemptions.
- 173-591-120 Regulation review.
- 173-591-130 Reservation boundary maps.

**NEW SECTION**

WAC 173-591-010 PURPOSE. The purpose of this chapter is to reserve ground waters within Thurston county for future public water supply.

**NEW SECTION**

WAC 173-591-020 AUTHORITY. This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173-590 WAC.

**NEW SECTION**

WAC 173-591-030 GENERAL. (1) These rules shall apply to ground waters in Thurston county, as defined in WAC 173-591-040 and 173-591-070(4), as specified in Figure II-2 of the coordinated water system plan for Thurston county, dated May 1982, as approved by the department of social and health services for the purposes of reserving ground waters for future public supply, and as shown as the reservation source of supply subareas on the Thurston county reservation source of supply subarea boundary map in WAC 173-591-130, Illus. 2.

(2) The reservation adopted under this chapter will be for the specific geographical area so named the "Reservation Boundaries" as shown in Figure II-1 of the coordinated water supply plan for Thurston county, dated May 1982, as approved by the department of social and health services for the purposes of reserving ground waters for future public water supply, and shown on the Thurston county reservation area boundary map in WAC 173-591-130, Illus. 1.

(3) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW and chapter 173-513 WAC Instream resources protection program—Deschutes River basin, water resource inventory area (WRIA) 13 (adopted 6/24/80) and chapter 173-511 WAC Instream resources protection program—Nisqually River basin, water resource inventory area (WRIA) 11 (adopted 2/2/81) and chapter 173-514 WAC Instream resources protection program—Kennedy-Goldsborough Water Resource Inventory Area (WRIA 14) (adopted 1/23/84).

**NEW SECTION**

WAC 173-591-040 RESERVATION AREA DEFINED. "Thurston county reservation area" and "Thurston county reservation source of supply area" shall mean those lands lying within Thurston county described as follows:

Location	Township	Range	Sections
Reservation Area	16N	3W	1-3, 10-12
	16N	2W	1-12
	16N	1W	4-9
	17N	3W	1, 2, 3 (portion), 10-15, 22-27, 34-36
	17N	2W	1-36
	17N	1W	1-21, 27 (portion), 28-33
	17N	1E	6, 7, portions of 3, 8, 18
	18N	3W	1-4, 9-16, 21 (portion), 22 (portion), 23-25, 36
	18N	1W	1-36
	18N	1E	6, 7, 17-20, 29-32, portions of 5, 8, 16, 28
	19N	3W	12, 13, 23-28, 33-36, (portions in Thurston county)
	19N	2W	portion in Thurston county
	19N	1W	portion in Thurston county
	19N	1E	portion in Thurston county

**Reservation Source of Supply Area**

Reservation Source of Supply Area	Township	Range	Sections
Airport	17N	2W	3, 10-15, 22-24 & portions of 9, 16, 21 east of Interstate 5
	18N	2W	34
Allison Springs	18N	2W	18
	17N	2W	4-8, 17-20, 29-31 & portions of 9, 16, 21, 18 & 33 west of Interstate 5
Black Lake	18N	2W	31-33
	17N	2W	12
Deschutes Valley	18N	2W	25, 26, 35, 36
	18N	1W	1-8 & portions of 9-12 north of Interstate 5
Hawks Prairie	19N	1W	25-36
	18N	1E	portion of 6 west of Nisqually river
McAllister Springs	19N	1E	portions of 30 & 31 west of Nisqually river
	18N	1E	19
Mottman Industrial Park	18N	2W	27-29
	17N	1W	2-11, 14-23
Southeast	18N	1W	19-21, 28-34

**NEW SECTION**

WAC 173-591-050 DEFINITIONS. For the purpose of this chapter the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or the director's authorized representative.

(3) "Department" means the department of ecology unless otherwise specified.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan adopted by utilities covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

**NEW SECTION**

WAC 173-591-060 PETITION RECEIVED—NOTICE. A petition requesting the reservation of ground waters in Thurston county pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health



services were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Thurston county for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, game, and social and health services for the purpose of soliciting their comments.

**NEW SECTION**

**WAC 173-591-070 RESERVATION.** (1) The department, having received a final environmental impact statement dated January 16, 1985, and having conducted an investigation of the surrounding impacts of the proposed reservation and having heard comments solicited through the notice of receipt of petition and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Thurston county.

(2) The department finds that to provide peaking capacity on a daily basis the appropriate amount of the reservation shall be 40,589 gallons per minute, limited to a maximum annual withdrawal of 22,931 acre-feet/year, provided that the total annual withdrawal and diversion from all sources shall not exceed 48,225 acre-feet/year. This is intended to serve the estimated population of 288,092 in fifty years. The amount of this reservation shall be reviewed by the department at least once every ten years to ensure that public water supplies are provided for the entire reservation period.

(3) A map showing the reservation area boundary is shown in Figure II-1 of the coordinated water system plan for Thurston county, dated May 1982, as approved by the department of social and health services for the purposes of reserving water for future public water supply purposes, and shown as the reservation area boundary map in WAC 173-591-130, Illus. 1.

(4) Due to the nature of the geographic distribution of the ground waters to be reserved and the development patterns that are anticipated in Thurston county, the reserved ground waters are intended to be beneficially utilized from the unconsolidated materials overlying bedrock, and are prorated to the subareas designated in Figure V-1 of the coordinated water system plan for Thurston county, dated May 1982, as approved by the department of social and health services for the purpose of reserving water for future public water supply purposes, and shown as the reservation source of supply subareas map in WAC 173-591-130, Illus. 2. The reserved ground waters are prorated to the reservation source of supply subareas as follows:

Source Location	Reservation Quantities	
	Instantaneous (GPM)	Annual (Af/Yr)
Airport	2,500	1,486
Allison Springs	2,000	1,888
Black Lake	2,000	1,888
Deschutes Valley	1,969	1,170
Hawks Prairie	7,000	4,160
McAllister Springs	2,000	—
Mottman Indust. Park	2,000	1,888
Southeast	14,426	8,573
Total	40,589	22,931

(5) The priority date of any permit issued pursuant to RCW 90.03-.290 and 90.44.070 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(6) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters for each subarea identified in subsection (4) of this section and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(7) No permit issued as described in subsection (5) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

**NEW SECTION**

**WAC 173-591-080 FUTURE NONPUBLIC WATER SUPPLY—POLICY USES.** If applications are made for the use of the

ground water reserved in WAC 173-591-070(2) for purposes other than public water supplies, as defined in WAC 173-591-050 (6) and (7), the director may issue a permit allowing such uses but these uses shall be junior in priority to all rights issued pursuant to WAC 173-591-070. Interim uses authorized in this section may be reduced or curtailed in right when necessary to allow to full utilization of higher priority rights established in WAC 173-591-070. The department may limit or otherwise condition junior water rights permits as necessary to ensure availability of the reserved ground waters for public water supply purposes consistent with this chapter.

**NEW SECTION**

**WAC 173-591-090 MONITORING PROGRAM.** (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of ground water reserved in WAC 173-591-070(2).

(2) Under this monitoring program surface and ground water levels will be periodically recorded as well as the levels of any lakes that are maintained by ground waters.

**NEW SECTION**

**WAC 173-591-100 WATER QUALITY.** As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state. Local governments with land use authority are urged to exercise their authorities in such a manner as to protect the quality of the public ground waters reserved for future public water supply by this chapter.

**NEW SECTION**

**WAC 173-591-110 EXEMPTIONS.** Wells for single family domestic, stock watering, or other purposes for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to rights issued pursuant to WAC 173-591-070. The quantities of water withdrawn by such wells will not be subtracted from the waters reserved by this regulation.

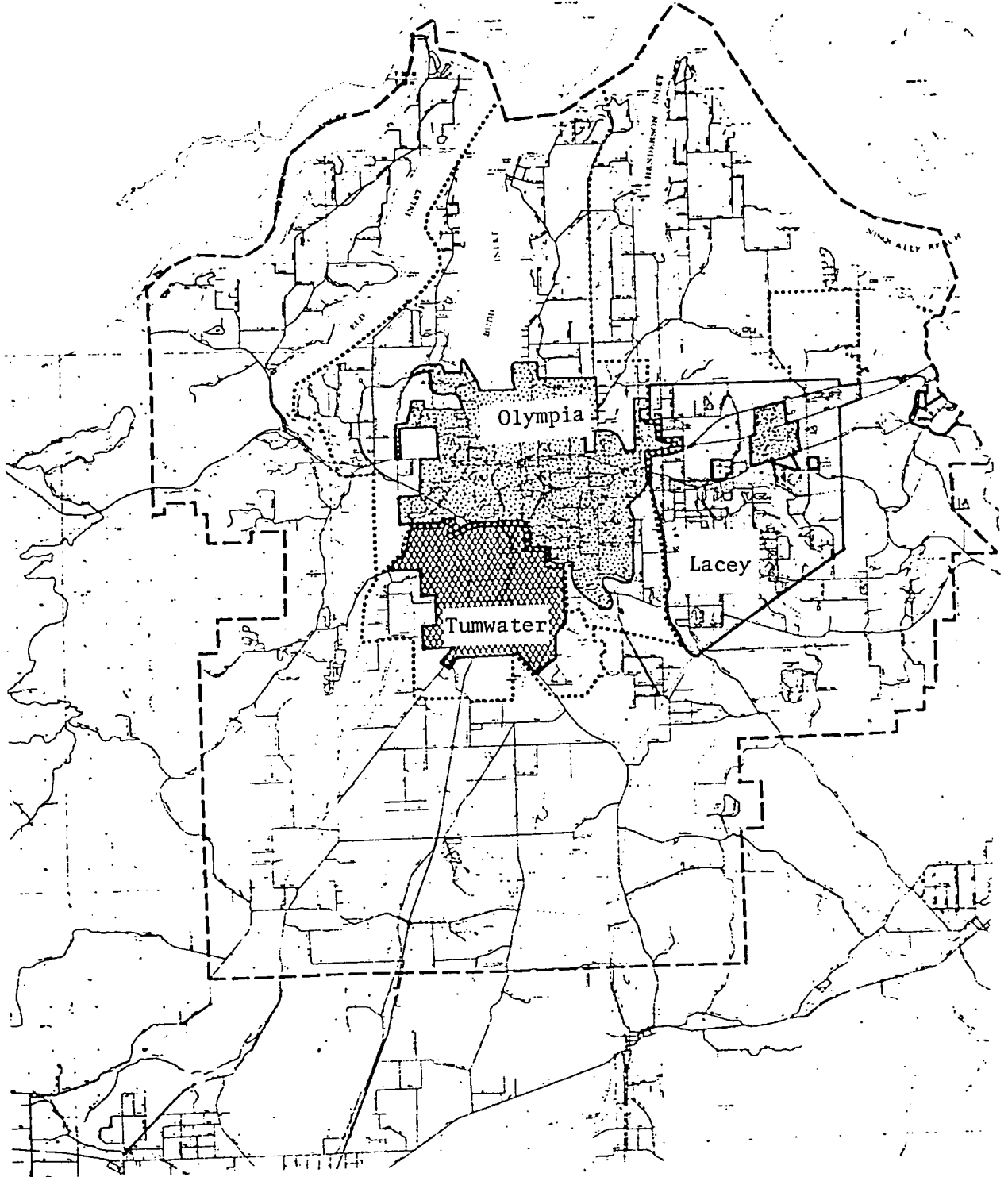
**NEW SECTION**

**WAC 173-591-120 REGULATION REVIEW.** This chapter shall be reviewed, and changed as necessary, at least once every ten years.

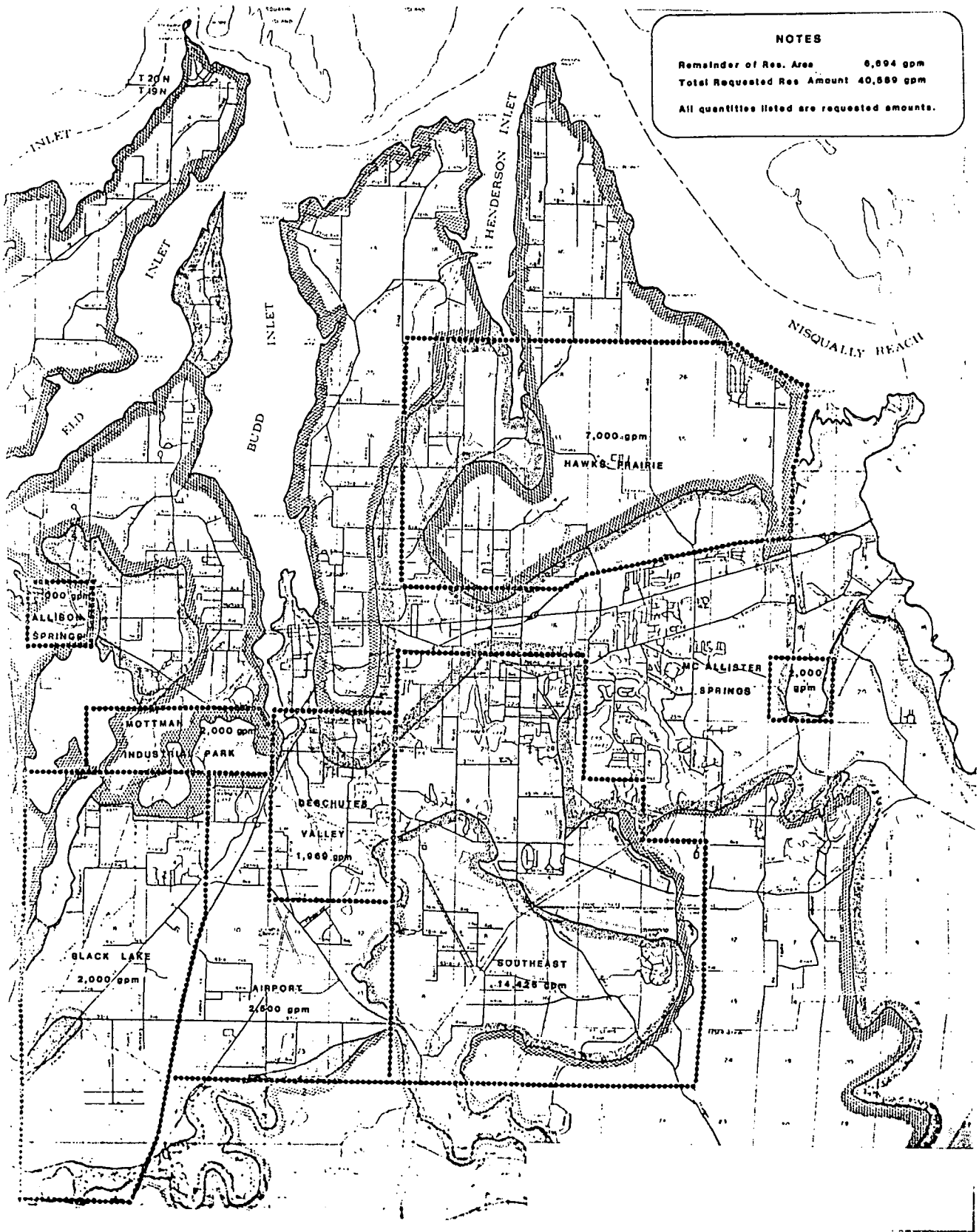
NEW SECTION

WAC 173-591-130 RESERVATION BOUNDARY MAPS. Thurston county reservation area and reservation source of supply subareas shall include those lands that lie within the heavy outline on the following maps:

THURSTON COUNTY RESERVATION AREA BOUNDARY MAP



THURSTON COUNTY RESERVATION SOURCE OF SUPPLY SUBAREAS BOUNDARY MAP



**NOTES**  
Remainder of Res. Area 6,694 gpm  
Total Requested Res. Amount 40,689 gpm  
All quantities listed are requested amounts.

**WSR 86-10-072**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed May 7, 1986]

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 reservation of future public water supply for Clark County, chapter 173-592 WAC. These rules reserve ground waters in instantaneous and annual quantities for future beneficial use by public water suppliers in Clark County;

that the agency will at 3:00 p.m., Wednesday, June 11, 1986, in the Clark County PUD Electric Center, Vancouver, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 14, 1986.

The authority under which these rules are proposed is chapter 90.54 RCW.

The specific statute these rules are intended to implement is chapter 173-500 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 20, 1986.

Dated: May 7, 1986  
 By: Phillip C. Johnson  
 Deputy Director

**STATEMENT OF PURPOSE**

Title: Chapter 173-592 WAC, Reservation of future public water supply for Clark County.

Description of Purpose: Establishes a reservation of ground water in instantaneous quantities to serve the public water supply needs of Clark County for a fifty year period.

Statutory Authority: Chapters 90.54 and 90.03 RCW and chapter 173-590 WAC.

Summary of Rule: Establishes a reservation of ground water for future use by public water suppliers. The reserved waters generally underlie the urban area of Clark County. Any public water supplier, serving two or more connections, may apply for rights from the reserved ground waters. The date of priority will be the date of adoption of these rules and not the subsequent date of application for specific rights. The earlier priority date of the reserved waters is intended to assure their continued availability. The reservation regulation shall be reviewed by the department at least once every ten years. A record of all ground water permits issued pursuant to the reservation shall be maintained by the department in a manner that will readily show the quantities allocated and the amount of unappropriated ground waters that may remain in the reserved status available for appropriation.

Reasons Supporting Such Action: A petition requesting reservation of ground water for future public water supply was received from the Clark County Water Utility Coordinating Committee, and accepted for processing by the department on June 23, 1985.

Agency Personnel Responsible for Drafting: Rodney G. Sakrison, Mailstop PV-11, Olympia, WA 98504, (206) 459-6166; Implementation: Eugene F. Wallace, Mailstop PV-11, Olympia, WA 98504, (206) 459-6055; and Enforcement: Marc Horton, Mailstop PV-11, Olympia, WA 98504, (206) 459-6053.

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: Implementation and enforcement activities will be carried out by existing departmental personnel without additional funding. Funds have been provided by the Department of Social and Health Services to local government for the purpose of developing coordinated water system plans and preparing petitions requesting the reservation of waters for future public water supply.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Rule Background Statement: The Water Resources Act of 1971 provided for reserving waters for future beneficial uses (RCW 90.54.050). In order to provide procedures for requesting reservations for future public water supply, the department adopted chapter 173-590 WAC, reservation for future public water supply. Among the requirements of a petitioner for a reservation is the preparation and approval by DSHS of a coordinated water supply plan as provided in chapter 70.116 RCW, the Public Water System Coordination Act. The proposed rule is among the first reservation programs proposed under the procedures set out in chapter 173-590 WAC.

Chapter 173-592 WAC  
**RESERVATION OF FUTURE PUBLIC WATER SUPPLY FOR CLARK COUNTY**

<b>WAC</b>	
173-592-010	Purpose.
173-592-020	Authority.
173-592-030	General.
173-592-040	Reservation source of supply area defined.
173-592-050	Definitions.
173-592-060	Petition received—Notice.
173-592-070	Reservation.
173-592-080	Monitoring program.
173-592-090	Water quality.
173-592-100	Exemptions.
173-592-110	Regulation review.
173-592-120	Reservation source of supply area map.

NEW SECTION

WAC 173-592-010 **PURPOSE.** The purpose of this chapter is to reserve ground waters within Clark county for future public water supply.

NEW SECTION

WAC 173-592-020 **AUTHORITY.** This regulation is adopted pursuant to the Water Resources Act of 1971, chapter 90.54 RCW and chapter 173-590 WAC.

NEW SECTION

WAC 173-592-030 **GENERAL.** (1) These rules shall apply to ground waters in Clark county, as defined in WAC 173-592-040 and

173-592-070(5) as specified in the coordinated water system plan for Clark county, dated March, 1983, and approved by the department of social and health services for the purposes of reserving ground waters for future public supply. The location of the reserved waters is further defined in Attachment 1A of the revised petition requesting reservation of ground waters for future public water supply purposes, dated August 12, 1985, and shown on the reservation source of supply area boundary map in WAC 173-592-120, Illus. 1.

(2) Appropriation of reserved waters under this chapter shall be in accordance with the intent and procedures set forth in chapters 90.03 and 90.44 RCW.

#### NEW SECTION

WAC 173-592-040 RESERVATION SOURCE OF SUPPLY AREA DEFINED. "Clark county reservation source of supply area" shall mean those lands lying within Clark county described as follows:

Township	Range	Sections
2N	1W	1, 2, 11, 12, 13
3N	1W	1, 2, 12, 13, 24, 25, 36
4N	1W	1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35, 36
5N	1W	35, 36
2N	1E	1-30, 32-36
3N	1E	1-36
4N	1E	1-36
5N	1E	31-36
1N	2E	1-5, 11, 12
2N	2E	1-36
3N	2E	1-36
4N	2E	1-36
5N	2E	31-36
1N	3E	1-15
2N	3E	1-36
3N	3E	1-36
4N	3E	1-36
5N	3E	31-36
1N	4E	1-18, 20-24
2N	4E	6, 7, 18, 19, 25-36
3N	4E	6, 7, 18, 19, 30, 31
4N	4E	6, 7, 18, 19, 30, 31
5N	4E	31

#### NEW SECTION

WAC 173-592-050 DEFINITIONS. For the purpose of this chapter the following definitions shall be used:

(1) "Community water use" means use of water associated with needs of a community including street cleaning, parks, public buildings, public swimming pools, fire fighting, and attendant commercial, industrial, and irrigation uses.

(2) "Director" means the director of the state of Washington department of ecology or the director's authorized representative.

(3) "Department" means the department of ecology unless otherwise specified.

(4) "Domestic water use" means use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses.

(5) "Commercial and/or industrial use" means use of water associated with commercial and/or industrial requirements such as service, processing, cooling, and conveying.

(6) "Public water supply" means any water supply intended or used for human consumption and community uses for more than one single-family residence.

(7) "Public water supply system" means a set of facilities including source, treatment, storage, transmission, and distribution facilities whereby water is furnished to any municipality, community, collection, or number of individuals for human consumption and community uses.

(8) "Coordinated water system plan" means a plan developed by utilities and adopted by Clark county and approved by the department of social and health services covering one or more public water supply system(s), which identifies present and future needs of participating water systems and sets forth means for meeting those needs in the most efficient manner possible.

(9) "Reservation" means an allocation of water for a future beneficial use with the priority established as of the date when the reservation becomes effective.

(10) "Appropriation" means the process of legally acquiring the right to specific amounts of the public water resource for application to beneficial uses pursuant to RCW 90.03.250 through 90.03.340 and 90.44.060.

(11) "Person" means any individual, municipal, public, or private corporation, or other entity, including a federal or state agency or county which operates a public water supply system or who contemplates such an operation.

#### NEW SECTION

WAC 173-592-060 PETITION RECEIVED—NOTICE. A revised petition, dated August 12, 1985, requesting the reservation of ground waters in Clark county pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services, dated March, 1983, were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Clark county for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, game, and social and health services for the purpose of soliciting their comments.

#### NEW SECTION

WAC 173-592-070 RESERVATION. (1) The department, having heard comments solicited through the notice of receipt of petition and having reviewed a final declaration of nonsignificance under the authority of WAC 197-11-340 (State Environmental Policy Act) and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Clark county.

(2) The department finds that the appropriate amount of the reservation shall be 97,000 gallons per minute and 65,300 acre-feet/year. This is intended to serve the estimated population of 629,200 in fifty years. The amount of this reservation shall be reviewed by the department in consultation with local government at least once every ten years to ensure that adequate public water supplies are provided for the entire reservation period.

(3) A map showing the reservation source of supply boundaries is shown in Attachment 1A of the revised petition, dated August 12, 1985, requesting reservation of ground water in Clark county for future public water supplies. The map showing the reservation source of supply area boundary is incorporated in this regulation in WAC 173-592-120, Illus. 1.

(4) Waters reserved herein may be utilized within the geographical boundaries of Clark county consistent with the department of social and health services approved coordinated water system plan, dated March 1983.

(5) Due to the nature of the geographic distribution of the ground waters to be reserved in Clark county, the reserved ground waters are intended to be beneficially utilized from the following aquifers, as identified in Attachment 1A of the revised petition, dated August 12, 1985:

- 1A Columbia River Alluvium
- 1B-2B Upper Troutdale
- 1C Sandy River Mudstone

(6) The priority date of any permit issued pursuant to RCW 90.03-.290 and 90.44.060 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(7) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters, and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(8) No permit issued as described in subsection (6) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

NEW SECTION

WAC 173-592-080 MONITORING PROGRAM. (1) The department, in cooperation with local government agencies, shall implement a comprehensive monitoring program, the purpose of which is to maintain accurate information on the quality and quantity of ground water reserved in WAC 173-592-070(2).

(2) Under this monitoring program surface and ground water levels will be periodically recorded as well as the levels of any lakes that are maintained by ground waters.

NEW SECTION

WAC 173-592-090 WATER QUALITY. As a general rule, an element of a ground water right is the right to use waters of quality appropriate to the beneficial use. In addition to the protection of the availability of ground water to the water withdrawal facilities of ground water right holders, it shall be the policy of the department to protect the quality of the ground waters of the state and in relation thereto to discourage any withdrawal facilities, construction methods, water use, or disposal practices which would contaminate or otherwise reduce the quality of the ground waters or impair the beneficial uses of ground waters of the state. Local governments with land use authority shall be urged to exercise their authorities in such a manner as to protect the quality of the public ground waters reserved for future public water supply by this chapter.

NEW SECTION

WAC 173-592-100 EXEMPTIONS. Wells for single family domestic, stock watering, or other purposes, for which the withdrawal is less than 5,000 gallons per day, with priority dates subsequent to the effective date of this regulation, shall be junior to it, and the quantities of water withdrawn by exempted wells will not be subtracted from the waters reserved by this regulation.

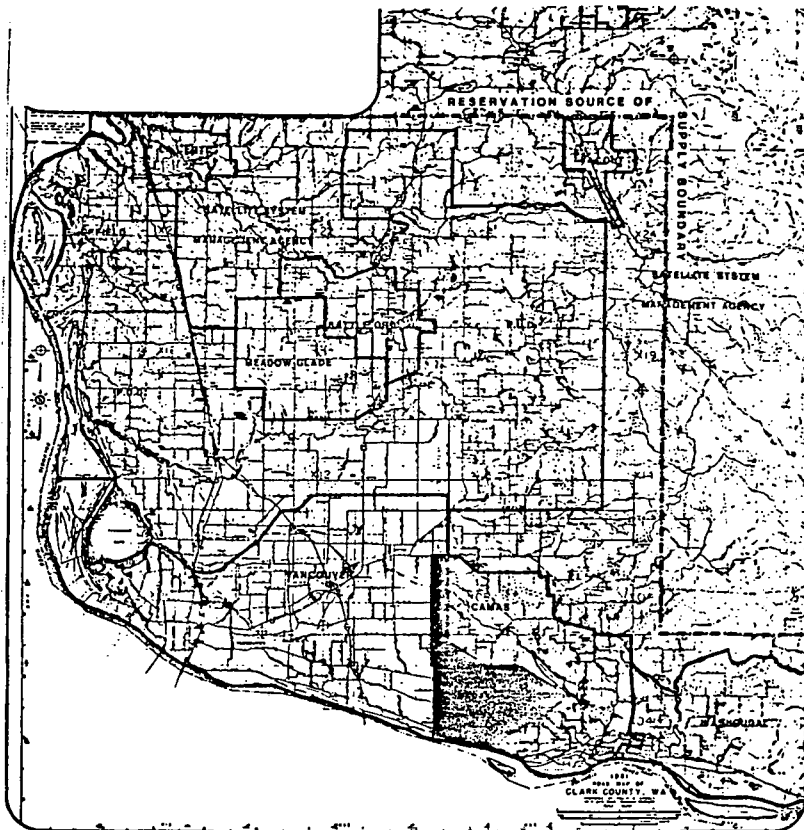
NEW SECTION

WAC 173-592-110 REGULATION REVIEW. This chapter shall be reviewed, and changed as necessary, at least once every ten years.

NEW SECTION

WAC 173-592-120 RESERVATION SOURCE OF SUPPLY AREA MAP. Clark county reservation source of supply area shall include those lands that lie with the heavy outline on the following map:

CLARK COUNTY RESERVATION SOURCE OF SUPPLY AREA BOUNDARY MAP



**WSR 86-10-073**  
**EMERGENCY RULES**  
**COMMISSION ON**  
**MEXICAN AMERICAN AFFAIRS**  
 [Order 2—Filed May 7, 1986]

Be it resolved by the Washington State Commission on Mexican American Affairs, acting at the Hughes Auditorium, Gonzaga University, Spokane, Washington, that it does adopt the annexed rules relating to amendment of WAC 322-12-010.

We, the Commission on Mexican American Affairs, 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 commission's meeting schedule needs to conform to applicable WAC provisions.

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 Commission on Mexican American Affairs as authorized in RCW 43.115.040(4).

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 April 12, 1986.

By Hector Gonzalez  
 Executive Secretary

AMENDATORY SECTION (Amending Order 1, filed 12/9/74)

**WAC 322-12-010 ESTABLISHING REGULAR MEETINGS.** Pursuant to section 7, chapter 250, Laws of 1971 ex. sess., and RCW 42.30.070, regular meetings of the commission on Mexican American affairs shall be held on the ((first Saturday of each calendar month beginning at 1:00 p.m.)) second Saturday of every other month, beginning at 11:00 a.m., provided there are sufficient funds in the commission's budget. Such meetings shall be held at a place designated by the chairman of the commission.

WSR 86-10-074  
PROPOSED RULES  
BOARD OF HEALTH  
[Filed May 7, 1986]

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

- Amd WAC 248-40-040 Funerals, care of bodies, and burial.
- Amd WAC 248-40-050 Transportation of human remains;

that the agency will at 9:30 a.m., Wednesday, June 11, 1986, in the Snohomish Health District, Courthouse, Everett, 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 43.20.050.

The specific statute these rules are intended to implement is chapter 43.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 11, 1986, 1112 South Quince Street, Olympia, WA 98504, ET-23.

Dated: May 7, 1986  
By: John A. Beare, MD, MPH  
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 248-40-040 and 248-40-050.

Purpose of the Rule Change: To update public health rules for care, burial and transport of dead bodies in Washington.

Reason These Rules are Necessary: To preserve health of the public; to add necessary definitions consistent with appropriate state rules and statutes; and to respond to concerns of citizens who suggested a need to review and update sections requiring embalming of all bodies transported by common carrier.

Statutory Authority: RCW 43.20.050.

Summary: Amendments to WAC 248-40-040 add definitions, relate reportable diseases to chapter 248-100 WAC, control of communicable and certain other diseases, update handling and disposal requirements, and repeal transfer requirements; and amendments to WAC 248-40-050 update language, require burial-transit permits when transporting of any human remains by common carrier, and describe alternatives to embalming of bodies when transporting by common carrier.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Robert Rolfs, Office Chief, Public Health Systems Support, mailstop ET-22, phone 753-0910.

Rule proposed by DSHS.

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

AMENDATORY SECTION (Amending Regulation .40.040, effective 3/11/60)

WAC 248-40-040 FUNERALS, CARE OF BODIES, AND BURIAL. (1) (~~Funeral services for~~) Definitions applicable to WAC 248-40-040 and 248-40-050.

(a) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics pursuant to chapter 43.20A RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(b) "Common carrier" means any person transporting property for the general public for compensation as defined in chapter 81.80 RCW.

(c) "Embalmer" means a person licensed pursuant to chapter 18.39 RCW and engaged in the profession or business of disinfecting, preserving, or preparing dead human bodies for disposal or transportation.

(d) "Local registrar of vital statistics" means the health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district as defined in chapter 70.58 RCW.

(2) ~~Individuals who have died of ((the following named communicable diseases)) a reportable disease or condition, as described in chapter 248-100 WAC, shall be ((conducted under)) reported to the ((supervision of the)) local health officer((-Cholera, diphtheria, meningococcal meningitis, plague, poliomyelitis, and smallpox. The local health officer may permit the holding of a public funeral for such individuals provided members of the family or close associates of the deceased are satisfactorily segregated from the public, and provided that appropriate prophylactic treatment or immunization of such persons is accomplished according to the direction and orders of the local health officer)) pursuant to chapter 248-100 WAC.~~

~~((2)) (3) Bodies of persons who have died of cholera((-)) or plague((-or smallpox)) shall be properly embalmed or cremated. If embalmed, a licensed embalmer shall prepare such bodies in the following manner:~~

(a) ~~The body shall be thoroughly embalmed with a suitably effective disinfectant solution.~~

(b) ~~If the body is prepared for burial at the place of death, the rooms used for the preparation shall be thoroughly aired and cleaned.~~

(c) ~~In lieu of preparing for burial at the place of death, a body may be wrapped completely in a sheet soaked with an effective disinfectant and removed to the embalmer's place of business for the process of embalming.~~

~~((3)) (4) The embalmer and((for) anyone assisting ((to prepare the)) in preparation of a dead body ((of a person who has died of an infectious disease)) shall wear an outer garment and rubber gloves while handling the body during preparation. These shall be removed before coming into contact with other persons after preparation has been completed and shall be properly disinfected immediately thereafter.~~

~~((4) Embalmers or their assistants shall not handle the bodies of persons who have died of smallpox unless said embalmers and assistants have been successfully vaccinated within the preceding three years and at least seven days prior to contact with the bodies:))~~

(5) ~~All instruments and equipment used in the preparation of a body shall be properly disinfected immediately after use.~~

(6) ~~((A)) Disposal of wastes.~~

(a) ~~Preparation rooms or other places used for ((the process of)) embalming or ((for otherwise)) preparing a dead body for ((burial)) disposition shall be equipped with a ((metal)) liquid impervious disposal ((can or)) container.~~

(b) ~~Disposal containers shall be lined with liquid impervious, disposable material.~~

(c) ~~Disposal containers shall be equipped with ((a)) tightly fitting ((lid or cover in which shall be placed immediately all solid matter of any sort such as bandages or cotton found upon or in contact with a dead body or used by the embalmer in the performance of his duties)) closures. ((Upon completion of the process of embalming or preparing the body for burial))~~

(d) ~~The contents of ((this can)) disposal containers shall be destroyed by ((burning and every funeral establishment shall be equipped with an incinerator suitable for this purpose)) incineration or by other methods approved by local ordinances and requirements related to disposal of infectious wastes.~~

(e) ~~All containers or cans used in receiving solid or fluid matter taken from a dead human body shall be disinfected immediately after use.~~

(f) ~~In ((the instance of a reportable)) case of death by communicable disease ((having caused the death)), as defined in chapter 248-100~~



WAC, fluids removed from said body shall be mixed ~~((in equal parts))~~ immediately with equal parts of an effective disinfectant solution ~~((and shall not be released into any))~~. Said solution shall be held a minimum of three hours prior to disposition including release into any drain, sewer, or other public or private disposal system ~~((public or private or otherwise disposed of before the expiration of at least three hours time))~~. ~~((All containers or cans used in receiving solid or fluid matter taken from a dead human body shall be disinfected immediately after use:))~~

(7) All ambulances, hearses, ~~((and))~~ first call cars, ~~((and))~~ equipment therein, and transfer cases shall be kept clean ~~((and))~~, sanitary, and free from deleterious odors at all times. Such ambulances, hearses, cars, ~~((and the))~~ equipment, and transfer cases thereof shall be sanitized with a suitable disinfectant solution immediately ~~((after having been used for the transportation))~~ following transport of a human body dead of a ~~((contagious))~~ communicable disease ~~((with a suitable disinfectant solution))~~.

(8) ~~((Bodies of persons who have died of an infectious disease that are to be transferred outside the jurisdiction of the local health department shall be thoroughly washed with a suitably effective disinfectant and thoroughly embalmed with a suitable disinfectant embalming fluid and placed at once in a casket or transfer case.~~

(9) Any body that is to be transported by common carrier shall be properly embalmed and prepared for transportation by a licensed embalmer.

~~((t))~~ All ~~((deceased))~~ dead human bodies ~~((that are))~~ to be disposed of by earth burial in the state of Washington ~~((must))~~ shall be buried in the ground at least three feet (top of casket to surface of ground).

#### AMENDATORY SECTION (Amending Regulation .40.050, effective 3/11/60)

WAC 248-40-050 TRANSPORTATION OF ~~((DEAD BODIES))~~ HUMAN REMAINS. (1) ~~((When))~~ A burial-transit permit ~~((is))~~ shall be required and used ~~((in connection with transportation of a dead human body by common carrier, the permit shall include the name of the embalmer, the terminal point, and shall be))~~ when transporting human remains by common carrier. The permit shall be obtained from the local health officer or the local registrar of vital statistics, enclosed in a strong envelope, and attached to the shipping case.

(2) When ~~((a dead body is))~~ human remains are to be transported by common carrier, the casket or transfer case shall be encased in an outer box constructed of substantial material, ~~((put))~~ securely ~~((together))~~ constructed, and tightly closed ~~((provided that))~~. No ~~((body))~~ human remains shall be transported pending final disposition more than twenty-four hours after ~~((death))~~ the receipt of said remains unless:

(a) The ~~((body is))~~ remains are thoroughly embalmed ~~((The outside case may be omitted in all instances where the casket or transfer case is transported in a funeral director's vehicle used for that purpose)), or~~

(b) The following conditions are satisfied:

(i) Orifices shall be packed with a material saturated with a topical preservative;

(ii) The remains shall be wrapped in absorbent material approximately one inch thick which has been saturated with a preservative or the remains shall be coated with heavy viscosity preservative gel;

(iii) The remains shall be placed in a light-weight, disposable burial pouch; and

(iv) The pouch shall be placed inside a heavy canvas rubberized pouch which is appropriately sealed along the zippered area with a substance such as collodion.

(3) ~~((Disinterment - no disinterred body dead from any disease or cause shall be transported by a common carrier unless approved by the health authorities having jurisdiction at the place of disinterment, and a burial-transit permit shall be required as provided in paragraph (1) above.~~

Disinterred bodies of persons who have died of cholera, plague, smallpox or typhus fever shall not be removed from the cemetery premises unless approved by the health authorities having jurisdiction at the place of disinterment.

All bodies held for more than 30 days after death shall be considered disinterred bodies when moved from the establishment where held.

~~((4) Any corpse shipped originally from any primary registration district within the state of Washington accompanied by a properly executed burial-transit permit to any other primary registration district within the state may be transhipped by surrendering the original burial-transit permit to the local registrar and receiving in exchange a new burial-transit permit, unless said body has been held over thirty days after death or has been interred, in which case proceed under paragraph (3) above.~~

~~If the corpse is))~~ Human remains routed to the point of final destination on ~~((an original))~~ a burial-transit permit ~~((it))~~ may be held temporarily at a stopover point within the state of Washington for funeral or for any other purpose without any additional permit ~~((being required))~~.

The burial-transit permit shall be accepted as authority for interment or cremation anywhere within the state of Washington by sexton or crematory official and shall be surrendered to them by the person in charge of the ~~((corpse))~~ remains at the point of interment or cremation.

#### WSR 86-10-075

#### PROPOSED RULES

#### DEPARTMENT OF FISHERIES

[Filed May 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules;

that the agency will at 7:00 p.m., Tuesday, June 10, 1986, in the South Bend Community Center, South Bend, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 17, 1986.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1986.

Dated: May 7, 1986

By: Russell W. Cahill  
for William R. Wilkerson  
Director

#### STATEMENT OF PURPOSE

Title: WAC 220-22-020, 220-36-020, 220-36-021, 220-36-022, 220-36-024, 220-36-025, 220-40-020, 220-40-021, 220-40-022 and 220-40-024.

Description of Purpose: Adjust Willapa Harbor boundary; discontinue troll fishery in Grays Harbor and Willapa Harbor; and adjust salmon seasons.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: The reference to the buoy at the mouth of Willapa Harbor is deleted because the buoy has been moved; troll fisheries take available harvest in high seas fishing; and pre-season forecast indicates need for change in salmon seasons to allow harvest of available surplus and differentiate between harvest of hatchery and wild stocks.

Personnel Responsible for Drafting: Evan S. Jacoby,  
115 General Administration Building, Olympia, WA,

586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 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: No impact on 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 84-66, filed 7/6/84)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis light, located 123 feet above mean high water at Westport, through the Coast Guard look out tower to the shore near Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 Bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285° true to the Island Sands light approximately 2 miles south of Riddle Spit light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the north shore of the Willapa River through Willapa River light number 33 to the south shore, outside and

southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater light ((through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater light on a line +71°) 170° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary easterly of Area 2G and downstream from a line projected true north from the Standard Oil dock in South Bend to the opposite shore of the Willapa River.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly and westerly of a line projected from Diamond Point to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 2M shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

(12) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(13) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(14) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

WAC 220-36-020 SALMON FISHING AREAS—SEASONS AND LAWFUL GEAR—SALMON. It shall be unlawful to take, fish for or possess salmon taken with troll line gear for commercial purposes in Grays Harbor fishing areas ((except during the time period and in those areas where it is open to a commercial net fishery)).

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor fishing areas except during the seasons provided for hereinafter in each respective fishing area:

Area 2A

Closed during ((+1985)) 1986 season.

Area 2B -

6:00 p.m. July ((5)) 6 to 6:00 p.m. July 20. 6:00 p.m. July 21 to 6:00 p.m. August 15, ((+1985)) 1986, in those waters east of a line drawn true north-south through lighted piling Number 16 (F1.R.4 sec. 15 ft.) on Whitcomb Flats. ((4:00 p.m. October 10)) 6:00 a.m. October 11, to 6:00 ((a.m.)) p.m. October 11, ((+1985)) 1986. ((5:30)) 5:00 a.m. October ((27)) 28, to ((5:30)) 6:00 p.m. October ((27)) 28, ((+1985)) 1986. ((6:00)) 8:00 a.m. October ((28)) 30, to ((6:00)) 8:00 p.m. October ((28)) 30, ((+1985)) 1986. 8:00 a.m. November 1 to 8:00 p.m. November 1, 1986.

## Areas 2C and 2D --

6:00 p.m. July ((5)) 6 to 6:00 p.m. August 15, ((+985)) 1986.  
 ((+985)) 6:00 a.m. October 10, to 6:00 ((+985)) p.m. October 11, ((+985)) 1986.

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor fishing areas:

## Area 2A

Closed during ((+985)) 1986 season.

## Areas 2B, 2C and 2D

Open continuously.

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor fishing areas:

## Areas 2B, 2C and 2D

For the period July ((5)) 6 to August 15, ((+985)) 1986: 9-inch minimum mesh.

For ((the period October 10 to)) October 11, ((+985)) 1986: 6 1/2 inch maximum mesh.

For the period October ((27 to October 29, 1985)) 28 through November 1, 1986: No mesh restriction.

(2) It is unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

AMENDATORY SECTION (Amending Order 83-30, filed 4/26/83)

WAC 220-36-025 CLOSED AREAS—GRAYS HARBOR AND TRIBUTARIES. (1) It is unlawful to take, fish for, or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected from the Point Chehalis Light at Westport through the Coast Guard tower to the shore at Point Brown and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

(2) During the period March 1 through July 31, it is unlawful for any person, including treaty Indian fishermen, to take, fish for, or possess foodfish taken for any purpose from the waters of the Chehalis River or any tributary of the Chehalis River upstream of the Porter Bridge.

(3) It is unlawful to fish for or possess salmon taken for commercial purposes from the Westport Boat Basin.

AMENDATORY SECTION (Amending Order 1221, filed 7/1/75)

WAC 220-40-020 WILLAPA HARBOR—SEASONS AND LAWFUL GEAR—SALMON. It shall be unlawful to take, fish for or possess salmon taken with troll line gear for commercial purposes in Willapa Harbor fishing areas ((except during the time period and in those areas where it is open to a commercial net fishery)).

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor fishing areas, except during the seasons provided for hereinafter in each respective fishing area and except as otherwise provided:

Area 2G—6:00 p.m. July ((5)) 6 to 6:00 p.m. August 15 in those waters east of a line from Toke Point to Goose Point and south of a line from Leadbetter Point to Goose Point; 6:00 p.m. September ((+4)) 15 to 6:00 p.m. September ((28)) 20 in those waters west of a line drawn true north and south through Willapa River Channel light ((+0)) 2 — or — Willapa River Channel Light 7 and north of a line drawn true east and west through Nahcotta Channel light 10; 6:00 p.m. September ((28)) 21 to 6:00 p.m. October 14; 6:00 p.m. October ((2+)) 20 to 6:00 p.m. October ((22))

21; 5:30 a.m. October ((27)) 28 to 6:30 p.m. October ((28)) 31; 6:00 p.m. November 1 to 11:59 p.m. November 30, ((+985)) 1986.

Area 2H—6:00 p.m. September ((28)) 21 to ((6:00 p.m. October 14; 6:00 p.m. October 21 to 6:00 p.m. October 22; 5:30 a.m. October 27 to 6:30 p.m. October 28; 6:00 p.m. November 1 to)) 11:59 p.m. November 30, ((+985)) 1986.

Areas 2J and 2K—6:00 p.m. July ((5)) 6 to 6:00 p.m. August 15; 6:00 p.m. September ((28)) 21 to 6:00 p.m. October 14; 6:00 p.m. October ((2+)) 20 to 6:00 p.m. October ((22)) 21; 5:30 a.m. October ((27)) 28 to 6:30 p.m. October ((28)) 31; 6:00 p.m. November 1 to 11:59 p.m. November 30, ((+985)) 1986.

Area 2M—6:00 p.m. July ((5)) 6 to 6:00 p.m. ((July 31)) August 15; 6:00 p.m. September ((28)) 21 to 6:00 p.m. October 14; 6:00 p.m. October ((2+)) 20 to 6:00 p.m. October ((22)) 21; 5:30 a.m. October ((27)) 28 to 6:30 p.m. October ((28)) 31; 6:00 p.m. November 1 to 11:59 p.m. November 30, ((+985)) 1986.

The Naselle River upstream from the Highway 101 Bridge to the powerline crossing near the mouth of Roaring Creek Slough—6:00 p.m. October 1 to 6:00 p.m. October 14, 1986.

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS. It is unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor fishing areas:

Areas 2G, 2H, 2M and the Naselle River—Open continuously.

Areas 2J and 2K—Open continuously, except for period September ((28)) 21 to October 14, during which open 6:00 p.m. ((Monday)) Sunday to 6:00 p.m. ((Tuesday)) Monday and 6:00 p.m. ((Thursday)) Wednesday to 6:00 p.m. ((Friday)) Thursday only.

AMENDATORY SECTION (Amending Order 85-64, filed 6/19/85)

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR. (1) It is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor fishing areas:

Areas 2G, 2H, 2J, 2K, ((and)), 2M, and the Naselle River

For the period July ((5)) 6 to August 15, ((+985)) 1986: 9-inch minimum mesh.

For the period September ((+4)) 15, to 11:59 p.m. November 18, 1985: 5-inch minimum to 6-1/2 inch maximum mesh.

For the period 12:01 a.m. November 19 to 11:59 p.m. November 30, 1985: 7-1/2-inch minimum mesh.

(2) It is unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-59-030	AMD-E	86-09-001	16-462-015	AMD	86-08-078	25-42-110	NEW-P	86-09-038
16-86-092	AMD-E	86-04-050	16-462-020	AMD-P	86-04-070	25-42-120	NEW-P	86-09-038
16-86-092	AMD-P	86-04-051	16-462-020	AMD	86-08-078	25-42-130	NEW-P	86-09-038
16-86-092	AMD	86-08-055	16-462-025	AMD-P	86-04-070	25-48-010	NEW-P	86-09-039
16-108-010	AMD	86-04-027	16-462-025	AMD	86-08-078	25-48-020	NEW-P	86-09-039
16-304-110	AMD-P	86-09-060	16-462-030	AMD-P	86-04-070	25-48-030	NEW-P	86-09-039
16-304-130	AMD-P	86-09-060	16-462-030	AMD	86-08-078	25-48-040	NEW-P	86-09-039
16-304-183	NEW-P	86-09-090	16-462-035	AMD-P	86-04-070	25-48-050	NEW-P	86-09-039
16-304-350	AMD-P	86-09-060	16-462-035	AMD	86-08-078	25-48-060	NEW-P	86-09-039
16-304-355	AMD-P	86-09-060	16-462-050	NEW-P	86-04-070	25-48-070	NEW-P	86-09-039
16-304-370	AMD-P	86-09-060	16-462-050	NEW	86-08-078	25-48-080	NEW-P	86-09-039
16-304-445	AMD-P	86-09-060	16-462-055	NEW-P	86-04-070	25-48-090	NEW-P	86-09-039
16-304-525	AMD-P	86-09-060	16-462-055	NEW	86-08-078	25-48-100	NEW-P	86-09-039
16-304-800	AMD-P	86-09-060	16-470-010	AMD-P	86-03-075	25-48-105	NEW-P	86-09-039
16-304-810	AMD-P	86-09-060	16-470-010	AMD	86-07-020	25-48-110	NEW-P	86-09-039
16-304-820	AMD-P	86-09-060	16-470-020	AMD-P	86-03-075	25-48-120	NEW-P	86-09-039
16-304-830	AMD-P	86-09-060	16-470-020	AMD	86-07-020	25-48-130	NEW-P	86-09-039
16-304-832	NEW-P	86-09-090	16-470-100	AMD-P	86-03-075	25-48-140	NEW-P	86-09-039
16-304-850	NEW-P	86-09-090	16-470-100	AMD	86-07-020	30-01-010	NEW	86-08-072
16-304-860	NEW-P	86-09-090	16-470-200	AMD-P	86-03-075	30-01-020	NEW	86-08-072
16-304-870	NEW-P	86-09-090	16-470-200	AMD	86-07-020	30-01-030	NEW	86-08-072
16-304-880	NEW-P	86-09-090	16-470-240	NEW-E	86-08-009	30-01-040	NEW	86-08-072
16-400-010	AMD-P	86-04-029	16-470-240	NEW-P	86-10-048	30-01-050	NEW	86-08-072
16-400-010	AMD-E	86-06-038	16-470-300	AMD-P	86-03-075	30-01-060	NEW	86-08-072
16-400-010	AMD	86-08-081	16-470-300	AMD	86-07-020	30-04-010	NEW	86-08-072
16-400-040	AMD-P	86-04-029	16-524-040	AMD-P	86-06-045	30-04-020	NEW	86-08-072
16-400-040	AMD-E	86-06-038	16-536-040	AMD-P	86-09-079	30-04-030	NEW	86-08-072
16-400-040	AMD	86-08-081	16-560-06001	AMD-P	86-07-051	30-04-040	NEW	86-08-072
16-400-050	AMD-P	86-04-029	16-561-010	AMD-P	86-06-046	30-04-050	NEW	86-08-072
16-400-050	AMD-E	86-06-038	16-561-020	AMD-P	86-06-046	30-04-060	NEW	86-08-072
16-400-050	AMD	86-08-081	16-561-040	AMD-P	86-06-046	30-04-070	NEW	86-08-072
16-400-100	AMD-P	86-04-029	16-561-041	AMD-P	86-06-046	30-04-080	NEW	86-08-072
16-400-100	AMD-E	86-06-038	16-654-050	NEW	86-04-026	30-04-090	NEW	86-08-072
16-400-100	AMD	86-08-081	16-654-060	NEW	86-04-026	30-04-100	NEW	86-08-072
16-400-210	AMD-P	86-04-029	16-750-010	AMD-P	86-04-062	30-04-110	NEW	86-08-072
16-400-210	AMD-E	86-06-038	16-750-010	AMD	86-07-024	30-04-120	NEW	86-08-072
16-400-210	AMD	86-08-081	25-24-010	AMD-E	86-08-082	30-08-010	NEW	86-08-072
16-403-141	NEW-P	86-10-057	25-24-020	AMD-E	86-08-082	30-08-020	NEW	86-08-072
16-403-160	AMD-P	86-10-057	25-24-040	AMD-E	86-08-082	30-08-030	NEW	86-08-072
16-403-225	AMD-P	86-08-080	25-24-050	AMD-E	86-08-082	30-08-040	NEW	86-08-072
16-403-225	AMD	86-10-045	25-24-060	AMD-E	86-08-082	30-08-050	NEW	86-08-072
16-425-001	REP-P	86-04-070	25-24-070	AMD-E	86-08-082	30-08-060	NEW	86-08-072
16-425-001	REP	86-08-078	25-42-010	NEW-P	86-09-038	30-08-070	NEW	86-08-072
16-425-010	REP-P	86-04-070	25-42-020	NEW-P	86-09-038	30-12-010	NEW	86-08-072
16-425-010	REP	86-08-078	25-42-030	NEW-P	86-09-038	30-12-020	NEW	86-08-072
16-425-015	REP-P	86-04-070	25-42-040	NEW-P	86-09-038	30-12-030	NEW	86-08-072
16-425-015	REP	86-08-078	25-42-050	NEW-P	86-09-038	30-12-040	NEW	86-08-072
16-462-001	REP-P	86-04-070	25-42-060	NEW-P	86-09-038	30-12-050	NEW	86-08-072
16-462-001	REP	86-08-078	25-42-070	NEW-P	86-09-038	30-12-060	NEW	86-08-072
16-462-010	AMD-P	86-04-070	25-42-080	NEW-P	86-09-038	30-12-070	NEW	86-08-072
16-462-010	AMD	86-08-078	25-42-090	NEW-P	86-09-038	30-12-080	NEW	86-08-072
16-462-015	AMD-P	86-04-070	25-42-100	NEW-P	86-09-038	30-12-090	NEW	86-08-072

### Table of WAC Sections Affected

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30-12-130	NEW	86-08-072	132S-30-042	AMD-P	86-10-033	173-22-0602	NEW-P	86-05-052
30-12-140	NEW	86-08-072	132S-30-044	REP-P	86-10-033	173-22-0604	NEW-P	86-05-052
30-12-150	NEW	86-08-072	132S-30-046	REP-P	86-10-033	173-22-0606	NEW-P	86-05-052
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30-12-170	NEW	86-08-072	132S-30-064	AMD-P	86-10-033	173-22-0610	NEW-P	86-05-052
51-12-102	AMD-P	86-06-058	132S-30-082	AMD-P	86-10-033	173-22-0612	NEW-P	86-05-052
51-12-102	AMD-E	86-06-059	132S-30-084	AMD-P	86-10-033	173-22-0614	NEW-P	86-05-052
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51-12-602	AMD-E	86-06-059	137-08-060	AMD	86-10-010	173-22-0634	NEW-P	86-05-052
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67-35-230	AMD-P	86-04-063	137-54-030	AMD-P	86-04-015	173-22-0644	NEW-P	86-05-052
67-35-230	AMD	86-08-010	137-54-030	AMD	86-07-034	173-22-0646	NEW-P	86-05-052
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113-12-075	NEW	86-10-039	137-56-015	NEW-E	86-03-058	173-22-0650	NEW-P	86-05-052
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114-12-165	NEW	86-06-043	137-56-180	AMD	86-06-012	173-22-0666	NEW-P	86-05-052
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118-06-030	REP-P	86-06-037	137-56-210	AMD	86-06-012	173-22-0672	NEW-P	86-05-052
118-06-040	REP-P	86-06-037	137-56-220	AMD	86-06-012	173-22-0674	NEW-P	86-05-052
118-06-050	REP-P	86-06-037	137-56-230	AMD	86-06-012	173-22-0676	NEW-P	86-05-052
118-06-060	REP-P	86-06-037	137-56-240	AMD	86-06-012	173-22-0678	NEW-P	86-05-052
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118-06-080	REP-P	86-06-037	137-56-280	NEW	86-06-012	173-134A-085	NEW	86-04-057
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118-07-020	REP-P	86-06-037	173-14-030	AMD-P	86-05-052	173-216-020	AMD	86-06-040
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118-08-030	REP-P	86-06-037	173-14-140	AMD-P	86-05-052	173-216-150	NEW	86-06-040
118-08-040	REP-P	86-06-037	173-14-150	AMD-P	86-05-052	173-220-040	AMD	86-06-040
118-08-050	REP-P	86-06-037	173-14-180	AMD-P	86-05-052	173-220-045	AMD	86-06-040
118-08-060	REP-P	86-06-037	173-19	AMD-C	86-08-098	173-220-060	AMD	86-06-040
118-08-070	REP-P	86-06-037	173-19-020	AMD-P	86-05-052	173-220-150	AMD	86-06-040
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118-30-060	NEW-P	86-06-037	173-19-064	AMD-P	86-05-052	173-222-050	NEW	86-06-040
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132H-160-550	NEW-P	86-09-046	173-19-3701	AMD-C	86-06-057	173-222-100	NEW	86-06-040
132J-136-020	REP-P	86-06-044	173-19-3701	AMD	86-07-049	173-222-110	NEW	86-06-040
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132J-136-030	REP-P	86-06-044	173-19-3903	AMD-P	86-06-061	173-301-101	REP	86-03-034
132J-136-040	REP-P	86-06-044	173-19-430	AMD-C	86-06-057	173-301-105	REP	86-03-034
132J-136-050	REP-P	86-06-044	173-19-430	AMD	86-07-049	173-301-110	REP	86-03-034
132Q-01-005	NEW	86-04-010	173-22	AMD-C	86-08-098	173-301-120	REP	86-03-034
132Q-01-010	NEW	86-04-010	173-22-030	AMD-P	86-05-052	173-301-121	REP	86-03-034
132Q-01-020	NEW	86-04-010	173-22-040	AMD-P	86-05-052	173-301-122	REP	86-03-034
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173-301-143	REP 86-03-034	173-303-060	AMD-P 86-07-069	173-480-050	NEW 86-10-053
173-301-150	REP 86-03-034	173-303-070	AMD-P 86-07-069	173-480-060	NEW-P 86-04-092
173-301-151	REP 86-03-034	173-303-071	AMD-P 86-07-069	173-480-060	NEW-C 86-07-067
173-301-152	REP 86-03-034	173-303-081	AMD-P 86-07-069	173-480-060	NEW 86-10-053
173-301-153	REP 86-03-034	173-303-082	AMD-P 86-07-069	173-480-070	NEW-P 86-04-092
173-301-154	REP 86-03-034	173-303-084	AMD-P 86-07-069	173-480-070	NEW-C 86-07-067
173-301-155	REP 86-03-034	173-303-090	AMD-P 86-07-069	173-480-070	NEW 86-10-053
173-301-156	REP 86-03-034	173-303-101	AMD-P 86-07-069	173-480-080	NEW-P 86-04-092
173-301-157	REP 86-03-034	173-303-102	AMD-P 86-07-069	173-480-080	NEW-C 86-07-067
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173-301-160	REP 86-03-034	173-303-121	AMD-P 86-07-069	173-516-020	NEW-W 86-05-019
173-301-161	REP 86-03-034	173-303-141	AMD-P 86-07-069	173-516-030	NEW-W 86-05-019
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173-301-184	REP 86-03-034	173-303-220	AMD-P 86-07-069	173-555-015	NEW-P 86-10-062
173-301-185	REP 86-03-034	173-303-230	AMD-P 86-07-069	173-555-020	AMD-P 86-10-062
173-301-186	REP 86-03-034	173-303-240	AMD-P 86-07-069	173-555-030	AMD-P 86-10-062
173-301-187	REP 86-03-034	173-303-280	AMD-P 86-07-069	173-555-040	AMD-P 86-10-062
173-301-188	REP 86-03-034	173-303-360	AMD-P 86-07-069	173-555-065	NEW-P 86-10-062
173-301-189	REP 86-03-034	173-303-380	AMD-P 86-07-069	173-555-070	AMD-P 86-10-062
173-301-190	REP 86-03-034	173-303-390	AMD-P 86-07-069	173-555-080	NEW-P 86-10-062
173-301-191	REP 86-03-034	173-303-395	AMD-P 86-07-069	173-591-010	NEW-P 86-10-071
173-301-192	REP 86-03-034	173-303-400	AMD-P 86-07-069	173-591-020	NEW-P 86-10-071
173-301-193	REP 86-03-034	173-303-500	AMD-P 86-07-069	173-591-030	NEW-P 86-10-071
173-301-194	REP 86-03-034	173-303-505	AMD-P 86-07-069	173-591-040	NEW-P 86-10-071
173-301-195	REP 86-03-034	173-303-510	AMD-P 86-07-069	173-591-050	NEW-P 86-10-071
173-301-196	REP 86-03-034	173-303-515	AMD-P 86-07-069	173-591-060	NEW-P 86-10-071
173-301-197	REP 86-03-034	173-303-520	AMD-P 86-07-069	173-591-070	NEW-P 86-10-071
173-301-300	REP 86-03-034	173-303-525	NEW-P 86-07-069	173-591-080	NEW-P 86-10-071
173-301-301	REP 86-03-034	173-303-600	AMD-P 86-07-069	173-591-090	NEW-P 86-10-071
173-301-302	REP 86-03-034	173-303-630	AMD-P 86-07-069	173-591-100	NEW-P 86-10-071
173-301-303	REP 86-03-034	173-303-640	AMD-P 86-07-069	173-591-110	NEW-P 86-10-071
173-301-304	REP 86-03-034	173-303-650	AMD-P 86-07-069	173-591-120	NEW-P 86-10-071
173-301-305	REP 86-03-034	173-303-655	AMD-P 86-07-069	173-591-130	NEW-P 86-10-071
173-301-306	REP 86-03-034	173-303-660	AMD-P 86-07-069	173-592-010	NEW-P 86-10-072
173-301-307	REP 86-03-034	173-303-665	AMD-P 86-07-069	173-592-020	NEW-P 86-10-072
173-301-308	REP 86-03-034	173-303-670	AMD-P 86-07-069	173-592-030	NEW-P 86-10-072
173-301-309	REP 86-03-034	173-303-802	AMD-P 86-07-069	173-592-040	NEW-P 86-10-072
173-301-310	REP 86-03-034	173-303-804	AMD-P 86-07-069	173-592-050	NEW-P 86-10-072
173-301-320	REP 86-03-034	173-303-805	AMD-P 86-07-069	173-592-060	NEW-P 86-10-072
173-301-350	REP 86-03-034	173-303-806	AMD-P 86-07-069	173-592-070	NEW-P 86-10-072
173-301-351	REP 86-03-034	173-303-910	AMD-P 86-07-069	173-592-080	NEW-P 86-10-072
173-301-352	REP 86-03-034	173-303-960	NEW-P 86-07-069	173-592-090	NEW-P 86-10-072
173-301-353	REP 86-03-034	173-303-9902	AMD-P 86-07-069	173-592-100	NEW-P 86-10-072
173-301-354	REP 86-03-034	173-303-9903	AMD-P 86-07-069	173-592-110	NEW-P 86-10-072
173-301-355	REP 86-03-034	173-303-9904	AMD-P 86-07-069	173-592-120	NEW-P 86-10-072
173-301-356	REP 86-03-034	173-303-9905	AMD-P 86-07-069	180-16-220	AMD-P 86-09-095
173-301-357	REP 86-03-034	173-325-010	NEW-E 86-09-017	180-16-221	NEW-P 86-09-095
173-301-358	REP 86-03-034	173-325-010	NEW-P 86-10-043	180-16-222	NEW-P 86-09-095
173-301-359	REP 86-03-034	173-325-020	NEW-E 86-09-017	180-16-223	NEW-P 86-09-095
173-301-400	REP 86-03-034	173-325-020	NEW-P 86-10-043	180-16-224	NEW-P 86-09-095
173-301-401	REP 86-03-034	173-325-030	NEW-E 86-09-017	180-16-225	AMD-P 86-09-095
173-301-402	REP 86-03-034	173-325-030	NEW-P 86-10-043	180-16-231	NEW-P 86-09-095
173-301-450	REP 86-03-034	173-325-040	NEW-E 86-09-017	180-16-236	NEW-P 86-09-095
173-301-451	REP 86-03-034	173-325-040	NEW-P 86-10-043	180-25-043	NEW 86-04-065
173-301-452	REP 86-03-034	173-325-050	NEW-E 86-09-017	180-25-050	AMD 86-04-066
173-301-453	REP 86-03-034	173-325-050	NEW-P 86-10-043	180-26-057	NEW 86-04-065
173-301-454	REP 86-03-034	173-480-010	NEW-P 86-04-092	180-27-105	AMD 86-04-067
173-301-455	REP 86-03-034	173-480-010	NEW-C 86-07-067	180-29-1075	NEW 86-04-065
173-301-456	REP 86-03-034	173-480-010	NEW 86-10-053	180-75	AMD-P 86-09-096
173-301-457	REP 86-03-034	173-480-020	NEW-P 86-04-092	180-75-003	NEW-P 86-09-096
173-301-500	REP 86-03-034	173-480-020	NEW-C 86-07-067	180-75-017	NEW-P 86-09-096
173-301-610	REP 86-03-034	173-480-020	NEW 86-10-053	180-75-020	AMD-P 86-09-096
173-301-611	REP 86-03-034	173-480-030	NEW-P 86-04-092	180-75-025	AMD-P 86-09-096
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180-75-030	AMD-P 86-09-096	210-01-080	NEW-P 86-10-056	220-36-021	AMD-P 86-10-075
180-75-033	NEW-P 86-09-096	210-01-090	NEW-P 86-10-056	220-36-022	AMD-P 86-10-075
180-75-035	AMD-P 86-09-096	210-01-100	NEW-P 86-10-056	220-36-024	AMD-P 86-10-075
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180-79-080	NEW-P 86-09-097	212-32-075	AMD-P 86-08-063	220-47-311	AMD-P 86-08-103
180-79-086	NEW-P 86-09-097	212-32-080	AMD-P 86-08-063	220-47-312	AMD-P 86-08-103
180-79-100	AMD-P 86-09-097	212-32-085	AMD-P 86-08-063	220-47-313	AMD-P 86-08-103
180-79-115	AMD-P 86-09-097	212-32-095	AMD-P 86-08-063	220-47-401	AMD-P 86-08-103
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180-79-230	AMD-P 86-09-097	212-32-110	NEW-P 86-08-063	220-47-403	AMD-P 86-08-103
180-79-231	NEW-P 86-09-097	212-32-115	NEW-P 86-08-063	220-47-411	AMD-P 86-08-103
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180-85-015	NEW-P 86-09-098	212-32-135	NEW-P 86-08-063	220-48-01500T	NEW-E 86-03-044
180-85-020	NEW-P 86-09-098	212-32-140	NEW-P 86-08-063	220-48-01500T	REP-E 86-05-012
180-85-025	NEW-P 86-09-098	212-32-145	NEW-P 86-08-063	220-48-01500U	NEW-E 86-05-012
180-85-030	NEW-P 86-09-098	212-32-150	NEW-P 86-08-063	220-48-01500V	NEW-E 86-06-025
180-85-035	NEW-P 86-09-098	212-32-155	NEW-P 86-08-063	220-49-02000S	NEW-E 86-09-042
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180-85-045	NEW-P 86-09-098	212-52-001	AMD-P 86-08-064	220-52-069	AMD-P 86-05-002
180-85-075	NEW-P 86-09-098	212-52-002	NEW-P 86-08-064	220-52-069	AMD 86-08-056
180-85-080	NEW-P 86-09-098	212-52-005	AMD-P 86-08-064	220-52-07300E	NEW-E 86-10-026
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180-85-120	NEW-P 86-09-098	212-52-025	AMD-P 86-08-064	220-56-150	AMD 86-09-020
180-85-130	NEW-P 86-09-098	212-52-027	AMD-P 86-08-064	220-56-15000A	NEW-E 86-08-065
180-85-135	NEW-P 86-09-098	212-52-028	NEW-P 86-08-064	220-56-16000Z	NEW-E 86-08-047
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180-85-205	NEW-P 86-09-098	212-52-037	AMD-P 86-08-064	220-56-18000S	NEW-E 86-09-020
180-85-210	NEW-P 86-09-098	212-52-040	REP-P 86-08-064	220-56-18000T	NEW-E 86-08-065
180-85-215	NEW-P 86-09-098	212-52-041	NEW-P 86-08-064	220-56-190	AMD-C 86-03-089
180-85-220	NEW-P 86-09-098	212-52-045	AMD-P 86-08-064	220-56-190	AMD 86-09-020
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182-12-160	AMD 86-06-003	212-52-060	AMD-P 86-08-064	220-56-195	AMD-C 86-03-089
192-40-010	NEW-P 86-05-022	212-52-065	REP-P 86-08-064	220-56-195	AMD 86-09-020
192-40-010	NEW 86-08-073	212-52-070	AMD-P 86-08-064	220-56-195	AMD 86-09-020
192-40-020	NEW-P 86-05-022	212-52-075	AMD-P 86-08-064	220-56-19500D	NEW-E 86-08-065
192-40-020	NEW 86-08-073	212-52-080	AMD-P 86-08-064	220-56-205	AMD-C 86-03-089
192-40-030	NEW-P 86-05-022	212-52-085	AMD-P 86-08-064	220-56-205	AMD 86-09-020
192-40-030	NEW 86-08-073	212-52-090	AMD-P 86-08-064	220-56-20500A	NEW-E 86-08-065
192-40-040	NEW-P 86-05-022	212-52-095	AMD-P 86-08-064	220-56-240	AMD-C 86-03-089
192-40-040	NEW 86-08-073	212-52-100	AMD-P 86-08-064	220-56-240	AMD 86-09-020
192-40-050	NEW-P 86-05-022	212-52-105	AMD-P 86-08-064	220-56-24000C	NEW-E 86-08-065
192-40-050	NEW 86-08-073	212-52-112	NEW-P 86-08-064	220-56-295	AMD-C 86-03-089
192-40-060	NEW-P 86-05-022	212-52-115	AMD-P 86-08-064	220-56-295	AMD 86-09-020
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192-40-070	NEW-P 86-05-022	212-52-99001	NEW-P 86-08-064	220-56-305	AMD-C 86-03-089
192-40-070	NEW 86-08-073	212-52-99002	NEW-P 86-08-064	220-56-305	AMD 86-09-020
192-40-080	NEW-P 86-05-022	220-16-315	AMD-P 86-08-103	220-56-30500B	NEW-E 86-08-065
192-40-080	NEW 86-08-073	220-22-020	AMD-P 86-10-075	220-56-310	AMD-C 86-03-089
192-40-090	NEW-P 86-05-022	220-22-51000A	NEW-E 86-10-027	220-56-310	AMD 86-09-020
192-40-090	NEW 86-08-073	220-24-02000J	NEW-E 86-10-007	220-56-312	NEW-C 86-03-089
192-40-100	NEW-P 86-05-022	220-24-02000K	NEW-E 86-10-015	220-56-312	NEW 86-09-020
192-40-100	NEW 86-08-073	220-24-02000L	NEW-E 86-10-015	220-56-31200A	NEW-E 86-08-065
192-40-110	NEW-P 86-05-022	220-32-02000A	NEW-E 86-07-035	220-56-325	AMD-C 86-03-089
192-40-110	NEW 86-08-073	220-32-021	AMD-P 86-05-040	220-56-325	AMD 86-09-020
192-40-120	NEW-P 86-05-022	220-32-021	AMD 86-08-039	220-56-330	AMD-C 86-03-089
210-01-010	NEW-P 86-10-056	220-32-02200P	NEW-E 86-04-017	220-56-330	AMD 86-09-020
210-01-020	NEW-P 86-10-056	220-32-03000Y	NEW-E 86-06-013	220-56-335	AMD-C 86-03-089
210-01-030	NEW-P 86-10-056	220-32-042	REP-P 86-05-040	220-56-335	AMD 86-09-020
210-01-040	NEW-P 86-10-056	220-32-042	REP 86-08-039	220-56-340	AMD-C 86-03-089
210-01-050	NEW-P 86-10-056	220-32-05900I	NEW-E 86-09-015	220-56-340	AMD 86-09-020
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220-56-35000B	NEW-E	86-06-026	220-57A-152	AMD-C	86-03-089	232-28-61511	NEW-P	86-09-083
220-56-36000L	NEW-E	86-05-024	220-57A-152	AMD	86-09-020	232-28-707	REP	86-06-028
220-56-365	AMD-C	86-03-089	220-57A-183	NEW-C	86-03-089	232-28-708	NEW	86-06-028
220-56-365	AMD	86-09-020	220-57A-183	NEW	86-09-020	232-28-807	REP-P	86-05-048
220-56-380	AMD-C	86-03-089	220-57A-185	AMD-P	86-05-039	232-28-808	NEW-P	86-05-048
220-56-380	AMD	86-09-020	220-57A-185	AMD	86-08-040	240-10-010	AMD-P	86-05-023
220-56-382	AMD-C	86-03-089	220-57A-190	AMD-P	86-05-039	240-10-010	AMD	86-08-070
220-56-382	AMD	86-09-020	220-57A-190	AMD	86-08-040	240-10-030	AMD-P	86-05-023
220-56-38200A	NEW-E	86-08-065	220-69-23402A	NEW-E	86-10-027	240-10-030	AMD	86-08-070
220-56-400	AMD-C	86-03-089	220-69-26000A	NEW-E	86-08-024	240-10-040	AMD-P	86-05-023
220-56-400	AMD	86-09-020	220-76-01000A	NEW-E	86-10-027	240-10-040	AMD	86-08-070
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220-57-001	AMD-C	86-03-089	220-76-02000A	NEW-E	86-10-027	240-10-055	NEW	86-08-070
220-57-001	AMD	86-09-020	230-04-060	AMD-P	86-09-040	248-16-900	AMD-P	86-03-070
220-57-138	AMD-C	86-03-089	230-04-201	AMD-P	86-07-043	248-16-900	AMD	86-08-002
220-57-138	AMD	86-09-020	230-04-201	AMD-P	86-09-040	248-16-999	AMD-P	86-03-070
220-57-140	AMD-C	86-03-089	230-04-900	NEW-P	86-09-040	248-16-999	AMD	86-08-002
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220-57-160	AMD-C	86-03-089	230-08-080	AMD-P	86-05-044	248-18-001	AMD	86-08-002
220-57-160	AMD	86-09-020	230-08-080	AMD	86-09-036	248-18-010	AMD-P	86-03-070
220-57-175	AMD-C	86-03-089	230-08-100	AMD-P	86-09-040	248-18-010	AMD	86-08-002
220-57-175	AMD	86-09-020	230-08-100	AMD-P	86-10-042	248-18-040	AMD-P	86-05-005
220-57-17500P	NEW-E	86-08-065	230-12-040	AMD-P	86-09-040	248-18-040	AMD	86-08-086
220-57-200	AMD-C	86-03-089	230-12-310	AMD-P	86-09-040	248-18-245	AMD-P	86-03-070
220-57-200	AMD	86-09-020	230-20-010	AMD-P	86-05-044	248-18-245	AMD	86-08-002
220-57-220	AMD-C	86-03-089	230-20-010	AMD	86-09-036	248-18-515	AMD-P	86-03-070
220-57-220	AMD	86-09-020	230-20-064	AMD-P	86-07-043	248-18-515	AMD	86-08-002
220-57-235	AMD-C	86-03-089	230-20-100	AMD-P	86-05-044	248-18-718	AMD-P	86-03-070
220-57-235	AMD	86-09-020	230-20-100	AMD	86-09-036	248-18-718	AMD	86-08-002
220-57-260	AMD-C	86-03-089	230-20-240	AMD-P	86-05-044	248-18-999	AMD-P	86-03-070
220-57-260	AMD	86-09-020	230-20-240	AMD	86-09-036	248-18-999	AMD	86-08-002
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220-57-290	AMD	86-09-020	230-30-050	AMD	86-07-037	248-19-220	AMD	86-06-030
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220-57-319	AMD-C	86-03-089	230-40-310	AMD-P	86-09-040	248-19-240	AMD	86-06-030
220-57-319	AMD	86-09-020	230-46-010	AMD-P	86-03-035	248-19-260	AMD	86-06-030
220-57-31900B	NEW-E	86-08-065	230-46-010	AMD	86-08-007	248-19-270	AMD	86-06-030
220-57-335	AMD-C	86-03-089	230-46-020	AMD-P	86-03-035	248-19-280	AMD	86-06-030
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220-57-350	AMD	86-09-020	230-46-030	REP	86-07-044	248-19-300	AMD	86-06-030
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220-57-435	AMD	86-09-020	230-46-040	REP	86-07-044	248-19-320	AMD	86-06-030
220-57-450	AMD-C	86-03-089	230-46-050	REP-P	86-03-035	248-19-325	REP	86-06-030
220-57-450	AMD	86-09-020	230-46-050	REP	86-07-044	248-19-326	NEW	86-06-030
220-57-455	AMD-C	86-03-089	230-46-060	REP-P	86-03-035	248-19-327	NEW	86-06-030
220-57-455	AMD	86-09-020	230-46-060	REP	86-07-044	248-19-330	AMD	86-06-030
220-57-50500K	NEW-E	86-10-028	230-46-100	NEW-P	86-05-045	248-19-340	AMD	86-06-030
220-57-51500A	NEW-E	86-09-018	230-46-100	NEW-P	86-06-001	248-19-350	AMD	86-06-030
220-57A-001	NEW-C	86-03-089	230-46-110	NEW-P	86-05-045	248-19-373	AMD-P	86-09-049
220-57A-001	NEW	86-09-020	230-46-110	NEW-P	86-07-036	248-19-400	AMD	86-06-030
220-57A-00100C	NEW-E	86-08-065	230-46-120	NEW-P	86-05-045	248-19-403	AMD	86-06-030
220-57A-012	AMD-C	86-03-089	230-46-140	NEW-P	86-05-045	248-19-403	AMD	86-06-030
220-57A-012	AMD	86-09-020	232-12-04506	NEW-E	86-03-017	248-19-405	AMD	86-06-030
220-57A-015	AMD-C	86-03-089	232-12-04507	NEW-E	86-04-021	248-19-410	AMD	86-06-030
220-57A-015	AMD	86-09-020	232-12-091	AMD-P	86-05-047	248-19-415	AMD	86-06-030
220-57A-017	AMD-C	86-03-089	232-12-091	AMD	86-09-023	248-19-420	AMD	86-06-030
220-57A-017	AMD	86-09-020	232-12-189	AMD	86-03-054	248-19-430	AMD	86-06-030
220-57A-035	AMD-C	86-03-089	232-12-241	AMD	86-03-055	248-19-440	AMD	86-06-030
220-57A-035	AMD	86-09-020	232-12-804	AMD	86-03-052	248-19-450	AMD	86-06-030
220-57A-037	AMD-C	86-03-089	232-12-806	REP	86-03-053	248-19-460	AMD	86-06-030
220-57A-037	AMD	86-09-020	232-12-807	NEW	86-03-053	248-19-470	AMD	86-06-030
220-57A-040	AMD-C	86-03-089	232-12-809	AMD-P	86-05-049	248-19-475	AMD	86-06-030
220-57A-040	AMD	86-09-020	232-12-809	AMD	86-09-024	248-19-480	AMD	86-06-030
220-57A-045	AMD-C	86-03-089	232-28-210	REP-P	86-09-084	248-21-002	AMD-P	86-03-070
220-57A-045	AMD	86-09-020	232-28-211	NEW-P	86-05-050	248-21-002	AMD	86-08-002
220-57A-080	AMD-C	86-03-089	232-28-211	NEW-W	86-06-027	248-29-001	AMD	86-04-031
220-57A-080	AMD	86-09-020	232-28-212	NEW-P	86-09-084	248-29-010	AMD	86-04-031
220-57A-110	AMD-C	86-03-089	232-28-61423	NEW-E	86-05-051	248-29-020	AMD	86-04-031
220-57A-110	AMD	86-09-020	232-28-61502	NEW-E	86-03-002	248-29-030	AMD	86-04-031
220-57A-112	AMD-C	86-03-089	232-28-61506	NEW-E	86-03-018	248-29-040	AMD	86-04-031
220-57A-112	AMD	86-09-020	232-28-61507	NEW-E	86-07-030	248-29-050	AMD	86-04-031
220-57A-120	AMD-C	86-03-089	232-28-61508	NEW-E	86-06-029	248-29-060	AMD	86-04-031
220-57A-120	AMD	86-09-020	232-28-61509	NEW-E	86-08-060	248-29-070	AMD	86-04-031
220-57A-140	AMD-C	86-03-089	232-28-61510	NEW-E	86-08-061	248-29-080	AMD	86-04-031
						248-29-090	AMD	86-04-031



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248-40-040	AMD-P 86-10-074	251-01-165	NEW-P 86-06-052	251-01-355	NEW 86-09-078
248-40-050	AMD-P 86-10-074	251-01-165	NEW 86-09-078	251-01-360	NEW-P 86-06-052
248-100-175	REP 86-05-013	251-01-170	NEW-P 86-06-052	251-01-360	NEW 86-09-078
248-140-010	AMD-P 86-03-070	251-01-170	NEW 86-09-078	251-01-365	NEW-P 86-06-052
248-140-010	AMD 86-08-002	251-01-175	NEW-P 86-06-052	251-01-365	NEW 86-09-078
248-140-140	AMD-P 86-03-070	251-01-175	NEW 86-09-078	251-01-370	NEW-P 86-06-052
248-140-140	AMD 86-08-002	251-01-180	NEW-P 86-06-052	251-01-370	NEW 86-09-078
248-140-150	AMD-P 86-03-070	251-01-180	NEW 86-09-078	251-01-375	NEW-P 86-06-052
248-140-150	AMD 86-08-002	251-01-185	NEW-P 86-06-052	251-01-375	NEW 86-09-078
248-140-220	AMD-P 86-03-070	251-01-185	NEW 86-09-078	251-01-380	NEW-P 86-06-052
248-140-220	AMD 86-08-002	251-01-190	NEW-P 86-06-052	251-01-380	NEW 86-09-078
250-20-021	AMD-P 86-09-033	251-01-190	NEW 86-09-078	251-01-385	NEW-P 86-06-052
250-20-021	AMD-E 86-09-034	251-01-195	NEW-P 86-06-052	251-01-385	NEW 86-09-078
250-40-050	AMD-E 86-04-038	251-01-195	NEW 86-09-078	251-01-390	NEW-P 86-06-052
250-40-050	AMD-E 86-07-041	251-01-200	NEW-P 86-06-052	251-01-390	NEW 86-09-078
250-40-050	AMD-P 86-07-042	251-01-200	NEW 86-09-078	251-01-395	NEW-P 86-06-052
250-40-050	AMD 86-10-014	251-01-205	NEW-P 86-06-052	251-01-395	NEW 86-09-078
251-01-005	NEW-P 86-06-052	251-01-205	NEW 86-09-078	251-01-400	NEW-P 86-06-052
251-01-005	NEW 86-09-078	251-01-210	NEW-P 86-06-052	251-01-400	NEW 86-09-078
251-01-010	NEW-P 86-06-052	251-01-210	NEW 86-09-078	251-01-405	NEW-P 86-06-052
251-01-010	NEW 86-09-078	251-01-215	NEW-P 86-06-052	251-01-405	NEW 86-09-078
251-01-015	NEW-P 86-06-052	251-01-215	NEW 86-09-078	251-01-410	NEW-P 86-06-052
251-01-015	NEW 86-09-078	251-01-220	NEW-P 86-06-052	251-01-410	NEW 86-09-078
251-01-020	NEW-P 86-06-052	251-01-220	NEW 86-09-078	251-01-415	NEW-P 86-06-052
251-01-020	NEW 86-09-078	251-01-225	NEW-P 86-06-052	251-01-415	NEW 86-09-078
251-01-025	NEW-P 86-06-052	251-01-225	NEW 86-09-078	251-01-420	NEW-P 86-06-052
251-01-025	NEW 86-09-078	251-01-230	NEW-P 86-06-052	251-01-420	NEW 86-09-078
251-01-030	NEW-P 86-06-052	251-01-230	NEW 86-09-078	251-01-425	NEW-P 86-06-052
251-01-030	NEW 86-09-078	251-01-235	NEW-P 86-06-052	251-01-425	NEW 86-09-078
251-01-035	NEW-P 86-06-052	251-01-235	NEW 86-09-078	251-01-430	NEW-P 86-06-052
251-01-035	NEW 86-09-078	251-01-240	NEW-P 86-06-052	251-01-430	NEW 86-09-078
251-01-040	NEW-P 86-06-052	251-01-240	NEW 86-09-078	251-01-435	NEW-P 86-06-052
251-01-040	NEW 86-09-078	251-01-245	NEW-P 86-06-052	251-01-435	NEW 86-09-078
251-01-045	NEW-P 86-06-052	251-01-245	NEW 86-09-078	251-01-440	NEW-P 86-06-052
251-01-045	NEW 86-09-078	251-01-250	NEW-P 86-06-052	251-01-440	NEW 86-09-078
251-01-050	NEW-P 86-06-052	251-01-250	NEW 86-09-078	251-01-445	NEW-P 86-06-052
251-01-050	NEW 86-09-078	251-01-255	NEW-P 86-06-052	251-01-445	NEW 86-09-078
251-01-055	NEW-P 86-06-052	251-01-255	NEW 86-09-078	251-01-450	NEW-P 86-06-052
251-01-055	NEW 86-09-078	251-01-260	NEW-P 86-06-052	251-01-450	NEW 86-09-078
251-01-060	NEW-P 86-06-052	251-01-260	NEW 86-09-078	251-01-455	NEW-P 86-06-052
251-01-060	NEW 86-09-078	251-01-265	NEW-P 86-06-052	251-01-455	NEW 86-09-078
251-01-065	NEW-P 86-06-052	251-01-265	NEW 86-09-078	251-01-460	NEW-P 86-06-052
251-01-065	NEW 86-09-078	251-01-270	NEW-P 86-06-052	251-01-460	NEW 86-09-078
251-01-070	NEW-P 86-06-052	251-01-270	NEW 86-09-078	251-04-020	AMD 86-03-081
251-01-070	NEW 86-09-078	251-01-275	NEW-P 86-06-052	251-04-020	AMD-P 86-04-076
251-01-075	NEW-P 86-06-052	251-01-275	NEW 86-09-078	251-04-020	AMD 86-06-034
251-01-075	NEW 86-09-078	251-01-280	NEW-P 86-06-052	251-04-020	REP-P 86-06-052
251-01-080	NEW-P 86-06-052	251-01-280	NEW 86-09-078	251-04-020	REP 86-09-078
251-01-080	NEW 86-09-078	251-01-285	NEW-P 86-06-052	251-04-050	AMD-P 86-06-052
251-01-085	NEW-P 86-06-052	251-01-285	NEW 86-09-078	251-04-050	AMD 86-09-077
251-01-085	NEW 86-09-078	251-01-290	NEW-P 86-06-052	251-09-020	AMD-W 86-08-091
251-01-100	NEW-P 86-06-052	251-01-290	NEW 86-09-078	251-09-030	AMD-W 86-08-091
251-01-100	NEW 86-09-078	251-01-295	NEW-P 86-06-052	251-09-030	AMD-P 86-08-102
251-01-105	NEW-P 86-06-052	251-01-295	NEW 86-09-078	251-10-025	AMD-P 86-10-066
251-01-105	NEW 86-09-078	251-01-300	NEW-P 86-06-052	251-10-105	NEW 86-06-033
251-01-110	NEW-P 86-06-052	251-01-300	NEW 86-09-078	251-10-110	AMD-C 86-04-011
251-01-110	NEW 86-09-078	251-01-305	NEW-P 86-06-052	251-10-110	AMD 86-06-033
251-01-115	NEW-P 86-06-052	251-01-305	NEW 86-09-078	251-10-110	AMD-W 86-08-091
251-01-115	NEW 86-09-078	251-01-310	NEW-P 86-06-052	251-10-111	NEW 86-06-033
251-01-120	NEW-P 86-06-052	251-01-310	NEW 86-09-078	251-10-115	NEW-W 86-08-091
251-01-120	NEW 86-09-078	251-01-315	NEW-P 86-06-052	251-10-120	AMD-W 86-08-091
251-01-125	NEW-P 86-06-052	251-01-315	NEW 86-09-078	251-14-050	AMD-P 86-04-077
251-01-125	NEW 86-09-078	251-01-320	NEW-P 86-06-052	251-14-050	AMD-P 86-04-078
251-01-130	NEW-P 86-06-052	251-01-320	NEW 86-09-078	251-14-050	AMD-C 86-08-038
251-01-130	NEW 86-09-078	251-01-325	NEW-P 86-06-052	251-14-050	AMD 86-09-076
251-01-135	NEW-P 86-06-052	251-01-325	NEW 86-09-078	251-14-060	AMD-P 86-04-078
251-01-135	NEW 86-09-078	251-01-330	NEW-P 86-06-052	251-14-060	AMD-C 86-08-038
251-01-140	NEW-P 86-06-052	251-01-330	NEW 86-09-078	251-14-060	AMD 86-09-076
251-01-140	NEW 86-09-078	251-01-335	NEW-P 86-06-052	251-14-080	AMD-W 86-08-091
251-01-145	NEW-P 86-06-052	251-01-335	NEW 86-09-078	251-14-080	AMD-P 86-10-064
251-01-145	NEW 86-09-078	251-01-340	NEW-P 86-06-052	251-14-080	AMD-P 86-10-065
251-01-150	NEW-P 86-06-052	251-01-340	NEW 86-09-078	251-14-082	NEW-W 86-08-091
251-01-150	NEW 86-09-078	251-01-345	NEW-P 86-06-052	251-14-082	NEW-P 86-10-064
251-01-155	NEW-P 86-06-052	251-01-345	NEW 86-09-078	251-14-083	NEW-W 86-08-091
251-01-155	NEW 86-09-078	251-01-350	NEW-P 86-06-052	251-14-083	NEW-P 86-10-064
251-01-160	NEW-P 86-06-052	251-01-350	NEW 86-09-078	251-14-084	NEW-W 86-08-091
251-01-160	NEW 86-09-078	251-01-355	NEW-P 86-06-052	251-14-084	NEW-P 86-10-065

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251-14-085	NEW-W	86-08-091	260-36-020	AMD-P	86-04-042	263-16-080	REP	86-03-021
251-14-085	NEW-P	86-10-064	260-36-020	AMD-E	86-05-017	263-16-090	REP	86-03-021
251-14-086	NEW-W	86-08-091	260-36-020	AMD	86-09-072	275-26-020	AMD-E	86-04-074
251-14-086	NEW-P	86-10-064	260-36-030	AMD-P	86-04-042	275-26-020	AMD-P	86-04-075
251-14-087	NEW-W	86-08-091	260-36-030	AMD-E	86-05-017	275-26-020	AMD	86-08-003
251-14-087	NEW-P	86-10-064	260-36-030	AMD	86-09-072	286-16-080	AMD-E	86-08-074
251-14-090	AMD-W	86-08-091	260-36-040	AMD-P	86-04-042	289-15-225	AMD-P	86-05-038
251-18-035	AMD	86-06-034	260-36-040	AMD-E	86-05-017	289-15-225	AMD	86-09-070
251-18-041	AMD	86-03-081	260-36-040	AMD	86-09-072	296-15-010	AMD-P	86-09-094
251-18-060	AMD	86-06-034	260-36-080	AMD-P	86-04-042	296-15-020	AMD-P	86-09-094
251-18-180	AMD	86-03-081	260-36-080	AMD-E	86-05-017	296-15-023	AMD-P	86-09-094
251-18-240	AMD	86-06-034	260-36-080	AMD	86-09-072	296-15-025	AMD-P	86-09-094
251-18-250	REP	86-06-034	260-40-100	AMD-P	86-04-042	296-15-030	AMD-P	86-09-094
251-18-390	REP	86-06-034	260-40-100	AMD-E	86-05-017	296-15-060	AMD-P	86-09-094
251-22-040	AMD-P	86-04-079	260-40-100	AMD	86-09-072	296-15-070	AMD-P	86-09-094
251-22-040	AMD	86-08-037	260-48-035	NEW-P	86-04-042	296-15-080	AMD-P	86-09-094
251-23-010	NEW	86-06-034	260-48-035	NEW-E	86-05-017	296-15-090	AMD-P	86-09-094
251-23-020	NEW	86-06-034	260-48-035	NEW	86-09-072	296-15-100	AMD-P	86-09-094
251-23-030	NEW	86-06-034	260-70-010	AMD-P	86-04-042	296-15-110	AMD-P	86-09-094
251-23-040	NEW	86-06-034	260-70-010	AMD	86-09-072	296-15-120	AMD-P	86-09-094
251-23-050	NEW	86-06-034	261-02-050	NEW-P	86-08-077	296-15-135	NEW-P	86-09-094
251-23-060	NEW	86-06-034	261-02-060	NEW-P	86-08-077	296-15-150	AMD-P	86-09-094
251-25-010	NEW-P	86-10-066	261-10-080	AMD-P	86-08-077	296-15-160	AMD-P	86-09-094
251-25-020	NEW-P	86-10-066	261-12-090	NEW-P	86-08-077	296-15-180	AMD-P	86-09-094
251-25-030	NEW-P	86-10-066	261-14-090	NEW-P	86-08-077	296-15-200	AMD-P	86-09-094
251-25-040	NEW-P	86-10-066	261-20-040	AMD-P	86-08-077	296-15-21002	AMD-P	86-09-094
251-25-050	NEW-P	86-10-066	261-20-045	AMD-P	86-08-077	296-15-240	AMD-P	86-09-094
260-12-160	AMD-P	86-04-042	261-20-090	AMD-P	86-08-077	296-17	AMD-C	86-03-062
260-13-010	NEW-P	86-09-092	261-40-135	AMD-P	86-08-077	296-17-310	AMD-P	86-08-083
260-13-020	NEW-P	86-09-092	261-40-140	AMD-P	86-08-077	296-17-320	AMD-P	86-08-083
260-13-030	NEW-P	86-09-092	261-40-145	AMD-P	86-08-077	296-17-420	AMD-P	86-08-083
260-13-040	NEW-P	86-09-092	261-40-150	AMD-P	86-10-060	296-17-505	AMD-P	86-08-083
260-13-050	NEW-P	86-09-092	261-40-170	AMD-P	86-08-077	296-17-520	AMD-P	86-08-083
260-13-060	NEW-P	86-09-092	261-40-200	AMD-P	86-08-077	296-17-52103	NEW-P	86-08-083
260-13-070	NEW-P	86-09-092	261-40-201	AMD-P	86-08-077	296-17-52104	NEW-P	86-08-083
260-13-080	NEW-P	86-09-092	261-40-220	AMD-P	86-08-077	296-17-536	AMD-P	86-08-083
260-13-090	NEW-P	86-09-092	261-40-250	NEW-P	86-08-077	296-17-53805	AMD-P	86-08-083
260-13-100	NEW-P	86-09-092	261-40-315	AMD-P	86-08-077	296-17-555	AMD-P	86-08-083
260-13-110	NEW-P	86-09-092	261-40-400	AMD-P	86-08-077	296-17-632	REP-P	86-08-083
260-13-120	NEW-P	86-09-092	261-40-405	AMD-P	86-08-077	296-17-64902	AMD-P	86-08-083
260-13-130	NEW-P	86-09-092	261-40-410	AMD-P	86-08-077	296-17-659	AMD-P	86-08-083
260-13-140	NEW-P	86-09-092	261-40-435	AMD-P	86-08-077	296-17-677	AMD-P	86-08-083
260-13-150	NEW-P	86-09-092	261-40-470	AMD-P	86-08-077	296-17-693	AMD-P	86-08-083
260-13-160	NEW-P	86-09-092	261-40-480	AMD-P	86-08-077	296-17-694	AMD-P	86-08-083
260-13-170	NEW-P	86-09-092	261-40-485	AMD-P	86-08-077	296-17-708	AMD-P	86-08-083
260-13-180	NEW-P	86-09-092	261-40-490	AMD-P	86-08-077	296-17-710	AMD-P	86-08-083
260-13-190	NEW-P	86-09-092	261-50-030	AMD-P	86-10-046	296-17-761	AMD-P	86-08-083
260-13-200	NEW-P	86-09-092	261-50-040	AMD-P	86-10-046	296-17-850	AMD-P	86-08-083
260-13-210	NEW-P	86-09-092	261-50-045	AMD-P	86-10-046	296-17-875	AMD-P	86-08-083
260-13-220	NEW-P	86-09-092	261-50-090	AMD-P	86-10-046	296-17-885	AMD-P	86-08-083
260-13-230	NEW-P	86-09-092	263-12-007	AMD	86-03-021	296-17-895	AMD-P	86-08-083
260-13-240	NEW-P	86-09-092	263-12-015	AMD	86-03-021	296-17-904	AMD	86-06-018
260-13-250	NEW-P	86-09-092	263-12-016	AMD	86-03-021	296-17-904	AMD-E	86-07-011
260-13-260	NEW-P	86-09-092	263-12-017	NEW	86-03-021	296-17-911	AMD	86-06-018
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260-13-280	NEW-P	86-09-092	263-12-019	NEW	86-03-021	296-17-914	AMD	86-06-018
260-13-290	NEW-P	86-09-092	263-12-050	AMD	86-03-021	296-17-914	AMD-E	86-07-011
260-13-300	NEW-P	86-09-092	263-12-056	AMD	86-03-021	296-17-916	AMD	86-06-018
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260-13-320	NEW-P	86-09-092	263-12-098	NEW-C	86-03-023	296-17-917	AMD	86-06-018
260-13-330	NEW-P	86-09-092	263-12-098	NEW-W	86-05-007	296-17-917	AMD-E	86-07-011
260-13-340	NEW-P	86-09-092	263-12-125	AMD	86-03-021	296-17-919	AMD	86-06-018
260-13-350	NEW-P	86-09-092	263-12-145	AMD	86-03-021	296-17-919	AMD-E	86-07-011
260-13-360	NEW-P	86-09-092	263-12-145	AMD-E	86-03-022	296-17-91901	AMD	86-06-018
260-13-370	NEW-P	86-09-092	263-12-150	AMD	86-03-021	296-17-91901	AMD-E	86-07-011
260-13-380	NEW-P	86-09-092	263-12-150	AMD-E	86-03-022	296-17-91902	AMD	86-06-018
260-13-390	NEW-P	86-09-092	263-12-170	AMD	86-03-021	296-17-91902	AMD-E	86-07-011
260-13-400	NEW-P	86-09-092	263-12-180	AMD	86-03-021	296-17-91903	NEW	86-06-018
260-13-410	NEW-P	86-09-092	263-12-190	AMD	86-03-021	296-17-91903	NEW-E	86-07-011
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296-22-145	AMD	86-06-032	296-22-290	AMD-C	86-04-036	296-22-465	AMD-C	86-03-050
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296-23-204	AMD-C	86-03-050	296-23-50009	AMD-C	86-03-050	296-52-040	REP-P	86-05-026
296-23-204	AMD-C	86-04-036	296-23-50009	AMD-C	86-04-036	296-52-040	REP	86-10-044
296-23-204	AMD	86-06-032	296-23-50009	AMD	86-06-032	296-52-043	REP-P	86-05-026
296-23-208	AMD-C	86-03-050	296-23-50012	AMD-C	86-03-050	296-52-043	REP	86-10-044
296-23-208	AMD-C	86-04-036	296-23-50012	AMD-C	86-04-036	296-52-050	REP-P	86-05-026
296-23-208	AMD	86-06-032	296-23-50012	AMD	86-06-032	296-52-050	REP	86-10-044
296-23-212	AMD-C	86-03-050	296-23-50013	AMD-C	86-03-050	296-52-060	REP-P	86-05-026
296-23-212	AMD-C	86-04-036	296-23-50013	AMD-C	86-04-036	296-52-060	REP	86-10-044
296-23-212	AMD	86-06-032	296-23-50013	AMD	86-06-032	296-52-080	REP-P	86-05-026
296-23-216	AMD-C	86-03-050	296-23-50014	AMD-C	86-03-050	296-52-080	REP	86-10-044
296-23-216	AMD-C	86-04-036	296-23-50014	AMD-C	86-04-036	296-52-090	REP-P	86-05-026
296-23-216	AMD	86-06-032	296-23-50014	AMD	86-06-032	296-52-090	REP	86-10-044
296-23-221	AMD-C	86-03-050	296-23-50016	NEW-C	86-03-050	296-52-095	REP-P	86-05-026
296-23-221	AMD-C	86-04-036	296-23-50016	NEW-C	86-04-036	296-52-095	REP	86-10-044
296-23-221	AMD	86-06-032	296-23-50016	NEW	86-06-032	296-52-100	REP-P	86-05-026
296-23-224	AMD-C	86-03-050	296-23-710	AMD-C	86-03-050	296-52-100	REP	86-10-044
296-23-224	AMD-C	86-04-036	296-23-710	AMD-C	86-04-036	296-52-110	REP-P	86-05-026
296-23-224	AMD	86-06-032	296-23-710	AMD	86-06-032	296-52-110	REP	86-10-044
296-23-228	AMD-C	86-03-050	296-23-720	AMD-C	86-03-050	296-52-120	REP-P	86-05-026
296-23-228	AMD-C	86-04-036	296-23-720	AMD-C	86-04-036	296-52-120	REP	86-10-044
296-23-228	AMD	86-06-032	296-23-720	AMD	86-06-032	296-52-140	REP-P	86-05-026
296-23-232	AMD-C	86-03-050	296-23-725	AMD-C	86-03-050	296-52-140	REP	86-10-044
296-23-232	AMD-C	86-04-036	296-23-725	AMD-C	86-04-036	296-52-150	REP-P	86-05-026
296-23-232	AMD	86-06-032	296-23-725	AMD	86-06-032	296-52-150	REP	86-10-044
296-23-301	AMD-C	86-03-050	296-23-910	AMD-C	86-03-050	296-52-160	REP-P	86-05-026
296-23-301	AMD	86-04-036	296-23-910	AMD-C	86-04-036	296-52-160	REP	86-10-044
296-23-421	AMD-C	86-03-050	296-23-910	AMD	86-06-032	296-52-165	REP-P	86-05-026
296-23-421	AMD-C	86-04-036	296-23-940	REP-C	86-03-050	296-52-165	REP	86-10-044
296-23-421	AMD	86-06-032	296-23-940	REP-C	86-04-036	296-52-167	REP-P	86-05-026
296-23-430	AMD-C	86-03-050	296-23-940	REP	86-06-032	296-52-167	REP	86-10-044
296-23-430	AMD-C	86-04-036	296-23-9401	REP-C	86-03-050	296-52-170	REP-P	86-05-026
296-23-430	AMD	86-06-032	296-23-9401	REP-C	86-04-036	296-52-170	REP	86-10-044
296-23-440	AMD-C	86-03-050	296-23-9401	REP	86-06-032	296-52-180	REP-P	86-05-026
296-23-440	AMD-C	86-04-036	296-23-9402	REP-C	86-03-050	296-52-180	REP	86-10-044
296-23-440	AMD	86-06-032	296-23-9402	REP-C	86-04-036	296-52-190	REP-P	86-05-026
296-23-450	AMD-C	86-03-050	296-23-9402	REP	86-06-032	296-52-190	REP	86-10-044
296-23-450	AMD-C	86-04-036	296-23-9403	REP-C	86-03-050	296-52-200	REP-P	86-05-026
296-23-450	AMD	86-06-032	296-23-9403	REP-C	86-04-036	296-52-200	REP	86-10-044
296-23-460	AMD-C	86-03-050	296-23-9403	REP	86-06-032	296-52-220	REP-P	86-05-026
296-23-460	AMD-C	86-04-036	296-23-9409	REP-C	86-03-050	296-52-220	REP	86-10-044
296-23-460	AMD	86-06-032	296-23-9409	REP-C	86-04-036	296-52-230	REP-P	86-05-026
296-23-470	AMD-C	86-03-050	296-23-9409	REP	86-06-032	296-52-230	REP	86-10-044
296-23-470	AMD-C	86-04-036	296-23-9410	REP-C	86-03-050	296-52-260	REP-P	86-05-026
296-23-470	AMD	86-06-032	296-23-9410	REP-C	86-04-036	296-52-260	REP	86-10-044
296-23-480	AMD-C	86-03-050	296-23-9410	REP	86-06-032	296-52-270	REP-P	86-05-026
296-23-480	AMD-C	86-04-036	296-23-950	NEW-C	86-03-050	296-52-270	REP	86-10-044
296-23-480	AMD	86-06-032	296-23-950	NEW-C	86-04-036	296-52-330	REP-P	86-05-026
296-23-485	NEW-C	86-03-050	296-23-950	NEW	86-06-032	296-52-330	REP	86-10-044
296-23-485	NEW-C	86-04-036	296-23-960	NEW-C	86-03-050	296-52-350	REP-P	86-05-026
296-23-485	NEW	86-06-032	296-23-960	NEW-C	86-04-036	296-52-350	REP	86-10-044
296-23-490	AMD-C	86-03-050	296-23-960	NEW	86-06-032	296-52-360	REP-P	86-05-026
296-23-490	AMD-C	86-04-036	296-23-970	NEW-C	86-03-050	296-52-360	REP	86-10-044
296-23-490	AMD	86-06-032	296-23-970	NEW-C	86-04-036	296-52-370	REP-P	86-05-026
296-23-495	AMD-C	86-03-050	296-23-970	NEW	86-06-032	296-52-370	REP	86-10-044
296-23-495	AMD-C	86-04-036	296-23-980	NEW-C	86-03-050	296-52-380	REP-P	86-05-026
296-23-495	AMD	86-06-032	296-23-980	NEW-C	86-04-036	296-52-380	REP	86-10-044
296-23-50001	AMD-C	86-03-050	296-23-980	NEW	86-06-032	296-52-390	REP-P	86-05-026
296-23-50001	AMD-C	86-04-036	296-24-21705	AMD	86-03-064	296-52-390	REP	86-10-044
296-23-50001	AMD	86-06-032	296-24-21707	AMD	86-03-064	296-52-400	REP-P	86-05-026
296-23-50002	AMD-C	86-03-050	296-24-21711	AMD	86-03-064	296-52-400	REP	86-10-044
296-23-50002	AMD-C	86-04-036	296-27-090	AMD	86-03-064	296-52-401	NEW-P	86-05-026
296-23-50002	AMD	86-06-032	296-27-15501	NEW	86-03-064	296-52-401	NEW	86-10-044
296-23-50003	AMD-C	86-03-050	296-27-15503	NEW	86-03-064	296-52-405	NEW-P	86-05-026
296-23-50003	AMD-C	86-04-036	296-27-15505	NEW	86-03-064	296-52-405	NEW	86-10-044
296-23-50003	AMD	86-06-032	296-27-16009	AMD	86-03-064	296-52-409	NEW-P	86-05-026
296-23-50004	AMD-C	86-03-050	296-52-010	REP-P	86-05-026	296-52-409	NEW	86-10-044
296-23-50004	AMD-C	86-04-036	296-52-010	REP	86-10-044	296-52-413	NEW-P	86-05-026

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-52-413	NEW	86-10-044	296-56-60073	AMD	86-03-064	296-56-99001	REP	86-03-064
296-52-417	NEW-P	86-05-026	296-56-60075	AMD	86-03-064	296-56-99002	AMD	86-03-064
296-52-417	NEW	86-10-044	296-56-60077	AMD	86-03-064	296-56-99003	AMD	86-03-064
296-52-421	NEW-P	86-05-026	296-56-60079	AMD	86-03-064	296-56-99004	REP	86-03-064
296-52-421	NEW	86-10-044	296-56-60081	AMD	86-03-064	296-56-99005	REP	86-03-064
296-52-425	NEW-P	86-05-026	296-56-60083	AMD	86-03-064	296-56-99006	REP	86-03-064
296-52-425	NEW	86-10-044	296-56-60085	AMD	86-03-064	296-62-05403	AMD-P	86-06-051
296-52-429	NEW-P	86-05-026	296-56-60087	AMD	86-03-064	296-62-05403	AMD-C	86-10-001
296-52-429	NEW	86-10-044	296-56-60089	AMD	86-03-064	296-62-05403	AMD-C	86-10-035
296-52-433	NEW-P	86-05-026	296-56-60091	AMD	86-03-064	296-62-05405	AMD-P	86-06-051
296-52-433	NEW	86-10-044	296-56-60093	AMD	86-03-064	296-62-05405	AMD-C	86-10-001
296-52-437	NEW-P	86-05-026	296-56-60095	AMD	86-03-064	296-62-05405	AMD-C	86-10-035
296-52-437	NEW	86-10-044	296-56-60097	AMD	86-03-064	296-62-05407	AMD-P	86-06-051
296-52-441	NEW-P	86-05-026	296-56-60098	AMD	86-03-064	296-62-05407	AMD-C	86-10-001
296-52-441	NEW	86-10-044	296-56-60101	AMD	86-03-064	296-62-05407	AMD-C	86-10-035
296-52-445	NEW-P	86-05-026	296-56-60103	AMD	86-03-064	296-62-05413	AMD-P	86-06-051
296-52-445	NEW	86-10-044	296-56-60107	AMD	86-03-064	296-62-05413	AMD-C	86-10-001
296-52-449	NEW-P	86-05-026	296-56-60109	AMD	86-03-064	296-62-05413	AMD-C	86-10-035
296-52-449	NEW	86-10-044	296-56-60110	AMD	86-03-064	296-62-05415	AMD-P	86-06-051
296-52-453	NEW-P	86-05-026	296-56-60111	AMD	86-03-064	296-62-05415	AMD-C	86-10-001
296-52-453	NEW	86-10-044	296-56-60113	AMD	86-03-064	296-62-05415	AMD-C	86-10-035
296-52-457	NEW-P	86-05-026	296-56-60115	AMD	86-03-064	296-62-05417	AMD-P	86-06-051
296-52-457	NEW	86-10-044	296-56-60117	AMD	86-03-064	296-62-05417	AMD-C	86-10-001
296-52-461	NEW-P	86-05-026	296-56-60119	AMD	86-03-064	296-62-05417	AMD-C	86-10-035
296-52-461	NEW	86-10-044	296-56-60121	AMD	86-03-064	296-62-05425	AMD-P	86-06-051
296-52-465	NEW-P	86-05-026	296-56-60122	NEW	86-03-064	296-62-05425	AMD-C	86-10-001
296-52-465	NEW	86-10-044	296-56-60123	AMD	86-03-064	296-62-05425	AMD-C	86-10-035
296-52-469	NEW-P	86-05-026	296-56-60125	AMD	86-03-064	296-62-05427	NEW-P	86-06-051
296-52-469	NEW	86-10-044	296-56-60127	AMD	86-03-064	296-62-05427	NEW-C	86-10-001
296-52-473	NEW-P	86-05-026	296-56-60129	AMD	86-03-064	296-62-05427	NEW-C	86-10-035
296-52-473	NEW	86-10-044	296-56-60131	AMD	86-03-064	296-64-400	REP-P	86-06-051
296-52-477	NEW-P	86-05-026	296-56-60133	AMD	86-03-064	296-64-405	REP-P	86-06-051
296-52-477	NEW	86-10-044	296-56-60135	AMD	86-03-064	296-64-410	REP-P	86-06-051
296-52-481	NEW-P	86-05-026	296-56-60139	AMD	86-03-064	296-64-415	REP-P	86-06-051
296-52-481	NEW	86-10-044	296-56-60141	AMD	86-03-064	296-64-420	REP-P	86-06-051
296-52-485	NEW-P	86-05-026	296-56-60143	AMD	86-03-064	296-64-425	REP-P	86-06-051
296-52-485	NEW	86-10-044	296-56-60145	AMD	86-03-064	296-81-007	AMD	86-03-024
296-52-489	NEW-P	86-05-026	296-56-60147	AMD	86-03-064	296-81-010	AMD	86-03-024
296-52-489	NEW	86-10-044	296-56-60151	AMD	86-03-064	296-81-260	AMD	86-03-024
296-52-493	NEW-P	86-05-026	296-56-60153	AMD	86-03-064	296-83-010	REP	86-03-025
296-52-493	NEW	86-10-044	296-56-60155	AMD	86-03-064	296-83-015	REP	86-03-025
296-52-497	NEW-P	86-05-026	296-56-60157	AMD	86-03-064	296-83-020	REP	86-03-025
296-52-497	NEW	86-10-044	296-56-60159	AMD	86-03-064	296-83-025	REP	86-03-025
296-52-501	NEW-P	86-05-026	296-56-60161	AMD	86-03-064	296-83-030	REP	86-03-025
296-52-501	NEW	86-10-044	296-56-60167	AMD	86-03-064	296-83-035	REP	86-03-025
296-52-505	NEW-P	86-05-026	296-56-60169	AMD	86-03-064	296-83-040	REP	86-03-025
296-52-505	NEW	86-10-044	296-56-60171	AMD	86-03-064	296-83-045	REP	86-03-025
296-52-509	NEW-P	86-05-026	296-56-60180	AMD	86-03-064	296-83-050	REP	86-03-025
296-52-509	NEW	86-10-044	296-56-60183	AMD	86-03-064	296-83-055	REP	86-03-025
296-56-60001	AMD	86-03-064	296-56-60189	AMD	86-03-064	296-83-060	REP	86-03-025
296-56-60003	AMD	86-03-064	296-56-60191	AMD	86-03-064	296-83-065	REP	86-03-025
296-56-60005	AMD	86-03-064	296-56-60193	AMD	86-03-064	296-83-070	REP	86-03-025
296-56-60007	AMD	86-03-064	296-56-60195	AMD	86-03-064	296-83-075	REP	86-03-025
296-56-60009	AMD	86-03-064	296-56-60199	AMD	86-03-064	296-83-080	REP	86-03-025
296-56-60011	AMD	86-03-064	296-56-60201	AMD	86-03-064	296-83-085	REP	86-03-025
296-56-60017	AMD	86-03-064	296-56-60205	AMD	86-03-064	296-86-020	AMD	86-03-026
296-56-60019	AMD	86-03-064	296-56-60207	AMD	86-03-064	296-86-030	AMD	86-03-026
296-56-60023	AMD	86-03-064	296-56-60209	AMD	86-03-064	296-86-060	AMD	86-03-026
296-56-60025	AMD	86-03-064	296-56-60211	AMD	86-03-064	296-86-070	AMD	86-03-026
296-56-60027	AMD	86-03-064	296-56-60215	AMD	86-03-064	296-86-075	AMD	86-03-026
296-56-60029	AMD	86-03-064	296-56-60217	AMD	86-03-064	296-87-001	NEW	86-03-033
296-56-60031	AMD	86-03-064	296-56-60219	AMD	86-03-064	296-87-020	AMD	86-03-033
296-56-60037	AMD	86-03-064	296-56-60221	AMD	86-03-064	296-87-040	AMD	86-03-033
296-56-60039	AMD	86-03-064	296-56-60223	AMD	86-03-064	296-87-060	AMD	86-03-033
296-56-60041	AMD	86-03-064	296-56-60229	AMD	86-03-064	296-87-080	AMD	86-03-033
296-56-60043	AMD	86-03-064	296-56-60231	AMD	86-03-064	296-87-120	AMD	86-03-033
296-56-60049	AMD	86-03-064	296-56-60233	AMD	86-03-064	296-88-001	REP	86-03-027
296-56-60051	AMD	86-03-064	296-56-60235	AMD	86-03-064	296-88-010	REP	86-03-027
296-56-60053	AMD	86-03-064	296-56-60237	AMD	86-03-064	296-88-020	REP	86-03-027
296-56-60055	AMD	86-03-064	296-56-60239	AMD	86-03-064	296-88-030	REP	86-03-027
296-56-60057	AMD	86-03-064	296-56-60241	AMD	86-03-064	296-88-040	REP	86-03-027
296-56-60059	AMD	86-03-064	296-56-60243	AMD	86-03-064	296-88-050	REP	86-03-027
296-56-60060	AMD	86-03-064	296-56-60245	AMD	86-03-064	296-88-060	REP	86-03-027
296-56-60062	AMD	86-03-064	296-56-60249	AMD	86-03-064	296-88-070	REP	86-03-027
296-56-60065	AMD	86-03-064	296-56-60251	AMD	86-03-064	296-88-080	REP	86-03-027
296-56-60067	AMD	86-03-064	296-56-60253	AMD	86-03-064	296-88-090	REP	86-03-027
296-56-60069	AMD	86-03-064	296-56-990	REP	86-03-064	296-88-100	REP	86-03-027

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-88-110	REP	86-03-027	296-127-180	NEW	86-03-063	296-132-302	REP	86-08-015
296-88-120	REP	86-03-027	296-127-190	NEW	86-03-063	296-132-306	REP-P	86-05-027
296-88-130	REP	86-03-027	296-127-200	NEW	86-03-063	296-132-306	REP	86-08-015
296-90-010	REP	86-03-028	296-127-210	NEW	86-03-063	296-132-311	REP-P	86-05-027
296-90-020	REP	86-03-028	296-127-220	NEW	86-03-063	296-132-311	REP	86-08-015
296-90-030	REP	86-03-028	296-127-300	NEW	86-03-063	296-132-316	REP-P	86-05-027
296-90-040	REP	86-03-028	296-127-310	NEW	86-03-063	296-132-316	REP	86-08-015
296-90-050	REP	86-03-028	296-127-320	NEW	86-03-063	296-132-350	REP-P	86-05-027
296-90-060	REP	86-03-028	296-132-005	REP-P	86-05-027	296-132-350	REP	86-08-015
296-90-070	REP	86-03-028	296-132-005	REP	86-08-015	296-132-360	REP-P	86-05-027
296-90-080	REP	86-03-028	296-132-010	REP-P	86-05-027	296-132-360	REP	86-08-015
296-90-090	REP	86-03-028	296-132-010	REP	86-08-015	296-132-370	REP-P	86-05-027
296-92-010	REP	86-03-029	296-132-015	REP-P	86-05-027	296-132-370	REP	86-08-015
296-92-020	REP	86-03-029	296-132-015	REP	86-08-015	296-132-380	REP-P	86-05-027
296-92-030	REP	86-03-029	296-132-050	REP-P	86-05-027	296-132-380	REP	86-08-015
296-92-040	REP	86-03-029	296-132-050	REP	86-08-015	296-150A-300	AMD-E	86-08-071
296-92-050	REP	86-03-029	296-132-055	REP-P	86-05-027	296-155-003	AMD-C	86-03-073
296-92-060	REP	86-03-029	296-132-055	REP	86-08-015	296-155-003	AMD	86-03-074
296-92-070	REP	86-03-029	296-132-060	REP-P	86-05-027	296-155-005	AMD-C	86-03-073
296-92-080	REP	86-03-029	296-132-060	REP	86-08-015	296-155-005	AMD	86-03-074
296-92-090	REP	86-03-029	296-132-065	REP-P	86-05-027	296-155-009	NEW-C	86-03-073
296-92-100	REP	86-03-029	296-132-065	REP	86-08-015	296-155-009	NEW	86-03-074
296-92-110	REP	86-03-029	296-132-100	REP-P	86-05-027	296-155-010	AMD-C	86-03-073
296-93-010	AMD	86-03-030	296-132-100	REP	86-08-015	296-155-010	AMD	86-03-074
296-93-050	AMD	86-03-030	296-132-105	REP-P	86-05-027	296-155-012	AMD-C	86-03-073
296-93-060	REP	86-03-030	296-132-105	REP	86-08-015	296-155-012	AMD	86-03-074
296-93-070	AMD	86-03-030	296-132-110	REP-P	86-05-027	296-155-020	AMD-C	86-03-073
296-93-110	REP	86-03-030	296-132-110	REP	86-08-015	296-155-020	AMD	86-03-074
296-93-120	AMD	86-03-030	296-132-115	REP-P	86-05-027	296-155-035	AMD-C	86-03-073
296-93-130	REP	86-03-030	296-132-115	REP	86-08-015	296-155-035	AMD	86-03-074
296-93-170	AMD	86-03-030	296-132-120	REP-P	86-05-027	296-155-100	AMD-C	86-03-073
296-93-180	REP	86-03-030	296-132-120	REP	86-08-015	296-155-100	AMD	86-03-074
296-93-200	AMD	86-03-030	296-132-125	REP-P	86-05-027	296-155-110	AMD-C	86-03-073
296-93-210	AMD	86-03-030	296-132-125	REP	86-08-015	296-155-110	AMD	86-03-074
296-93-220	AMD	86-03-030	296-132-130	REP-P	86-05-027	296-155-120	AMD-C	86-03-073
296-93-230	AMD	86-03-030	296-132-130	REP	86-08-015	296-155-120	AMD	86-03-074
296-94-010	NEW	86-03-032	296-132-135	REP-P	86-05-027	296-155-125	AMD-C	86-03-073
296-94-020	NEW	86-03-032	296-132-135	REP	86-08-015	296-155-125	AMD	86-03-074
296-94-030	NEW	86-03-032	296-132-140	REP-P	86-05-027	296-155-130	AMD-C	86-03-073
296-94-040	NEW	86-03-032	296-132-140	REP	86-08-015	296-155-130	AMD	86-03-074
296-94-050	NEW	86-03-032	296-132-145	REP-P	86-05-027	296-155-140	AMD-C	86-03-073
296-94-060	NEW	86-03-032	296-132-145	REP	86-08-015	296-155-140	AMD	86-03-074
296-94-070	NEW	86-03-032	296-132-150	REP-P	86-05-027	296-155-155	AMD-C	86-03-073
296-94-080	NEW	86-03-032	296-132-150	REP	86-08-015	296-155-155	AMD	86-03-074
296-94-090	NEW	86-03-032	296-132-151	REP-P	86-05-027	296-155-160	AMD-C	86-03-073
296-94-100	NEW	86-03-032	296-132-151	REP	86-08-015	296-155-160	AMD	86-03-074
296-94-110	NEW	86-03-032	296-132-152	REP-P	86-05-027	296-155-165	AMD-C	86-03-073
296-94-120	NEW	86-03-032	296-132-152	REP	86-08-015	296-155-165	AMD	86-03-074
296-94-130	NEW	86-03-032	296-132-155	REP-P	86-05-027	296-155-200	AMD-C	86-03-073
296-94-140	NEW	86-03-032	296-132-155	REP	86-08-015	296-155-200	AMD	86-03-074
296-94-150	NEW	86-03-032	296-132-160	REP-P	86-05-027	296-155-201	AMD-C	86-03-073
296-94-160	NEW	86-03-032	296-132-160	REP	86-08-015	296-155-201	AMD	86-03-074
296-94-170	NEW	86-03-032	296-132-200	REP-P	86-05-027	296-155-203	NEW-C	86-03-073
296-94-180	NEW	86-03-032	296-132-200	REP	86-08-015	296-155-203	NEW	86-03-074
296-94-190	NEW	86-03-032	296-132-205	REP-P	86-05-027	296-155-20301	NEW-C	86-03-073
296-94-200	NEW	86-03-032	296-132-205	REP	86-08-015	296-155-20301	NEW	86-03-074
296-94-210	NEW	86-03-032	296-132-210	REP-P	86-05-027	296-155-20303	NEW-C	86-03-073
296-94-220	NEW	86-03-032	296-132-210	REP	86-08-015	296-155-20305	NEW-C	86-03-073
296-94-230	NEW	86-03-032	296-132-215	REP-P	86-05-027	296-155-20307	NEW-C	86-03-073
296-94-240	NEW	86-03-032	296-132-215	REP	86-08-015	296-155-20307	NEW	86-03-074
296-94-250	NEW	86-03-032	296-132-220	REP-P	86-05-027	296-155-205	AMD-C	86-03-073
296-100-001	NEW	86-03-031	296-132-220	REP	86-08-015	296-155-205	AMD	86-03-074
296-100-050	NEW	86-03-031	296-132-225	REP-P	86-05-027	296-155-211	NEW-C	86-03-073
296-100-060	NEW	86-03-031	296-132-225	REP	86-08-015	296-155-211	NEW	86-03-074
296-104-210	AMD-P	86-04-060	296-132-226	REP-P	86-05-027	296-155-212	AMD-C	86-03-073
296-104-210	AMD	86-07-064	296-132-226	REP	86-08-015	296-155-212	AMD	86-03-074
296-104-500	AMD	86-04-059	296-132-250	REP-P	86-05-027	296-155-225	AMD-C	86-03-073
296-104-501	NEW	86-04-059	296-132-250	REP	86-08-015	296-155-225	AMD	86-03-074
296-104-515	AMD	86-04-059	296-132-255	REP-P	86-05-027	296-155-230	AMD-C	86-03-073
296-116-080	AMD	86-07-010	296-132-255	REP	86-08-015	296-155-230	AMD	86-03-074
296-127-010	AMD	86-03-063	296-132-260	REP-P	86-05-027	296-155-250	AMD-C	86-03-073
296-127-020	AMD	86-03-063	296-132-260	REP	86-08-015	296-155-250	AMD	86-03-074
296-127-130	NEW	86-03-063	296-132-265	REP-P	86-05-027	296-155-260	AMD-C	86-03-073
296-127-140	NEW	86-03-063	296-132-265	REP	86-08-015	296-155-260	AMD	86-03-074
296-127-150	NEW	86-03-063	296-132-265	REP	86-08-015	296-155-270	AMD-C	86-03-073
296-127-160	NEW	86-03-063	296-132-301	REP	86-08-015	296-155-270	AMD	86-03-074
296-127-170	NEW	86-03-063	296-132-302	REP-P	86-05-027	296-155-275	AMD-C	86-03-073

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296-155-300	AMD-C	86-03-073	296-155-48525	NEW	86-03-074	296-155-700	AMD-C	86-03-073
296-155-300	AMD	86-03-074	296-155-48527	NEW-C	86-03-073	296-155-700	AMD	86-03-074
296-155-305	AMD-C	86-03-073	296-155-48527	NEW	86-03-074	296-155-705	AMD-C	86-03-073
296-155-305	AMD	86-03-074	296-155-48529	NEW-C	86-03-073	296-155-705	AMD	86-03-074
296-155-325	AMD-C	86-03-073	296-155-48529	NEW	86-03-074	296-155-720	AMD-C	86-03-073
296-155-325	AMD	86-03-074	296-155-48531	NEW-C	86-03-073	296-155-720	AMD	86-03-074
296-155-330	AMD-C	86-03-073	296-155-48531	NEW	86-03-074	296-155-725	AMD-C	86-03-073
296-155-330	AMD	86-03-074	296-155-48533	NEW-C	86-03-073	296-155-725	AMD	86-03-074
296-155-335	AMD-C	86-03-073	296-155-48533	NEW	86-03-074	296-155-730	AMD-C	86-03-073
296-155-335	AMD	86-03-074	296-155-500	AMD-C	86-03-073	296-155-730	AMD	86-03-074
296-155-34911	AMD-C	86-03-073	296-155-500	AMD	86-03-074	296-155-750	AMD-C	86-03-073
296-155-34911	AMD	86-03-074	296-155-505	AMD-C	86-03-073	296-155-750	AMD	86-03-074
296-155-34912	AMD-C	86-03-073	296-155-505	AMD	86-03-074	296-155-760	AMD-C	86-03-073
296-155-34912	AMD	86-03-074	296-155-50503	NEW-C	86-03-073	296-155-760	REP-C	86-03-074
296-155-34913	AMD-C	86-03-073	296-155-50503	NEW	86-03-074	296-155-765	REP	86-03-074
296-155-34913	AMD	86-03-074	296-155-50503	NEW	86-03-074	296-155-765	AMD-C	86-03-073
296-155-34914	AMD-C	86-03-073	296-155-50505	NEW-C	86-03-073	296-155-765	AMD	86-03-074
296-155-34914	AMD	86-03-074	296-155-510	NEW	86-03-074	296-155-775	AMD-C	86-03-073
296-155-34920	AMD-C	86-03-073	296-155-510	AMD-C	86-03-073	296-155-775	AMD	86-03-074
296-155-34920	AMD	86-03-074	296-155-515	AMD	86-03-074	296-155-830	AMD-C	86-03-073
296-155-355	AMD-C	86-03-073	296-155-515	NEW-C	86-03-073	296-155-830	AMD	86-03-074
296-155-355	AMD	86-03-074	296-155-515	NEW	86-03-074	296-155-850	REP-C	86-03-073
296-155-360	AMD-C	86-03-073	296-155-530	AMD-C	86-03-073	296-155-850	REP	86-03-074
296-155-360	AMD	86-03-074	296-155-530	AMD	86-03-074	296-155-855	REP-C	86-03-073
296-155-363	NEW-C	86-03-073	296-155-545	AMD-C	86-03-073	296-155-855	REP-C	86-03-073
296-155-363	NEW	86-03-074	296-155-545	AMD	86-03-074	296-155-860	REP	86-03-074
296-155-36301	NEW-C	86-03-073	296-155-570	AMD-C	86-03-073	296-155-860	REP-C	86-03-073
296-155-36301	NEW	86-03-074	296-155-570	AMD	86-03-074	296-155-865	REP-C	86-03-074
296-155-36303	NEW-C	86-03-073	296-155-575	AMD-C	86-03-073	296-155-865	REP	86-03-074
296-155-36303	NEW	86-03-074	296-155-575	AMD	86-03-074	296-155-870	REP-C	86-03-073
296-155-36305	NEW-C	86-03-073	296-155-576	AMD-C	86-03-073	296-155-870	REP	86-03-074
296-155-36305	NEW	86-03-074	296-155-580	AMD-C	86-03-073	296-155-875	REP-C	86-03-073
296-155-36307	NEW-C	86-03-073	296-155-580	AMD	86-03-074	296-155-875	REP	86-03-074
296-155-36307	NEW	86-03-074	296-155-605	AMD-C	86-03-073	296-155-880	REP-C	86-03-073
296-155-36309	NEW-C	86-03-073	296-155-605	AMD	86-03-074	296-155-880	REP	86-03-074
296-155-36309	NEW	86-03-074	296-155-610	AMD-C	86-03-073	296-155-885	REP-C	86-03-073
296-155-36311	NEW-C	86-03-073	296-155-610	AMD	86-03-074	296-155-885	REP	86-03-074
296-155-36311	NEW	86-03-074	296-155-615	AMD-C	86-03-073	296-155-890	REP-C	86-03-073
296-155-36313	NEW-C	86-03-073	296-155-615	AMD	86-03-074	296-155-890	REP	86-03-074
296-155-36313	NEW	86-03-074	296-155-617	NEW-C	86-03-073	296-155-895	REP-C	86-03-073
296-155-36315	NEW-C	86-03-073	296-155-617	NEW	86-03-074	296-155-895	REP	86-03-074
296-155-36315	NEW	86-03-074	296-155-61701	NEW-C	86-03-073	296-155-900	REP-C	86-03-073
296-155-36317	NEW-C	86-03-073	296-155-61701	NEW	86-03-074	296-155-900	REP	86-03-074
296-155-36317	NEW	86-03-074	296-155-61703	NEW-C	86-03-073	296-155-905	REP-C	86-03-073
296-155-36319	NEW-C	86-03-073	296-155-61703	NEW	86-03-074	296-155-905	REP	86-03-074
296-155-36319	NEW	86-03-074	296-155-61705	NEW-C	86-03-073	296-155-910	REP-C	86-03-073
296-155-36321	NEW-C	86-03-073	296-155-61705	NEW	86-03-074	296-155-910	REP	86-03-074
296-155-36321	NEW	86-03-074	296-155-61707	NEW-C	86-03-073	296-155-915	REP-C	86-03-073
296-155-365	AMD-C	86-03-073	296-155-61707	NEW	86-03-074	296-155-915	REP	86-03-074
296-155-365	AMD	86-03-074	296-155-61709	NEW-C	86-03-073	296-155-920	REP-C	86-03-073
296-155-367	NEW-C	86-03-073	296-155-61709	NEW	86-03-074	296-155-920	REP	86-03-074
296-155-367	NEW	86-03-074	296-155-61711	NEW-C	86-03-073	296-155-950	AMD-C	86-03-073
296-155-370	AMD-C	86-03-073	296-155-61711	NEW	86-03-074	296-155-950	AMD	86-03-074
296-155-370	AMD	86-03-074	296-155-61713	NEW-C	86-03-073	296-350-300	NEW	86-06-002
296-155-400	AMD-C	86-03-073	296-155-61713	NEW	86-03-074	296-350-400	AMD	86-03-064
296-155-400	AMD	86-03-074	296-155-625	AMD-C	86-03-073	296-401-175	AMD-E	86-10-017
296-155-405	AMD-C	86-03-073	296-155-625	AMD	86-03-074	296-403-010	NEW-P	86-07-055
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296-155-407	NEW	86-03-074	296-155-655	AMD-C	86-03-073	296-403-040	NEW-P	86-07-055
296-155-425	AMD-C	86-03-073	296-155-655	AMD	86-03-074	296-403-050	NEW-P	86-07-055
296-155-425	AMD	86-03-074	296-155-65505	NEW-C	86-03-073	296-403-060	NEW-P	86-07-055
296-155-430	AMD-C	86-03-073	296-155-65505	NEW	86-03-074	296-403-070	NEW-P	86-07-055
296-155-430	AMD	86-03-074	296-155-660	AMD-C	86-03-073	304-12-025	AMD-P	86-09-091
296-155-435	AMD-C	86-03-073	296-155-660	AMD	86-03-074	304-12-040	NEW-P	86-09-091
296-155-435	AMD	86-03-074	296-155-66005	NEW-C	86-03-073	304-12-045	NEW-P	86-09-091
296-155-440	AMD-C	86-03-073	296-155-66005	NEW	86-03-074	304-12-145	NEW-P	86-09-091
296-155-440	AMD	86-03-074	296-155-665	AMD-C	86-03-073	304-12-290	AMD-P	86-09-091
296-155-475	AMD-C	86-03-073	296-155-665	AMD	86-03-074	304-12-350	AMD-P	86-09-091
296-155-475	AMD	86-03-074	296-155-66501	AMD-C	86-03-073	304-25-030	AMD-P	86-03-048
296-155-480	AMD-C	86-03-073	296-155-66501	AMD	86-03-074	304-25-030	AMD	86-08-042
296-155-485	AMD-C	86-03-073	296-155-66502	AMD-C	86-03-073	304-25-560	AMD-P	86-03-048
296-155-485	AMD	86-03-074	296-155-680	AMD-C	86-03-073	304-25-560	AMD	86-08-042
296-155-48523	NEW-C	86-03-073	296-155-680	AMD	86-03-074	308-04-010	AMD-P	86-04-090
296-155-48523	NEW	86-03-074	296-155-690	AMD-C	86-03-073	308-04-010	AMD	86-08-069
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308-12-140	NEW	86-04-088	308-61-145	NEW	86-03-011	308-96A-165	REP-P	86-03-010
308-12-145	NEW	86-04-088	308-61-150	REP	86-03-011	308-96A-165	REP	86-10-040
308-12-150	NEW	86-04-088	308-61-155	REP	86-03-011	308-96A-170	REP-P	86-03-010
308-12-312	AMD-E	86-04-086	308-61-158	NEW	86-03-011	308-96A-170	REP	86-10-040
308-12-312	AMD-E	86-10-037	308-61-160	REP	86-03-011	308-96A-200	REP-P	86-03-010
308-13-015	AMD-P	86-07-058	308-61-165	REP	86-03-011	308-96A-200	REP	86-10-040
308-13-040	AMD-P	86-07-058	308-61-168	NEW	86-03-011	308-96A-205	AMD-P	86-03-010
308-13-041	NEW-P	86-07-058	308-61-170	REP	86-03-011	308-96A-205	AMD	86-10-040
308-13-042	NEW-P	86-07-058	308-61-175	NEW	86-03-011	308-96A-210	AMD-P	86-03-010
308-25-010	AMD-P	86-05-032	308-61-180	REP	86-03-011	308-96A-210	AMD	86-10-040
308-25-015	NEW-P	86-05-032	308-61-185	NEW	86-03-011	308-96A-215	REP-P	86-03-010
308-25-015	NEW	86-09-014	308-61-190	NEW	86-03-011	308-96A-215	REP	86-10-040
308-25-025	REP-P	86-05-032	308-61-205	NEW	86-08-028	308-96A-220	AMD-P	86-03-010
308-25-025	REP	86-09-014	308-61-305	NEW	86-08-028	308-96A-220	AMD	86-10-040
308-25-030	REP-P	86-05-032	308-61-400	AMD	86-08-028	308-96A-225	REP-P	86-03-010
308-25-030	REP	86-09-014	308-61-405	NEW	86-08-028	308-96A-225	REP	86-10-040
308-25-035	NEW-P	86-05-032	308-66-135	NEW	86-08-028	308-96A-230	REP-P	86-03-010
308-25-035	NEW	86-09-014	308-79-050	NEW-E	86-03-071	308-96A-230	REP	86-10-040
308-29-060	AMD-P	86-10-002	308-79-050	NEW-P	86-06-042	308-96A-235	REP-P	86-03-010
308-29-070	NEW-P	86-10-002	308-79-050	NEW	86-10-003	308-96A-235	REP	86-10-040
308-29-080	NEW-P	86-10-002	308-80-015	NEW	86-08-028	308-96A-240	REP-P	86-03-010
308-40-102	AMD-P	86-04-089	308-93-010	AMD-P	86-07-060	308-96A-240	REP	86-10-040
308-40-102	AMD	86-08-046	308-93-010	AMD	86-10-068	308-96A-240	AMD-P	86-03-010
308-48-010	AMD-P	86-09-006	308-93-072	NEW-P	86-07-060	308-96A-260	AMD	86-08-028
308-48-060	AMD-P	86-09-006	308-93-072	NEW	86-10-068	308-96A-260	AMD	86-10-040
308-48-120	REP-P	86-09-006	308-93-073	NEW-P	86-07-060	308-96A-265	REP-P	86-03-010
308-48-130	REP-P	86-09-006	308-93-073	NEW	86-10-068	308-96A-265	REP	86-10-040
308-48-140	AMD-P	86-09-006	308-93-074	NEW-P	86-07-060	308-96A-270	REP-P	86-03-010
308-48-150	AMD-P	86-09-006	308-93-074	NEW	86-10-068	308-96A-270	REP	86-10-040
308-48-160	AMD-P	86-09-006	308-93-074	NEW	86-10-068	308-96A-275	AMD-P	86-03-010
308-48-165	AMD-P	86-09-006	308-93-078	NEW	86-10-068	308-96A-275	AMD	86-10-040
308-48-790	NEW	86-05-031	308-93-079	NEW-P	86-07-060	308-96A-280	REP-P	86-03-010
308-50-230	REP-P	86-05-034	308-93-079	NEW	86-10-068	308-96A-280	REP	86-10-040
308-50-230	REP	86-09-064	308-96A-005	AMD-P	86-03-010	308-96A-285	REP-P	86-03-010
308-50-330	AMD-P	86-05-034	308-96A-005	AMD	86-10-040	308-96A-285	REP	86-10-040
308-50-330	AMD	86-09-064	308-96A-010	AMD-P	86-03-010	308-96A-290	REP-P	86-03-010
308-50-420	NEW-P	86-05-034	308-96A-010	AMD	86-10-040	308-96A-290	REP	86-10-040
308-50-420	NEW	86-09-064	308-96A-015	AMD-P	86-03-010	308-96A-295	AMD-P	86-03-010
308-50-430	NEW-P	86-05-034	308-96A-015	AMD	86-10-040	308-96A-295	AMD	86-10-040
308-50-430	NEW	86-09-064	308-96A-020	AMD-P	86-03-010	308-96A-300	AMD-P	86-03-010
308-52-135	AMD-P	86-08-093	308-96A-020	AMD	86-10-040	308-96A-300	AMD	86-10-040
308-52-139	AMD-P	86-08-093	308-96A-030	REP-P	86-03-010	308-96A-305	REP-P	86-03-010
308-52-140	AMD-P	86-08-093	308-96A-030	REP	86-10-040	308-96A-305	REP	86-10-040
308-52-141	AMD-P	86-08-093	308-96A-035	AMD-P	86-03-010	308-99-020	AMD-E	86-09-013
308-52-142	REP-P	86-08-093	308-96A-035	AMD	86-10-040	308-99-020	AMD-P	86-09-100
308-52-143	REP-P	86-08-093	308-96A-040	AMD-P	86-03-010	308-99-021	NEW-E	86-09-013
308-52-145	REP-P	86-08-093	308-96A-040	AMD	86-10-040	308-99-021	NEW-P	86-09-100
308-52-146	NEW-P	86-08-093	308-96A-050	AMD-P	86-03-010	308-102-090	AMD-P	86-03-083
308-52-270	AMD	86-03-056	308-96A-050	AMD	86-10-040	308-102-090	AMD	86-07-018
308-53-010	AMD-P	86-07-059	308-96A-055	REP-P	86-03-010	308-102-100	AMD-P	86-03-083
308-53-070	AMD-P	86-07-059	308-96A-055	REP	86-10-040	308-102-100	AMD	86-07-018
308-53-075	NEW-P	86-08-092	308-96A-060	REP-P	86-03-010	308-102-190	AMD-P	86-03-083
308-53-080	REP-P	86-08-092	308-96A-060	REP	86-10-040	308-102-190	AMD	86-07-018
308-53-084	NEW-P	86-08-092	308-96A-075	AMD-P	86-03-010	308-102-200	AMD-P	86-03-083
308-53-085	AMD-P	86-08-092	308-96A-075	AMD	86-10-040	308-102-200	AMD	86-07-018
308-53-100	REP-P	86-08-092	308-96A-100	AMD-P	86-03-010	308-102-265	NEW-P	86-03-083
308-53-105	NEW-P	86-08-092	308-96A-100	AMD	86-10-040	308-102-265	NEW	86-07-018
308-53-125	AMD-P	86-08-092	308-96A-105	AMD-P	86-03-010	308-104-012	NEW-P	86-03-083
308-53-212	NEW-P	86-08-092	308-96A-105	AMD	86-10-040	308-104-012	NEW	86-07-018
308-53-265	NEW-P	86-08-092	308-96A-115	REP-P	86-03-010	308-104-056	AMD-P	86-03-083
308-61-010	AMD	86-03-011	308-96A-115	REP	86-10-040	308-104-056	AMD	86-07-018
308-61-025	AMD	86-03-011	308-96A-120	AMD-P	86-03-010	308-104-058	REP-P	86-03-083
308-61-026	NEW	86-03-011	308-96A-120	AMD	86-10-040	308-104-058	REP	86-07-018
308-61-027	REP	86-03-011	308-96A-125	REP-P	86-03-010	308-104-080	AMD-P	86-03-083
308-61-030	AMD	86-03-011	308-96A-125	REP	86-10-040	308-104-080	AMD	86-07-018
308-61-040	AMD	86-03-011	308-96A-130	REP-P	86-03-010	308-104-090	AMD-P	86-03-083
308-61-050	AMD	86-03-011	308-96A-130	REP	86-10-040	308-104-090	AMD	86-07-018
308-61-100	REP	86-03-011	308-96A-135	AMD-P	86-03-010	308-104-100	AMD-P	86-03-083
308-61-105	NEW	86-03-011	308-96A-135	AMD	86-10-040	308-104-100	AMD	86-07-018
308-61-108	NEW	86-03-011	308-96A-140	REP-P	86-03-010	308-104-105	NEW-P	86-03-083
308-61-110	REP	86-03-011	308-96A-140	REP	86-10-040	308-104-105	NEW-E	86-03-084
308-61-115	NEW	86-03-011	308-96A-145	AMD-P	86-03-010	308-104-105	NEW	86-07-018
308-61-120	REP	86-03-011	308-96A-145	AMD	86-10-040	308-104-130	AMD-P	86-03-083
308-61-125	NEW	86-03-011	308-96A-155	REP-P	86-03-010	308-104-130	AMD	86-07-018
308-61-130	REP	86-03-011	308-96A-155	REP	86-10-040	308-104-135	NEW-P	86-03-083
308-61-135	NEW	86-03-011	308-96A-160	REP-P	86-03-010	308-104-135	NEW	86-07-018

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308-122-060	NEW	86-04-087	314-24-100	AMD-P	86-08-095
308-122-215	AMD	86-04-087	314-24-160	AMD-E	86-09-028
308-122-500	AMD	86-04-087	314-24-160	AMD-P	86-09-087
308-122-505	AMD	86-04-087	314-24-190	AMD-P	86-04-084
308-122-525	AMD	86-04-087	314-24-190	AMD-C	86-07-021
308-122-630	NEW	86-04-087	314-24-200	AMD-P	86-04-084
308-122-640	AMD	86-04-087	314-24-200	AMD-C	86-07-021
308-122-670	NEW	86-04-087	314-28-010	AMD-P	86-04-083
308-124A-430	NEW-P	86-04-091	314-28-010	AMD	86-07-022
308-124A-440	NEW-P	86-04-091	314-37-020	NEW-P	86-04-048
308-124A-450	NEW-P	86-04-091	314-37-020	NEW	86-07-023
308-124C-020	AMD	86-06-011	314-40-040	AMD-P	86-04-034
308-124H-035	NEW-P	86-04-091	314-40-040	AMD	86-07-013
308-124H-036	NEW-P	86-04-091	314-52-020	AMD-P	86-04-001
308-124H-037	NEW-P	86-04-091	314-52-020	AMD-E	86-04-002
308-124H-040	AMD-P	86-04-091	314-52-020	AMD	86-07-019
308-124H-040	AMD	86-06-011	314-52-114	AMD-P	86-04-084
308-124H-043	NEW	86-06-011	314-52-114	AMD-C	86-07-021
308-124H-045	AMD	86-06-011	314-64-080	AMD-P	86-08-096
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308-151-110	NEW	86-08-068	315-04-190	AMD-P	86-08-059
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308-153-010	AMD-P	86-10-067	315-11-190	NEW-E	86-03-003
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308-153-030	AMD-P	86-10-067	315-11-190	NEW	86-07-028
308-153-040	REP-P	86-10-067	315-11-191	NEW-E	86-03-003
308-153-045	NEW-P	86-10-067	315-11-191	NEW-P	86-03-079
308-154-070	REP-P	86-10-067	315-11-191	NEW-E	86-03-080
308-156-075	NEW-P	86-05-033	315-11-191	NEW	86-07-028
308-156-075	NEW	86-08-068	315-11-192	NEW-E	86-03-003
308-171-001	AMD-P	86-06-054	315-11-192	NEW-P	86-03-079
308-171-001	AMD	86-10-004	315-11-192	NEW	86-07-028
308-171-100	AMD-P	86-06-054	315-11-192	NEW-E	86-07-029
308-171-100	AMD	86-10-004	315-11-200	NEW-P	86-08-059
308-171-103	AMD-P	86-06-054	315-11-201	NEW-E	86-07-029
308-171-103	AMD	86-10-004	315-11-201	NEW-P	86-08-059
308-171-104	NEW-P	86-06-054	315-11-202	NEW-E	86-07-029
308-171-104	NEW	86-10-004	315-11-202	NEW-P	86-08-059
308-171-200	AMD-P	86-06-054	315-11-210	NEW-P	86-08-079
308-171-200	AMD	86-10-004	315-11-211	NEW-P	86-08-079
308-180-100	NEW-P	86-07-061	315-11-212	NEW-P	86-08-079
308-180-100	NEW	86-10-038	315-32-040	AMD-P	86-03-079
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314-16-040	AMD	86-07-015	332-26-080a	NEW-E	86-10-011
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314-16-115	NEW-P	86-09-086	352-32-050	AMD	86-06-020
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314-18-040	AMD	86-09-075	352-32-056	NEW	86-06-020
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352-32-210	AMD-P	86-10-058	352-32-210	AMD-P	86-10-058
356-05-010	AMD-P	86-06-056	356-05-010	AMD-P	86-06-056
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356-05-483	NEW-C	86-09-054	356-05-483	NEW-C	86-09-054
356-05-483	NEW-E	86-09-056	356-05-483	NEW-E	86-09-056
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356-14-010	AMD-P	86-10-070	356-14-010	AMD-P	86-10-070
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356-14-050	REP-P	86-10-070	356-14-050	REP-P	86-10-070
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356-15-020	AMD-E	86-09-056	356-15-020	AMD-E	86-09-056
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356-15-030	AMD-C	86-09-054	356-15-030	AMD-C	86-09-054
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356-15-050	AMD-C	86-09-054	356-15-050	AMD-C	86-09-054
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356-15-060	AMD-C	86-09-054	360-60-050	NEW-P	86-07-063	388-14-415	NEW	86-05-009
356-15-060	AMD-E	86-09-056	360-60-060	NEW-P	86-07-063	388-15-140	REP-P	86-10-029
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356-15-080	AMD-C	86-09-054	360-60-080	NEW-P	86-07-063	388-15-145	AMD	86-10-021
356-15-080	AMD-E	86-09-056	360-60-090	NEW-P	86-07-063	388-15-170	AMD-E	86-03-077
356-15-085	NEW-P	86-08-088	360-60-100	NEW-P	86-07-063	388-15-170	AMD	86-03-078
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356-15-090	AMD-P	86-06-056	360-60-120	NEW-P	86-07-063	388-15-170	AMD-E	86-10-020
356-15-090	AMD-C	86-09-054	360-60-130	NEW-P	86-07-063	388-15-173	REP-E	86-03-077
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356-15-100	AMD	86-06-017	365-40-051	AMD-P	86-10-061	388-15-209	AMD-P	86-09-047
356-15-100	AMD-P	86-08-089	365-40-061		86-10-061	388-15-212	AMD-P	86-09-047
356-15-100	AMD-E	86-09-057	365-40-071	AMD-P	86-10-061	388-15-213	AMD-P	86-05-006
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356-15-110	AMD-E	86-09-057	365-120-020	NEW	86-03-008	388-15-548	NEW-P	86-10-029
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356-18-010	REP-E	86-09-056	365-120-050	NEW	86-03-008	388-15-553	AMD-P	86-10-029
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356-34-085	REP	86-08-035	365-130-020	NEW	86-06-024	388-15-568	AMD-P	86-10-029
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356-34-090	AMD	86-08-035	365-130-030	NEW-E	86-04-047	388-15-600	AMD-E	86-08-058
356-34-10501	REP-P	86-04-044	365-130-030	NEW	86-06-024	388-15-610	AMD-P	86-08-053
356-34-10501	REP	86-08-035	365-130-040	NEW-P	86-04-046	388-15-610	AMD-E	86-08-058
356-34-110	AMD-P	86-04-044	365-130-040	NEW-E	86-04-047	388-15-620	AMD-P	86-08-053
356-34-110	AMD	86-08-035	365-130-040	NEW	86-06-024	388-15-620	AMD-E	86-08-058
356-34-113	AMD-P	86-04-044	365-130-050	NEW-P	86-04-046	388-15-630	AMD-P	86-08-053
356-34-113	AMD	86-08-035	365-130-050	NEW-E	86-04-047	388-15-630	AMD-E	86-08-058
356-34-118	AMD-P	86-04-044	365-130-060	NEW-P	86-04-046	388-24-065	AMD-P	86-10-031
356-34-118	AMD	86-08-035	365-130-060	NEW-E	86-04-047	388-24-065	AMD-E	86-10-032
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356-34-120	REP	86-08-035	365-140-020	NEW	86-08-043	388-28-482	AMD	86-08-008
356-34-140	AMD-P	86-04-044	365-140-030	NEW	86-08-043	388-29-295	AMD-E	86-10-024
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356-34-230	AMD-P	86-04-044	383-06-050	AMD	86-04-039	388-38-010	AMD-E	86-08-020
356-34-230	AMD	86-08-035	383-06-060	AMD	86-04-039	388-38-030	AMD-P	86-08-018
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356-34-250	REP	86-08-035	383-06-080	AMD	86-04-039	388-38-040	AMD-P	86-08-018
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356-34-280	REP-P	86-04-044	383-06-130	AMD	86-04-039	388-38-110	AMD-E	86-08-020
356-34-280	REP	86-08-035	383-06-140	AMD	86-04-039	388-38-120	AMD-P	86-08-018
356-34-290	REP-P	86-04-044	388-11-030	AMD	86-05-009	388-38-120	AMD-E	86-08-020
356-34-290	REP	86-08-035	388-11-065	AMD	86-05-009	388-38-150	AMD-P	86-08-018
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356-34-300	REP	86-08-035	388-11-150	AMD	86-05-009	388-38-172	AMD-P	86-08-018
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388-54-655	AMD	86-08-032	390-16-036	AMD	86-04-071	392-140-078	NEW	86-08-075
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388-54-750	AMD-E	86-08-022	390-16-041	AMD	86-08-030	392-140-080	NEW-E	86-05-037
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388-70-048	AMD	86-04-030	390-16-061	REP	86-04-071	392-140-081	NEW	86-08-075
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388-82-010	AMD-P	86-08-031	390-16-111	AMD	86-04-071	392-140-082	NEW	86-08-075
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388-86-060	REP-E	86-04-007	390-16-230	AMD	86-04-071	392-171-514	NEW	86-06-007
388-86-060	REP-P	86-04-008	390-16-306	AMD	86-04-071	392-171-516	AMD	86-06-007
388-86-060	REP	86-09-007	390-18-040	NEW-P	86-04-053	392-171-517	NEW	86-06-007
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388-96-502	AMD-P	86-07-054	390-24-020	AMD	86-08-030	400-04-040	NEW	86-04-054
388-96-502	AMD	86-10-055	390-24-025	AMD-P	86-05-041	400-04-504	NEW	86-04-054
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388-96-533	AMD	86-10-055	390-24-030	AMD-P	86-05-041	400-04-680	NEW	86-04-054
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388-96-559	AMD	86-10-055	390-24-105	AMD-P	86-05-041	400-06-010	NEW	86-04-055
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388-96-565	AMD	86-10-055	390-24-110	AMD-P	86-05-041	400-06-030	NEW	86-04-055
388-96-567	AMD-P	86-07-054	390-24-110	AMD	86-08-030	400-06-050	NEW	86-04-055
388-96-567	AMD	86-10-055	390-24-160	AMD-P	86-05-041	400-06-060	NEW	86-04-055
388-96-585	AMD-P	86-07-054	390-24-160	AMD	86-08-030	400-06-070	NEW	86-04-055
388-96-585	AMD	86-10-055	390-24-200	AMD-P	86-05-041	400-06-090	NEW	86-04-055
388-96-722	AMD-P	86-07-054	390-24-200	AMD	86-08-030	400-06-100	NEW	86-04-055
388-96-722	AMD	86-10-055	390-24-205	AMD-P	86-05-041	400-06-110	NEW	86-04-055
388-96-752	AMD-P	86-07-054	390-24-205	AMD	86-08-030	400-06-120	NEW	86-04-055
388-96-754	AMD-P	86-07-054	390-24-210	AMD-P	86-05-041	400-06-130	NEW	86-04-055
388-96-754	AMD	86-10-055	390-24-210	AMD	86-08-030	400-06-140	NEW	86-04-055
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388-96-769	AMD	86-10-055	390-32-020	AMD	86-08-030	400-06-160	NEW	86-04-055
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434-57-010	NEW	86-08-045	446-55-170	NEW	86-08-067
434-57-020	NEW-P	86-05-053	446-55-180	NEW-P	86-05-015
434-57-020	NEW-E	86-08-044	446-55-180	NEW	86-08-067
434-57-020	NEW	86-08-045	446-55-190	NEW-P	86-05-015
434-57-030	AMD-P	86-05-053	446-55-190	NEW	86-08-067
434-57-030	AMD-E	86-08-044	446-55-200	NEW-P	86-05-015
434-57-030	AMD	86-08-045	446-55-200	NEW	86-08-067
434-57-040	NEW-P	86-05-053	446-55-210	NEW-P	86-05-015
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434-57-040	NEW	86-08-045	446-55-220	NEW-P	86-05-015
434-57-050	NEW-P	86-05-053	446-55-220	NEW	86-08-067
434-57-050	NEW-E	86-08-044	446-55-230	NEW-P	86-05-015
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434-57-070	NEW-P	86-05-053	446-55-240	NEW-P	86-05-015
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434-57-070	NEW	86-08-045	446-55-250	NEW-P	86-05-015
434-57-080	NEW-P	86-05-053	446-55-250	NEW	86-08-067
434-57-080	NEW-E	86-08-044	446-55-260	NEW-P	86-05-015
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434-57-090	NEW-P	86-05-053	446-55-270	NEW-P	86-05-015
434-57-090	NEW-E	86-08-044	446-55-270	NEW	86-08-067
434-57-090	NEW	86-08-045	446-55-280	NEW-P	86-05-015
434-57-100	NEW-P	86-05-053	446-55-280	NEW	86-08-067
434-57-100	NEW-E	86-08-044	446-60-010	NEW-P	86-05-015
434-57-100	NEW	86-08-045	446-60-010	NEW	86-08-067
434-57-120	NEW-P	86-05-053	446-60-020	NEW-P	86-05-015
434-57-120	NEW-E	86-08-044	446-60-020	NEW	86-08-067
434-57-120	NEW	86-08-045	446-60-030	NEW-P	86-05-015
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434-57-150	NEW-E	86-08-044	446-60-050	NEW	86-08-067
434-57-150	NEW	86-08-045	446-60-060	NEW-P	86-05-015
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446-55-120	NEW	86-08-067	458-20-107	AMD	86-03-016
446-55-130	NEW-P	86-05-015	458-20-119	AMD	86-03-016
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