

**AUGUST 15, 1984**

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filed not later than August 1, 1984

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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.

# 1984

## 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
84-01	Nov 23	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 24
84-02	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 18	Feb 7
84-03	Dec 21, 1983	Jan 4 1984	Jan 18	Feb 1	Feb 21
84-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 6
84-05	Jan 25	Feb 8	Feb 22	Mar 7	Mar 27
84-06	Feb 8	Feb 22	Mar 7	Mar 21	Apr 10
84-07	Feb 22	Mar 7	Mar 21	Apr 4	Apr 24
84-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
84-09	Mar 21	Apr 4	Apr 18	May 2	May 22
84-10	Apr 4	Apr 18	May 2	May 16	Jun 5
84-11	Apr 25	May 9	May 23	Jun 6	Jun 26
84-12	May 9	May 23	Jun 6	Jun 20	Jul 10
84-13	*May 24	*Jun 7	*Jun 21	*Jul 5	*Jul 25
84-14	Jun 6	Jun 20	*Jul 3	Jul 18	Aug 7
84-15	Jun 20	*Jul 3	Jul 18	Aug 1	Aug 21
84-16	*Jul 3	Jul 18	Aug 1	Aug 15	Sep 4
84-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
84-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
84-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
84-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
84-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

\*Dates adjusted to accommodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

<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 84-16-001
RULES OF COURT
STATE SUPREME COURT
[June 14, 1984]

IN THE MATTER OF THE ADOPTION
OF RAP 18.14 AND PROPOSED AMEND-
MENTS TO GR 9, APR 1 THROUGH NO. 25700-A-356
10, RAP 15.4, RAP 17.1, CR 50,
CR 59, CR 80, CrR 7.4, CrR 7.6, ORDER
SPR 98.16 W, MAR 1.2, CrR 6.2,
SAR 21(c)(1), AND JUSTICE COURT
CIVIL RULES

The adoption of RAP 18.14 and Amendments to GR
9, APR 1 through 10, RAP 15.4, RAP 17.1, CR 50, CR
59, CR 80, CrR 7.4, CrR 7.6, SPR 98.16W, MAR 1.2,
CrR 6.2, SAR 21(c)(1), and the Justice Court Civil
Rules in their entirety having been proposed and the
Rule and Amendments having been published for com-
ment in 100 Wn.2d Advance Sheet No. 11, with the
exception of APR 1 through 10, SPR 98.16W, MAR
1.2, CrR 6.2 and SAR 21(c)(1), and the Court having
considered the proposed Rule, the Amendments and the
Comments thereto; and having determined that the
adoption thereof will aid in the prompt and orderly ad-
ministration of justice; Now, therefore, it is hereby

ORDERED:

(a) That RAP 18.14 and Amendments to GR 9, APR
1 through 10, RAP 15.4, RAP 17.1, CR 50, CR 59, CR
80, CrR 7.4, CrR 7.6, SPR 98.16W, MAR 1.2, CrR 6.2,
SAR 21(c)(1), and the Justice Court Civil Rules in their
entirety; as attached hereto are adopted.

(b) That the comments to the Justice Court Civil
Rules are published solely to aid the Bench and Bar and
are not adopted by the Court.

(c) That the amendments to SAR 21(c)(1) will be
published expeditiously in the Washington Reports and
will become effective upon this publication.

(d) That the Rule and Amendments, excepting SAR
21(c)(1), will be published in the Special Rules Edition
of the Washington Reports in July 1984, and will be-
come effective on September 1, 1984.

DATED at Olympia, Washington, this 14th day of
June, 1984.

William H. Williams

Hugh J. Rosellini

James M. Dolliver

Dore, J.

Robert F. Utter

Carolyn R. Dimmick

Robert F. Brachtenbach

Vernon R. Pearson

RAP 18.14

{RESERVED}

MOTION ON THE MERITS

(a) Generally. The appellate court may, on its own
motion or on motion of a party, affirm a decision or any
part thereof on the merits in accordance with the proce-
dures defined in this rule. A motion by a party pursuant

to this rule should be denominated a "motion on the
merits." The general motion procedures defined in Title
17 apply to a motion on the merits only to the extent
provided in this rule.

(b) Time. A party may submit a motion on the merits
any time after the appellant's brief has been filed. The
appellate court on its own motion may, at any time, set a
case on the motion calendar for disposition and enter
orders the court deems appropriate to facilitate the
hearing and disposition of the case. The clerk will notify
the parties of the setting and of any orders entered by
the court.

(c) Content, Filing, and Service; Response. A motion
on the merits should be a separate document and should
not be included within a party's brief on the merits. The
motion should comply with a party's brief on the merits.
The motion should comply with rule 17.3(a), except that
material contained in a brief may be incorporated by
reference and need not be repeated in the motion. The
motion should be filed and served as provided in rule
17.4. A response may be filed and served as provided in
rule 17.4(e) and may incorporate material in a brief by
reference.

(d) Who Decides Motion. A motion on the merits
shall be determined initially by a judge or commissioner
of the appellate court.

(e) Considerations Governing Decision on Motion. A
motion on the merits will be granted in whole or in part
if the appeal or any part thereof is determined to be
clearly without merit. In making these determinations,
the judge or commissioner will consider all relevant fac-
tors including whether the issues on review (1) are
clearly controlled by settled law, (2) are factual and
supported by the evidence, or (3) are matters of judicial
discretion and the decision was clearly within the discre-
tion of the trial court.

(f) Oral Argument. A motion on the merits may be
denied without oral argument if the case obviously re-
quires full appellate review. In all other instances rule
17.5 applies to a motion on the merits, except that oral
argument will ordinarily be granted for a motion on the
merits that is to be decided initially by the judge or
judges. If the appellate court initiates the motion on the
merits, the parties will be given an opportunity to submit
briefs on the motion before the date set for oral argu-
ment on the motion.

(g) Form of Decision Denying Motion. Rule 17.6 is
applicable to a decision denying a motion on the merits.

(h) Form of Decision Granting Motion. A ruling or
decision granting a motion on the merits will be brief
concise and will include a description of the facts suffi-
cient to place the issues in context, a statement of the
issues, and a resolution of the issues with supportive
reasons.

(i) Review of Ruling. A ruling or decision denying a
motion on the merits or referring the motion to the
judges for decision pursuant to rule 17.2(b) is not sub-
ject to review by the judges. A ruling or decision grant-
ing a motion on the merits by a single judge or
commissioner is subject to review as provided in rule
17.7.

(j) Nondisqualification of Judge. Participation in a ruling or decision on a motion on the merits does not thereby disqualify a judge from further participation in the case.

(k) Procedure Optional With Court. The Supreme Court or any division of the Court of Appeals may, by general order, decide not to use the procedure defined by this rule.

## RULES 18.15 through 18.20

[RESERVED]

### GENERAL RULE 9

#### SUPREME COURT RULEMAKING PROCEDURE

(a) Statement of Purpose. In promulgating rules of court it is the purpose of the Washington State Supreme Court to ensure that:

- (1) An orderly and uniform procedure is followed;
- (2) All interested groups are given notice and an opportunity to express views regarding proposed rules;
- (3) Adequate notice of adopted rules changes and of the effective dates is given;
- (4) All proposed rules are necessary statewide;
- (5) Rules changes are minimized to prevent disruption of court practice;
- (6) The purpose of rules of court is to provide necessary governance of court procedure and practice; and
- (7) All rules of court are clear and definite in application.

(b) Definitions. As used in this rule, the following terms have these meanings:

- (1) "Suggested rule change" means a recommendation for a rule change or a new rule to the Chief Justice.
- (2) "Proposed rule" means a recommendation for a rule change made by the ~~Judicial Council or by the Washington State Bar Association~~ to the Washington State Supreme Court.

(c) Initiation of Rules Changes. All suggestions for rules changes shall be sent to the Chief Justice who shall transmit them to the ~~Judicial Council and to the Washington State Bar Association, except suggestions for a change in the Code of Professional Responsibility, the Admission to Practice Rules or the Disciplinary Rules shall be transmitted only to the Bar.~~

Any group or association whose members are involved in the court system may file a request with the Chief Justice to receive copies of suggested rule changes. The request may specify that the group or association wishes to receive copies of all suggested rule changes or of only certain kinds of suggested rule changes. The request shall state the person to whom the suggested rule change should be sent. Once filed, the request shall be a continuing one until withdrawn by the group or association.

(d) Receipt of Proposed Rules by Supreme Court. Once a suggested rule has been approved by the ~~Judicial Council or by the Washington State Bar Association~~, it shall be transmitted as a proposed rule to the Chief Justice.

The text of all proposed rules shall be typed on 8½ by 11-inch line-numbered paper with consecutive page

numbering. If the proposed rule affects an existing rule, deleted portions shall be shown and stricken through; new portions shall be underlined once.

Every proposed rule shall be accompanied by a cover sheet explaining:

(1) Background—what person or group initiated the rules change study and the reason for the request;

(2) Purpose—the purpose of and the necessity for the proposed rule including whether it creates or resolves any conflicts with statutes, case law, or other court rules;

(3) ~~Judicial Council or Washington State Bar Association~~ Action—a summary of the viewpoints expressed during the development of and debate over the proposed rule;

(4) Supporting Material—a table of contents listing the material sent to the Supreme Court in support of the proposal including letters, memoranda, minutes of meetings, or research studies;

(5) Spokesperson—a designation of the person who is knowledgeable about the proposed rule and who could provide additional information to the Supreme Court;

(6) Hearing—whether a hearing is recommended.

All proposed rules must be received by the Supreme Court on or before October 31 to be effective for the succeeding September 1.

(e) Action by Supreme Court. If a proposed rule is amended or rejected by the Supreme Court, the ~~Judicial Council and the Washington State Bar Association~~ will be notified in writing. If a proposed rule is approved, the Supreme Court will order the proposed rule published for comment.

The Supreme Court may invite persons familiar with the rule to provide additional information.

(f) Publication for Comment. All proposed rules approved by the Supreme Court for publication will be published for comment in a Washington Reports advance sheet during the month of January.

All comments shall be directed to the Chief Justice and shall be received no later than the last day of April. If a comment contains a draft of a rule, it must be in the format outlined in 9(d).

All comments received will be kept on file in the office of the clerk of the court for public inspection and copying.

(g) Final Adoption, Publication, and Effective Date. After the comment period, the Supreme Court will adopt, amend, or reject a proposed rule or take such other action as the court deems appropriate.

Prior to action by the Supreme Court, the court may, in its discretion, hold a hearing on a proposed rule at a time and in a manner defined by the court.

All adopted rules shall be published the first of July in a special edition of the Washington Reports advance sheet.

All adopted rules shall become effective the first day of September unless an emergency as determined by the Supreme Court necessitates a different effective date.

(h) Periodic Review. The Supreme Court, in consultation with the ~~Judicial Council and the Washington State Bar Association~~, will establish procedures for the periodic review of the rules of court.

(i) Miscellaneous Provisions. This rule is effective on March 19, 1982, and applies to all proposed rules changes not adopted by the Supreme Court by that date.

The Supreme Court, in its discretion, may adopt, amend, or rescind a rule without following the procedures set forth in this rule.

## RULE 1

### IN GENERAL; SUPREME COURT; PREREQUISITES TO THE PRACTICE OF LAW

(a) Supreme Court. The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit persons to practice law in this state. Any person carrying out the functions set forth in these rules is acting under the authority and at the direction of the Supreme Court.

(b) Prerequisites to the Practice of Law. Except as may be otherwise provided in these rules, a person shall not appear as an attorney or counsel in any of the courts of the State of Washington, or practice law in this state, unless that person has passed the Washington State bar examination, has complied with the other requirements of these rules, and is an active member of the Washington State Bar Association (referred to in these rules as the Bar Association). A person shall be admitted to the practice of law and become an active member of the Bar Association only by order of the Supreme Court.

## RULE 2

### BOARD OF GOVERNORS

(a) Powers. In addition to any other power or authority in other rules, the Board of Governors of the Bar Association (referred to in these rules as the Board of Governors) shall have the power and authority to:

(1) Appoint a Committee of Law Examiners (referred to in these rules as the Committee) from among the active members of the Bar Association for the purposes of assisting the Board of Governors in conducting the bar examination and in supervising the law clerk program;

(2) Approve or deny applications for permission to take the bar examination, to enroll in the law clerk program, or to engage in the limited practice of law under pertinent provisions of rules 8 and 9;

(3) Investigate all aspects of an applicant's qualifications to take the bar examination, to be admitted to the practice of law, to engage in the limited practice of law under pertinent provisions of rules 8 and 9, or to enroll in the law clerk program;

(4) Recommend to the Supreme Court the admission or rejection of each applicant who has passed the bar examination or who is applying to engage in the limited practice of law under pertinent provisions of rules 8 and 9;

(5) Approve law schools for the purposes of these rules and maintain a list of such approved law schools on file with the Clerk of the Supreme Court;

(6) Prescribe, with the approval of the Supreme Court, the amount of any fees required by these rules;

(7) Prescribe the form and content of any application, certificate, or other document referred to in these rules; and

(8) Perform any other functions and take any other actions provided for in these rules, or as may be delegated by the Supreme Court, or as may be necessary and proper to carry out its duties.

(b) Written Request. Any request to the Board of Governors for action on any subject under these rules shall be in writing and shall be properly filed. For the purpose of these rules, filing shall occur at the headquarters office of the Bar Association.

## RULE 3

### APPLICANTS TO TAKE THE BAR EXAMINATION

(a) Prerequisite for Admission. Every person desiring to be admitted to the Bar of the State of Washington must be of good moral character and must qualify for and pass a bar examination.

(b) Qualification for Bar Examination. To qualify to sit for the bar examination, a person must:

(1) Be either (i) a citizen of the United States, or (ii) an alien lawfully admitted for permanent residence in accordance with federal immigration and naturalization law; and

(2) Present satisfactory proof of either (i) graduation from a law school approved by the Board of Governors, or (ii) completion of the law clerk program prescribed by these rules, or (iii) admission to the practice of law by examination, together with current good standing, in any state or territory of the United States or the District of Columbia, and active legal experience for at least 3 of the 5 years immediately preceding the filing of the application. "Active legal experience" shall mean experience either in the active practice of law, or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction, or any combination thereof, in a state or territory of the United States or in the District of Columbia.

(c) Exceptions. The Board of Governors may, in its discretion, withhold permission for an otherwise qualified person to sit for the bar examination, until completion of an inquiry into the applicant's character and fitness, if the applicant (i) has ever been convicted of a "serious crime" as defined in RLD 3.1(h), or (ii) has ever been disbarred or is presently suspended from the practice of law for disciplinary reasons in any jurisdiction, or (iii) has previously been denied admission to the Bar in this or any other jurisdiction for reasons other than failure to pass a bar examination. The Board of Governors may also withhold permission to sit for the bar examination where for any other reason there are serious and substantial questions regarding the present moral character or fitness of the applicant.

(d) Forms; Fees; Filing. Every applicant to take the bar examination shall:

(1) Execute and file an application, in the form and manner and within the time limits that may be prescribed by the Board of Governors;

(2) Pay upon the filing of the application such fees as may be set by the Board of Governors with the approval of the Supreme Court; and

(3) Furnish whatever additional information or proof may be required in the course of investigating the applicant.

**RULE 4**

**BAR EXAMINATIONS; CERTIFICATION OF RESULTS**

(a) Bar Examination. The examination for admission to the bar shall be conducted by and under the direction of the Board of Governors with the assistance of the Committee. The bar examination shall be held in February and in July of each year, or at such other times as the Board of Governors may designate, commencing at the times and in the locations selected by the Board of Governors.

(b) Certification of Results; Notice. As soon as practicable after the completion of the bar examination, the Committee shall certify to the Board of Governors the grades of all applicants who have taken the bar examination. The Board of Governors shall cause each applicant to be notified of the results of the bar examination. No information will be divulged concerning the applicants who failed the bar examination.

(c) Repeating Bar Examination. Any applicant failing a bar examination may apply to take another bar examination, but after the third failure occurring over any period of time no applicant shall take any subsequent bar examination until 11 months have elapsed since the date upon which the immediately preceding bar examination was taken. The 11-month waiting period shall apply to each succeeding failure on the bar examination.

**RULE 5**

**RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE; PAYMENT OF MEMBERSHIP FEE; OATH OF ATTORNEY; RESIDENT AGENT**

(a) Recommendation for Admission. The Board of Governors shall recommend to the Supreme Court the admission or rejection of each applicant who has passed the bar examination. A recommendation for admission shall be based upon the Board of Governors determination, after investigation, that the applicant appears to be of good moral character and in all respects qualified to engage in the practice of law. All recommendations of the Board of Governors shall be accompanied by the applicant's application for examination and any other documents deemed pertinent by the Board of Governors or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall be

kept by the Clerk of the Supreme Court in a separate file which shall not be a public record.

(b) Order Admitting to Practice. After examining the recommendation and accompanying papers transmitted by the Board of Governors, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to the practice of law, conditioned upon such applicant's:

(1) Taking and filing with the Clerk of the Supreme Court the Oath of Attorney within 1 year from the date the bar examination results are made public, except for good cause shown; and

(2) Paying to the Bar Association its membership fee for the current year; and

(3) Designating a resident agent if required to do so by section (e).

(c) Oath of Attorney. The Oath of Attorney must be taken before a court of general or appellate jurisdiction, sitting in open court, in the State of Washington. In the event a successful applicant is outside the State of Washington and the Chief Justice is satisfied that it is impossible or impractical for the applicant to take the oath before a court of general or appellate jurisdiction in this state, the Chief Justice may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer oaths, before whom the applicant may appear and take said oath.

(d) Contents of Oath. The oath which all applicants shall take is as follows:

**OATH OF ATTORNEY**

State of Washington, County of \_\_\_\_\_, ss.

I, \_\_\_\_\_, do solemnly swear declare:

1. I am fully subject to the laws of the State of Washington and the Laws of the United States and will abide by the same.

2. I will support the constitution of the State of Washington and the constitution of the United States.

3. I will abide by the Code of Professional Responsibility approved by the Supreme Court of the State of Washington.

4. I will maintain the respect due to the courts of justice and judicial officers.

5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.

6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.

7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

\_\_\_\_\_  
(signature)

SUBSCRIBED and sworn to me before this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Judge

(e) Non-Resident Lawyers; Resident Agent. There shall be no requirement that an applicant or a member of the Bar Association be a resident or a bona fide resident in the State of Washington. Every active member of the Bar Association who does not live or maintain an office in the State of Washington shall file with the Bar Association the name and address of an agent within this state for the purpose of receiving service of process or of any other document required or permitted by statute or court rule to be served or delivered to a resident lawyer. Service or delivery to such agent shall be deemed service upon or delivery to the lawyer.

## RULE 6

### LAW CLERK PROGRAM

(a) Applicants. Every applicant for enrollment in the law clerk program shall:

- (1) Be of good moral character;
- (2) Present satisfactory proof of having been granted a bachelor's degree, other than a bachelor of laws, by a college or university offering such a degree on the basis of a 4-year course of study;
- ~~(3) Achieve a satisfactory score on the Law School Admission Test administered by Law School Admissions Services;~~
- ~~(4)~~ (3) Obtain regular, full-time employment in the State of Washington as a law clerk with (i) a judge of a court of general or appellate jurisdiction, or (ii) a lawyer or firm of lawyers licensed to practice in this state and actively engaged in the practice of law;
- ~~(5)~~ (4) Submit on forms provided by the Bar Association (i) an application for admission to the law clerk program, (ii) the tutor's statement required by section (b)(3) of this rule, and, (iii) an application fee; and
- ~~(6)~~ (5) Appear for an interview, provide any additional information or proof, and cooperate in any investigation, as may be deemed relevant by the Board of Governors.

(b) Tutors. A lawyer may act as a tutor for only one law clerk at a time. To be eligible to act as a tutor in the law clerk program, a lawyer shall:

- (1) Be an active member in good standing of the Bar Association, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding the filing of the law clerk's application for enrollment, the Board of Governors shall have the discretion to accept or reject the lawyer as tutor;
- (2) Have been actively and continuously engaged in the practice of law or have held the required judicial

position for at least 10 years immediately preceding the filing of the law clerk's application for enrollment; and

(3) Provide a tutor's statement certifying to the law clerk's employment and to the tutor's eligibility, and agreeing to instruct and examine the law clerk in the curriculum prescribed by the Committee with the approval of the Board of Governors.

(c) Length of Study. A law clerk, whose application for enrollment has been accepted by the Board of Governors, shall study for 4 calendar years. Each calendar year shall consist of at least 48 weeks, with a minimum of 30 hours of study each week, including the time spent in performing the duties of a law clerk. The tutor shall give personal supervision to the law clerk for averaging at least 5 3 hours each week. "Personal supervision" is defined as time actually spent with the law clerk for the exposition and discussion of the law, the recitation of cases, and the critical analysis of the law clerk's written assignments.

(d) Course of Study. The subjects to be studied, the sequence in which they are to be studied, and any other matters pertaining thereto shall be as prescribed by the Committee with the approval of the Board of Governors.

(e) Examinations. All law clerks shall:

(1) Each month, complete a written examination prepared, administered, and graded by the tutor. The examination shall be answered without research, assistance, or reference to source materials during the examination;

(2) Annually, or at such other intervals as may be established by the Committee, appear with the tutor before the Committee for an oral evaluation of the law clerk's progress.

(f) Certificates. In addition to the tutor's statement required by section (b)(3) of this rule, the tutor shall submit, on forms provided by the Bar Association:

(1) A monthly certificate, accompanying the written examination, stating the number of hours the law clerk studied each week, the number of hours spent by the tutor in personal supervision each week, that the written examination was administered as required, and that, in the opinion of the tutor, the law clerk is progressing satisfactorily; and

(2) At the conclusion of the law clerk's course of study, a certificate stating that the law clerk has completed the prescribed length and course of study, and, in the tutor's opinion, is qualified to take the bar examination and is competent to practice law.

(g) Termination. The Board of Governors may direct a law clerk to change tutors, and may terminate the enrollment of law clerks or remove tutors from the program. The Committee may recommend to the Board of Governors that the enrollment of the law clerk in the program be terminated for:

(1) Failure to complete the prescribed length and course of study within 6 years from the date the law clerk's application for admission was accepted;

(2) Failure of the tutor to submit the monthly examinations and certificates at the end of each month in which they are due;

(3) Failure to comply with any of the requirements of the law clerk program; and

(4) Any other grounds deemed pertinent by the Committee.

(h) Advanced Standing. The Board of Governors may grant advanced standing to an enrolled law clerk who has attended either an approved or a non-approved law school.

(i) Effective Date. The revision of this rule shall not apply retroactively to any law clerk whose enrollment has been approved and accepted by the Board of Governors prior to the effective date of this revision. Each law clerk may complete the course of study under the version of the rule in effect on the date the application for enrollment to the law clerk program was accepted.

## RULE 7

### INVESTIGATIONS; DUTY OF APPLICANT

(a) Investigations. The Board of Governors may refer any application for permission to take the bar examination, to be admitted to the practice of law or to be admitted to the limited practice of law under pertinent provisions of rules 8 and 9, or to enroll in the law clerk program to state bar counsel or to any existing or special committee of the Bar Association for investigation. In connection with any investigation, the Board of Governors shall have the power to:

(1) Direct the issuance of subpoenas by the Executive Director of the Bar Association in the name of the Board of Governors to compel the attendance of witnesses at depositions or hearings, or for the production of books, records, or other documents;

(2) Require additional proof or answers to interrogatories relating to any fact stated in an application; and

(3) Require an applicant, upon reasonable notice, to appear before the Board of Governors or any existing or special committee of the Bar Association for an examination regarding any matter deemed by the Board of Governors to be relevant to a proper consideration of the application.

(b) Duty of Applicant. It shall be the duty of every applicant to cooperate with any investigation required by the Board of Governors, by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the investigator. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board of Governors to reject or to recommend the rejection of an application.

## RULE 8

### SPECIAL ADMISSIONS

(a) In General. Lawyers admitted to the practice of law in any state or territory of the United States or the District of Columbia, who do not meet the requirements of rule (1)(b), may engage in the practice of law in this state only as provided in this rule.

(b) Exception for Particular Action or Proceeding. A member in good standing of the bar of any other state or territory of the United States or of the District of Columbia, who is a resident of and maintains a practice

in such other state, territory, or District, may appear as a lawyer in the trial of any action or proceeding only (i) with the permission of the court or tribunal in which the action or proceeding is pending, and (ii) in association with an active member of the Bar Association, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at all proceedings.

(1) An application to appear as such a lawyer shall be made to the court or tribunal before whom the action or proceeding is pending. The application shall be heard by the court or tribunal after such notice to the adverse parties as the court or tribunal shall direct. The court or tribunal shall enter an order granting or refusing the application, and, if the application is refused, the court shall state its reasons.

(2) No member of the Bar Association shall lend his or her name for the purpose of, or in any way assist in, avoiding the effect of this rule.

(c) Exception for Indigent Representation. A member in good standing of the bar of another state or territory of the United States or of the District of Columbia, who is eligible to take the bar examination in this state, while rendering service in either a bar association or governmentally sponsored legal services organization or in a public defender's office or similar program providing legal services to indigents and only in that capacity, may, upon application and approval, practice law and appear as a lawyer before the courts of this state in any matter, litigation, or administrative proceeding, subject to the following conditions and limitations:

(1) Application to practice under this rule shall be made to the Board of Governors, and the applicant shall be subject to the Rules for Lawyer Discipline and to the Code of Professional Responsibility.

(2) In any such matter, litigation, or administrative proceeding, the applicant shall be associated with an active member of the Bar Association, who shall be the lawyer of record and responsible for the conduct of the matter, litigation, or administrative proceeding.

(3) The applicant shall apply for and take the first bar examination which is given more than 90 days after the date of the applicant's admission to practice under this rule.

(4) The applicant's right to practice under this rule (i) may be terminated by the Supreme Court at any time with or without cause, or, (ii) shall be terminated automatically for failure to take or pass the required bar examination, or, (iii) shall be terminated for failure to become an active member of the Bar Association within 60 days of the date the bar examination results are made public, or, (iv) in any event, shall be terminated within 1 year from the original date of the applicant's admission to practice law in this state under this rule.

(d) Exception for Educational Purposes. A lawyer who is enrolled and in good standing as a postgraduate student or as a faculty member in a program of an approved law school in this state, involving clinical work in the courts or in the practice of law, may apply to the Board of Governors for admission to the limited practice of law by paying an investigation fee and by presenting satisfactory proof of (i) admission to the practice of law and current good standing in any state or territory of the

United States or the District of Columbia, and, (ii) compliance with the requirements of rule 3(b)(1), and, (iii) good moral character.

(1) Upon approval of the application by the Board of Governors, the applicant shall take the Oath of Attorney, and the Board of Governors shall transmit its recommendation to the Supreme Court which shall enter an order admitting the applicant to the limited practice of law under this section.

(2) The practice of an applicant admitted under this section shall be (i) limited to the period of time the applicant actively participates in the program, (ii) limited to the clinical work of the particular course of study in which the applicant is enrolled or teaching, (iii) free of charge for the services so rendered, and (iv) subject to the Code of Professional Responsibility and the Rules for Lawyer Discipline.

(3) An applicant admitted under this section shall be deemed an active member of the Bar Association only for the purpose of serving as a supervising lawyer under rule 9, and for no other purpose.

(4) When the applicant ceases actively to participate in the program, the law school dean shall immediately notify the Bar Association and the clerk of the Supreme Court so that the applicant's right to practice may be terminated of record.

## RULE 9

### LEGAL INTERNS

(a) Admission to Limited Practice. Qualified law students, enrolled law clerks, and graduates of approved law schools may be admitted to the status of legal intern and be granted a limited license to engage in the practice of law only as provided in this rule. To qualify, an applicant must:

(1) Be a student duly enrolled and in good academic standing at an approved law school with legal studies completed amounting to not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and have the written approval of the applicant's law school dean or a person designated by such dean; or

(2) Be an enrolled law clerk in compliance with the provisions of rule 6 with not less than three-fourths of the prescribed 4-year course of study completed, and have the written approval of the tutor; or

(3) Make the application before the expiration of 9 months following graduation from an approved law school, and submit satisfactory evidence thereof to the Bar Association; and

(4) Certify in writing under oath that the applicant has read, is familiar with, and will abide by, the Code of Professional Responsibility and this rule.

(b) Procedure. The applicant shall submit an application, for which no fee shall be required, on a form provided by the Bar Association, setting forth the applicant's qualifications.

(1) The application shall give the name of, and shall be signed by, the supervising lawyer who, in doing so, shall assume the responsibilities of supervising lawyer set

forth in this rule if the applicant is granted a limited license as a legal intern. The supervising lawyer shall be relieved of such responsibilities upon the termination of the limited license or at an earlier time if the supervising lawyer or the applicant gives written notice to the Bar Association and the Supreme Court requesting that the supervising lawyer be so relieved. In the latter event another active member of the Bar Association may be substituted as such supervising lawyer by giving written notice of such substitution, signed by the applicant and by such other active member, to the Bar Association and the Supreme Court.

(2) Upon receipt of the application, it shall be examined and evaluated by the Board of Governors which shall endorse thereon its approval or disapproval and forward the same to the Supreme Court.

(3) The Supreme Court shall issue or refuse the issuance of a limited license of a legal intern. The Supreme Court's decision shall be forwarded to the Bar Association, and the applicant shall be informed of the Supreme Court's decision.

(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Code of Professional Responsibility and the Rules for Lawyer Discipline as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

(1) A judge may exclude a legal intern from active participation in a case filed with the court in the interest of orderly administration of justice or for the protection of a litigant or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

(2) No legal intern may receive payment from a client for the intern's services. However, nothing contained herein shall prevent a legal intern from being paid for services by the intern's employer or to prevent the employer from making such charges for the service of the legal intern as may otherwise be proper. A legal intern and the intern's supervising lawyer or a lawyer from the same office shall, before the intern undertakes to perform any services for a client, inform the client of the legal intern's status.

(3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other documents. It is not necessary in such instances for the supervising lawyer to be present.

(4) A legal intern may participate in superior court and Court of Appeals proceedings, including depositions, provided the supervising lawyer or another lawyer from

the same office is present. Ex parte and agreed orders may be presented to the court by a legal intern without the presence of the supervising lawyer or another lawyer from the same office. An intern may represent the state in juvenile court in misdemeanor and gross misdemeanor cases without in-court supervision after a reasonable period of in-court supervision, which shall not be less than one trial.

(5) Except as otherwise provided in subsection 9(c)(6), in courts of limited jurisdiction, a legal intern, only after participating with the supervising lawyer in at least one nonjury case, may try nonjury cases in such courts without the presence of a supervising lawyer and, only after participating with the supervising lawyer in at least one jury case, may try jury cases in such courts without the presence of a supervising lawyer.

(6) Either the supervising lawyer or a lawyer from the same office shall be present in the representation of a defendant in all preliminary criminal hearings.

(d) Supervising Lawyer. The supervising lawyer shall be an active member of the Bar Association in good standing, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding the filing of the application, the Board of Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed.

(1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal document, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. In any proceeding in which a legal intern appears before the court, the legal intern must advise the court of the intern's status and the name of the intern's supervising lawyer.

(2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents.

(3) As a general rule, no supervising lawyer shall have supervision over more than 1 legal intern at any one time. However, in the case of (i) recognized institutions of legal aid, legal assistance, public defender and similar programs furnishing legal assistance to indigents, or legal departments of a state, county or municipality, the supervising lawyer may have supervision over 2 legal interns at one time, or (ii) a clinical course offered by an

approved law school where such course has been approved by its dean and is directed by a member of its faculty, and conducted within institutions or legal departments described in (i) or the law school, each full-time clinical supervising lawyer may have supervision over 10 legal interns at one time provided a supervising lawyer attends all adversarial proceedings conducted by the legal interns.

(4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the Board of Governors. When an intern's supervisor is so terminated, the intern shall cease performing any services under this rule and shall cease holding himself or herself out as a legal intern until written notice of a substitute supervising lawyer, signed by the intern and by the new and qualified supervising lawyer, is given to the Bar Association and to the Supreme Court.

(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Lawyer Discipline.

(6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern.

(7) For purposes of the provisions of this rule which permit a lawyer from the same office as the supervising lawyer to sign documents or be present with a legal intern during court appearances, the lawyer so acting must be one who meets all of the qualifications for becoming a supervising lawyer under this rule.

(e) Term of Limited License. A limited license as a legal intern shall be valid, unless revoked, for a period of not more than 24 consecutive months, provided that a person who fails the bar examination shall not continue to serve or to be eligible to become a legal intern after the date the bar examination results are made public, and provided further that a person shall not serve as a legal intern more than 12 months after graduation from law school.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Clerk of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing or if the law clerk ceases to comply with rule 6.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the Court's own motion, or upon the motion of the Board of Governors, in either case with or without cause.

(3) An intern shall immediately cease performing any services under this rule and shall cease holding himself or herself out as a legal intern (i) upon termination for any reason of the intern's limited license under this rule; or (ii) upon the resignation of the intern's supervising lawyer; or (iii) upon the suspension or termination by the Board of Governors of the supervising lawyer's status as supervising lawyer; or (iv) upon the withdrawal of approval of the intern pursuant to this rule.

RULE 10  
[RESERVED]

RAP 15.4

CLAIM FOR PAYMENT OF EXPENSE FOR  
INDIGENT PARTY

(a) Conditions for Payment. The expenses for an indigent party which are necessarily incident to review by an appellate court will be paid from public funds only if:

(1) An order of indigency is included in the record on review; and

(2) An order properly authorizes the expense claimed; and

(3) The claim is made by filing four copies of an invoice in the form and manner and within the time provided by this rule.

(b) Invoice Generally. Each invoice must include the appellate court caption and docket number and the name of the claimant. The claimant's social security number or the Internal Revenue Service employer identification number of the claimant's firm must be included on each invoice, except one submitted by the superior court clerk. The invoice of a court reporter or a superior court clerk may be submitted as soon as the services have been performed or the expense incurred, but the invoice must be filed within 10 days after issuance of the mandate. The invoice must be filed in the appellate court to which the notice of appeal or notice for discretionary review was directed. Invoices filed in the Court of Appeals will be forwarded to the Supreme Court together with a statement indicating whether the requirements of this rule are satisfied.

(c) Invoice of Counsel. An invoice submitted by counsel representing an indigent party should be titled "Invoice of Counsel for Indigent Party." An invoice may be submitted only after oral argument, and not later than 10 days after issuance of the mandate. Counsel may submit only one invoice in the same review proceeding. The invoice must include a statement of the number of hours spent by counsel preparing the review, the amount of compensation claimed, and the reasonable expenses excluding normal overhead incurred by counsel for the review including travel expenses of counsel incurred for argument in the appellate court. Travel expenses may not exceed the amount allowable to state employees for travel by private vehicle. The invoice must include an affidavit of counsel stating that the items listed are correct charges for necessary services rendered and expenses incurred for proper consideration of the review and that counsel has not received and has not been promised compensation for the review from the indigent party or from any other source except as may have been approved by the court.

(d) Invoice of Court Reporter or Typist.

(1) An invoice submitted by the court reporter should be titled "Invoice of Court Reporter—Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at

the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter must be charged for as though reproduced by the most economical method available to the reporter. The superior court clerk shall certify the reporter's invoice as follows:

I hereby certify that the amount claimed in this invoice is for that portion of the verbatim report of proceedings ordered by the trial court; that the typing of the report is in accordance with appellate rule 9.2(e) and (g); and that the bill is computed at the current rate per page set by the Supreme Court for the original and one copy, namely \$ \_\_\_\_\_ per page.

(2) If the record at the trial level was made by use of electronic or mechanical recording devices, so that a verbatim transcript has been prepared by a typist, the typist shall submit an invoice titled "Invoice of Typist—Indigent Case." The invoice must state the number of pages transcribed. The invoice shall state whether the typist was hired at an hourly or per page rate, and it shall state the rate. In no event may the amount claimed on the invoice exceed the number of pages typed times the rate per page or line page equivalent set by the Supreme Court for court reporters. The superior court clerk shall certify the typist's invoice. If the typist was hired at a per page rate, the certificate shall be as set forth above for court reporters. If the typist was hired at an hourly rate, the certificate shall state that the amount claimed by the typist does not exceed the maximum which could have been claimed by a court reporter at the rate per page or line page equivalent set by the Supreme Court, and it shall further state what such maximum amount would have been.

(e) Invoice of Superior Court Clerk. An invoice submitted by the superior court clerk should be titled "Invoice of Superior Court Clerk—Indigent Case." The invoice must itemize the clerk's charges for the preparation of the record ordered by counsel for the indigent or the trial court and list the actual expenses of the clerk for transmittal of those portions of the record. The superior court clerk shall certify the clerk's invoice as follows:

I hereby certify that the items listed in this invoice are correct charges for the preparation of those portions of the record ordered by counsel or the trial court and for the actual expense of transmittal of those portions of the record.

RAP 17.1

~~RELIEF AVAILABLE BY MOTION~~  
SCOPE

(a) Relief Under This Title. A person may seek relief, other than a decision of the case on the merits, by motion as provided in Title 17.

(b) Motion on the Merits. A party may seek a decision on the merits by motion as provided in rule 18.14. The rules in Title 17 apply to a motion for a decision on the merits only to the extent provided in rule 18.14.

## CR 50

MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT NOTWITHSTANDING THE VERDICT

(a) Motion for Directed Verdict; When Made; Effect. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific ground therefor.

(b) Motion for Judgment Notwithstanding the Verdict. Not later than 5 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not he has moved for a directed verdict and whether or not a verdict was returned, a party may move for judgment notwithstanding the verdict. A motion for judgment notwithstanding the verdict shall identify the specific reasons in fact and law as to each ground on which the motion is based. A motion in the alternative for a new trial may be joined with this motion.

(c) Alternative Motions for Judgment Notwithstanding the Verdict or for a New Trial—Effect of Appeal. Whenever a motion for a judgment notwithstanding the verdict and, in the alternative, for a new trial shall be filed and submitted in any superior court in any civil cause tried before a jury, and such superior court shall enter an order granting such motion for judgment notwithstanding the verdict, such court shall at the same time, in the alternative, pass upon and decide in the same order such motion for a new trial; such ruling upon said motion for a new trial not to become effective unless and until the order granting the motion for judgment notwithstanding the verdict shall thereafter be reversed, vacated, or set aside in the manner provided by law. An appeal to the Supreme Court or Court of Appeals from a judgment granted on a motion for judgment notwithstanding the verdict shall, of itself, without the necessity of cross appeal, bring up for review the ruling of the trial court on the motion for a new trial; and the appellate court shall, if it reverses the judgment entered notwithstanding the verdict, review and determine the validity of the ruling on the motion for a new trial.

## CR 59

NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) Grounds for Reconsideration New Trial or New Trial Reconsideration. The verdict or other decision may be vacated and a new trial granted to all or any of the

parties and on all or part of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial.

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application;

(9) That substantial justice has not been done.

(b) Time for Motion; Contents of Motion. A motion for a new trial or for reconsideration shall be served and filed not later than 5 10 days after the entry of the judgment.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) Time for Serving Affidavits. When a motion for new trial is based upon affidavits they shall be served with the motion. The opposing party has 5 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(d) On Initiative of Court. Not later than 5 10 days after entry of judgment, the court of its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, and in the order shall specify the grounds thereof.

(e) Hearing on Motion. When a motion for reconsideration or for a new trial is served and filed, the judge by whom it is to be heard may on his own motion or on application determine:

(1) Time of Hearing. Whether the motion shall be heard before the entry of judgment;

(2) Consolidation of Hearings. Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and

(3) Nature of Hearing. Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) Statement of Reasons. In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) Reopening Judgment. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(h) Motion To Alter or Amend Judgment. A motion to alter or amend the judgment shall be served not later than 5 10 days after entry of the judgment.

(i) Alternative Motions, etc. Alternative motions for judgment notwithstanding the verdict and for a new trial may be made in accordance with rule 50(c).

(j) Limit on Motions. If a motion for reconsideration, or for a new trial, or for judgment notwithstanding the verdict, is made and heard before the entry of the judgment, no further motion may be made for a new trial nor pursuant to sections (g), (h), and (i) of this rule, nor under rule 52(b), without leave of court first obtained for good cause shown.

## CR 80

### COURT REPORTERS

(a) [Reserved.]

(b) Electronic Recording. In any civil or criminal proceedings, electronic or mechanical recording devices approved by the Administrator for the Courts may be used to record oral testimony and other oral proceedings in lieu of or supplementary to causing shorthand notes thereof to be taken. In ex parte all matters the use of such a devices shall rest within the sole discretion of the court. ~~In controverted matters, the use of recording devices shall be at the discretion of the court, unless a party of record or his counsel makes timely objection prior to the commencement of the proceedings. This provision shall be subject to review no later than September 30, 1986.~~

## CrR 7.4

### ARREST OF JUDGMENT

(a) Arrest of Judgments. Judgment may be arrested on the motion of the defendant for the following causes:

(1) Lack of jurisdiction of the person or offense; (2) the

indictment or information does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 5 10 days after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time.

The motion for arrest of judgment shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) New Charges After Arrest of Judgments. When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new indictment or information. If judgment was arrested because there was no proof of ~~the~~ a material element of the crime the defendant shall be dismissed.

(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial ~~in Superior Court~~. Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any superior court in any criminal cause tried before a jury, and the superior court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law.

## CrR 7.6

### NEW TRIAL

(a) Grounds for New Trial. The court on motion of a defendant may grant a new trial for any one of the following causes when it affirmatively appears that a substantial right of the defendant was materially affected:

(1) Receipt by the jury of any evidence, paper, document or book not allowed by the court;

(2) Misconduct of the prosecution or jury;

(3) Newly discovered evidence material for the defendant, which he could not have discovered with reasonable diligence and produced at the trial;

(4) Accident or surprise;

(5) Irregularity in the proceedings of the court, jury or prosecution, or any order of court, or abuse of discretion, by which the defendant was prevented from having a fair trial;

(6) Error of law occurring at the trial and ~~excepted~~ objected to at the time by the defendant;

(7) That the verdict or decision is contrary to law and the evidence;

(8) That substantial justice has not been done. ~~When the motion is based on matters outside the record, the facts shall be shown by affidavit.~~

When the motion is based on matters outside the record, the facts shall be shown by affidavit.

(b) Time for Motion; Contents of Motion. A motion for new trial must be served and filed within 5 10 days

after the verdict or decision. The court on application of the defendant or on its own motion may in its discretion extend the time.

The motion for a new trial shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) Time for Affidavits. When a motion for a new trial is based upon affidavits they shall be served with the motion. The prosecution has 5 10 days after such service within which to serve opposing affidavits. The court may extend the period for submitting affidavits to a time certain for good cause shown or upon stipulation.

(d) Statement of Reasons. In all cases where the court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(e) Disposition of Motion. The motion shall be disposed of before judgment and sentence or order deferring sentence.

## SPECIAL PROCEEDINGS RULE

### RULE 98.16W. ESTATES—GUARDIANSHIP— SETTLEMENT OF CLAIMS OF MINORS

(a) Representation. In every case where there is a settlement involving a beneficial interest or claim of a person under the age of eighteen, hereinafter referred to as a minor, the court must appoint an independent guardian ad litem to investigate the adequacy of the offered settlement and file a written report. Said guardian ad litem shall be an attorney-at-law and shall serve in said capacity with the authority to withdraw funds on order of the court after ex parte hearing on petition setting forth the grounds therefor, on behalf of the minor by order until the minor attains the age of eighteen or until relieved by the court. The court may dispense with the appointment of the guardian ad litem if a general guardian has been previously appointed or if the court affirmatively finds that the minor is represented by independent counsel.

(b) Hearing. At the time the petition for approval of the settlement is heard, the allowance and taxation of all fees, costs, and other charges incident to the settlement of the minor's claim shall be considered and disposed of by the court.

(c) Deposit in Court and Disbursements. The total judgment shall be paid into the registry of the court. All sums deductible therefrom including costs, attorneys' fees, hospital and medical expenses, and any other expense, shall be paid upon approval of the court.

(d) Control of Remaining Funds.

(1) Under ~~\$5,000~~ \$10,000. If the money or the value of other property remaining is ~~\$5,000~~ \$10,000 or less and there is no general guardian of the ward, the court shall require that (A) the money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the ward

subject to withdrawal only upon the order of the court as a part of the original proceeding, or (B) a general guardian be appointed and the money or other property be paid or delivered to such guardian.

(2) Over ~~\$5,000~~ \$10,000. If the money or the value of other property remaining exceeds ~~\$5,000~~ \$10,000, and there is no general guardian of the ward, the court in the order or judgment shall require that a general guardian be appointed.

(e) Deposit of Minor's Funds. Checks for funds that go to the minor may be made out by the clerk jointly to the depository bank, trust company, or insured financial institution and the independent attorney for the minor, guardian ad litem or general guardian and deposit shall be made in a blocked account for the minor with provision that withdrawals cannot be made without court order. A deposit receipt to that effect must be forthwith filed with the court by the attorney or guardian.

## MAR 1.2

### MATTERS SUBJECT TO ARBITRATION

A civil action, other than an appeal from a court of limited jurisdiction, is subject to arbitration under these rules if the action is at issue in a superior court in a county which has authorized mandatory arbitration under RCW 7.06, if the sole relief sought is a money judgment, and if (1) no party asserts a claim in excess of ~~\$10,000~~ the amount authorized by RCW 7.06.020 as determined by local superior court rule, exclusive of attorney's fees, interest and costs, or if (2) all parties for purposes of arbitration waive claims in excess of ~~\$10,000~~ the amount described in subdivision (1), exclusive of attorney's fees, interest and costs. Other matters may be arbitrated under these rules only by stipulation under Rule 8.1.

## CrR 6.2

### JURORS' ORIENTATION

All jurors will be given a general orientation when they report for duty.

(a) Juror Handbook. A copy of the ~~Uniform Washington Juror's Handbook to Washington Courts~~ as prepared by the ~~Washington Supreme Court Committee on Jury Instructions~~ Superior Court Judges' Association of the State of Washington and the Washington State Magistrates Association shall be provided to all petit jurors by the court in which they are to serve.

(b) Juror Information Sheet. Prior to the commencement of a petit juror's term of service, a juror information sheet shall be furnished to ~~him~~ the juror by the court in which ~~he~~ the person is to serve. The format of the information sheet shall be consistent with recommendations of the Administrator for the Courts.

## SAR 21

### JUSTICES PRO TEMPORE

SAR 21(c):

(c) Duties of the Justice Pro Tempore.

(1) A justice, while serving pro tempore, shall have the same power and authority as a justice of the supreme court, and he shall perform such duties as the court may direct. ~~Justices pro tempore shall not author majority opinions other than in those cases wherein they prevail by concurring or dissenting opinion. Justices pro tempore shall author majority opinions at the discretion of the Chief Justice.~~

(2) A justice pro tempore will function promptly on opinions and petitions for rehearing on which he is qualified to function. When such opinions are received by him after the period of his appointment has expired, his original period of office as a justice pro tempore shall be deemed to exist in order for him to function and to accomplish the ministerial act of filing the opinion.

JUSTICE COURT CIVIL RULES

~~6 1. SCOPE OF RULES—ONE FORM OF ACTION~~

1. INTRODUCTORY  
(RULES 1-2A)

RULE 1

SCOPE OF RULES

~~See rule 2.~~

[NEW RULE]

These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a civil nature, with the exceptions stated in rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

Comment

The new rule is an adaptation of the rule applicable in superior court. The reference to superior court has been changed to refer to trial courts of limited jurisdiction, and the reference to cases in equity has been omitted.

The second sentence of the rule has special significance in courts of limited jurisdiction, where many parties appear without counsel. The rules should be applied with reason and common sense to protect the substantive rights of all parties, including those who appear without counsel.

RULE 2

ONE FORM OF ACTION

There shall be one form of action to be known as "civil action."

Comment

The rule is the same as the rule applicable in superior court.

RULE 2A  
STIPULATIONS  
[NEW RULE]

No agreement or consent between parties or attorneys in respect to the proceedings in a cause, the purport of which is disputed, will be regarded by the court unless the same shall have been made and assented to in open court on the record, or entered in the minutes, or unless the evidence thereof shall be in writing and subscribed by the attorneys denying the same.

Comment

The rule is substantially the same as the rule applicable in superior court. The phrase "before a court reporter" in the superior court rule has been changed to "on the record" because proceedings are recorded electronically in courts of limited jurisdiction.

2. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS  
(RULES 3-6)

RULE 3

COMMENCEMENT OF ACTION

A civil action is commenced by filing with the court a complaint signed as required by rule 11.

Comment

The new rule is the same as the old rule. Filing continues to be required before service of the summons and complaint. The rule is necessary to prevent abuse by plaintiffs who serve a summons and complaint and later file the action and obtain a default judgment simultaneously.

RULE 4  
PROCESS

~~(a) Notice: Issuance. Any person desiring to commence a civil action shall do so by filing a written complaint with the court, and when such complaint is so filed, upon payment of a fee, a notice shall issue.~~

~~(b) Notice: Time:~~

~~(1) First. The first notice shall notify the defendant to appear in person, in writing, or by attorney on or before the time and at the place stated in the notice, which shall not be less than 15 days nor more than 30 days from the date the complaint was filed.~~

~~(2) Additional. Upon affidavit of the plaintiff or his attorney that service of the notice was not perfected, additional notices may be issued directing the defendant to appear in not less than 15 days nor more than 30 days, provided that the maximum period of any return date shall not be more than 90 days from the date the complaint was filed.~~

~~(c) Notice: Form. The notice shall be signed by the judge or clerk and be substantially in the following form:~~

[NAME AND LOCATION OF COURT]

_____	}	No. _____
Plaintiff,		
v.		
_____	}	NOTICE OF SUIT
Defendant.		

To: \_\_\_\_\_ (Defendant(s))  
 On \_\_\_\_\_, 19\_\_\_\_, above named plaintiff(s) filed a claim against you, a copy of which is attached.

You are notified to appear in person, in writing, or by attorney on or at any time before \_\_\_\_\_ at the office of the clerk of the above entitled court at \_\_\_\_\_ (address of court) and admit or deny the above claim. If you deny any part of the claim, then the court clerk will set the case for trial at a future date.

If you fail to appear to to answer, judgment will be taken against you by default as demanded in the claim.

Issued: \_\_\_\_\_  
 (Name and address of plaintiff or his attorney)

\_\_\_\_\_  
 Judge or Clerk

(d) Notice: By Whom Served. Service of notice and complaint may be made by the sheriff or some constable of the county or district in which the court is located or by any citizen of the State of Washington over the age of 18 years and who is competent to be a witness and is not a party to the action.

(c) Notice: Personal Service. The notice shall be attached to the complaint and a copy of the notice and complaint shall be served together upon the defendant at least 14 days before the return day stated in the notice. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made within the territorial jurisdiction of the court as follows:

- (1) If the action be against any county in this state, to the county auditor;
- (2) If against any town or incorporated city in the state, to the mayor, manager or clerk thereof;
- (3) If against a school district, to the clerk thereof;
- (4) If against a railroad corporation, to any station, freight, ticket or other agent thereof;
- (5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found;
- (6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance;
- (7) If against a foreign or alien insurance company as provided in RCW 48.05.200 and 48.05.210;
- (8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor;
- (9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, secretary, cashier or managing agent of the company or corporation or branch or local office or to the secretary, stenographer or office assistant of such individuals;

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof;

(11) If against a minor under the age of 14 years, to such minor personally, and also to his father, mother, guardian, or if there be none within the jurisdiction then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be;

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian;

(13) In all other cases, to the defendant personally, or by leaving complaint and notice at the house of his usual abode with some person of suitable age and discretion then resident therein;

(14) Whenever any domestic or foreign corporation, which has been doing business in this state, has been placed in the hands of a receiver and the receiver is in possession of any of the property or assets of such corporation, service of all process upon such corporation may be made upon the receiver thereof.

Service made in the modes provided in this section shall be taken and held to be personal service.

(f) Notice: Service by Publication and Personal Service Out of the Jurisdiction:

(1) When the defendant cannot be found within the territorial jurisdiction of the court (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence), and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the court stating that he believes that the defendant is not a resident of the county, or cannot be found therein, and that he has deposited a copy of the notice (substantially in the form prescribed in this rule) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the notice by the plaintiff or his attorney in any of the following cases:

- (i) when the defendant is a foreign corporation, and has property within the county;
- (ii) when the defendant, being a resident of the county, has departed therefrom with intent to defraud his creditors, or to avoid the service of a notice and complaint, or keeps himself concealed therein with like intent;
- (iii) when the defendant is not a resident of the county, but has property therein which has been brought under the control of the court by seizure or some equivalent act;
- (iv) when the subject of the action is personal property in the county, and the defendant has or claims a lien or interest, actual or contingent, therein, and the relief demanded consists wholly, or partially, in excluding the defendant from any interest or lien therein;

(v) when the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to personal property in the county;

~~(2) The publication shall be made in a newspaper authorized to publish a summons in superior court and shall not be published until after the filing of the complaint. The notice must be subscribed by the judge or clerk, it shall notify the defendant to appear in person or by attorney on a date certain, and it shall contain a brief statement of the object of the action. Said notice shall be published not less than once a week for 3 weeks prior to the time fixed for the hearing of the cause, which shall not be less than 4 weeks from the time of first publication of such notice; and publication shall be deemed complete on the seventh day following the last publication.~~

~~The notice shall be substantially in the following form:~~

~~[NAME AND LOCATION OF COURT]~~

_____	No. _____
Plaintiff,	
v.	
_____	NOTICE OF SUIT
Defendant.	

~~To: \_\_\_\_\_ (Defendant(s))  
On \_\_\_\_\_, 19\_\_\_\_, above named plaintiff(s)  
filed a claim against you.~~

~~You are notified to appear in person or by attorney on or at any time before \_\_\_\_\_ at the office of the clerk of the above entitled court at \_\_\_\_\_ (address of court) and admit or deny the above claim. If you deny any part of the claim, then the court clerk will set the case for trial at a future date.~~

~~If you fail to appear or to answer, judgment will be taken against you by default as demanded in the claim. (Insert here a brief statement of the object of the action.)~~

~~Issued: \_\_\_\_\_  
(Name and address of plaintiff  
or his attorney)~~

\_\_\_\_\_  
Judge or Clerk

~~(3) Personal service on the defendant out of the territorial jurisdiction of the court shall be equivalent to service by publication, and the notice to the defendant out of the county shall contain the same as the notice by publication and shall require the defendant to appear at a time and place certain which shall not be less than 30 days from the date of service.~~

~~(4) Service made in the modes provided in this rule 4(f) shall not alone be taken and held to give the court jurisdiction over the person of the defendant. By such service the court only acquires jurisdiction to give a judgment which is effective as to property or debts attached or garnished in connection with the suit or other property which properly forms the basis of jurisdiction of the court. If the defendant appears in a suit commenced by such service the court shall have jurisdiction over his person. The defendant may appear specially and solely to challenge jurisdiction over property or debts attached or garnished or other property within the jurisdiction of the court.~~

~~(g) Territorial Limits of Effective Service. The complaint and notice may be served anywhere within the county or counties in which the district of the court is located:~~

~~(h) Return:~~

~~(i) The person serving the complaint and notice shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the notice.~~

~~(2) Proof of service shall be as follows:~~

~~(i) if served by the sheriff or his deputy or a constable, the return of the officer endorsed upon or attached to a copy of the notice; or~~

~~(ii) if served by any other person, his affidavit of service endorsed upon or attached to a copy of the notice; or~~

~~(iii) if served by publication, the affidavit of the printer, publisher, foreman, principal clerk or business manager of the newspaper showing the same, together with a printed copy of the notice as published; or~~

~~(iv) written admission of the defendant endorsed upon a copy of the notice.~~

~~In case of service otherwise than by publication, the return, affidavit, or admission must state the time, place and manner of service.~~

~~(3) Costs shall not be awarded and a default judgment shall not be rendered unless proof of service is on file with the court.~~

~~(i) Amendment. At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.~~

[NEW RULE]

(a) Summons—Issuance.

(1) The summons must be signed and dated by the plaintiff or his attorney, and directed to the defendant requiring him to defend the action and to serve a copy of his appearance or defense on the person whose name is signed on the summons.

(2) Unless a statute or rule provides for a different time requirement, the summons shall require the defendant to serve a copy of his defense within 20 days after the service of summons, exclusive of the day of service. If a statute or rule other than this rule provides for a different time to serve a defense, that time shall be stated in the summons.

(3) A notice of appearance, if made, shall be in writing, shall be signed by the defendant or his attorney, and shall be served upon the person whose name is signed on the summons.

(4) No summons is necessary for a counterclaim or cross claim for any person who previously has been made a party. Counterclaims and cross claims against an existing party may be served as provided in rule 5.

(b) Summons.

(1) Contents. The summons for personal service shall contain:

(i) the title of the cause, specifying the name of the court in which the action is brought, the name of the county designated by the plaintiff as the place of trial,

and the names of the parties to the action, plaintiff and defendant;

(ii) a direction to the defendant summoning him to serve a copy of his defense within a time stated in the summons;

(iii) a notice that, in case of failure so to do, judgment will be rendered against him by default. It shall be signed and dated by the plaintiff, or his attorney, with the addition of his post office address, at which the papers in the action may be served on him by mail.

(2) Form. The summons for personal service in the state shall be substantially in the following form:

[NAME AND LOCATION OF COURT]

Plaintiff,	}	No. _____
v.		
Defendant.		SUMMONS (20 days)

TO THE DEFENDANT: A lawsuit has been started against you in the above entitled court by \_\_\_\_\_, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Justice Court Civil Rules.

[signed] \_\_\_\_\_

Print or Type Name  
( ) Plaintiff ( ) Plaintiff's  
Attorney

P.O. Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Dated \_\_\_\_\_

(c) By Whom Served. Service of summons and complaint may be made by the sheriff or a deputy of the county or district in which the court is located or by any citizen of the State of Washington over the age of 18 years and who is competent to be a witness and is not a party to the action.

(d) Service.

(1) Of Summons and Complaint. The summons and complaint shall be served together.

(2) Personal in State. Personal service of summons and other process shall be as provided in RCW 4.28-.080-.090, 23A.08.110, 23A.32.100, 46.64.040, and 48-.05.200 and .210, and other statutes which provide for personal service.

(e) Service by Publication and Personal Service Out of the Jurisdiction.

(1) When the defendant cannot be found within the territorial jurisdiction of the court (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence), and upon filing of an affidavit of the plaintiff, his agent, or attorney, with the court stating that he believes that the defendant is not a resident of the county, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in this rule) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons by the plaintiff or his attorney in any of the following cases:

(i) when the defendant is a foreign corporation, and has property within the county;

(ii) when the defendant, being a resident of the county, has departed therefrom with intent to defraud his creditors, or to avoid the service of a notice and complaint, or keeps himself concealed therein with like intent;

(iii) when the defendant is not a resident of the county, but has property therein which has been brought under the control of the court by seizure or some equivalent act;

(iv) when the subject of the action is personal property in the county, and the defendant has or claims a lien or interest, actual or contingent, therein, and the relief demanded consists wholly, or partially, in excluding the defendant from any interest or lien therein;

(v) when the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to personal property in the county.

(2) The publication shall be made in the same manner and in the same form as a summons by publication in superior court (see RCW 4.28.100), with appropriate adjustments for the name and location of the court.

(3) Personal service on the defendant out of the territorial jurisdiction of the court shall be equivalent to service by publication, and the notice to the defendant out of the county shall contain the same as the notice by publication and shall require the defendant to appear at a time and place certain which shall not be less than 30 days from the date of service.

(4) Service made in the modes provided in this section 4(e) shall not alone be taken and held to give the court jurisdiction over the person of the defendant. By such service the court only acquires jurisdiction to give a judgment which is effective as to property or debts attached or garnished in connection with the suit or other property which properly forms the basis of jurisdiction of the court. If the defendant appears in a suit commenced by such service the court shall have jurisdiction

over his person. The defendant may appear specially and solely to challenge jurisdiction over property or debts attached or garnished or other property within the jurisdiction of the court.

(f) **Alternative to Service by Publication.** In circumstances justifying service by publication, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication, the court may order that service be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the summons and other process to the party to be served at his last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. The summons shall contain the date it was deposited in the mail and shall require the defendant to appear and answer the complaint within 90 days from the date of mailing. Service under this subsection has the same jurisdictional effect as service by publication.

(g) **Appearance.** A voluntary appearance of a defendant does not preclude his right to challenge lack of jurisdiction over his person, insufficiency of process, or insufficiency of service of process pursuant to rule 12(b).

(h) **Territorial Limits of Effective Service.** ~~The complaint and notice may be served anywhere within the county or counties in which the district of the court is located. All process other than a subpoena may be served anywhere within the territorial limits of the state, and when a statute or these rules so provide beyond the territorial limits of the state. A subpoena may be served within the territorial limits provided in Rule 45 and RCW 5.56.010.~~

(i) **Return of Service.** Proof of service shall be as follows:

(1) If served by the sheriff or his deputy, the return of the sheriff or his deputy endorsed upon or attached to the summons;

(2) If served by any other person, his affidavit of service endorsed upon or attached to the summons; or

(3) If served by publication, the affidavit of the publisher, foreman, principal clerk, or business manager of the newspaper showing the same, together with a printed copy of the summons as published; or

(4) If served as provided in section (f), the affidavit of the serving party stating that copies of the summons and other process were sent by mail in accordance with the rule and directions by the court, and stating to whom, and when, the envelopes were mailed;

(5) The written acceptance or admission of the defendant, his agent or attorney;

(6) In case of personal service out of the state, the affidavit of the person making the service, sworn to before a notary public, with a seal attached, or before a clerk of a court of record;

(7) In case of service otherwise than by publication, the return acceptance, admission, or affidavit must state

the time, place, and manner of service. Failure to make proof of service does not affect the validity of the service.

(j) **Amendment of Process.** At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process is issued.

#### Comment

The new rule is substantially the same as the rule applicable in superior court, with necessary revisions to accommodate statutory restrictions on the jurisdiction of courts of limited jurisdiction. The new rule abandons the "Notice of Suit" in favor of the traditional summons used in superior court and assumes that a written answer or appearance is required (see rule 7).

Section (a) is the same as section (a) of the superior court rule, except that a reference to condemnation actions has been omitted.

Section (b) is substantially the same as section (b) of the superior court rule. A reference to condemnation actions in subsection (2) has been omitted, and a paragraph in the summons concerning a demand for filing has been omitted. In a court of limited jurisdiction, the plaintiff is required by rule to file the action before serving the summons and complaint. A reference to the superior court rules in the summons has been changed to refer to the rules for courts of limited jurisdiction.

Section (c) is the same as section (d) in the old justice court rule, and is substantially the same as the rule applicable in superior court. Unlike the superior court rule, the rule for courts of limited jurisdiction refers to a sheriff of the county or district in which the court is located.

Section (d) is the same as the first two subsections in section (d) of the superior court rule. The old justice court rule reiterated the provisions of RCW 4.28.080, relating to the proper person to be served. The new rule simply incorporates the provisions by reference, as in the superior court rule.

Section (e), through the end of subsection (1), is the same as the old justice court rule (f)(1), with references to "notice" changed to "summons." Subsection (e)(2) abandons the provisions in the old justice court rule (f)(2) that are based upon the "notice of suit" system. The new rule simply incorporates the statutory manner and form of serving a summons by publication in superior court. The statute requires that the summons be published six times, rather than the three times required by the old justice court rule. Subsections (3) and (4) are the same as subsections (f)(3) and (f)(4) in the old justice court rule.

Section (f) is the same as subsection (d)(4) of the superior court rule.

Section (g) is the same as subsection (d)(5) of the superior court rule.

Section (i) is the same as section (g) of the superior court rule. It is substantially the same as section (h) of the old justice court rule. By substituting the superior

court rule for the old justice court rule, a provision requiring proof of service before entry of a default judgment and an award of costs is omitted. This requirement is implicit in rule 55.

Section (j) is the same as section (h) of the superior court rule and section (i) of the old justice court rule.

## RULE 5

### SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

~~(a) Service: When Required. Every order required by its terms to be served, every written pleading subsequent to the original complaint, every written motion, and every written notice, appearance, demand, offer of judgment, or other paper shall be served upon all parties, but no service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of notice and complaint in rule 4.~~

~~(b) Same: How Made. Whenever under these rules service of papers other than the complaint and notice is required or permitted the rules governing the manner of service of such papers in superior courts shall govern.~~

~~(c) Filing. When pleadings or motions are oral the substance of them shall be entered in the records. All papers after the complaint required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter and a reference shall be made to them in the record of the court.~~

~~(d) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the judge or with his authorized clerk and the filing date shall be noted thereon at the time of filing.~~

#### [NEW RULE]

(a) Service: When Required. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in rule 4.

In an action begun by seizure of property, in which no person need be or is named as defendant, any service required to be made prior to the filing of an answer claim, or appearance shall be made upon the person having custody or possession of the property at the time of its seizure.

(b) Service: How Made.

(1) On Attorney or Party. Whenever under these rules service is required or permitted to be made upon a party

represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, filing with the clerk of the court an affidavit of attempt to serve. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service on an attorney is subject to the restrictions in subsections (b)(4) and (5) of this rule and in rule 71, Withdrawal by Attorneys.

(2) Service by Mail.

(i) How made. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday or legal holiday, following the third day.

(ii) Proof of service by mail. Proof of service of all papers permitted to be mailed may be by written acknowledgment of service, by affidavit of the person who mailed the papers, or by certificate of an attorney. The certificate of an attorney may be in form substantially as follows:

#### CERTIFICATE

I certify that I mailed a copy of the foregoing \_\_\_\_\_ to [John Smith] , [plaintiff's] attorney, at [office address or residence] , and to [Joseph Doe] , an additional [defendant's] attorney [or attorneys] at [office address or residence] , postage prepaid, on [date] .

\_\_\_\_\_  
[John Brown]  
Attorney for [Defendant]  
William Noe

(3) Service on Nonresidents. Where a plaintiff or defendant who has appeared resides outside the state and has no attorney in the action, the service may be made by mail if his residence is known; if not known, on the clerk of the court for him. Where a party, whether resident or nonresident, has an attorney in the action, the service of papers shall be upon the attorney instead of the party. If the attorney does not have an office within the state or has removed his residence from the state, the service may be upon him personally either within or without the state, or by mail to him at either his place of residence or his office, if either is known, and if not known, then by mail upon the party, if his residence is known, whether within or without the state. If the residence of neither the party nor his attorney, nor the office address of the attorney is known, an affidavit of the attempt to serve shall be filed with the clerk of the court.

(4) Service on Attorney Restricted After Final Judgment. A party, rather than the party's attorney, must be served if the final judgment or decree has been entered and the time for filing an appeal has expired, or if an appeal has been taken (i) after the final judgment or decree upon remand has been entered or (ii) after the mandate has been issued affirming the judgment or decree or disposing of the case in a manner calling for no further action by the trial court. This rule is subject to the exceptions defined in subsection (b)(6).

(5) Required Notice to Party. If a party is served under circumstances described in subsection (b)(4), the paper shall (i) include a notice to the party of the right to file written opposition or a response, the time within which such opposition or response must be filed, and the place where it must be filed; (ii) state that failure to respond may result in the requested relief being granted; and (iii) state that the paper has not been served on that party's lawyer.

(6) Exceptions. An attorney may be served notwithstanding subsection (b)(4) of this rule if (i) fewer than 63 days have elapsed since the filing of any paper or the issuance of any process in the action or proceeding or (ii) if the attorney has filed a notice of continuing representation.

(c) Service: Numerous Defendants. In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any cross claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.

(d) Filing.

(1) Time. Complaints shall be filed as provided in rule 3. All pleadings and other papers after the complaint required to be served upon a party shall be filed with the court either before service or promptly thereafter.

(2) Sanctions. If a party fails to file any pleading or paper under this rule, the court upon 5 days' notice of motion for sanctions may dismiss the action or strike the pleading or other paper and grant judgment against the defaulting party for costs and terms including a reasonable attorney fee unless good cause is shown for, or justice requires, the granting of an extension of time.

(3) Limitation. No sanction shall be imposed if prior to the hearing the pleading or paper other than the complaint is filed and the moving attorney is notified of the filing before he leaves his office for the hearing.

(4) Nonpayment. No further action shall be taken in the pending action and no subsequent pleading or other paper shall be filed until the judgment is paid. No subsequent action shall be commenced upon the same subject matter until the judgment has been paid.

(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of

the court, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(f) Other Methods of Service. Service of all papers other than the summons and other process may also be made as authorized by statutes other than RCW 4.28-.230, 4.28.240, 4.28.250, 4.28.260, 4.28.270, and 4.28-.280, which are superseded by these rules.

(g) Certified Mail. Whenever the use of "registered" mail is authorized by statutes relating to judicial proceedings or by rule of court, "certified" mail, with return receipt requested, may be used.

(h) Service of Papers by Telegraph. Any writ or order in any civil suit or proceeding and all the papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the officer or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner, and with the same force and effect in all respects as the original thereof might be, if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or certified copy may be used by the operator for that purpose.

#### Comment

The new rule is the same as the rule applicable in superior court, with one minor exception. A reference to the failure to file a complaint has been omitted from subsection (d)(1). In a court of limited jurisdiction, the action is not commenced until the complaint is filed. See rule 3.

The new rule is much more detailed than the old rule but should make no appreciable change in practice. The new rule simply spells out the superior court provisions that were incorporated by reference in section (b) of the old rule.

#### RULE 6

##### TIME

~~(a) Computation. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday or Sunday, and then it is also excluded.~~

~~(b) For Motions—Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 3 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion, and, except as~~

~~otherwise provided in any of these rules, opposing affidavits may be served not later than 1 day before the hearing, unless the court permits them to be served at some other time.~~

[NEW RULE]

(a) Computation. In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by an applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion, (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or, (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any actions under rules 50(b), 59(b), 59(d), and 60(b).

(c) Proceeding Not To Fail for Want of Judge or Session of Court. No proceeding in a court of justice in any action, suit, or proceeding pending therein is affected by a vacancy in the office of any or all of the judges or by the failure of a session of the court.

(d) For Motions—Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; and, except as otherwise provided in rule 59(c), opposing affidavits may be served not later than 1 day before the hearing, unless the court permits them to be served at some other time.

(e) Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.

Comment

The new rule is the rule applicable in superior court, with only minor changes. The word "superior" preceding "court" in section (a) has been omitted, and the reference to rule 52(b) has been omitted from section (b) because rule 52 is reserved.

The new rule establishes a uniform formula for computing time in all trial courts.

Section (d) now requires that a motion be served 5 days before the hearing, rather than 3.

3. PLEADINGS AND MOTIONS  
(RULES 7-16)

RULE 7

PLEADINGS ALLOWED: FORM OF MOTIONS

(a) Pleadings. There shall be a complaint and an answer; ~~and there shall be a reply to a counterclaim denominated as such; an answer to a cross claim, if the answer contains a cross claim; a third party complaint, if leave is given under rule 14 to summon a person who was not an original party; a person who was not an original party is summoned under the provisions of rule 14; and there shall be a third party answer, if a third party complaint is served. No other pleadings shall be allowed, except that the court may order a reply to an answer or a third party answer.~~

~~The complaints, counterclaims, cross claims and third party claims shall be in writing. A reply to a counterclaim and answers may be written or oral. When pleadings are oral the substance of them shall be entered in the docket.~~

(b) Motions and Other Papers.

(1) ~~An application to the court for an order shall be by motion. Motions may be oral or written. Motions need not be in any special form but must be such as to enable a person of common understanding to know what is intended. How Made. An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.~~

(2) Form. The rules applicable to captions, signing, and other matters of form of written pleadings apply to all written motions and other papers provided for by these rules.

(3) Identification of Evidence. When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.

(c) Demurrers, Pleas, etc., Abolished. Demurrers, pleas and exceptions for insufficiency of a pleading shall not be used.

Comment

The old rule is amended to conform to the requirements in superior court. Section (a) reflects the liberalized provisions for third party practice in rule 14. Oral pleadings and motions are abolished, with the limited exception that oral motions are permitted during a hearing or trial.

RULE 8

GENERAL RULES OF PLEADING

(a) Claims for Relief. A complaint pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross claim, or third party claim shall

contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

(b) Defenses; Form of Denials. A party shall state in short and plain terms his defenses, ~~denials and objections~~ to each claim asserted against him in any form which will enable a person of common understanding to know what is intended and shall admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments except such designated averments or paragraphs as he expressly admits; but, when he does so intend to controvert all its averments, he may do so by general denial subject to the obligations set forth in rule 11.

(c) Affirmative Defenses. In a written answer to a complaint, cross claim or third party claim and in a written reply to a counterclaim pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitation, waiver, and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

(d) Effect of Failure To Deny. Statements Averments in a pleading to which responsive pleading is required, other than those as to the amount of damage, are admitted when not denied by in the responsive pleading. Statements of an answer to a complaint, cross claim, or third party complaint, or a reply to a counterclaim Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

(e) Pleading To Be Concise and Direct: Consistency.

(1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required. ~~Pleadings and motions shall be stated so as to enable a person of common understanding to know what is intended.~~

(2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the

insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in rule 11.

(f) Construction of Pleadings. All pleadings shall be so construed as to do substantial justice.

#### Comment

The new rule is the same as the rule applicable in superior court. Most of the amendments are matters of style rather than substance. The principal effect of the new rule is to discourage general denials of all allegations in the complaint, a practice that was both prevalent and troublesome under the old rules.

### RULE 9

#### {RESERVED}

#### PLEADING SPECIAL MATTERS

(a) Capacity. It is not necessary to aver the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party. When a party desires to raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, he shall do so by specific negative averment which shall include such supporting particulars as are peculiarly within the pleader's knowledge.

(b) Fraud, Mistake, Condition of the Mind. In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally.

(c) Condition Precedent. In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of performance or occurrence shall be made specifically and with particularity.

(d) Official Document or Act. In pleading an official document or official act, it is sufficient to aver that the document was issued or the act done in compliance with law.

(e) Judgment. In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it is sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it.

(f) Time and Place. For the purpose of testing the sufficiency of a pleading, averments of time and place are material and shall be considered like all other averments of material matter.

(g) Special Damage. When items of special damage are claimed, they shall be specifically stated.

(h) Pleading Existence of City or Town. In pleading the existence of any city or town in this state, it shall be sufficient to state in such pleading that the same is an

existing city or town, incorporated or organized under the laws of Washington.

(i) Pleading Ordinance. In pleading any ordinance of a city or town in this state it shall be sufficient to state the title of such ordinance and the date of its passage, whereupon the court shall take judicial notice of the existence of such ordinance and the tenor and effect thereof.

(j) Pleading Private Statutes. In pleading a private statute, or a right derived therefrom, it shall be sufficient to refer to such statute by its title, and the day of its passage, and the court shall thereupon take judicial notice thereof.

(k) Foreign Law.

(1) United States Jurisdictions. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States shall set forth in his pleading facts which show that the law of another United States jurisdiction may be applicable, or shall state in his pleading or serve other reasonable written notice that the law of another United States jurisdiction may be relied upon.

(2) Other Jurisdictions. A party who intends to raise an issue concerning the law of a jurisdiction other than a state, territory or other jurisdiction of the United States shall give notice in his pleading of the foreign jurisdiction whose law he contends may be applicable to the facts of the case. The following matters need not be pleaded, but may be discovered pursuant to rule 26:

- (i) the party's contentions as to which issues of law are governed by the foreign law;
- (ii) the substance of such foreign law;
- (iii) the expected effect of such foreign law on the legal issues and on the outcome of the case being tried;
- (iv) the specific foreign statutes, regulations, judicial and administrative decisions, documents and other non-privileged written materials and translations thereof upon which the party intends to rely.

(3) Application of Foreign Law. Issues of foreign law may be simplified pursuant to rule 16 and determined in advance of trial pursuant to rule 56.

(4) Failure To Plead Foreign Law. If no party has requested in his pleadings application of the law of a jurisdiction other than a state, territory or other jurisdiction of the United States, the court at time of trial shall apply the law of the State of Washington unless such application would result in manifest injustice.

(l) Burden of Proof. Nothing in this rule shall be construed to shift or alter the burden of proof.

#### Comment

The new rule is the same as the rule applicable in superior court. It addresses matters that were not previously covered in the rules for courts of limited jurisdiction.

### RULE 10

#### FORM OF PLEADINGS

(a) Caption; Names of Parties. Every written pleading shall contain a caption setting forth the name of the court, the title of the action, the file number if known to

the person signing it, and a designation as in rule 7(a). In the complaint the title of the action shall include the names of all the parties, but in other written pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. When the plaintiff is ignorant of the name of the defendant, it shall be so stated in his pleading, and such defendant may be designated in any pleading or proceeding by any name, and when his true name shall be discovered, the pleading or proceeding may be amended accordingly.

(b) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(c) Form. All notices, pleadings, motions, and other papers filed shall be plainly written or typed.

#### Comment

The new rule is the same as the old rule. The simplified requirements for courts of limited jurisdiction are retained.

### RULE 11

#### VERIFICATION AND SIGNING OF PLEADINGS

~~(1) Every complaint, answer or reply shall be verified by the oath of the party pleading, or if he be not present, by the oath of his attorney or agent, to the effect that he believes it to be true. The verification shall be oral, or in writing, in conformity with the pleading verified.~~

~~(2) All other pleadings of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address. The signature of a party or an attorney constitutes a certificate by him that he has read the pleading, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay.~~

#### [NEW RULE]

Every pleading of a party represented by an attorney shall be dated and signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and date his pleading and state his address. Pleadings need not, but may be, verified or accompanied by affidavit. The signature of a party or of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been served. For

a willful violation of this rule an attorney may be subjected to appropriate action as for contempt. Similar action may be taken if scandalous or indecent matter is inserted.

#### Comment

The new rule is the same as the rule applicable in superior court, except that a sentence relating to marriage dissolutions has been omitted. The new rule eliminates the requirement that pleadings be verified in courts of limited jurisdiction.

### RULE 12

#### DEFENSES AND OBJECTIONS—WHEN AND HOW PRESENTED—BY PLEADING OR MOTION—MOTION FOR JUDGMENT ON PLEADINGS

~~(a) When Presented. If the answer is oral, a defendant shall make the oral answer on or before the time he is required to appear in answer to the notice as indicated in rule 4. If the answer is written a defendant shall serve his answer on or before the time he is required to appear in answer to the notice as indicated in rule 4. A party served with a pleading stating a cross claim against him shall answer thereto on the return date fixed in a notice which shall accompany the pleading. The plaintiff shall reply to a counterclaim not less than 3 days prior to trial. If the court denies a motion permitted under this rule or postpones its disposition until the trial on the merits, the court may set the case for trial at the same time and also fix a time for the responsive pleading. If the court grants a motion for more definite statement the court may set the case for trial at the same time and fix the date for making the more definite statement and for the responsive pleading to the more definite statement.~~

(a) When Presented. A defendant shall serve his answer within the following periods:

(1) Within 20 days, exclusive of the day of service, after the service of the summons and complaint upon him pursuant to rule 4;

(2) Within 60 days from the date of the first publication of the summons if the summons is served by publication in accordance with rule 4(d)(3);

(3) Within the period fixed by any other applicable statutes or rules.

A party served with a pleading stating a cross claim against him shall serve an answer thereto within 20 days after the service upon him. The plaintiff shall serve his reply to a counterclaim in the answer within 20 days after service of the answer or, if a reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directs. The service of a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court.

(i) If the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 10 days after notice of the court's action.

(ii) If the court grants a motion for a more definite statement, the responsive pleading shall be served within 10 days after the service of the more definite statement.

(b) How Presented. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross claim, or third party claim, shall be asserted by the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, ~~(4)(5)~~ insufficiency of service of process, ~~(5)(6)~~ failure to state a claim upon which relief can be granted, ~~(6)(7)~~ failure to join an indispensable party a party under rule 19. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, he may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered ~~(5)~~ ~~(6)~~ to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in ~~ER~~ rule 56 and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by ~~ER~~ rule 56.

(c) Motion for Judgment on the Pleadings. After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by rule 56.

~~(c)(d)~~ Preliminary Hearings. The defenses specifically enumerated ~~(1)-(6)(7)~~ in section (b) of this rule, whether made in a pleading or by motion, and the motion for judgment mentioned in section (c) of this rule shall be heard and determined before trial on application of any party, unless the court orders that the hearing and determination thereof be deferred until the trial.

~~(d)(e)~~ Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted ~~(for example, the complaint)~~ is so vague or ambiguous that a person of common understanding party cannot know what is intended reasonably be required to frame a responsive pleading, or if more particularity in that pleading will further the efficient economical disposition of the action, he may move for a more definite statement before interposing his responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the

court may strike the pleading to which the motion was directed or make such order as it deems just.

~~(e)(f)~~ Motion To Strike. Upon motion made by a party not less than 3 days prior to trial or upon the court's own initiative at any time the court may order stricken from the complaint any impertinent or scandalous matter. Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon him or upon the court's own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

~~(f)(g)~~ Consolidation of Defenses in Motion. A party who makes a motion under this rule may join with it other motions herein provided for and then available to him. If a party makes a motion under this rule and does not include therein all defenses and objections then available to him which this rule permits to be raised by motions, he shall not thereafter make a motion based on any of the defenses or objections so omitted, except as provided in section (g) of this rule. If a party makes a motion under this rule but omits therefrom any defense or objection then available to him which this rule permits to be raised by motion, he shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in subsection (h)(2) hereof on any of the grounds there stated.

~~(g)~~ Waiver of Defenses. A party waives all defenses and objections which he does not present either by motion as hereinbefore provided or, if he has made no motion, in his answer or reply, except (1) that the defense of failure to state a claim upon which relief can be granted, the defense of failure to join an indispensable party, and the objection of failure to state a legal defense to a claim may also be made by a later pleading, if one is permitted, or by motion for judgment on the pleadings or at the trial on the merits, and except (2) that, whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action. The objection or defense, if made at the trial, shall be disposed of as provided in rule 15(b) in the light of any evidence that may have been received.

~~(h)~~ Waiver or Preservation of Certain Defenses.

(1) A defense of lack of jurisdiction over the person, improper venue, insufficiency of process, or insufficiency of service of process is waived (i) if omitted from a motion in the circumstances described in section (g), or (ii) if it is neither made by motion under this rule nor included in a responsive pleading or an amendment thereof permitted by rule 15(a) to be made as a matter of course.

(2) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join a party indispensable under rule 19, and an objection of failure to state a legal defense to a claim may be made in any pleading permitted or ordered under rule 7(a), or by motion for judgment on the pleadings, or at the trial on the merits.

(3) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

#### Comment

The old rule is amended to conform to the rule applicable to superior court, except that a reference to the long-arm statute has been omitted in section (a). The long-arm statute is unavailable in courts of limited jurisdiction because of the territorial limits on service of process. See rule 4.

The changes in section (a) reflect the abandonment of the "notice of suit" and an appearance on a date certain in favor of the traditional summons used in superior court. See rule 4. Most of the amendments in the remaining sections are matters of style rather than substance. Section (c) authorizes a judgment on the pleadings, a procedure not formerly codified in the rules for courts of limited jurisdiction.

### RULE 13

#### COUNTERCLAIM AND CROSS CLAIM

(a) Compulsory Counterclaims. A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if (1) at the time the action was commenced the claim was the subject of another pending action, or (2) the opposing party brought suit upon his claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this rule.

~~(a)(b)~~ Permissive Counterclaims. A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim.

~~(b)(c)~~ Counterclaim Exceeding Opposing Claim. A counterclaim may or may not diminish or defeat the recovery sought by the opposing party. It may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

(d) Counterclaim Against the State. These rules shall not be construed to enlarge beyond the limits now fixed by law the right to assert counterclaims, or to claim credits against the State or an officer or agency thereof.

~~(c)(e)~~ Counterclaim Maturing or Acquired After Pleading. A claim which either matured or was acquired by the pleader after serving his pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

~~(d)(f)~~ Omitted Counterclaim. When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, he may by leave of court set up the counterclaim by amendment.

~~(e)(g)~~ Cross Claim Against Coparty. A pleading may state as a cross claim any claim by one party against a coparty arising out of the transaction or occurrence that

is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross claim may include a claim that the party against whom it is asserted is or may be liable to the cross claimant for all or part of a claim asserted in the action against the cross claimant.

~~(f) Additional Parties May Be Brought In. When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained.~~

~~(h) Joinder of Additional Parties. Persons other than those made parties to the original action may be made parties to a counterclaim or cross claim in accordance with the provisions of rules 19 and 20.~~

~~(g)(i) Separate Trials; Separate Judgment. If the court orders separate trials as provided in rule 42(b), judgment on a counterclaim or cross claim may be rendered in accordance with the terms of rule 42(b) 54(b), even if the claims of the opposing party have been dismissed or otherwise disposed of.~~

~~(j) Setoff Against Assignee. The defendant in a civil action upon a contract express or implied, other than upon a negotiable promissory note or bill of exchange, negotiated in good faith and without notice before due, which has been assigned to the plaintiff, may set off a demand of a like nature existing against the person to whom he was originally liable, or any assignee prior to the plaintiff, of such contract, provided such demand existed at the time of the assignment thereof, and belonging to the defendant in good faith, before notice of such assignment, and was such a demand as might have been set off against such person to whom he was originally liable, or such assignee while the contract belonged to him.~~

~~(k) Setoff Against Beneficiary of Trust Estate. If the plaintiff be a trustee to any other, or if the action be in a name of a plaintiff which has no real interest in the contract upon which the action is founded, so much a demand existing against those whom the plaintiff represents or for whose benefit the action is brought may be set off as will satisfy the plaintiff's debt, if the same might have been set off in an action brought against those beneficially interested.~~

~~(l) Setoff Must Be Pleaded. To entitle a defendant to a setoff under this rule, he must set forth the same in his answer.~~

#### Comment

The old rule is amended to conform to the rule applicable in superior court. Sections (k) and (l) are not found in the superior court rule because they are covered by statutes applicable to superior court.

Sections (a) and (d) address matters that were not formerly codified in the rules for courts of limited jurisdiction. The remaining amendments are largely matters of style rather than substance. Sections (j), (k), and (l) are taken from the old JCR 13.04, which is rescinded.

#### RULE 13.04

#### SETOFFS AGAINST ASSIGNEES

[Rescinded. Provisions transferred to rule 13.]

#### RULE 14

#### THIRD PARTY PRACTICE

~~(a) When Defendant May Bring in Third Party. Before making his answer, a defendant may move ex parte or, after answering, on notice to the plaintiff, for leave as a third party plaintiff to serve a notice and complaint upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. If the motion is granted and the notice and complaint are served, the person so served At any time after commencement of the action a defending party, as a third party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. The third party plaintiff need not obtain leave to make the service if he files the third party complaint not later than 10 days after he serves his original answer. Otherwise he must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third party complaint, hereinafter called the third party defendant, shall make his defenses to the third party plaintiff's claim as provided in rule 12 and his counterclaims against the third party plaintiff and cross claims against other third party defendants as provided in rule 13. The third party defendant may assert against the plaintiff any defenses which the third party plaintiff has to the plaintiff's claim. The third party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third party plaintiff. The plaintiff may assert any claim against the third party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third party plaintiff, and the third party defendant thereupon shall assert his defenses as provided in rule 12 and his counterclaims and cross claims as provided in rule 13. Any party may move to strike the third party claim, or for its severance or separate trial. A third party defendant may proceed under this rule against any person not a party to the action who is or may be liable to him for all or part of the claim made in the action against the third party defendant.~~

~~(b) When Plaintiff May Bring in Third Party. When a counterclaim is asserted against a plaintiff, he may cause a third party to be brought in under circumstances which under this rule would entitle a defendant to do so.~~

~~(c) Tort Cases. This rule shall not be applied in tort cases, so as to permit the joinder of a liability or indemnity insurance company, unless such company is by statute or contract directly liable to the person injured or damaged.~~

## Comment

The new rule is the same as the rule applicable in superior court. It dispenses with the requirement that the court's permission be obtained before serving a third party defendant.

Sections (b) and (c) are the same as in the old rule.

## RULE 14A

## REMOVAL TO SUPERIOR COURT

## [NEW RULE]

(a) **Jurisdiction Over Third Party.** A case may be removed to superior court in order to obtain jurisdiction over a third party defendant, as provided in RCW 4.14.010. This procedure is governed by RCW 4.14.

(b) **Claims in Excess of Jurisdiction — Generally.** When a defendant, third party defendant, or cross claimant in good faith asserts a claim in an amount in excess of the jurisdiction of the district court or seeks a remedy beyond the jurisdiction of the district court, the district court shall order the entire case removed to superior court.

(c) **Claims in Excess of Jurisdiction — Orders and Process.** If a case is removed to the superior court under section (b) of this rule, the superior court may issue all necessary orders and process as provided in RCW 4.14.030.

(d) **Claims in Excess of Jurisdiction — Improper Removal.** If it appears that a case has been improperly removed to the superior court under section (b) of this rule, the superior court shall remand the case as provided in RCW 4.14.030.

(e) **Claims in Excess of Jurisdiction — Attached Property; Custody.** If property of a defendant is attached or garnished prior to the removal of a case, the attachment or garnishment shall be transferred with the removed case to the superior court and shall be held to answer the final judgment or decree in the same manner as it would have been held to answer had the cause been brought in the superior court originally.

## RULE 15

## AMENDED AND SUPPLEMENTAL PLEADINGS

~~(a) **Amendments Prior to Trial.** A party may amend a complaint, counterclaim, cross claim or third party complaint once as a matter of course at any time before a responsive pleading is made, or, if the pleading is an answer or a reply to a counterclaim he may so amend it at any time within 20 days after it is served, provided it is amended prior to trial. Otherwise, prior to trial a party may amend his pleading only by leave of court or by written consent of the adverse party, and leave shall be freely given when justice so requires.~~

(a) **Amendments.** A party may amend his pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, he may so

amend it at any time within 20 days after it is served. Otherwise, a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service or notice of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

~~(b) **Amendments At or After the Trial To Conform to the Evidence.** When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues.~~

If the evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence.

~~(c) **Relation Back of Amendments.** Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.~~

~~(d) **Supplemental Pleadings.** Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve or make a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead thereto; to the supplemental pleading, it shall so order, specifying the time therefor.~~

~~(e) **Interlineations.** No amendments shall be made to any pleading by erasing or adding words to the original on file, except by permission of without first obtaining leave of the court.~~

## Comment

The new rule is the same as the rule applicable in superior court. The amendments to the old rule are relatively minor and should make no appreciable change in practice.

## RULE 16

## GARNISHMENTS

[RESERVED]

~~Garnishments are governed by RCW 7.33. Provided, that judges or their clerks, may issue writs of garnishment in accordance with the provisions therein.~~

## Comment

The old rule is no longer necessary and is deleted. Garnishments are covered in detail by RCW 7.33 and SPR 91.04W.

4. PARTIES  
(RULES 17-25)

## RULE 17

PARTIES PLAINTIFF AND DEFENDANT;  
CAPACITY

(-) Designation of Parties. The party commencing the action shall be known as the plaintiff, and the opposite party as the defendant.

(a) Real Party in Interest. Every action shall be prosecuted in the name of the real party in interest, but An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action is brought. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

## (b) Infants or Incompetent Persons.

(1) When an infant is a party he shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint a guardian ad litem. The guardian shall be appointed:

(i) when the infant is plaintiff, upon the application of the infant, if he be of the age of 14 years, or if under the age, upon the application of a relative or friend of the infant;

(ii) when the infant is defendant, upon the application of the infant, if he be of the age of 14 years, and applies within the time he is to appear; if he be under the age of 14, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

(2) When an insane person is a party to an action he shall appear by guardian, or if he has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act as guardian ad litem. Said guardian shall be appointed:

(i) when the insane person is plaintiff, upon the application of a relative or friend of the insane person;

(ii) when the insane person is defendant, upon the application of a relative or friend of such insane person, such application shall be made within the time he is to appear. If no such application be made within the time above limited, application may be made by any party to the action.

## Comment

The first two sections of the new rule are the same as the first two sections of the rule applicable in superior court. The only change of substance over the old rule is that the new rule makes it clear that an action should not be summarily dismissed for failure to join a real party in interest.

Section (b) is the same as section (b) in the old rule. The section needs to be more detailed than the rule applicable in superior court because the statutes that address the subject in superior court do not apply to courts of limited jurisdiction.

## RULE 18

## JOINDER OF CLAIMS AND REMEDIES

(a) Joinder of Claims. The plaintiff in his complaint or in reply setting forth a counterclaim and the defendant in an answer setting forth a counterclaim may join either as independent or as alternate claims as many claims either legal or equitable or both as he may have against an opposing party. There may be a like joinder of claims when there are multiple parties if the requirements of rules 19, 20, and 22 are satisfied. There may be a like joinder of cross claims or third party claims if the requirements of rules 13 and 14 respectively are satisfied. A party asserting a claim to relief as an original claim, counterclaim, cross claim, or third party claim, may join, either as independent or as alternate claims, as many claims as he has against an opposing party.

(b) Joinder of Remedies. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties.

## Comment

Section (a) is amended to conform to the rule applicable in superior court. The amendments are largely matters of style. Equitable and maritime claims, mentioned in the rule, are outside the jurisdiction of the courts of limited jurisdiction.

Section (b) is the same as section (b) in the old rule. A second sentence in the superior court rule, relating to an action to set aside a fraudulent conveyance, is omitted because the subject matter is outside the jurisdiction of the courts of limited jurisdiction.

## RULE 19

~~NECESSARY JOINDER OF PARTIES~~  
~~JOINDER OF PERSONS NEEDED FOR JUST~~  
~~ADJUDICATION~~

~~(a) Necessary Joinder. Subject to the provisions of section (b) of this rule, persons having a joint interest shall be made parties and be joined on the same side as plaintiffs or defendants. When a person who should join as a plaintiff refuses to do so, he may be made a defendant.~~

~~(b) Effect of Failure To Join. When persons who are not indispensable, but who ought to be parties if complete relief is to be accorded between those already parties, have not been made parties and are subject to the jurisdiction of the court as to both service of process and venue, the court shall order them summoned to appear in the action. The court in its discretion may proceed in the action without making such persons parties, if its jurisdiction over them as to either service of process or venue can be acquired only by their consent or voluntary appearance, but the judgment rendered therein does not affect the rights or liabilities of absent persons.~~

~~(c) Same: Names of Omitted Persons and Reasons for Nonjoinder To Be Plead. In any pleading in which relief is asked, the pleader shall set forth the names, if known to him, of persons who ought to be parties if complete relief is to be accorded between those already parties, but who are not joined, and shall state why they are omitted.~~

## [NEW RULE]

(a) Persons To Be Joined if Feasible. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party. If he should join as a plaintiff but refuses to do so, he may be made a defendant, or, in a proper case, an involuntary plaintiff. If the joined party objects to venue and his joinder would render the venue of the action improper, he shall be dismissed from the action.

(b) Determination by Court Whenever Joinder Not Feasible. If a person joinable under (1) or (2) of section (a) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent person being thus regarded as indispensable. The factors to be considered by the court include: (1) to what extent a judgment rendered in the person's absence might be prejudicial to him

or those already parties; (2) the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; (3) whether a judgment rendered in the person's absence will be adequate; (4) whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

(c) Pleading Reasons for Nonjoinder. A pleading asserting a claim for relief shall state the names, if known to the pleader, of any persons joinable under (1) or (2) of section (a) hereof who are not joined, and the reasons why they are not joined.

(d) [Reserved.]

(e) Husband and Wife Must Join—Exceptions. RCW 4.08.030 applies to the joinder of spouses.

## Comment

The new rule is the same as the rule applicable in superior court. The old rule was adopted in 1963 and was never amended to conform to the 1967 version of the superior court rule.

Section (d) of the superior court rule, relating to class actions, is omitted because class actions are not authorized in courts of limited jurisdiction.

## RULE 20

## PERMISSIVE JOINDER OF PARTIES

(a) Permissive Joinder. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences and if any question of law or fact common to all of ~~them~~ these persons will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

~~RCW 4.08.040 applies to joinder of husband and wife.~~

(b) Separate Trials. The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent delay or prejudice.

(c) When Husband and Wife May Join. [Reserved.] See RCW 4.08.040.]

(d) Service on Joint Defendants; Procedure After Service. When the action is against two or more defendants and the summons is served on one or more but not on all of them, the plaintiff may proceed as follows:

(1) If the action is against the defendants jointly indebted upon a contract, he may proceed against the defendants served unless the court otherwise directs; and if

he recovers judgment it may be entered against all the defendants thus jointly indebted so far only as it may be enforced against the joint property of all and the separate property of the defendants served.

(2) If the action is against defendants severally liable, he may proceed against the defendants served in the same manner as if they were the only defendants.

(3) Though all the defendants may have been served with the summons, judgment may be taken against any of them severally, when the plaintiff would be entitled to judgment against such defendants if the action had been against them alone.

(e) Procedure To Bind Joint Debtor. RCW 4.68 applies to the enforcement of a judgment against a joint debtor.

#### Comment

The new rule is the same as the rule applicable in superior court. Except for sections (d) and (e), the differences between the old rule and the new rule are only matters of style. Sections (d) and (e) address a subject not previously addressed in the rules for courts of limited jurisdiction.

#### RULE 21

##### MISJOINDER AND NONJOINDER OF PARTIES

Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately.

#### Comment

The new rule is the same as the old rule. It is identical to the rule applicable in superior court.

#### RULE 22

##### INTERPLEADER

(a) **Scope Rule.** Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that he is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross claim or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties permitted under other rules and statutes.

(b) **Other Remedies Statutes.** The remedy herein provided is in addition to and in no way supersedes or limits the remedy provided by RCW 4.08.150 to 4.08.180, inclusive.

#### Comment

The new rule is the same as the rule applicable in superior court. The only differences between the new rule and the old rule are in the captions on the sections.

#### RULE 23

##### [RESERVED]

#### Comment

The corresponding rule in superior court relates to class actions, which are not authorized in courts of limited jurisdiction.

#### RULE 24

##### INTERVENTION

(a) **Intervention of Right.** Upon timely application, anyone shall be permitted to intervene in an action: (1) when a statute confers an unconditional right to intervene; or (2) ~~when the representation of the applicant's interest by existing parties is or may be inadequate and the applicant is or may be bound by a judgment in the action; when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties. or~~ (3) ~~when the applicant is so situated as to be adversely affected by a distribution or other disposition of property which is in the custody or subject to the control or disposition of the court.~~

(b) **Permissive Intervention.** Upon timely application, anyone may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirements, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

(c) **Procedure.** A person desiring to intervene shall serve a motion to intervene upon all parties affected ~~thereby as provided in rule 5.~~ The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.

#### Comment

The new rule is the same as the rule applicable in superior court. The differences between the old rule and the new rule are in section (a). In the old rule, section (a) was based upon the 1960 rule in superior court. The superior court rule was amended in 1967, but no corresponding change was made in the justice court rule. The new rule incorporates the 1967 amendments. The

amendments are unlikely to make an appreciable change in practice.

## RULE 25

### SUBSTITUTION OF PARTIES

#### (a) Death.

(1) Procedure. If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by the successors or representatives of the deceased party or by any party and, together with the notice of hearing, shall be served on the parties as provided by ~~statute rule 5~~ for service of notices, and upon persons not parties in the manner provided by ~~these rules statute or by rule~~ for the service of ~~notice and complaint a summons~~. If substitution is not made within ~~a reasonable time the time authorized by law~~, the action may be dismissed as to the deceased party.

(2) Partial Abatement. In the event of the death of one or more of the plaintiffs or one or more of the defendants in an action in which the right sought to be enforced survives only to the surviving plaintiffs or only against the surviving defendants, the action does not abate. The fact of death shall be noted in the docket ~~suggested upon the record~~ and the action shall proceed in favor of or against the surviving parties.

(b) Incompetency. If a party becomes incompetent, the court upon motion served as provided in section (a) of this rule may allow the action to be continued by or against his representative.

(c) Transfer of Interest. In case of any transfer of interest, the action may be continued by or against the original party unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. Service of the motion shall be made as provided in section (a) of this rule.

(d) Public Offices; Death or Separation From Office. [Reserved.]

#### Comment

The new rule is the same as the rule applicable in superior court. The differences between the old rule and the new rule are in section (a) and reflect the fact that a summons is now used instead of a notice of suit.

## 5. DEPOSITIONS AND DISCOVERY (RULES 26-37)

### RULE 26

#### DEPOSITIONS PENDING ACTION

The taking of depositions, the requesting of admissions and all other procedures authorized by rules 26 through 37 of the Superior Court Civil Rules applicable for use in the superior court may be available only upon prior permission of the court. The court shall have absolute discretion to decide whether to permit any such procedures. In exercising such discretion the court shall consider (1) whether all parties are represented by counsel, (2) whether undue expense or delay in bringing

the case to trial will result and (3) whether the interests of justice will be promoted.

#### Comment

The new rule is substantially the same as the old rule. The relatively small amounts of money involved and the fact that many parties appear without counsel make it appropriate for the court to maintain control over discovery.

## RULES 27-37

[RESERVED]

## 6. TRIALS (RULES 38-53)

### RULE 38

#### JURY TRIAL

~~After the appearance of the defendant, and before the court shall proceed to inquire into the merits of the cause, either party may demand a jury to try the action. The selection and other matters concerning jury trials are governed by RCW 12.12.030 through 12.12.100 inclusive.~~

[NEW RULE]

(a) Demand. When a trial by jury is authorized by the constitution, statutes, or decisions of the Supreme Court, any party may demand a jury which shall be selected and impaneled as required by law and this rule. At or prior to the time the case is called to be set for trial, or at such other time as directed by the court, any party may demand a jury trial of any issue triable by a jury by serving upon the other parties a demand therefor in writing, by filing the demand with the clerk, and by paying any required jury fee.

(b) Specification of Issues. In the demand a party may specify the issues which it wishes tried by a jury; otherwise, the demand shall be considered a demand for all issues so triable. If the demand requests jury trial of only some of the issues, any other party within 14 days of service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

(c) Waiver of Jury Trial. The failure of a party to serve a demand as required by this rule, to file it as required by this rule, and to pay the required jury fee in accordance with this rule, constitutes a waiver of trial by jury. A demand for trial by jury once made may not be withdrawn without the consent of the parties.

(d) Impaneling the Jury.

(1) Voir Dire. A voir dire examination shall be conducted for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges. The judge shall initiate the voir dire examination by identifying the parties and their respective counsel and by briefly outlining the nature of the case. The judge and the parties may then ask the prospective jurors questions touching their qualifications to serve as jurors

in the case, subject to the supervision of the court as appropriate to the facts of the case.

(2) Challenges for Cause. If the court is of the opinion that grounds for challenge to a juror exist, it shall excuse that juror. Otherwise, any party may challenge the juror for cause. Challenges for cause shall be allowed as provided in RCW 4.44.150 through 4.44.190.

(3) Peremptory Challenges. The number and the manner of exercising peremptory challenges shall be as provided in RCW 4.44.130, 4.44.140, and 4.44.190.

(4) Order of Taking Challenges. [Reserved. See RCW 4.44.220.]

(5) Objections to Challenges. [Reserved. See RCW 4.44.230.]

(6) Trial of Challenge. [Reserved. See RCW 4.44.240.]

(e) Alternate Jurors. The court may direct that not more than three jurors in addition to the regular jury be called and impaneled to serve as alternate jurors. Alternate jurors, in the order in which they are called, shall replace jurors who, prior to the time the jury retires to consider its verdict, are unable to continue. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges for cause, and shall take the same oath as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each party shall be entitled to one additional peremptory challenge which may only be exercised against alternate jurors, and other peremptory challenges allowed shall not be used against alternate jurors. If the court has found that there is a conflict of interest between parties on the same side, the court may allow each conflicting party a peremptory challenge to exercise against alternate jurors.

(f) Juries of Fewer Than Six. The parties may at any time stipulate that the jury shall consist of at least three but fewer than six jurors, or that a verdict of a stated majority shall be taken as the verdict or finding of the jury.

(g) Oath. [Reserved. See RCW 4.44.260.]

(h) Notetaking by Jurors. With the permission of the trial judge, jurors may take written notes regarding the evidence presented to them and keep these notes with them when they retire for their deliberation. Such notes should be treated as confidential between the jurors making them and their fellow jurors, and shall be destroyed immediately after the verdict is rendered.

#### Comment

The new rule is patterned after Superior Court Civil Rules 38, 47, 48, and 49 and Superior Court Criminal Rule 6.4. The rule is necessary because RCW 2.36.050 was amended in 1980 to require that a jury in a court of limited jurisdiction be selected and impaneled in the same manner as in superior court.

The new rule was discussed and approved by the Judicial Council in 1981.

## RULE 39

### ~~TRIAL BY JURY OR BY THE COURT~~

#### [RESERVED]

~~(a) By Jury. In a civil case, when a jury is demanded, it shall be allowed and tried with all reasonable speed. All issues of fact shall be tried by the jury.~~

~~(b) By the Court. All questions of law including the admissibility of testimony, the facts preliminary to such admission, and the construction of statutes and other writings, and other rules of evidence, are to be decided by the judge, and all discussions of law addressed to him.~~

#### Comment

The old rule is no longer necessary and is deleted. The point addressed by section (a) of the old rule is covered in the state constitution, article 4, section 16. The point addressed by section (b) of the old rule is now covered in ER 104.

## RULE 40

### ~~ASSIGNMENT OF CASES FOR TRIAL— JUDGE, DISQUALIFICATION~~

~~(a) Assignment for Trial. When the pleadings of the parties have taken place a case shall be tried, but cases may be continued by the court to a date certain. Continuances may not be granted for a longer period than 60 days each.~~

~~(a) Notice of Trial—Note of Issue.~~

~~(1) Of Fact. At any time after the issues of fact are completed in any case by the service of complaint and answer or reply when necessary, as herein provided, either party may cause the issues of fact to be brought on for trial, by serving upon the opposite party a notice of trial at least 3 days before any day provided by rules of court for setting causes for trial, which notice shall give the title of the cause as in the pleadings, and notify the opposite party that the issues in such action will be brought on for trial at the time set by the court; and the party giving such notice of trial shall, at least 5 days before the day of setting such causes for trial, file with the clerk of the court a note of issue containing the title of the action, the names of the attorneys and the date when the last pleading was served; and the clerk shall thereupon enter the cause upon the trial docket according to the date of the issue.~~

~~(2) Of Law. In case an issue of law raised upon the pleadings is desired to be brought on for argument, either party shall, at least 5 days before the day set apart by the court under its rules for hearing issues of law, serve upon the opposite party a like notice of trial and furnish the clerk of the court with a note of issue as above provided, which note of issue shall specify that the issue to be tried is an issue of law; and the clerk of the court shall thereupon enter such action upon the motion docket of the court.~~

~~(3) Adjournments. When a cause has once been placed upon either docket of the court, if not tried or argued at the time for which notice was given, it need not be noticed for a subsequent session or day, but shall~~

remain upon the docket from session to session or from law day to law day until final disposition or stricken off by the court.

(4) Filing Note by Opposite Party. The party upon whom notice of trial is served may file the note of issue and cause the action to be placed upon the calendar without further notice on his part.

(5) Issue May Be Brought to Trial by Either Party. Either party, after the notice of trial, whether given by himself or the adverse party, may bring the issue to trial, and in the absence of the adverse party, unless the court for good cause otherwise directs, may proceed with his case, and take a dismissal of the action, or a verdict or judgment, as the case may require.

(b) Methods. Each court of limited jurisdiction may provide by local rule for placing of actions upon the trial calendar (1) without request of the parties or (2) upon request of a party and notice to the other parties or (3) in such other manner as the court deems expedient.

(c) Preferences. In setting cases for trial, unless otherwise provided by statute, preference shall be given to criminal over civil cases, and cases where the defendant or a witness is in confinement shall have preference over other cases.

(d) Trials. When a cause is set and called for trial, it shall be tried or dismissed, unless good cause is shown for a continuance. The court may in a proper case, and upon terms, reset the same.

(e) Continuances. A motion to continue a trial on the ground of the absence of evidence shall only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it, and also the name and address of the witness or witnesses. The court may also require the moving party to state upon affidavit the evidence which he expects to obtain; and if the adverse party admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be continued. The court, upon its allowance of the motion, may impose terms or conditions upon the moving party.

~~(b) Disqualification.~~ (f) Change of Judge. In any case pending in any court of limited jurisdiction, unless otherwise provided by law, the judge thereof shall be deemed disqualified to hear and try the case when he is in anywise interested or prejudiced. The judge, of his own initiative, may enter an order disqualifying himself; and he shall also disqualify himself under the provisions of this rule if, before the jury is sworn or the trial is commenced, a party files an affidavit that such party cannot have a fair and impartial trial by reason of the interest or prejudice of the judge or for other ground provided by law. Only one such affidavit shall be filed by the same party in the case and such affidavit shall be made as to only one of the judges of said court.

All right to an affidavit of prejudice will be considered waived where filed more than 10 days after the case is set for trial, unless the affidavit alleges a particular incident, conversation or utterance by the judge, which was not known to the party or his attorney within the 10-day period. In multiple judge courts, or where a pro tempore or visiting judge is designated as the trial judge, the 10-

day period shall commence on the date that the defendant or his attorney has actual notice of assignment or reassignment to a designated trial judge.

#### Comment

The new rule is the same as the rule applicable in superior court, with only minor exceptions. The reference to "superior court" in section (b) is changed to "court of limited jurisdiction." Section (f) is added to the superior court rule and is the same as section (b) in the old justice court rule.

The new rule adopts the superior court practice of setting hearing dates on the basis of a notice served and filed by a party. Section (b) allows each court to establish the procedural details by local rule.

### RULE 41

#### DISMISSAL OF ACTIONS

~~(a) Without Prejudice. Judgment that the action be dismissed, without prejudice to a new action, may be entered, with costs, in the following cases:~~

~~(1) When the plaintiff voluntarily dismisses the action before it is finally submitted;~~

~~(2) When plaintiff fails to appear at the time set for trial or other hearing.~~

~~(b) Limitation. If a counterclaim has been pleaded by defendant, the action shall not be dismissed against defendant's objection unless the counterclaim can remain pending for independent adjudication by the court.~~

~~(c) Counterclaims, etc. The provisions of this rule apply to the dismissal of any counterclaim, setoff, cross claim, or third party claim.~~

#### [NEW RULE]

(a) Voluntary Dismissal.

(1) Mandatory. Any action shall be dismissed by the court:

(i) By stipulation. When all parties who have appeared so stipulate in writing; or

(ii) By plaintiff before resting. Upon motion of the plaintiff at any time before plaintiff rests at the conclusion of his opening case.

(2) Permissive. After plaintiff rests after his opening case, plaintiff may move for a voluntary dismissal without prejudice upon good cause shown and upon such terms and conditions as the court deems proper.

(3) Counterclaim. If a counterclaim has been pleaded by a defendant prior to the service upon him of plaintiff's motion for dismissal, the action shall not be dismissed against the defendant's objection unless the counterclaim can remain pending for independent adjudication by the court.

(4) Effect. Unless otherwise stated in the order of dismissal, the dismissal is without prejudice, except that an order of dismissal operates as an adjudication upon the merits when obtained by a plaintiff who has once dismissed an action based on or including the same claim in any court of the United States or of any state.

(b) Involuntary Dismissal; Effect. For failure of the plaintiff to prosecute or to comply with these rules or

any order of the court, a defendant may move for dismissal of an action or of any claim against him.

(1) **Want of Prosecution on Motion of Party.** Any civil action shall be dismissed, without prejudice, for want of prosecution whenever the plaintiff, counterclaimant, cross claimant, or third party plaintiff neglects to note the action for trial or hearing within 1 year after any issue of law or fact has been joined, unless the failure to bring the same on for trial or hearing was caused by the party who makes the motion to dismiss. Such motion to dismiss shall come on for hearing only after 10 days' notice to the adverse party. If the case is noted for trial before the hearing on the motion, the action shall not be dismissed.

(2) **Dismissal on Clerk's Motion.**

(i) **Notice.** In all civil cases wherein there has been no action of record during the 12 months just past, the clerk of the court shall mail notice to the attorneys of record that such case will be dismissed by the court for want of prosecution unless within 30 days following said mailing, action of record is made or an application in writing is made to the court and good cause shown why it should be continued as a pending case. If such application is not made or good cause is not shown, the court shall dismiss each such case without prejudice. The cost of filing such order of dismissal with the clerk shall not be assessed against either party.

(ii) **Mailing notice.** The notice shall be mailed in every eligible case not later than 30 days before June 15 and December 15 of each year, and all such cases shall be presented to the court by the clerk for action thereon on or before June 30 and December 31 of each year. These deadlines shall not be interpreted as a prohibition against mailing of notice and dismissal thereon as cases may become eligible for dismissal under this rule.

(iii) **Applicable date.** This dismissal procedure is mandatory as to all cases filed after January 1, 1959, and permissive as to all cases filed before that date. This rule is not a limitation upon any other power that the court may have to dismiss any action upon motion or otherwise.

(3) **Defendant's Motion After Plaintiff Rests.** After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in RALJ 5.2. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subsection and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under rule 19, operates as an adjudication upon the merits.

(c) **Dismissal of Counterclaim, Cross Claim, or Third Party Claim.** The provisions of this rule apply to the dismissal of any counterclaim, cross claim, or third party

claim. A voluntary dismissal by the claimant alone pursuant to subsection (a)(1) of this rule shall be made before a responsive pleading is served or, if there is none, before the introduction of evidence at the trial or hearing.

(d) **Costs of Previously Dismissed Action.** If a plaintiff who has once dismissed an action in any court commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of taxable costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.

(e) **Notice of Settlements.** If a case is settled after it has been assigned for trial, it shall be the duty of the attorneys or of any party appearing pro se to notify the court promptly of the settlement. If the settlement is made within 5 days before the trial date, the notice shall be made by telephone or in person. All notices of settlement shall be confirmed in writing to the clerk.

#### Comment

The new rule is the same as the rule applicable in superior court, with only minor exceptions. A reference to rule 23 (Class Actions) is omitted from section (a)(1) because there is no rule 23 for courts of limited jurisdiction. A reference to "superior court" in section (b)(2)(i) is changed to "court." A reference to rule 52(a) in section (b)(3) is changed to RALJ 5.2, the counterpart in the rules for courts of limited jurisdiction.

The principal effect of the new rule is to shorten the time within which the plaintiff may obtain a voluntary dismissal. The old rule allowed the plaintiff to voluntarily dismiss any time before the case was finally submitted. The new rule allows a voluntary dismissal only until the plaintiff rests.

The new rule adopts the superior court practice of allowing the clerk to move to have dormant cases dismissed.

## RULE 42

### CONSOLIDATION; SEPARATE TRIALS

(a) **Consolidation.** When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) **Separate Trials.** The court in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross claim, counterclaim, or third party claim, or of any separate issue or of any number of claims, cross claims, counterclaims, third party claims, or issues, always preserving inviolate the right of trial by jury.

#### Comment

The new rule is the same as the rule applicable in superior court. It differs from the old rule in only minor respects.

## RULE 43

[NEW RULE]

## TAKING OF TESTIMONY

~~(a) Form. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by rule or statute.~~

~~(a 1) Multiple Examinations. When two or more attorneys are upon the same side trying a case, the attorney conducting the examination of a witness shall continue until the witness is excused from the stand; and all objections and offers of proof made during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination:~~

~~(b) [Reserved. See ER 607 and 611.]~~

~~(c) Affirmation in Lieu of Oath. Whenever under these rules an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.~~

~~(d) Adverse Party as Witness:~~

~~(1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of the notice is an officer, director, or other managing agent (herein collectively referred to as "managing agent") of a public or private corporation, partnership or association which is a party to an action or proceeding may be examined at the instance of any adverse party. Attendance of such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given to opposing counsel of record. Notices for the attendance of a party or a managing agent at the trial shall be given a reasonable time before the trial of not less than 10 days (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown, the court may make orders for the protection of the party or managing agent to be examined.~~

~~(2) Effect of Discovery, etc. A party who has filed interrogatories to be answered by the adverse party or who has taken the deposition of an adverse party or of the managing agent of an adverse party shall not be precluded for that reason from examining such adverse party or managing agent at the trial. The testimony of an adverse party or managing agent at the trial or on deposition or interrogatories shall not bind his adversary but may be rebutted:~~

~~(3) Refusal To Attend and Testify. Penalties. If a party or a managing agent refuses to attend and testify before the officer designated to take his deposition or at the trial after notice service, the complaint, answer, or reply of the party may be stricken and judgment taken against the party, and the contumacious party or managing agent may also be proceeded against as in other cases of contempt. This rule shall not be construed: (i) to compel any person to answer any question where such answer might tend to incriminate him, or (ii) to prevent a party from using a subpoena to compel the attendance of any party or managing agent to give testimony by deposition or at the trial, or (iii) to limit the applicability of any other sanctions or penalties.~~

~~(c) Attorneys as Witnesses. If an attorney offers himself as a witness on behalf of his client and gives evidence on the merits, he shall not argue the case to the jury, unless by permission of the court.~~

(a) Testimony.

(1) Generally. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute.

(2) Multiple Examinations. When two or more attorneys are upon the same side trying a case, the attorney conducting the examination of a witness shall continue until the witness is excused from the stand; and all objections and offers of proof made during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination.

(b) and (c) [Reserved. See ER 103 and 611.]

(d) Oaths of Witnesses.

(1) Administration. The oaths of all witnesses

(i) shall be administered by the judge;

(ii) shall be administered to each witness individually; and

(iii) the witness shall stand while the oath is administered.

(2) Applicability. This rule shall not apply to civil ex parte proceedings, and in such cases the manner of swearing witnesses shall be as each court may prescribe.

(3) Affirmation in Lieu of Oath. Whenever under these rules an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

(e) Evidence on Motions. When a motion is based on facts not appearing of record the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions.

(f) Adverse Party as Witness.

(1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of the notice is an officer, director, or other managing agent (herein collectively referred to as "managing agent") of a public or private corporation, partnership or association which is a party to an action or proceeding may be examined at the instance of any adverse party. Attendance of such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the manner prescribed in rule 30(a) to opposing counsel of record. Notices for the attendance of a party or of a managing agent at the trial shall be given not less than 10 days before trial (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown in the manner prescribed in rule 30(b), the court may make orders for the protection of the party or managing agent to be examined.

(2) Effect of Discovery, etc. A party who has filed interrogatories to be answered by the adverse party or who has taken the deposition of an adverse party or of the managing agent of an adverse party shall not be precluded for that reason from examining such adverse party or managing agent at the trial. The testimony of an adverse party or managing agent at the trial or on deposition or interrogatories shall not bind his adversary but may be rebutted.

(3) Refusal To Attend and Testify; Penalties. If a party or a managing agent refuses to attend and testify

before the officer designated to take his deposition or at the trial after notice served as prescribed in rule 30(a), the complaint, answer, or reply of the party may be stricken and judgment taken against the party, and the contumacious party or managing agent may also be proceeded against as in other cases of contempt. This rule shall not be construed:

(i) to compel any person to answer any question where such answer might tend to incriminate him;

(ii) to prevent a party from using a subpoena to compel the attendance of any party or managing agent to give testimony by deposition or at the trial; nor

(iii) to limit the applicability of any other sanctions or penalties provided in rule 37 or otherwise for failure to attend and give testimony.

(g) Attorney as Witness. If any attorney offers himself as a witness on behalf of his client and gives evidence on the merits, he shall not argue the case to the jury, unless by permission of the court.

(h) Recording as Evidence. Whenever the testimony of a witness at a trial or hearing which was recorded is admissible in evidence at a later trial, it may be proved by the recording thereof duly certified by the person who recorded the testimony.

(i) [Reserved. See ER 804.]

(j) Record in Retrial of Nonjury Cases. In the event a cause has been remanded by the court for a new trial or the taking of further testimony, and such cause shall have been tried without a jury, and the testimony in such cause shall have been taken in full and used as the record upon review, either party upon the retrial of such cause or the taking of further testimony therein shall have the right, provided the court shall so order after an application on 10 days' notice to the opposing party or parties, to submit said record as the testimony in said cause upon its second hearing, to the same effect as if the witnesses called by him in the earlier hearing had been called, sworn, and testified in the further hearing; but no party shall be denied the right to submit other or further testimony upon such retrial or further hearing, and the party having the right of cross examination shall have the privilege of subpoenaing any witness whose testimony is contained in such record for further cross examination.

#### Comment

The new rule is the same as the rule applicable in superior court, with only minor exceptions. A reference to superior court has been omitted in section (d)(1). References to default divorces and the superior court have been omitted in section (d)(2). Section (e)(2), relating to injunctions, attachments, and receiverships in the superior court rule, has been omitted. References to a transcript of testimony in section (h) have been changed to refer to a recording of testimony because a typewritten transcript is not required under RALJ. References to a report of proceedings have likewise been changed to refer to a recording of testimony in section (j).

The new rule differs from the old rule more in form than in substance. The principal difference is that the

new provisions in sections (h) and (j) clarify the relationship between the rule and the tape recording that is made under RALJ.

## RULE 44

### PROOF OF OFFICIAL RECORD

~~(a) Authentication of Copy. An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.~~

~~(b) Proof of Lack of Record. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.~~

~~(c) Other Proof. This rule does not prevent the proof of official records or of entry or lack of entry therein by any method authorized by an applicable statute, or by the rules of evidence at common law.~~

#### [NEW RULE]

(a) Authentication.

(1) Domestic. An official record kept within the United States, or any state, district, commonwealth, territory, or insular possession thereof, or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office or official custody of the seal of the political subdivision and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office or the seal of the political subdivision.

(2) Foreign. A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice-consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, either admit an attested copy without final certification or permit the foreign official record to be evidenced by an attested summary with or without a final certification.

(b) Lack of Record. A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records, designated by the statement, authenticated as provided in subsection (a)(1) of this rule in the case of a domestic record, or complying with the requirements of subsection (a)(2) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry.

(c) Other Proof. This rule does not prevent the proof of official records or of entry or lack of entry therein by any other method authorized by law.

#### Comment

The new rule is the same as the rule applicable in superior court. It is more detailed than the old rule but should make no appreciable change in practice. Additional methods of authentication are defined by ER 901 and 902.

### RULE 44.1

#### DETERMINATION OF FOREIGN LAW

##### [NEW RULE]

(a) Pleading. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States, or a foreign country shall give notice in his pleadings in accordance with rule 9(k).

(b) United States Jurisdiction. The law of a state, territory, or other jurisdiction of the United States shall be determined as provided in RCW 5.24.

(c) Other Jurisdictions. The court, in determining the law of any jurisdiction other than a state, territory, or other jurisdiction of the United States, may consider any relevant written material or other source, including testimony, having due regard for their trustworthiness, whether or not submitted by a party and whether or not admissible under the Rules of Evidence. If the court considers any material or source not received in open court, prior to its determination the court shall:

(1) Identify in the record such material or source;

(2) Summarize in the record any unwritten information received; and

(3) Afford the parties an opportunity to respond thereto. The court's determination shall be treated as a ruling on a question of law.

### RULE 45

#### SUBPOENA

~~Subpoenas are governed by RCW 12.16.010 through 12.16.050, inclusive. Provided, that subpoenas may be issued with like effect by the attorney of record of the party to the action in whose behalf the witness is required to appear, and the form of such subpoena in each case shall be the same as when issued by the court except that it shall only be subscribed by the signature of such attorney.~~

(a) For Attendance of Witnesses. The subpoena shall be issued as follows:

(1) Form. To require attendance before a court of limited jurisdiction or at the trial of an issue therein, such subpoena may be issued in the name of the State of Washington by the court before which the attendance is required or in which the issue is pending: Provided, That such subpoena may be issued with like effect by the attorney of record of the party to the action on whose behalf the witness is required to appear, and the form of such subpoena in each case may be the same as when issued by the court except that it shall only be subscribed by the signature of such attorney.

(2) Issuance for Trial. To require attendance before a court of limited jurisdiction or at the trial of an issue of fact, the subpoena may be issued by the clerk in response by a praecipe or by an attorney of record.

(3) Issuance for Deposition. To require attendance out of such court before a judge, justice of the peace, commissioner, referee or other officer authorized to administer oaths or to take testimony in any matter under the laws of this state, it shall be issued by an attorney of record or by such judge, justice of the peace, commissioner, referee or other officer before whom the attendance is required.

(b) For Production of Documentary Evidence. A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(c) Service. A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him a copy thereof, or by leaving such copy at the place of his abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(d) Subpoena for Taking Depositions; Place of Examination.

(1) Proof of service of a notice to take a deposition as provided in rules 30(b) and 31(a) constitutes a sufficient authorization for the issuance by the attorney of record or the officer taking the deposition of subpoenas for the persons named or described therein. The subpoena may command the person to whom it is directed to produce and permit inspection and copying of designated books, papers, documents, or tangible things which constitute or contain matters within the scope of the examination permitted by rule 26, but in that event the subpoena will be subject to the provisions of section (b) of this rule.

The person to whom the subpoena is directed may, within 10 days after the service thereof or on or before the time specified in the subpoena for compliance if such time is less than 10 days after service, serve upon the attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials except pursuant to an order of the court from which the subpoena was issued. The party serving the subpoena may, if objection has been made, move upon notice to the deponent for an order at any time before or during the taking of the deposition.

(2) Place of Examination. A resident of the state may be required to attend an examination only in the county wherein he resides or is employed or transacts his business in person, or at such other convenient place as is fixed by an order of the court. A nonresident of the state may be required to attend only in the county wherein he is served with a subpoena, or within 40 miles from the place of service or at such other convenient place as is fixed by an order of the court.

(3) Foreign Depositions for Local Actions. When the place of examination is in another state, territory, or country, the party desiring to take the deposition may secure the issuance of a subpoena or equivalent process in accordance with the laws of such state, territory or country to require the deponent to attend the examination.

(4) Local Depositions for Foreign Actions. When any officer or person is authorized to take depositions in this state by the law of another state, territory or country, with or without a commission, a subpoena to require attendance before such officer or person may be issued by any judge or justice of the peace of this state for attendance at any places within his jurisdiction.

(e) Subpoena for Hearing or Trial. [Reserved. See RCW 5.56.010.]

(f) Contempt. Failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued.

(g) When Excused. A witness subpoenaed to attend in a civil case is dismissed and excused from further attendance as soon as he has given his testimony in chief and has been cross-examined thereon, unless either party moves in open court that the witness remain in attendance and the court so orders; and witness fees will not

be allowed any witness after the day on which his testimony is given, except when the witness has in open court been required to remain in further attendance, and when so required the clerk shall note that fact in the minutes.

#### ~~RULES 46-50~~

~~[RESERVED]~~

#### RULE 46

#### EXCEPTIONS UNNECESSARY

[NEW RULE]

Formal exceptions to rulings or orders of the court are unnecessary; but for all purposes for which an exception has heretofore been necessary it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which he desires the court to take or his objection to the action of the court and his grounds therefor; and, if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection does not thereafter prejudice him.

#### Comment

The new rule is the same as the rule applicable in superior court. Until now, the rule was unnecessary because review was by trial de novo. The rule is now appropriate because the trial de novo has been eliminated in favor of review on the record.

#### RULE 47

#### JURORS

[NEW RULE]

(a) Examination, Selection, etc. See rule 38.

(b) Care of Jury While Deliberating.

(1) Generally. During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(2) Communication Restricted. Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor make any himself, unless by order of the court, except to ask the jurors if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(3) Motions. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

#### Comment

Section (b) is the same language as the newly adopted change to CR 47(i). It would supersede RCW 2.36.140 and 4.44.300.

## RULE 48

## JURIES OF FEWER THAN SIX

[Reserved. See RCW 12.12.030.]

## RULE 49

## VERDICTS

## [NEW RULE]

(-) General Verdict. A general verdict is that by which the jury pronounces generally upon all or any of the issues in favor of either the plaintiff or defendant.

(a) Special Verdict. The court may require a jury to return only a special verdict in the form of a special written finding upon each issue of fact. In that event the court may submit to the jury written questions susceptible of categorical or other brief answer or may submit written forms of the several special findings which might properly be made under the pleadings and evidence; or it may use such other method of submitting the issues and requiring the written findings thereon as it deems most appropriate. The court shall give to the jury such explanation and instruction concerning the matter thus submitted as may be necessary to enable the jury to make its findings upon each issue. If in so doing the court omits any issue of fact raised by the pleadings or by the evidence, each party waives his rights to a trial by jury of the issue so omitted unless before the jury retires he demands its submission to the jury. As to an issue omitted without such demand the court may make a finding; or, if it fails to do so, it shall be deemed to have made a finding in accord with the judgment on the special verdict.

(b) General Verdict Accompanied by Answer to Interrogatories. The court may submit to the jury, together with appropriate forms for a general verdict, written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict. The court shall give such explanation or instruction as may be necessary to enable the jury both to make answers to the interrogatories and to render a general verdict, and the court shall direct the jury both to make written answers and to render a general verdict. When the general verdict and the answers are harmonious, the appropriate judgment upon the verdict and answers shall be entered pursuant to rule 58. When the answers are consistent with each other but one or more is inconsistent with the general verdict, judgment may be entered pursuant to rule 58 in accordance with the answers, notwithstanding the general verdict, or the court may return the jury for further consideration of its answers and verdict or may order a new trial. When the answers are inconsistent with each other and one or more is likewise inconsistent with the general verdict, judgment shall not be entered, but the court shall return the jury for further consideration of its answers and verdict or shall order a new trial.

(c) Discharge of Jury. [Reserved. See RCW 12.12.080 and 12.12.090.]

(d) Court Recess During Deliberation. [Reserved. See RCW 4.44.350.]

(e) Proceedings When Jury Has Agreed. [Reserved. See RCW 4.44.360.]

(f) Manner of Giving Verdict. [Reserved. See RCW 4.44.370.]

(g) Verdict by Five Jurors in Civil Cases. [Reserved. See RCW 4.44.380.]

(h) Jury May Be Polled. [Reserved. See RCW 4.44.390.]

(i) Correction of Informal Verdict. [Reserved. See RCW 4.44.400.]

(j) Jury To Assess Amount of Recovery. [Reserved. See RCW 4.44.450.]

(k) Receiving Verdict and Discharging Jury. [Reserved. See RCW 12.12.080 and 12.12.090.]

## Comment

The new rule is substantially the same as the rule applicable in superior court. In sections (c) through (k), statutory references have been changed to the corresponding statutes in Title 12 where such statutes exist. If no statute in Title 12 governs, the Title 4 statute continues to be cited. Title 4 statutes seemingly apply in courts of limited jurisdiction if not in conflict with other statutes specially tailored to courts of limited jurisdiction. See RCW 3.66.010 (all laws of a general nature apply in justice court unless in conflict with justice court act).

## JCR 50

## MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT NOTWITHSTANDING THE VERDICT

(a) Motion for Directed Verdict; When Made; Effect. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific ground therefor.

(b) Motion for Judgment Notwithstanding the Verdict. Not later than 10 days after the entry of judgment or after the jury is discharged if no verdict is returned, whether or not he has moved for a directed verdict and whether or not a verdict was returned, a party may move for judgment notwithstanding the verdict. A motion for judgment notwithstanding the verdict shall identify the specific reasons in fact and law as to each ground on which the motion is based. A motion in the alternative for a new trial may be joined with this motion.

(c) Alternative Motions for Judgment Notwithstanding the Verdict or for a New Trial—Effect of Appeal. Whenever a motion for a judgment notwithstanding the verdict and, in the alternative, for a new trial shall be filed and submitted in any superior court in any civil cause tried before a jury, and such superior court shall enter an order granting such motion for judgment notwithstanding the verdict, such court shall at the same time, in the alternative, pass upon and decide in the same order such motion for a new trial; such ruling upon

said motion for a new trial not to become effective unless and until the order granting the motion for judgment notwithstanding the verdict shall thereafter be reversed, vacated, or set aside in the manner provided by law. An appeal to the superior court from a judgment granted on a motion for judgment notwithstanding the verdict shall, of itself, without the necessity of cross appeal, bring up for review the ruling of the trial court on the motion for a new trial; and the superior court shall, if it reverses the judgment entered notwithstanding the verdict, review and determine the validity of the ruling on the motion for a new trial.

## RULE 51

### INSTRUCTIONS TO JURY; ~~OBJECTION AND~~ DELIBERATION

~~At the close of the evidence the court on its own motion, or on the request of either party, shall instruct the jury on the law either orally or in writing or both. Any party may file written request that the court instruct the jury. At the same time copies of requested instructions shall be furnished to adverse parties. The court need not grant any requested instruction if the matter is fairly covered by the instruction given. The court shall not instruct with respect to matters of fact or comment upon the evidence.~~

#### [NEW RULE]

(a) Proposed. Unless otherwise requested by the trial judge on timely notice to counsel, proposed instructions shall be submitted when the case is called for trial. Proposed instructions upon questions of law developed by the evidence, which could not reasonably be anticipated, may be submitted at any time before the court has instructed the jury.

(b) Submission. Submission of proposed instructions shall be by delivering the original and three or more copies as required by the trial judge, by filing one copy with the clerk, identified as the party's proposed instructions, and by serving one copy upon each opposing counsel.

(c) Form. Each proposed instruction shall be type-written or printed on a separate sheet of letter-size (8 1/2 by 11 inches) paper. Except for one copy of each, the instructions delivered to the trial court shall not be numbered or identified as to the proposing party. One copy delivered to the trial court, and the copy filed with the clerk, and copies served on each opposing counsel shall be numbered and identified as to proposing party, and may contain supporting annotations.

(d) Published Instructions.

(1) Request. Any instruction appearing in the Washington Pattern Instructions (WPI) may be requested by counsel who must submit the proper number of copies of the requested instruction, identified by number as in section (c) of this rule, in the form he wishes it read to the jury. If the instruction in WPI allows or provides for a choice of wording by the use of brackets or otherwise, the written requested instruction shall use the choice of wording which is being requested.

(2) Record on Review. Where the refusal to give a requested instruction is an asserted error on review, a copy of the requested instruction shall be placed in the record on review.

(3) Local Option. Any court of limited jurisdiction may adopt a local rule to substitute for subsection (d)(1) and to allow instructions appearing in the Washington Pattern Instructions (WPI) to be requested by reference to the published number. If the instruction in WPI allows or provides for a choice of wording by the use of brackets or otherwise, the local rule must require that the written request which designates the number of the instruction shall also designate the choice of wording which is being requested.

(e) Disregarding Requests. The trial court may disregard any proposed instruction not submitted in accordance with this rule.

(f) Objections to Instruction. Before instructing the jury, the court shall supply counsel with copies of its proposed instructions which shall be numbered. Counsel shall then be afforded an opportunity in the absence of the jury to make objections to the giving of any instruction and to the refusal to give a requested instruction. The objector shall state distinctly the matter to which he objects and the grounds of his objection, specifying the number, paragraph or particular part of the instruction to be given or refused and to which objection is made.

(g) Instructing the Jury and Argument. After counsel have completed their objections and the court has made any modifications deemed appropriate, the court shall then provide each counsel with a copy of the instructions in their final form. The court shall then read the instructions to the jury. The plaintiff or party having the burden of proof may then address the jury upon the evidence, and the law as contained in the court's instructions; after which the adverse party may address the jury; followed by the rebuttal of the party first addressing the jury.

(h) Deliberation. After argument, the jury shall retire to consider its verdict. In addition to the written instructions given, the jury shall take with it all exhibits received in evidence, except depositions. Copies may be substituted for any parts of public records or private documents as ought not, in the opinion of the court, to be taken from the person having them in possession. Pleadings shall not go to the jury room.

(i) Further Instructions. After retirement for deliberation, if the jury desires to be informed on any point of law, the judge may require the officer having them in charge to conduct them into court. Upon the jury's being brought into court, the information requested, if given, shall be given in the presence of, or after notice to the parties or their counsel. Any additional instruction upon any point of law shall be given in writing.

(j) Comments Upon Evidence. Judges shall not instruct with respect to matters of fact, nor comment thereon.

#### Comment

The new rule is the same as the rule applicable in superior court except that the reference to "superior court" in section (d)(3) has been changed to "court of limited

jurisdiction." The additional detail in the new rule is appropriate because the trial de novo has been eliminated in favor of an appeal on the record.

The use of the Washington Pattern Jury Instructions is encouraged.

## RULE 52

### FINDINGS BY THE COURT

~~If a jury trial is not demanded, the judge shall hear the evidence, and decide all questions of fact and law and render judgment accordingly. He is not required to make findings of fact or conclusions of law.~~

[Reserved. See RALJ 5.2.]

#### Comment

The extent to which the court must enter findings of fact and conclusions of law is governed by RALJ 5.2.

## RULE 53

### MASTERS

[RESERVED]

### RULE 53.1

### REFEREES

[RESERVED]

### RULE 53.2

### COURT COMMISSIONERS

[Reserved. See RCW 3.42.]

## 7. JUDGMENTS (RULES 54-63)

### RULE 54

#### JUDGMENTS; COSTS

(a) Definition; Form. "Judgment" as used in these rules includes a decree and any final order from which an appeal lies. A judgment shall not contain a recital of pleadings or the record of prior proceedings. Judgments may be in a writing signed by the court or may be oral confirmed by an entry in the record.

(b) Judgment Upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross claim, or third party claim, or when multiple parties are involved, the court may direct the entry of a final judgment upon as to one or more but less fewer than all of the claims or parties only upon an express determination in the judgment that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decisions, however designated, which adjudicates less fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of

judgment adjudicating all the claims and the rights and liabilities of all the parties.

(c) Demand for Judgment. A judgment by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgment. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings.

(d) Costs. Costs shall be fixed and allowed as provided in RCW 12.20.060 or by any other applicable statute.

#### Comment

Section (a) of the new rule is the same as section (a) in the old rule. The rule is necessarily different from the rule in superior court because RALJ 5.2 permits the judge in a court of limited jurisdiction to state findings, conclusions, and a decision orally.

Sections (b), (c), and (d) are amended to conform to the rule applicable in superior court, with an appropriate change in the statute mentioned in section (d). The new provisions in section (b) are appropriate because of the liberalized provisions concerning third party practice in rule 14.

Sections (e) and (f) in the superior court rule, relating to the presentation of a written judgment, are omitted.

## RULE 55

### DEFAULT

~~(a) Judgment. When the defendant fails to appear and plead before or at the time specified in the notice, or within 1 hour thereafter, or upon continuance, or for trial, judgment shall be given on motion of the plaintiff, if the motion includes a statement of the basis for venue in the action and it does not clearly appear to the court from the papers on file that venue is improper, as follows: When the defendant has been served with a true copy of the complaint, judgment shall be given upon proof satisfactory to the court. In those cases where interest and attorney fees are claimed by virtue of a written instrument, a copy of said instrument shall be filed and the court shall set a reasonable attorney fee. The court shall notify the defendant of the entry of a default judgment by mailing a copy of the order and judgment to the defendant at his last known address within 5 days after entry of the judgment.~~

~~(b) Setting Aside Default.~~

~~(1) For good cause shown and upon such terms as the court deems just, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with rule 60(b). No court shall issue a transcript or pay out or turn over money or property received by the court by virtue of any default judgment until the expiration of 20 days from entry of the judgment.~~

~~(2) Nothing herein contained shall limit the power of the court to set aside a judgment, at any time, where the court lacked jurisdiction to enter the judgment.~~

~~(c) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third party~~

~~plaintiff, or a party who has pleaded a cross claim or counterclaim.~~

[NEW RULE]

(a) Entry of Default.

(1) Motion. When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these rules and that fact is made to appear by motion and affidavit, a motion for default may be made.

(2) Pleading After Default. Any party may respond to any pleading or otherwise defend at any time before a motion for default and supporting affidavit is filed, whether the party previously has appeared or not. If the party has appeared before the motion is filed, he may respond to the pleading or otherwise defend at any time before the hearing on the motion. If the party has not appeared before the motion is filed he may not respond to the pleading nor otherwise defend without leave of court. Any appearances for any purpose in the action shall be for all purposes under this rule 55.

(3) Notice. Any party who has appeared in the action for any purpose, shall be served with a written notice of motion for default and the supporting affidavit at least 5 days before the hearing on the motion. Any party who has not appeared before the motion for default and supporting affidavit are filed is not entitled to a notice of the motion, except as provided in subsection (f)(2)(i).

(4) Venue. A motion for default shall include a statement of the basis for venue in the action. A default shall not be entered if it clearly appears to the court from the papers on file that the action was brought in an improper district.

(b) Entry of Default Judgment. As limited in rule 54(c), judgment after default may be entered as follows, if proof of service is on file as required by subsection (b)(4):

(1) When Amount Certain. When the claim against a party, whose default has been entered under section (a), is for a sum certain or for a sum which can by computation be made certain, the court upon motion and affidavit of the amount due shall enter judgment for that amount and costs against the party in default, if he is not an infant or incompetent person. No judgment by default shall be entered against an infant or incompetent person unless represented by a general guardian or guardian ad litem. Findings of fact and conclusions of law are not necessary under this subsection even though reasonable attorney fees are requested and allowed.

(2) When Amount Uncertain. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings as are deemed necessary or, when required by statute, shall have such matters resolved by a jury. Findings of fact and conclusions of law are required under this subsection.

(3) When Service by Publication or Mail. In an action where the service of the summons was by publication, or by mail under rule 4(d)(4), the plaintiff, upon the expiration of the time for answering, may, upon proof of

service, apply for judgment. The court must thereupon require proof of the demand mentioned in the complaint, and must require the plaintiff or his agent to be examined on oath respecting any payments that have been made to the plaintiff, or to anyone for his use on account of such demand, and may render judgment for the amount which he is entitled to recover, or for such other relief as he may be entitled to.

(4) Costs and Proof of Service. Costs shall not be awarded and default judgment shall not be rendered unless proof of service is on file with the court.

(c) Setting Aside Default.

(1) Generally. For good cause shown and upon such terms as the court deems just, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with rule 60(b).

(2) When Venue Is Improper. A default judgment entered in a district of improper venue is valid but will on motion be vacated for irregularity pursuant to rule 60(b)(1). A party who procures the entry of the judgment shall, in the vacation proceedings, be required to pay to the party seeking vacation the costs and reasonable attorney fees incurred by the party in seeking vacation if the party procuring the judgment could have determined the district of proper venue with reasonable diligence. This subsection does not apply if either (i) the parties stipulate in writing to venue after commencement of the action, or (ii) the defendant has appeared, has been given written notice of the motion for an order of default, and does not object to venue before the entry of the default order.

(d) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third party plaintiff, or a party who has pleaded a cross claim or counterclaim. In all cases a judgment by default is subject to the limitations of rule 54(c).

(e) Judgment Against State. [Reserved.]

(f) How Made After Elapse of Year.

(1) Notice. When more than 1 year has elapsed after service of summons with no appearance being made, the court shall not sign an order of default or enter a judgment until a notice of the time and place of the application for the order or judgment is served on the party in default, not less than 10 days prior to the entry. Proof by affidavit of the service of the notice shall be filed before entry of the judgment.

(2) Service. Service of notice of the time and place on the application for the order of default or default judgment shall be made as follows:

(i) by service upon the attorney of record;

(ii) if there is no attorney of record, then by service upon the defendant by certified mail with return receipt of said service to be attached to the affidavit in support of the application; or

(iii) by a personal service upon the defendant in the same manner provided for service of process.

(iv) If service of notice cannot be made under sections (i) and (iii), the notice may be given by publication in a newspaper of general circulation in the county in which the action is pending for one publication, and by mailing

a copy to the last known address of each defendant. Both the publication and mailing shall be done 10 days prior to the hearing.

Comment

The new rule is the same as the rule applicable in superior court, except that references to venue in an "improper county" have been changed to venue in an "improper district." The rule adopts the 2-step default procedure used in superior court and addresses a number of procedural details that were not covered in the old rule.

~~RULES 56-57~~

~~[RESERVED]~~

RULE 56

SUMMARY JUDGMENT

[NEW RULE]

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, at any time after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings. The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party, prior to the day of hearing, may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be

made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

Comment

The new rule is the same as the rule applicable in superior court. It makes it clear that a party may move for summary judgment in a court of limited jurisdiction. The procedure was not addressed in the old rules.

RULE 57

[RESERVED]

Comment

The corresponding superior court rule concerns declaratory judgments and is inappropriate for courts of limited jurisdiction because they have no authority to enter declaratory judgments. RCW 7.24.146.

RULE 58

ENTRY OF JUDGMENT

Upon the verdict of a jury, the court shall immediately render judgment thereon. If the trial is by the judge, judgment shall be entered immediately after the close of the trial, unless he reserves his decision, in which event the trial shall be continued to a day certain, but not longer than 15 days.

Comment

The new rule is the same as the old rule. The date of entry is defined elsewhere in RALJ 2.5.

## JCR 59

NEW TRIAL, RECONSIDERATION, AND  
AMENDMENT OF JUDGMENTS

(a) Grounds for New Trial or Reconsideration. The verdict or other decision may be vacated and a new trial granted to all or any of the parties and on all or part of the issues when such issues are clearly and fairly separable and distinct, on the motion of the party aggrieved for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application;

(9) That substantial justice has not been done.

(b) Time for Motion; Contents of Motion. A motion for a new trial or for reconsideration shall be served and filed not later than 10 days after the entry of the judgment.

A motion for a new trial or for reconsideration shall identify the specific reasons in fact and law as to each ground on which the motion is based.

(c) Time for Serving Affidavits. When a motion for new trial is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(d) On Initiative of Court. Not later than 10 days after entry of judgment, the court of its own initiative may order a hearing on its proposed order for a new trial for any reason for which it might have granted a new trial on motion of a party, and in the order shall specify the grounds thereof.

(e) Hearing on Motion. When a motion for reconsideration or for a new trial is served and filed, the judge by whom it is to be heard may on his own motion or on application determine:

(1) Time of Hearing. Whether the motion shall be heard before the entry of judgment;

(2) Consolidation of Hearings. Whether the motion shall be heard before or at the same time as the presentation of the findings and conclusions and/or judgment, and the hearing on any other pending motion; and

(3) Nature of Hearing. Whether the motion or motions and presentation shall be heard on oral argument or submitted on briefs, and if on briefs, shall fix the time within which the briefs shall be served and filed.

(f) Statement of Reasons. In all cases where the trial court grants a motion for a new trial, it shall, in the order granting the motion, state whether the order is based upon the record or upon facts and circumstances outside the record which cannot be made a part thereof. If the order is based upon the record, the court shall give definite reasons of law and facts for its order. If the order is based upon matters outside the record, the court shall state the facts and circumstances upon which it relied.

(g) Reopening Judgment. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law, and direct the entry of a new judgment.

(h) Motion To Alter or Amend Judgment. A motion to alter or amend the judgment shall be served not later than 10 days after entry of the judgment.

(i) Alternative Motions, etc. Alternative motions for judgment notwithstanding the verdict and for a new trial may be made in accordance with rule 50(c).

(j) Limit on Motions. If a motion for reconsideration, or for a new trial, or for judgment notwithstanding the verdict, is made and heard before the entry of the judgment, no further motion may be made for a new trial nor pursuant to sections (g), (h), and (i) of this rule, nor under rule 52(b), without leave of court first obtained for good cause shown.

## RULE 60

## RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. Such mistakes may be so corrected before review is accepted by an appellate court, and thereafter may be corrected pursuant to RALJ 4.1(b).

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

(1) Mistakes, inadvertence, surprise, excusable neglect or irregularity in obtaining a judgment or order;

(2) For erroneous proceedings against a minor or person of unsound mind, when the condition of such defendant does not appear in the record, nor the error in the proceedings;

(3) ~~Venue is improper and the judgment or order has been entered by default~~ Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b);

(4) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(5) The judgment is void;

(6) The judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application;

(7) If the defendant was served by publication, relief may be granted as prescribed in RCW 4.28.200;

(8) Death of one of the parties before the judgment in the action;

(9) Unavoidable casualty or misfortune preventing the party from prosecuting or defending;

(10) Error in judgment shown by a minor, within 12 months after arriving at full age; or

(11) Any other reason justifying relief from the operation of the judgment.

~~(c)~~ The motion shall be made within a reasonable time and for reasons (1), (2) or (3) ~~of section (b)~~ not more than 1 year after the judgment, order, or proceeding was entered or taken. If the party entitled to relief is a minor or a person of unsound mind, the motion shall be made within 1 year after the disability ceases. A motion under section (b) does not affect the finality of the judgment or suspend its operation.

(c) Other Remedies. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding.

(d) Writs Abolished—Procedure. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review are abolished. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

(e) Procedure on Vacation of Judgment.

(1) Motion. Application shall be made by motion filed in the cause stating the grounds upon which relief is asked, and supported by the affidavit of the applicant or his attorney setting forth a concise statement of the facts or errors upon which the motion is based, and if the moving party be a defendant, the facts constituting a defense to the action or proceeding.

(2) Notice. Upon the filing of the motion and affidavit, the court shall enter an order fixing the time and place of the hearing thereof and directing all parties to the action or proceeding who may be affected thereby to appear and show cause why the relief asked for should not be granted.

(3) Service. The motion, affidavit, and the order to show cause shall be served upon all parties affected in the same manner as in the case of summons in a civil action at such time before the date fixed for the hearing

as the order shall provide; but in case such service cannot be made, the order shall be published in the manner and for such time as may be ordered by the court, and in such case a copy of the motion, affidavit, and order shall be mailed to such parties at their last known post office address and a copy thereof served upon the attorneys of record of such parties in such action or proceeding such time prior to the hearing as the court may direct.

#### Comment

The new rule is the same as the rule applicable in superior court, with only minor exceptions. The reference to RAP 7.2 in section (a) has been changed to RALJ 4.1(b), the corresponding rule for appeal from courts of limited jurisdiction. A reference to RCW 4.72.010-.090 at the end of the superior court rule has been omitted because the statute does not apply to courts of limited jurisdiction.

The provision deleted from subsection (b)(3) is now covered in rule 55.

Sections (c), (d), and (e) cover matters that were not previously addressed in the rules for courts of limited jurisdiction.

#### RULE 61

#### HARMLESS ERROR

[RESERVED]

#### Comment

Rule 61 is reserved in both the superior court rules and the rules for courts of limited jurisdiction. The rules concerning harmless error are found largely in decisional law.

#### RULE 62

#### STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

~~When the court has ordered a final judgment on some but not all the claims presented in the action, under the conditions stated in rule 54(b), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.~~

[NEW RULE]

(a) Automatic Stays. [Reserved. See RALJ 4.2.]

(b) Stay on Motion for New Trial or for Judgment. In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to rule 59, or of a motion for relief from a judgment or order made pursuant to rule 60, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to rule 50, or of a motion for amendment to the findings or for additional findings.

(c) [Reserved.]

(d) [Reserved.]

(e) [Reserved.]

(f) Other Stays. This rule does not limit the right of a party to a stay otherwise provided by statute or rule.

(g) [Reserved.]

(f) Multiple Claims or Multiple Parties. When a court has ordered a final judgment under the conditions stated in rule 54(b), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

#### Comment

The new rule is the rule applicable in superior court with only minor variations. Section (a) of the superior court rule has been deleted because automatic stays of execution are governed by RALJ 4.2. At the end of section (b), the words "made pursuant to rule 52(b)" have been deleted because there is no rule 52(b) in the new rules.

### RULE 63

[RESERVED]

#### JUDGES—DISABILITY

If by reason of death, sickness or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these rules after a verdict is returned or findings of fact and conclusions of law are filed, then any other judge regularly sitting in or assigned to the court in which the action was tried may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

#### Comment

The new rule is the same as the rule applicable in superior court except that the reference to findings and conclusions being "filed" has been changed to findings and conclusions being "entered." This change is necessary because under RALJ 5.2, the court may state findings and conclusions on the record instead of filing them in writing.

### 8. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS (RULES 64-71)

#### RULE 64

#### GARNISHMENT

[RESERVED]

~~RCW 7.33 and SPR 91.04W shall continue in full force and effect and shall be fully applicable to garnishment in courts of limited jurisdiction.~~

#### Comment

The old rule is no longer necessary and is deleted. Garnishments are covered in detail by RCW 7.33 and SPR 91.04W.

### RULES 65-67

[RESERVED]

#### Comment

The corresponding rules in superior court concern injunctions, receiverships, and the deposit of money with the clerk of court. The rules are unnecessary in courts of limited jurisdiction.

### RULE 68

#### OFFER OF JUDGMENT

At any time more than 5 10 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against him for the money or property or to the effect specified in his offer, with costs then accrued. If within 5 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the court shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

#### Comment

The new rule is the same as the rule applicable in superior court. The only differences between the new rule and the old justice court rule are that the time is extended from 5 to 10 days and the last sentence is added.

### RULES 69-70

[RESERVED]

#### Comment

Rule 69 in the superior court rules concerns execution and supplemental proceedings. The rule is unnecessary in courts of limited jurisdiction because these matters are governed by statute.

Rule 70 in the superior court rules concerns specific performance and the vesting of title. The rule relates primarily to matters outside the jurisdiction of courts of limited jurisdiction.

RULE 71  
WITHDRAWAL BY ATTORNEY  
[NEW RULE]

(a) Withdrawal by Attorney. Service on an attorney who has appeared for a party in a civil proceeding shall be valid to the extent permitted by statute and rule 5(b) only until the attorney has withdrawn in the manner provided in sections (b), (c), and (d). Nothing in this rule defines the circumstances under which a withdrawal might be denied by the court.

(b) Withdrawal by Order. A court appointed attorney may not withdraw without an order of the court. The client of the withdrawing attorney must be given notice of the motion to withdraw and the date and place the motion will be heard.

(c) Withdrawal by Notice. Except as provided in sections (b) and (d), an attorney may withdraw by notice in the manner provided in this section.

(1) Notice of Intent To Withdraw. The attorney shall file and serve a Notice of Intent To Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent To Withdraw. The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice. If notice is given before trial, the notice shall include the date set for trial. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless disclosure of the address would violate the Code of Professional Responsibility, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the address of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to rule 5(b)(1).

(2) Service on Client. Prior to service on other parties, the Notice of Intent To Withdraw shall be served on the persons represented by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the withdrawing attorney's client may be omitted under circumstances defined by subsection (c)(1) of this rule.

(3) Withdrawal Without Objection. The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent To Withdraw, unless a written objection to the withdrawal is served by a party on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent To Withdraw.

(4) Effect of Objection. If a timely written objection is served, withdrawal may be obtained only by order of the court.

(d) Withdrawal and Substitution. Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of

Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, and signature of the withdrawing attorney and the substituted attorney.

Comment

The new rule is the same as the rule applicable in superior court. The procedure was not addressed in the old justice court rules.

9. APPEALS  
(RULES 72-76)

RULE 72

~~{RESERVED}~~

APPEAL TO SUPERIOR COURT

An appeal from a court of limited jurisdiction is governed by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). Under RALJ 1.1, the appeal from some courts is an appeal for error on the record, and the appeal from other courts is conducted as a trial de novo. The procedures for an appeal for error on the record are defined by RALJ. The procedures for a trial de novo are defined by JCR 73 and 75 below.

Comment

The new rule clarifies the relationship between RALJ and JCR 73 and 75.

RULE 73

~~APPEAL TO A SUPERIOR COURT~~  
TRIAL DE NOVO

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Filing Notice of Appeal Jurisdictional — Service. When an appeal is permitted by law from a court of limited jurisdiction to a superior court such appeal shall be taken by filing in the court of limited jurisdiction a notice of appeal within 14 days after the judgment is rendered or decision made. Filing the notice of appeal is the only jurisdictional requirement for an appeal. A party filing a notice of appeal shall also, within the same 14 days, serve a copy of the notice of appeal on all other parties or their lawyers and file an acknowledgment or affidavit of service in the court of limited jurisdiction.

(c) Bond. A bond or undertaking shall be executed on the part of the appellant, except when the appellant is a county, city, town or school district, and filed with and approved by the court of limited jurisdiction with one or more sureties, in the sum of \$100, conditioned that the appellant will pay all costs that may be awarded against him on appeal; or if a stay of proceedings in the court of limited jurisdiction be claimed, except by a county, city, town or school district, a bond or undertaking, with two or more personal sureties, or a surety company as surety, to be approved by the court of limited jurisdiction, in a sum equal to twice the amount of the judgment and

costs, conditioned that the appellant will pay such judgment, including costs, as may be rendered against him on appeal, be so executed and filed.

(d) Stay of Proceedings. Upon an appeal being taken and a bond filed to stay all proceedings, the court of limited jurisdiction shall allow the same and make an entry of such allowance, and all further proceedings on the judgment in such court shall thereupon be suspended; and if in the meantime execution shall have been issued, such court shall give the appellant a certificate that such appeal has been allowed.

(e) Release of Property Taken on Execution. On such certificate being presented to the officer holding the execution, he shall forthwith release the property of the judgment debtor that may have been taken on execution.

(f) No Dismissal for Defective Bond. No appeal allowed by a court of limited jurisdiction shall be dismissed on account of any defect in the bond on appeal, if the appellant, before the motion is determined, shall execute and file in the superior court such bond as he should have executed at the time of taking the appeal, and pay all costs that may have accrued by reason of such defect.

(g) Judgment Against Appellant and Sureties. In all cases of appeal to the superior court, if on the trial anew in such court, the judgment be against the appellant in whole or in part, such judgment shall be rendered against him and his sureties on the bond on appeal.

Comment

The new rule is the same as the old rule. The title is changed to make it clear that the rule applies only to a trial de novo.

RULE 74  
[RESERVED]

RULE 75

RECORD ON APPEAL TO A SUPERIOR COURT TRIAL DE NOVO

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Transcript; Procedure in Superior Court; Pleadings in Superior Court. Within 14 days after the notice of appeal has been filed in a civil action or proceeding, the appellant shall file with the clerk of the superior court a transcript of all entries made in the docket of the court of limited jurisdiction relating to the case, together with all the process and other papers relating to the case filed in the court of limited jurisdiction which shall be made and certified by such court to be correct upon the payment of the fees allowed by law therefor, and upon the filing of such transcript the superior court shall become possessed of the cause, and shall proceed in the same manner, as near as may be, as in actions originally commenced in that court, except as provided in these rules. The issue before the court of limited jurisdiction

shall be tried in the superior court without other or new pleadings, unless otherwise directed by the superior court.

(c) Transcript; Procedure on Failure To Make and Certify; Amendment. If upon an appeal being taken the court of limited jurisdiction fails, neglects or refuses, upon the tender or payment of the fees allowed by law, to make and certify the transcript, the appellant may make application, supported by affidavit, to the superior court and the court shall issue an order directing the court of limited jurisdiction to make and certify such transcript upon the payment of such fees. Whenever it appears to the satisfaction of the superior court that the return of the court of limited jurisdiction to such order is substantially erroneous or defective it may order the court of limited jurisdiction to amend the same. If the judge of the court of limited jurisdiction fails, neglects or refuses to comply with any order issued under the provisions of this section he may be cited and punished for contempt of court.

Comment

The new rule is the same as the old rule. The title is changed to make it clear that the rule applies only to a trial de novo.

RULE 76  
[RESERVED]

10. COURT AND CLERKS  
(RULES 77-80)

RULE 77  
[RESERVED]

RULE 77.04

ADMINISTRATION OF OATH

The oaths or affirmations of all witnesses  
(1) Shall be administered by the judge;  
(2) Shall be administered to each witness on coming to the stand, not to a group and in advance; and  
(3) The witness shall stand while the oath or affirmation is pronounced.

RULES 78-80  
[RESERVED]

11. GENERAL PROVISIONS  
(RULES 81-86)

RULE 81  
[RESERVED]

APPLICABILITY IN GENERAL

(a) To What Proceedings Applicable. These rules govern all civil proceedings except as provided in this rule. These rules do not apply where inconsistent with rules or statutes applicable to special proceedings, nor do they apply to proceedings in small claims court. In a

court in which the proceedings are not recorded and review is by trial de novo, these rules apply to the extent practicable; in these courts, rules referring to recording or an appeal on the record should be disregarded.

(b) **Conflicting Statutes and Rules.** Subject to the provisions of section (a) of this rule, these rules supersede all procedural statutes and other rules that may be in conflict.

#### Comment

Section (a) is an adaptation of the rule applicable in superior court. The definition of "special proceeding" has never been very clear, but the cases construing the superior court rule should be pertinent. Section (b) is the same as the rule applicable in superior court.

### RULE 82

#### JURISDICTION AND VENUE—UNAFFECTED

These rules shall not be construed to extend or limit the jurisdiction of the courts of limited jurisdiction or the venue of actions therein. ~~Jurisdiction and venue shall be governed by RCW 3.20.100, 3.20.110, 3.34.110, 3.50.280, 3.66.040, and 3.66.050.~~

#### Comment

The new rule is substantially the same as the old rule. It defers to statutes governing jurisdiction and venue in courts of limited jurisdiction. Jurisdiction and venue are governed by RCW 3.20.100, 3.20.110, 3.34.110, 3.50.280, 3.66.040, and 3.66.050. As to a default judgment entered in a district of improper venue, see rule 55.

### RULE 83

#### LOCAL RULES

##### [NEW RULE]

(a) **Adoption.** Each court of limited jurisdiction by action of a majority of the judges may from time to time make and amend local rules governing its practice not inconsistent with these rules.

(b) **Filing With the Administrator for the Courts.** Local rules and amendments become effective only after they are filed with the state Administrator for the Courts in accordance with GR 7.

#### Comment

The rule is the same as the rule applicable in superior court except that the reference to "superior court" is changed to "court of limited jurisdiction."

### RULE 84

##### [RESERVED]

### RULE 85

#### TITLE

These rules may be known and cited as Justice Court Civil Rules and they may be referred to as JCR.

#### Comment

The new rule is the same as the old rule.

### RULE 86

#### EFFECTIVE DATE

These rules take effect on the dates specified by the Supreme Court and thereafter all procedural laws in conflict therewith shall be of no further force and effect. They govern all proceedings in actions after they take effect, and also all further proceedings in actions pending on their effective dates, except to the extent that in the opinion of the court, expressed by its order, the application of rules in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the procedure existing at the time the action was brought applies.

#### Comment

The new rule is the same as the old rule.

### 12. MISCELLANEOUS PROCEEDINGS RULES (RULES 86.04-99.04)

#### RULES 86.04-99.04

##### [RESERVED]

**Reviser's note:** The spelling errors in the above material appeared in the original copy filed by the Supreme Court and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material appeared in the original copy filed by the Supreme Court and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets in the above material appeared in the original copy filed by the Supreme Court and appear herein pursuant to the requirements of RCW 34.08.040.

### WSR 84-16-002

#### RULES OF COURT STATE SUPREME COURT

[June 19, 1984]

IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO CPR DR 9-102 IOLTA NO. 25700-A-357 ORDER

In December 1981, a Washington attorney petitioned this court to establish an Interest on Lawyers' Trust Accounts ("IOLTA") program, to be implemented by amendments to CPR DR 9-102 of the Code of Professional Responsibility. After almost 2 years of studying the concept and various alternative means of implementing it, a proposed rule was drafted by a joint committee of the Washington State Bar Association and the Seattle-King County Bar Association. The joint draft was submitted to this court, which published it for public comment pursuant to General Rule 9. See 100 Wn.2d Advance Sheet 8, ff. 1024 (1983). The court received 531 public comments, 424 of which (80 percent) supported the proposed IOLTA program. Following the expiration of the public comment period, the court published an order calling for briefs and oral arguments on the proposed rule change, and designating the Seattle-King County Bar Association to represent the proponents of the proposed rule (hereinafter "proponents") and the Walla Walla County Bar Association to represent the opponents (hereinafter "opponents"). See

100 Wn.2d Advance Sheet 13, ff. 1038 (1984). Oral argument was heard on May 14, 1984.

We hereby adopt the proposed amendments to CPR DR 9-102 as set forth in the order following this opinion. In so doing, we make clear that those funds available for the IOLTA program are only those funds that cannot, under any circumstances, earn net interest (after deducting transaction and administrative costs and bank fees) for the client.

## I

Nearly half the states have some form of IOLTA program, see National IOLTA Clearinghouse, *IOLTA Update*, Vol. 1, No. 3 (Winter 1984), at 11-13, as do all the Canadian provinces. The highest courts of four states have rejected IOLTA proposals. *IOLTA Update*, at 7. The Washington proposal is largely patterned after the Minnesota IOLTA program, which is a "mandatory" program in which all attorneys are required to participate.

Presently, the obligations of Washington lawyers with respect to client trust funds are determined primarily by CPR DR 9-102 of the Code of Professional Responsibility and by the common law of trusts. In general, attorneys must hold client trust funds in accounts separate from their own funds, and are obligated to maintain complete records and pay the funds over to the clients or others as soon as they are entitled to receive them. See CPR DR 9-102. CPR DR 9-102 does not address the question of whether attorneys must invest such funds for the benefit of clients. In conformity with trust law, however, lawyers usually invest client trust funds in separate interest-bearing accounts and pay the interest to the clients whenever the trust funds are large enough in amount or to be held for a long enough period of time to make such investments economically feasible, that is, when the amount of interest earned exceeds the bank charges and costs of setting up the account. However, when trust funds are so nominal in amount or to be held for so short a period that the amount of interest that could be earned would not justify the cost of creating separate accounts, most attorneys simply deposit the funds in a single noninterest-bearing trust checking account containing all such trust funds from all their clients. The funds in such accounts earn no interest for either the client or the attorney. The banks, in contrast, have received the interest-free use of client money.

The IOLTA program adopted by this court contains the following general requirements:

1. All client funds paid to any Washington lawyer or law firm must be deposited in identifiable interest-bearing trust accounts separate from any accounts containing nontrust money of the lawyer or law firm. The program is mandatory for all Washington lawyers. New CPR DR 9-102(A).

2. The new rule provides for two kinds of interest-bearing trust accounts. The first type of account bears interest to be paid, net of any transaction costs, to the client. This type of account may be in the form of either separate accounts for each client or a single pooled account with subaccounting to determine how much interest is earned for each client. The second type of account

is a pooled interest-bearing account with the interest to be paid directly by the financial institution to the Legal Foundation of Washington (hereinafter "the Foundation"), a nonprofit entity to be established pursuant to the order following this opinion. New CPR DR 9-102(C)(1) and (2).

3. Determining whether client funds should be deposited in accounts bearing interest for the benefit of the client or the Foundation is left to the discretion of each lawyer, but the new rule specifies that the lawyer shall base his decision solely on whether the funds could be invested to provide a positive net return to the client. This determination is made by considering several enumerated factors: the amount of interest the funds would earn during the period they are expected to be deposited, the cost of establishing and administering the account, and the capability of financial institutions to calculate and pay interest to individual clients. New CPR DR 9-102(C)(3).

4. A lawyer may, but is not required to, notify his or her clients of the intended use of interest paid to the Foundation. New CPR DR 9-102(C)(1).

5. Lawyers and law firms must direct the depository institution to pay interest or dividends, net of any service charges or fees, to the Foundation, and to send certain regular reports to the Foundation and the lawyer or law firm depositing the funds. New CPR DR 9-102(C)(4).

The Foundation must use all funds received from lawyers' trust accounts for tax-exempt law-related charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, as directed by this court. See Articles of Incorporation and Bylaws of the Legal Foundation of Washington, 100 Wn.2d Advance Sheet 13, ff. 1038 (1984).

The new rule also incorporates the "technical changes" proposed by the Seattle-King County Bar Association. These changes do not affect the substance of the program as published for public comment, but merely make small improvements in ambiguous or redundant wording, help reduce transaction costs, aid in creating more effective oversight and administering by this court, and bring the program into closer conformity with the current accounting practices of Washington financial institutions.

Opponents argue that the new IOLTA program is unconstitutional, unethical, and would require attorneys to violate their fiduciary duties to their clients. Opponents also argue that the new program would lock us into the current state of banking technology, and that any IOLTA program created should require attorneys to obtain the consent of each individual client before paying over interest on his or her trust funds to the Foundation. Each of these arguments will be addressed in turn.

## II

It is contended by the opponents that the new IOLTA program constitutes an unconstitutional taking of property without due process or just compensation in violation of the United States and Washington Constitutions. The primary issue here is whether the interest from nominal or short-term client trust funds constitutes

"property" within the meaning of the state or federal constitutions.

Proponents make three arguments in response. They first claim that clients have no "property" right to the interest generated by short-term or nominal trust funds held by their attorneys because such funds are inherently unproductive. Second, they urge the interest on them is either de minimus or illusory since it could not be realistically paid to individual clients once transaction costs and lawyer's fees are taken into account. Third, they claim that the IOLTA proposal would create property where none existed before, and giving the client control over whether his or her money will be permitted to earn interest to be paid to the Foundation would merely constitute a right to compel economic waste, which is not a property right and has no market value for purposes of just compensation. Opponents contend just as strongly that money is property, and that once interest exists it is the property of the person that owns the principal, no matter how small the amount earned might be.

The weight of authority supports the view that interest on nominal or short-term trust deposits is not property. Opponents' argument that the interest is property rests almost entirely on one case, Webb's Fabulous Pharmacies, Inc. v. Beckwith, 449 U.S. 155, 66 L. Ed. 2d 358, 101 S. Ct. 446 (1980).<sup>2</sup> In Webb's, the purchaser of a corporation's assets tendered over \$1.8 million into court in an interpleader action. The payment into court was required by Florida law, which also provided that a percentage fee totaling over \$9,000 be charged for the clerk of the court's services in receiving the fund into the registry. In addition, another state statute declared that all interest from money deposited was deemed income of the office of the clerk of the circuit court. Webb's, at 156 n.1. After the money had been held by the court for almost a year, and had earned over \$90,000 in interest, the court appointed a receiver for one of the parties and paid over the principal of the fund to him. Webb's, at 157-58. The receiver sued to recover the interest earned while the court had possession of the money.

The Supreme Court defined the sole issue in the case as whether it is constitutional for a county to take as its own, under the authority of a state statute, the interest accruing on an interpleader fund deposited in the registry of the county court, when a fee, prescribed by another statute, is also charged for the clerk's services in receiving the fund into the registry.

Webb's, at 155-56.

The United States Supreme Court did not accept the Florida Supreme Court's decision that the interest statute was "constitutional" because interpleaded funds were "considered 'public money,'" the statute "takes only what it creates", and the interest created was not "private property." Webb's, at 158-59. Instead, the Court engaged in its own analysis, beginning with the proposition that "Florida's statutes would allow [the county] to exact two tolls while the interpleader fund was held by the clerk of the court." Webb's, at 159. The Court then noted that the principal sum deposited

in the court registry was private property, that property interests are created by state law, and that "a mere unilateral expectation or an abstract need is not a property interest entitled to protection." Webb's, at 161. The Court held that the creditors had much more than a unilateral expectation of receiving the principal of the fund, Webb's, at 161, and that the "usual and general rule is that any interest on an interpleaded and deposited fund follows the principal and is to be allocated to those who are ultimately to be the owners of that principal." Webb's, at 162. The Court also stated that

[t]he earnings of a fund are incidents of ownership of the fund itself and are property just as the fund itself is property. The state statute has the practical effect of appropriating for the county the value of the use of the fund for the period in which it is held in the registry.

. . . This is the very kind of thing that the Taking Clause of the Fifth Amendment was meant to prevent.

Webb's, at 164. The Court then stated its holding as follows:

We hold that under the narrow circumstances of this case—where there is a separate and distinct state statute authorizing a clerk's fee "for services rendered" based upon the amount of principal deposited; where the deposited fund itself concededly is private; and where the deposit in the court's registry is required by state statute in order for the depositor to avail itself of statutory protection from claims of creditors and others—[the county's] taking unto itself . . . the interest earned on the interpleader fund while it was in the registry of the court was a taking violative of the Fifth and Fourteenth Amendments. We express no view as to the constitutionality of a statute that prescribes a county's retention of interest earned, where the interest would be the only return to the county for services it renders.

Webb's, at 164-65.

Although some of the language in Webb's supports the broad general proposition that interest is property, when taken in context and in light of the very narrow and expressly limited holding, Webb's, we believe, is distinguishable and was not intended to decide the issue now before this court. Webb's dealt with an enormous amount of money held over a long period of time that generated tens of thousands of dollars in interest. Even the proponents of IOLTA concede that interest in an amount that could be feasibly and economically distributed to the owner of the principal that generated it is "property." In addition, the controlling factor for the Supreme Court was the fact that two separate levies were imposed by the Florida circuit court. See Webb's, at 155-56, 159-60, 162, 164-65. Webb's is therefore not applicable to the IOLTA context, which deals only with

property rights in small amounts of interest on nominal and short-term trust deposits.

A number of state supreme courts that have expressly considered this question in the IOLTA context have explicitly or implicitly distinguished Webb's and held that clients do not have property rights in the interest on nominal, short-term client trust account deposits.

The Florida Supreme Court, for example, dismissed the property right contention in a single paragraph:

With respect to constitutional concerns regarding the [IOLTA] program, we see none that bars implementation. There are many distinguishing features between the program today implemented for the generation of interest on lawyers' trust accounts, and the legal requirements of state law which led the United States Supreme Court to invoke the fifth amendment "taking" clause for the protection of private property in its Webb's decision. The most relevant distinction, plainly, is the fact that no client is compelled to part with "property" by reason of a state directive, since the program creates income where there had been none before, and the income thus created would never benefit the client under any set of circumstances. . . . It follows that no client has a "property interest," in the constitutional sense, which is being taken from him by this program.<sup>[3]</sup>

In re Interest on Trust Accounts, 402 So. 2d 389, 395-96 (Fla. 1981). See also In re New Hampshire Bar Ass'n, 122 N.H. 971, 453 A.2d 1258, 1261 (1982), where the New Hampshire Supreme Court agreed with the Florida court's analysis distinguishing Webb's and holding that IOLTA interest was not client "property". The Minnesota Supreme Court dealt with this contention even more briefly:

We do not find that under the circumstances here the client has any "property" that is being taken without compensation or without due process of law under either the Fifth Amendment of the U.S. Constitution or under Article 1, §§ 13, 7 of the Minnesota Constitution. See Matter of Interest on Trust Accounts, 402 So.2d 389 at 395 (Fla. 1981). There simply is no "property" now in existence that would be taken [by the IOLTA program].<sup>[4]</sup>

In re Minnesota State Bar Ass'n, 332 N.W.2d 151, 158 (Minn. 1982). See also Minnesota Developments, Minnesota's New Interest on Lawyer Trust Accounts Program, 67 Minn. L. Rev. 1286, 1297-99 (1983); Special Project, Interest on Lawyers' Trust Accounts: A Proposal for Wisconsin, 66 Marq. L. Rev. 835, 847-48 (1983). But cf. Baker & Wood, "Taking" a Constitutional Look at the State Bar of Texas Proposal to Collect Interest on Attorney-Client Trust Accounts, 14 Tex. Tech L. Rev. 327, 355-61 (1983).

We hold that interest on short-term or nominal client trust funds of the type that must be invested for the benefit of the Foundation pursuant to the new DR 9-102 does not constitute "property" as defined by the United States or Washington Constitutions. This holding makes it unnecessary to consider whether the IOLTA program requires or permits unconstitutional takings without due process or just compensation.

### III

Opponents also argue that it is "unethical" for lawyers to use interest from nominal or short-term client trust funds for anything other than the client's benefit. Since this court has amended the Code of Professional Responsibility to require lawyer participation in IOLTA, such participation is by definition ethical. We are, nevertheless, concerned with a claim that the program would violate the spirit of the code, and create an appearance of impropriety to laymen.

Since neither this court nor the Washington State Bar Association has previously considered this question, the only real authority is ABA Formal Opinion 348, issued by the APA Standing Committee on Ethics and Professional Responsibility on July 23, 1982, reprinted in 68 A.B.A. J. 1502 (1982).

The ABA Opinion began by holding that "nothing in the model code [of professional responsibility] prohibits a lawyer from placing clients' funds in interest-bearing accounts so long as the other requirements of D.R. 9-102 [virtually identical to Washington's present CPR DR 9-102] are met." 68 A.B.A. J. at 1502.

The committee next held that "the model code does not specify that a lawyer has the duty to invest clients' nominal or short-term funds entrusted to the lawyer." 68 A.B.A. J. at 1503. However, the committee noted that the model code does provide a basis for professional discipline for extreme violations of lawyers' fiduciary duties as trustees, which require that

where the amount of funds held for a specific client and the expected holding period make it obvious that the interest which would be earned would exceed the lawyer's administrative costs and the bank charges, the lawyer should consult the client and follow the client's instructions as to investing.

68 A.B.A. J. at 1503 (citing CPR DR 6-101(A)(1), CPR DR 6-101(A)(3), and CPR DR 7-101(A)(1)).

Regarding the lawyer's duty once an interest-bearing account is established, the committee made it clear that the full range of duties imposed by the model code applied, but that interest earned on nominal or short-term trust money is to be treated as funds of the tax-exempt organization to which it is paid rather than as funds of the client. 68 A.B.A. J. at 1503. Therefore, in the IOLTA context the duties established by the code are duties that the attorney owes to the Foundation, not the client.

On the ultimate question of whether lawyers may ethically participate in IOLTA programs, the committee considered a program distinguishable from the new

Washington program only in that it was optional for attorneys. After reviewing the Florida IOLTA case and relevant IRS rulings, which held that IOLTA interest is not property and does not constitute taxable income to the client, respectively, the committee concluded:

The model code does not establish whether it is ethically permissible for lawyers to participate in these programs. In the opinion of the committee, however, the rationale for the ethical acceptability of these programs is the same as the premise for acceptability in constitutional law and tax law. The client has no right under the circumstances to require the payment of any interest on the funds to himself or herself because the amount of interest which the funds could earn is likely to be less than the appropriate charges for administering the earnings. The practical effect of implementing these programs is to shift a part of the economic benefit from depository institutions to tax-exempt organizations. There is no economic injury to any client. The program creates income where there was none before. For these reasons, the interest is not client funds in the ethical sense any more than the interest is client property in the constitutional sense or client income in the tax law sense. Therefore, assuming that either a court or a legislature has authorized a program with the attributes described above and thus, either implicitly or explicitly, has made a determination that the interest earned is not the clients' property, participation in the program by lawyers is ethical.

(Italics ours.) 68 A.B.A. J. at 1504-06. The committee further held that

The model code also imposes no duty to obtain prior consent or to notify clients of the application of their funds in the programs described above. . . . Furthermore, it is ethically proper without the client's consent to allow the application of a portion of the earnings on these funds to reasonable bank charges . . .

68 A.B.A. J. at 1506. See also In re Minnesota State Bar Ass'n, 332 N.W.2d 151, 158 (Minn. 1982) (citing the ABA Opinion as support for the "ethical basis" of the Minnesota IOLTA program). We find the reasoning of the ABA Opinion persuasive.

Another concern expressed by opponents is that the IOLTA program will create an appearance of impropriety. They cite no authority or facts to support this assertion. The only evidence in the briefs on this point is that the two largest newspapers in Washington have published editorials lauding IOLTA. See Seattle Post-Intelligencer, April 16, 1984, at A6; Seattle Times, December 26, 1983. Given the press' role in molding

public opinion, these editorials provide at least some evidence that IOLTA would be seen by the public as positive rather than improper.

We believe that the new IOLTA program is consistent with both the spirit and letter of the Code of Professional Responsibility.

#### IV

Opponents contend that the new IOLTA program would require attorneys to violate their fiduciary duties as trustees in two different ways.

First, they allege that investing client trust money for the benefit of the Foundation, allegedly to satisfy attorneys' ethical obligations to provide legal help to poor Washingtonians, or to provide more work for Washington lawyers, would be self-dealing or the selling of investments to an "affiliated company or association," in violation of RCW 30.24.090.<sup>5</sup> Neither side cites any authority on whether the Foundation is an "affiliated . . . association" within the meaning of that statute. However, the wording and context of the statute strongly suggest that the statute was only meant to prohibit a trustee or, in the case of a trustee who is an officer or director of a corporation, bank or trust company, from misusing trust funds for his or her own pecuniary advantage or the advantage of his or her corporation, bank or trust company. Furthermore, the Foundation will be "affiliated" with all Washington lawyers in only the most tenuous nonlegal sense, and it would appear that any additional lawyer "business" that might be created by Foundation expenditures would inure mostly to the benefit of lawyers other than (and not "affiliated" with) those that hold substantial client trust funds. The proposed rule does not permit consideration of general ethical duties to help poor people or the financial plight of lawyers who serve such clients in making investment decisions. See new CPR DR 9-102(c) (3).

The opponents' second fiduciary argument made by opponents alleges that the factors listed in proposed CPR DR 9-102(c) (3), as published for public comment by the court, require attorneys to consider factors other than their clients' best interests in determining whether to invest trust funds for their clients or for the Foundation. If true, the IOLTA program could well conflict with trust law. An attorney who holds money in trust for a client is subject to the same duties as all other trustees to make the money held productive, and only the interests of the client (as opposed to the interests of the trustee or a third party) can be considered. See 2 A. Scott, Trusts § 181 (3d ed. 1967 & Supp. 1983); RCW 30.24-.010; Tucker v. Brown, 20 Wn.2d 740, 768-69, 150 P.2d 604 (1944). In addressing this issue, the ABA Standing Committee on Ethics and Professional Responsibility stated:

where the amount of funds held for a specific client and the expected holding period make it obvious that the interest which would be earned would exceed the lawyer's administrative costs and the bank charges, the lawyer should consult the client and follow the client's instructions as to investing.

68 A.B.A. J. at 1503. Proponents answer the opponents' argument by interpreting the proposed CPR DR 9-102(C) (3) in a manner consistent with trust law:

Although the proposed amendments list several factors an attorney should consider in deciding how to invest his clients' trust funds, . . . all of these factors are really facets of a single question: Can the client's money be invested so that it will produce a net benefit for the client? If so, the attorney must invest it to earn interest for the client. Only if the money cannot earn net interest for the client is the money to go into an IOLTA account.

Reply Brief of Proponents, at 14. This is a correct statement of an attorney's duty under trust law, as well as a proper interpretation of the proposed rule as published for public comment. However, in order to make it even clearer that IOLTA funds are only those funds that cannot, under any circumstances, earn net interest (after deducting transaction and administrative costs and bank fees) for the client, we have amended the proposed rule accordingly. See new CPR DR 9-102(C) (3). The new rule makes it absolutely clear that the enumerated factors are merely facets of the ultimate question of whether client funds could be invested profitably for the benefit of clients. If they can, then investment for the client is mandatory.

With these changes, we believe that new CPR DR 9-102 is consistent with lawyers' fiduciary obligations as trustees.

## V

Opponents argue that the new IOLTA program ignores sub-accounting techniques available at some Washington financial institutions that make payment to clients of interest on some short-term or nominal trust funds practicable and cost effective. They also assert that even if such techniques were not available or cost effective now, they probably would be so in the future. Opponents therefore fear that the validity of the IOLTA program is tied to the current level of technology, presumably on the theory that failing to take advantage of new sub-accounting techniques as they become available would turn IOLTA participation into an unconstitutional taking of property that could have been distributed to the client.

This argument is without merit, since "the capability of financial institutions to calculate and pay interest to individual clients" is a factor that the new rule expressly directs attorneys to consider in deciding whether to place client trust funds in an IOLTA account or in an account to earn interest for the client. New CPR DR 9-102(C) (3) (c). Thus, as cost effective sub-accounting services become available, making it possible to earn net interest for clients on increasingly smaller amounts held for increasingly shorter periods of time, more trust money will have to be invested for the clients' benefit under the new

rule. The rule is therefore self-adjusting and is adequately designed to accommodate changes in banking technology without running afoul of the state or federal constitutions.

## VI

Finally, opponents argue that the IOLTA program should utilize only the interest from trust funds of clients who expressly consent to their lawyers' participation in the program. We decline to follow this approach. Under the program as adopted, the Internal Revenue Service will consider interest earned on short-term or nominal client trust funds to be income to the tax-exempt Foundation, not to the client. See Rev. Rul. 81-209, 1981-2 C.B. 16. If clients could veto the use of their trust money to earn interest for the Foundation, the IRS would almost certainly classify all IOLTA interest as "assigned income" taxable to the clients, even when the Foundation was the actual recipient of the interest. *In re Interest on Trust Accounts*, 402 So. 2d 389, 390-91 (Fla. 1981); see Rev. Rul. 81-209, *supra*. Such a result would make the IOLTA program impracticable.

## VII

NOW THEREFORE, IT IS HEREBY ORDERED:

1. That the Washington State Bar Association shall incorporate and establish the legal Foundation of Washington under the Articles of incorporation and By-laws published by this court at 100 Wn.2d Advance Sheet 13, ff. following 1038 (1984), and that such action shall be accomplished no later than January 1, 1985;

2. That effective January 1, 1985, the new CPR DR 9-102 of the Code of Professional Responsibility is adopted as follows:

[Additional and deletions to the present CPR DR 9-102(A) are indicated by underlining and lining out respectively. CPR DR 9-102(C) is totally new.]

<sup>1</sup>The new rule itself is set forth at the end of this opinion.

<sup>2</sup>Opponents also cite RCW 9A.04.110(21), which defines property for purposes of the criminal code as "anything of value, whether tangible or intangible, real or personal", and RCW 26.16.010, .20, which declare that the rents, issues and profits of one spouse's separate property shall not be subject to the other spouse's debts or control, as support for the proposition that IOLTA interest is property. These statutes provide weak and indirect support for opponents' argument at best.

<sup>3</sup>The Florida court's holding may be best explained as implicitly based on the rule that an interest must be "sufficiently bound up with the reasonable expectations of the claimant to constitute 'property' for Fifth Amendment purposes." *Penn Cent. Transp. Co. v. New York*, 438 U.S. 104, 125, 57 L. Ed. 2d 631, 98 S. Ct. 2646 (1978). Since the client had no reasonable "investment-backed expectation" of benefiting from any interest on his trust funds, see *Penn Central*, at 124, he had no property rights in such interest. This is especially true of corporate clients, which are prohibited from benefiting from NOW accounts under federal banking law. See 12 U.S.C. § 1832(a) (2).

<sup>4</sup>Neither party cites any Washington cases to show that the definition of "property" is different under the Washington Constitution than under the United States Constitution. Proponents imply that the meaning of "property" is the same under both the state and federal constitutions.

<sup>5</sup>RCW 30.24.090 provides: "Unless the instrument creating the trust expressly provides to the contrary, any fiduciary in carrying out the obligations of the trust may not buy or sell investments from or to himself or itself or any affiliated or subsidiary company or association."

#### DR 9-102 PRESERVING IDENTITY OF FUNDS AND PROPERTY OF A CLIENT

(A) All funds of clients paid to a lawyer or law firm, ~~other than including~~ advances for costs and expenses, shall be deposited in one or more identifiable interest-bearing bank trust accounts maintained as set forth in CPR DR 9-102(C), in the state in which the law office is situated and no funds belonging to the lawyer or law firm shall be deposited therein except as follows:

(1) Funds reasonably sufficient to pay bank charges may be deposited therein.

(2) Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited therein, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(B) A lawyer shall:

(1) Promptly notify a client of the receipt of his funds, securities, or other properties.

(2) Identify and label securities and properties of a client promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable.

(3) Maintain complete records of all funds, securities, and other properties of a client coming into the possession of the lawyer and render appropriate accounts to his client regarding them.

(4) Promptly pay or deliver to the client as requested by a client the funds, securities, or other properties in the possession of the lawyer which the client is entitled to receive.

(C) Each trust account referred to in CPR DR 9-102(A) shall be an interest-bearing trust account in any bank, credit union or savings and loan association, selected by a lawyer in the exercise of ordinary prudence, authorized by federal or state law to do business in Washington and insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Washington Credit Union Share Guaranty Association, or the Federal Savings and Loan Insurance Corporation, or which is a "qualified public depository" as defined in RCW 39.58.010(1). Interest-bearing trust funds shall be placed in accounts in which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice

period which the depository institution is required to reserve by law or regulation.

(1) A lawyer who receives client funds shall maintain a pooled interest-bearing trust account for deposit of client funds that are nominal in amount or expected to be held for a short period of time. The interest accruing on this account, net of any transaction costs, shall be paid to The Legal Foundation of Washington, as established by the Supreme Court of Washington. A lawyer may, but shall not be required to, notify the client of the intended use of such funds.

(2) All client funds shall be deposited in the account specified in subsection (1) unless they are deposited in:

(a) A separate interest-bearing trust account for the particular client or client's matter on which the interest will be paid to the client; or

(b) A pooled interest-bearing trust account with subaccounting that will provide for computation of interest earned by each client's funds and the payment thereof to the client.

(3) In determining whether to use the account specified in subsection (1) or an account specified in subsection (2), a lawyer shall consider only whether the funds to be invested could be utilized to provide a positive net return to the client, as determined by taking into consideration the following factors:

(a) The amount of interest that the funds would earn during the period they are expected to be deposited;

(b) The cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client's benefit; and

(c) The capability of financial institutions to calculate and pay interest to individual clients.

(4) As to accounts created under subsection (C)(1), lawyers or law firms shall direct the depository institution:

(a) To remit interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with an institution's standard accounting practice, at least quarterly, to The Legal Foundation of Washington (the Foundation);

(b) To transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, and the amount of service charges deducted, if any, and the account balance(s) of the period in which the report is made, with a copy of such statement to be transmitted to the depositing lawyer or law firm.

(5) The Foundation shall prepare an annual report to the Supreme Court of Washington that summarizes the Foundation's income, grants and operating expenses, implementation of its corporate purposes, and any problems arising in the administration of the program established by section (C) of this rule.

(6) The provisions of section (C) shall not relieve a lawyer or law firm from any obligation imposed by these rules with respect to safekeeping of clients' funds, including the requirements of section (B) that a lawyer shall promptly notify a client of the receipt of his funds

and shall promptly pay or deliver to the client as requested all funds in the possession of the lawyer which the client is entitled to receive.

Dated at Olympia, Washington, this 19th day of June, 1984.

William H. Williams  
CHIEF JUSTICE

We concur except for the mandatory requirement. In our opinion it would be more appropriate for the various bar associations to have a local option.

Dimmick, J.  
Rosellini, J.

**Reviser's note:** The brackets in the above material appeared in the original copy filed by the Supreme Court and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 84-16-003**  
**PROPOSED RULES**  
**APPLE ADVERTISING COMMISSION**  
[Filed July 19, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning collection procedures for delinquent assessments;

that the agency will at 9:00 a.m., Thursday, September 13, 1984, in the Convention Center, Wenatchee, 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 15.24.070(1).

The specific statute these rules are intended to implement is RCW 15.24.090 and 15.24.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 9:00 a.m., September 13, 1984.

Dated: July 12, 1984  
By: Thomas H. Hale  
Executive Director

**STATEMENT OF PURPOSE**

Title: WAC 24-12-012 Collection of assessments.

Description of Purpose: To provide collection procedures for delinquent assessments levied on apples.

Statutory Authority: RCW 15.24.070 (1) and (2).

Summary of Rule: To establish billing procedures for assessments levied on apples, collection procedures for delinquent assessments and imposition of penalties including withholding of inspection service for nonpayment.

Reasons Supporting Proposed Action: Existing collection procedures are inadequate.

Agency Personnel Responsible for Drafting: Pat Drake, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, (509) 662-2213; Implementation and Enforcement: Thomas H. Hale, 229 South

Wenatchee Avenue, Wenatchee, Washington 98801, (509) 662-2213.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The proposed rules for establishing collection procedures for delinquent assessments levied on apples does not increase the costs of equipment, supplies, labor or administrative costs. Since the proposed rule equally affects each box of apples, it is not anticipated there will be any significant difference in the cost of compliance for small business compared to the cost of compliance for the ten percent of firms which are the largest businesses requested to comply with the proposed new or amendatory rules.

TEXT OF RULE

AMENDATORY SECTION (Amending Order 13, filed 10/6/82)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of 32.6 cents on each one hundred pounds (100 lbs) gross billing weight. Assessments shall be payable (~~when shipped~~) as provided in WAC 24-12-012, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessments:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk bushel container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

NEW SECTION

WAC 24-12-012 COLLECTION OF ACCOUNTS. (1) The Commission shall obtain from the Department of Agriculture a record of all shipments of fresh apples and shall from this record periodically invoice all apple dealers and handlers shown thereon for assessments on apples levied pursuant to WAC 24-12-010. The date of the invoice shall be known as the billing date.

(2) Assessments not paid within twenty (20) days from the billing date shall be delinquent, and the Commission shall thereupon send a notice of delinquency to the dealer or handler involved. A copy of the notice of delinquency shall be sent at the same time to the district inspection office of the Department of Agriculture. If the delinquent assessments are not paid within thirty-five (35) days from the billing date, a second notice of delinquency shall be sent to the dealer or handler involved with a copy to the district inspection office of the Department of Agriculture stating that if the delinquent assessments are not paid within forty-five (45) days from the billing date the dealer or handler involved will thereafter be put on a cash basis until the delinquent assessments are paid, and that if the delinquent assessments are not paid within sixty (60) days from the billing date, the Compliance

Book of Compliance Certificates will be removed by the Department of Agriculture and inspection service will be withdrawn. Inspection service will be reinstated only upon mutual agreement of the Department of Agriculture and the Commission and after all delinquent assessments have been paid. Delinquent assessments not paid within thirty-five (35) days of the billing date shall bear interest at the maximum legal rate, not to exceed 1-1/2% per month, and in case of suit to collect said delinquent assessments, the Commission shall be allowed, in addition to any other relief granted, reasonable attorney fees and its costs of suit.

(3) The foregoing procedure for collection of assessments shall apply to all shipments of apples disclosed by Department of Agriculture records on or after September 7, 1984.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- (1) WAC 24-12-090 COLLECTION OF ASSESSMENTS.

**WSR 84-16-004  
PROPOSED RULES  
DEPARTMENT OF TRANSPORTATION  
[Filed July 19, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-12 WAC, (Transportation Commission and Transportation Department State Environmental Policy Act rules), adoption of new and amended sections to chapter 468-12 WAC, and repeal of WAC 468-12-025;

that the agency will at 10:00 a.m., Friday, September 14, 1984, in the Board Room, Transportation 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 43.21C.120 and chapter 197-11 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 10, 1984.

Dated: July 19, 1984  
By: Duane Berentson  
Secretary

**STATEMENT OF PURPOSE**

Title: Chapter 468-12 WAC.

Description of Purpose: Adoption of amended rules to chapter 468-12 WAC.

Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

Summary of Rule: This rule integrates the policies and procedures of the State Environmental Policy Act into the programs and actions of the Washington State Transportation Commission and the Department of Transportation.

Reason for Rule: This rule is promulgated so the Department of Transportation may formulate its own implementing SEPA rules in lieu of following WAC 197-11-918 due to lack of agency procedures.

Agency Proposing Rule: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. C. L. Slemmer, Project Development Engineer, Department of Transportation, Room 2C3, Transportation Building, Olympia, Washington 98504, (206) 753-6135.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

**Chapter 468-12 WAC  
TRANSPORTATION COMMISSION AND TRANSPORTATION  
DEPARTMENT STATE ENVIRONMENTAL POLICY ACT  
RULES**

**WAC**

- 468-12-010 Authority.
- 468-12-020 Purpose.
- 468-12-055 Timing of the ((EIS)) SEPA process.
- 468-12-060 Content of environmental review—Scope of ((a)) proposals ((and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation)).
- 468-12-455 Issuance of draft EIS.
- 468-12-460 ((Availability)) Issuance of ((draft)) final EIS.
- 468-12-510 Public notice procedures.
- 468-12-660 Substantive authority and mitigation.
- 468-12-680 Administrative appeals.
- 468-12-704 Activities exempted from definition of "action".
- 468-12-800 Categorical exemptions.
- 468-12-880 Exemptions for emergency actions.
- 468-12-904 Incorporation of chapter 197-11 WAC.
- 468-12-910 Designation of responsible official.
- 468-12-912 Procedures when consulted.

**AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution 13, filed 12/20/78)**

WAC 468-12-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter ((197-10)) 197-11 WAC.

**AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution 13, filed 12/20/78)**

WAC 468-12-020 PURPOSE. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act ((of 1971)) (SEPA), chapter 43.21C RCW, into the programs, activities, and actions of the ((Washington state transportation commission;)) department of transportation (hereinafter referred to as the transportation department or the department). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter ((197-10)) 197-11 WAC).

(2) These rules are intended to establish procedures for implementing SEPA ((in a manner)) which reduce((s)) duplicative and wasteful practices, ((establishes)) establish effective and uniform procedures, encourage((s)) public involvement, and promote((s)) certainty with respect to the requirements of SEPA.

**AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution 13, filed 12/20/78)**

WAC 468-12-055 TIMING OF THE ((EIS)) SEPA PROCESS. (1) As provided by WAC ((197-10-055)) 197-11-055, the ((EIS)) SEPA process shall be completed before the transportation department is irrevocably committed to a particular course of action. At the same time, the ((EIS)) SEPA process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required environmental impact statement (EIS) for transportation department nonproject actions ((of a nonproject nature)) shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required (EIS) for licensing actions of the transportation department shall be completed prior to issuance of the license or licenses in question. Environmental review relating to licensing actions, when required, shall begin as soon as an application is complete. Applicants shall provide all environmental and design information necessary to prepare the appropriate environmental document. No licensing actions of the department require the submission of environmental documents to planning commissions or similar advisory bodies.

(4) The threshold determination and any required EIS for transportation department actions of a project nature shall in all cases be completed prior to the approval of the location or design of the project in question. A draft EIS shall be prepared prior to the first public hearing which may be held in connection with such project, and shall be made available at such hearing. While the transportation department may ~~((tentatively affirm the choice of a particular))~~ present a preferred alternate location or design ((based upon completion of)) in a draft EIS, final adoption of a particular location or design shall not occur until a final threshold determination has been made or a final EIS has been prepared.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-12-060 CONTENT OF ENVIRONMENTAL REVIEW—SCOPE OF ((A)) PROPOSALS ((AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION)). ~~((As recognized in WAC 197-10-060, for projects, such as highways, streets, etc., where the proposed action is))~~ ((1)) ~~Proposals which are not so closely related to each other as to be, in effect, a single action, and which are related to a large existing or planned network of highways, streets, etc., may be separated, and((;)) the present proposal may be treated as the total proposal, or only some of the future elements of a proposed action may be selected for present consideration in a threshold determination or EIS. These categorizations shall be logical with relation to the design of the total system or network, and shall not be made merely to divide a larger system into exempted fragments. These categorizations shall ((+))~~ ((a)) connect logical termini (population centers, major traffic generators, major crossroads, etc.); ~~((+))~~ ((b)) possess a reasonable degree of independent utility; and ~~((+))~~ ((c)) promote a meaningful consideration of alternatives by avoiding the necessity of considering numerous combinations of different alternatives.

((2)) ~~Functionally related actions which are not categorically exempted by the provisions of WAC 197-11-800, and whose impacts are more significant and more readily analyzable on a "program" than on an "individual action" basis, may be analyzed, for purposes of threshold determinations and EIS preparation, as a total program.~~

#### NEW SECTION

WAC 468-12-455 ISSUANCE OF DRAFT EIS. In addition to the circulation procedures specified by mandatory subsection of WAC 197-11-455(1), the draft EIS shall be made available at public libraries or other public places determined by the department to be appropriate and stated in the notice of availability of the draft EIS. Notice of the availability of the draft EIS shall be as stated under WAC 468-12-510.

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

WAC 468-12-460 ~~((AVAILABILITY))~~ ISSUANCE OF ((DRAFT)) FINAL EIS. ~~((In addition to the circulation procedures specified by the mandatory subsections of WAC 197-10-460, the draft EIS shall be made available at appropriate public libraries or other public places as stated in the notice of availability of the draft EIS, and shall also be circulated to public and private organizations and individuals with special expertise with respect to the environmental impact involved, those which are known to have a serious interest in the proposed action, and those who request an opportunity to comment:))~~ ((1)) ~~As permitted in general terms by the provisions of WAC 197-11-460, the normal sixty-day period for preparation of a final EIS may be extended whenever the proposal is unusually large in scope, or where the environmental impact associated with the proposal is unusually~~

complex. The determination that additional time is required for preparation of the final EIS shall be made in writing by the responsible official or his designee and shall be accompanied by a brief statement explaining the reason that additional time is required.

((2)) ~~Availability of the final EIS shall be as stated under WAC 468-12-510.~~

#### NEW SECTION

WAC 468-12-510 PUBLIC NOTICE PROCEDURES. (1) The department shall inform the public of actions requiring notice and invitation to comment under WAC 197-11-502 and 197-11-510 in the following manner:

(a) For a determination of nonsignificance (DNS) or a mitigated DNS, issued under WAC 197-11-340(2) and 197-11-350 and requiring public notice under WAC 197-11-502(3)(b); by (i) sending a copy of the DNS and the letter of transmittal sent to the department of ecology pursuant to WAC 197-11-508, to a newspaper of general circulation in the county, city, or general area where the proposed action is located; and (ii) sending a copy of the DNS to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department.

(b) For a determination of significance (DS) issued under WAC 197-11-360 and requiring public notice under WAC 197-11-502(4)(a); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending a copy of the DS to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(c) For a draft EIS issued under WAC 197-11-455 and requiring public notice under WAC 197-11-455(5) and for a public hearing held under WAC 197-11-535 and requiring public notice under WAC 197-11-502(6); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending notice of the availability of the draft EIS or the notice of the hearing to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(d) For a final EIS issued under WAC 197-11-460 the document shall be sent to (i) the department of ecology (two copies), (ii) all agencies with jurisdiction, (iii) all agencies who commented on the draft EIS, and (iv) anyone requesting a copy of the final EIS. (As determined by the department a fee may be charged for the final EIS in accordance with WAC 197-11-504.)

(2) If the department selects WAC 197-11-510(1)(a), posting the property, as a public notice procedure, it shall do so by posting notices at major road and pedestrian intersections along the project.

(3) SEPA notices may be combined with other department notices.

#### NEW SECTION

WAC 468-12-660 SUBSTANTIVE AUTHORITY AND MITIGATION. (1) It is the policy of the department that significant adverse economic, social, and environmental effects relating to any proposed department action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest, and taking into consideration (a) the need for fast, safe, efficient, and economical transportation and public services reasonably responsive to the public's preferences, (b) the adverse environmental, social, and economic effects of the proposed action and alternative courses of action, and (c) the costs of eliminating or minimizing such adverse effects.

(2) The provisions of this chapter shall be interpreted in accord with this policy. This policy shall also govern substantive decisions made by the department.

NEW SECTION

WAC 468-12-680 ADMINISTRATIVE APPEALS. (1) The administrative appeals process described in this section shall apply only to actions of the department for which notice of action is filed pursuant to RCW 43.21C.080. The department shall file a notice of action for all actions requiring preparation of an EIS. The department may, at its discretion, file a notice of action for any other action.

(2) Any person aggrieved by the department's determination to proceed with such an action without preparation of an EIS or with preparation of an EIS alleged to be inadequate shall appeal such determination administratively before seeking judicial review thereof. Appeals of procedural and substantive determinations shall be combined (for example, an appeal of the adequacy of an EIS or the necessity of preparing an EIS must be combined with an appeal of the department's decision on the proposed action).

(3) Any determination of the department (a) that it will proceed with an action without preparation of an EIS, (b) that it will proceed with an action after preparation of an EIS, or (c) that an EIS prepared by the department is adequate, shall become final unless the aggrieved party serves on the project development engineer of the department a written request for hearing thereon within thirty days of the date of the filing of notice of action pursuant to RCW 43.21C.080. Upon receipt of such a request, the department shall afford an aggrieved party a hearing in accordance with chapter 34.04 RCW and chapter 468-10 WAC relating to contested cases. In reaching a decision based upon such a hearing, procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a party wishes to obtain judicial review of the administrative appeal decision concerning that party, the aggrieved party shall first submit a notice of intent to do so with the responsible official of the department within the time period for commencing a judicial appeal as provided in subsection (5) of this section.

(5) As provided in RCW 43.21C.075 and WAC 197-11-680, a party desiring judicial review of the administrative appeal decision concerning that party shall commence such appeal within (a) ninety days of the issuance of notice of action by the department pursuant to RCW 43.21C.080, or (b) thirty days after service of the final decision of the department as provided in RCW 34.04.130, whichever is later.

NEW SECTION

WAC 468-12-704 ACTIVITIES EXEMPTED FROM DEFINITION OF "ACTION". The following activities are exempted from the definition of "action" because they are nonproject actions for which approval must be obtained from a federal agency prior to implementation as provided in WAC 197-11-704(2)(b)(iii):

- (1) National transportation studies;
- (2) Federal-aid system designations;
- (3) National functional classification of highways and determination of needs.

NEW SECTION

WAC 468-12-800 CATEGORICAL EXEMPTIONS. The following activities of the department are within the categorical exemptions contained in the indicated subsections of WAC 197-11-800:

- (1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-11-800(3), including but not limited to:
  - (a) Burning of weeds or brush within right of way limits;
  - (b) Preparation, storage, and application of sand and de-icing chemicals;
  - (c) Disposal and/or treatment of sewage generated on transportation department property in accordance with state and local regulations;
  - (d) Right of way mowings;
  - (e) Snow removal and avalanche control;
  - (f) Erosion control measures;
  - (g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of transportation right of way;
  - (h) Street, road, rail, and airport cleaning and sweeping;
  - (i) Litter pickup and disposal;
  - (j) Removal and disposal of debris;
  - (k) Application of right of way fertilizer;
  - (l) Planting, thinning, and removal of roadside, railyard, or airport vegetation as required for landscaping and maintenance purposes;

- (m) Dead animal removal and disposal;
  - (n) Pavement burning;
  - (o) Maintenance and fencing of game crossings;
  - (p) Pit and sundry site reclamation;
  - (q) Waste oil disposal;
  - (r) Maintenance of chemical toilets;
  - (s) Control and disposal of roadway spills;
  - (t) The periodic application of approved pesticides to transportation rights-of-way to maintain design conditions as provided in WAC 197-11-800(24);
  - (u) All repair, maintenance, or minor alteration of existing transportation pavement, drainage facilities, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, airports, and other physical features and structures within the jurisdiction of the transportation department.
- (2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-11-800(15), including, but not limited to the establishment of or changes in toll rates.
- (3) Information collection and research, as provided by WAC 197-11-800(18), including but not limited to the development, adoption, and revision of transportation plans and six-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the transportation department to proceed with the proposals contained therein.

NEW SECTION

WAC 468-12-880 EXEMPTIONS FOR EMERGENCY ACTIONS. The emergency exemptions defined in WAC 197-11-880 include, but are not limited to, the following emergency actions taken by the department.

- (1) Issuance of emergency load restrictions on highways and bridges;
- (2) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;
- (3) Approval of funding for emergency projects;
- (4) Emergency disposal of hazardous material;
- (5) Emergency disaster maintenance;
- (6) Installation, removal, or alteration of emergency generator equipment;
- (7) Restriction of use of bridges due to structural deterioration;
- (8) Emergency removal of materials dangerous to highways, bridges, or other transportation facilities.

NEW SECTION

WAC 468-12-904 INCORPORATION OF CHAPTER 197-11 WAC. (1) The provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology on January 26, 1984), are hereby adopted by the department, and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the department.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-11 WAC, and to be consistent therewith.

NEW SECTION

WAC 468-12-910 DESIGNATION OF RESPONSIBLE OFFICIAL. The responsible official for any project or nonproject actions not described below shall be the secretary of the department. The responsible official for all project and nonproject EIS's is the project development engineer in Olympia. The responsible official for determinations of significance and determinations of nonsignificance on project actions is the district administrator in the district where the action is located.

NEW SECTION

WAC 468-12-912 PROCEDURES WHEN CONSULTED. When a request by another agency for consultation is made pursuant to the provisions of WAC 197-11-912, such request shall be referred for response to the project development office of the department in Olympia who shall coordinate the research and field investigations which may be necessary, and supervise the transmittal of the requested

information to the lead agency within the time periods specified by WAC 197-11-502.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-12-025 SCOPE AND COVERAGE OF THIS CHAPTER.

**WSR 84-16-005**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 84-24—Filed July 19, 1984]

I, Glen Fiedler, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to used automotive oil recycling sign requirements for automotive oil sellers, chapter 173-330 WAC.

This action is taken pursuant to Notice Nos. WSR 84-10-061, 84-12-069 and 84-14-030 filed with the code reviser on May 2, 1984, June 5, 1984, and June 27, 1984. 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 19.114 RCW, used automotive oil recycling, 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 July 19, 1984.

By Glen H. Fiedler  
Deputy Director

**USED AUTOMOTIVE OIL RECYCLING**  
**SIGN REQUIREMENTS FOR AUTOMOTIVE OIL**  
**SELLERS**

#### NEW SECTION

WAC 173-330-010 PURPOSE. Pursuant to Chapter 19.114 RCW it is recognized by the legislature that used automotive oil is a limited resource that can be collected and recycled. Further, improper disposal results in undesirable effects upon the economy and the environment.

These rules provide minimum requirements for the posting and maintaining of durable and legible signs informing the public of proper collection and disposal of used oil.

#### NEW SECTION

WAC 173-330-020 APPLICABILITY. All sellers as defined in WAC 173-330-030 shall conform to the provisions of this chapter.

#### NEW SECTION

WAC 173-330-030 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Used Oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

(2) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, re-processing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

(3) "Department" means the Department of Ecology.

(4) "Director" means the director of the Department of Ecology.

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision or governmental agency or instrumentality.

(6) "Seller" means any person selling oil within the State of Washington who sells 100 gallons or more of automotive oil per year for use off their premises.

#### NEW SECTION

WAC 173-330-040 RESPONSIBILITY TO PROCURE AND POST SIGN. It shall be the responsibility of all sellers to procure, post and maintain a sign in accordance with the provisions within this chapter. Signs will be provided by the department.

#### NEW SECTION

WAC 173-330-050 SIGN CRITERIA. (1) A sign shall be constructed of white card stock - 80# or of equal or better weight and quality material and:

- a. Be commercially printed;
- b. Be size 11" x 14" or 3" x 5" shelf hangers;
- c. Have type style - Helvetica;
- d. Have type color - Green #345; and
- e. Carry the Recycling logo.

(2) ALL SIGNS WILL CARRY THIS MESSAGE:

RECYCLE USED OIL

- \* Prevent water pollution
- \* Protect public health
- \* Reuse limited resources

FOR MORE INFORMATION CALL 1-800-RECYCLE

(3) The sign shall indicate how and where used oil may be properly disposed of including the location and hours of operation of conveniently located used oil collection facilities. This information may be clearly handwritten in an information block on the sign.

(4) The sign shall be substantially in the form shown in WAC 173-330-900 contained herein.

(5) Oil sellers may provide their own signs. Limited variances from the sign criteria will be allowed, subject to the department's approval. Proofs of the seller-provided signs must be submitted to the department for written approval prior to posting.

NEW SECTION

WAC 173-330-060 POSTING AND MAINTENANCE OF SIGNS. (1) Signs shall be posted in a location visible to the public at or near the point of sale. This location shall either be at the automotive oil display location within the store, at the cash register or on the exterior window facing.

(2) Signs shall be maintained at the required location and shall remain fully visible and legible at all times.

(3) Requests for replacement of damaged, lost or misplaced signs will be made in a timely manner not to exceed two business days. Seller-provided signs should be replaced as soon as practical but not to exceed 14 days.

NEW SECTION

WAC 173-330-070 EFFECTIVE DATE AND COMPLIANCE (1) This chapter shall become effective October 1, 1984. Sellers shall post signs in accordance with the provisions of this chapter as of that date.

(2) Sellers shall notify the department in writing by January 1, 1985 of compliance.

NEW SECTION

WAC 173-330-900 LOGO AND SIGN



**"IMPROPER DISPOSAL OF USED OIL IS A SIGNIFICANT SOURCE OF WATER POLLUTION, CONTRIBUTES TO THE OVERALL SHORTAGE OF ENERGY RESOURCES AND HAS A DETRIMENTAL IMPACT ON GENERAL PUBLIC HEALTH"**

**-CHAPTER 173-330 WAC**

<p>RECYCLE USED OIL AT:          LOCATION _____          TIMES _____</p>
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**FOR MORE INFORMATION CALL  
THE WASHINGTON STATE DEPT. OF ECOLOGY  
LITTER CONTROL AND RECYCLING PROGRAM**

**1-800-RECYCLE**

**WSR 84-16-006  
ADOPTED RULES  
DEPARTMENT OF ECOLOGY  
[Order 84-20—Filed July 19, 1984]**

I, Glen H. Fiedler, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Blaine, city of, WAC 173-19-4502.

This action is taken pursuant to Notice No. WSR 84-13-035 filed with the code reviser on June 15, 1984. 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 90.58.120 and 90.58.200 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 July 18, 1984.

By Glen H. Fiedler  
Deputy Director

**AMENDATORY SECTION** (Amending Order DE 82-05, filed 4/23/82)

WAC 173-19-4502 **BLAINE, CITY OF.** City of Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978. Revision approved June 26, 1980. Revision approved April 6, 1982. Revision approved July 18, 1984.

**WSR 84-16-007**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 1837—Filed July 20, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to inspection fees, chapter 16-212 WAC.

I, M. Keith Ellis, 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 grain inspection and weighing services are based on a fee-for-service charge to cover the costs of this service. An emergency ten percent surcharge was adopted until permanent fee increases could be implemented on August 1, 1984. This emergency order continues that surcharge until the permanent fees are adopted.

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

This rule is promulgated pursuant to chapter 22.09 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 July 20, 1984.

By M. Keith Ellis  
Director

**AMENDATORY SECTION** (Amending Emergency Order 1812 [1821], filed May 1, 1984)

WAC 16-212-087 **SURCHARGE FEES.** (1) In addition to the basic fees provided for in WAC 16-212-030 through WAC 16-212-090, the department shall levy and collect a surcharge of ten percent on the basic fees: **PROVIDED**, That the surcharge shall not be levied on the basic fees provided for in WAC 16-212-030(2) and WAC 16-212-084(1), (2), and (4)(c).

(2) This emergency order will be in effect only until August 1, 1984.

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

**WSR 84-16-008**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 84-77—Filed July 20, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 harvestable numbers of sockeye salmon are available.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 19, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

WAC 220-57-497 **WENATCHEE RIVER.** *Special bag limit - six sockeye salmon per day not less than 10 inches in length nor more than 24 inches in length. Possession limit equals two daily bag limits of fresh sockeye salmon. Additional salmon may be possessed in a frozen or processed form: July 21 through August 19, 1984, closed to fishing for salmon within 400 feet downstream of Tumwater Dam. Special gear restriction - flyfishing with single barbless hook only.*

NEW SECTION

WAC 220-57A-182 LAKE WENATCHEE. Special bag limit - six sockeye salmon per day not less than six inches in length. Possession limit equals two daily bag limits of fresh sockeye salmon. Additional salmon may be possessed in a frozen or processed form: July 21 through September 3, 1984, closed to fishing for salmon within 100 yards of the mouths of the Little Wenatchee and White Rivers. Special gear allowance - in open waters during the season provided for in this section, freshwater hook regulations provided for in WAC 220-56-205 do not apply.

**WSR 84-16-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-78—Filed July 20, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 escapement goals for summer-fall chinook in the Skagit River have not been met and additional protection is required.

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 July 19, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

NEW SECTION

WAC 220-56-18000N BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective immediately through August 31, 1984, it is unlawful to retain chinook salmon in the daily bag limit in those waters of Skagit Bay lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough.

NEW SECTION

WAC 220-57-42500E SKAGIT RIVER. Notwithstanding the provisions of WAC 220-56-425, effective immediately through August 31, 1984: (1) Bag Limit A - Downstream from Gilligan Creek to the junction of the North and South Forks. Chinook salmon over 24 inches in length must be released.

(2) Bag Limit A - Downstream from the junction of the North and South Forks. Chinook salmon must be released.

REPEALER

The following section of the Washington Administration Code is repealed:

WAC 220-56-18000M BAG LIMIT CODES. (84-62)

**WSR 84-16-010**  
**EMERGENCY RULES**  
**DEPARTMENT OF LICENSING**  
 [Order PL 474—Filed July 20, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to examinations for barbers, manicurists and cosmetologists and school instructors.

I, John Gonzalez, 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 emergency rules the scheduled examinations for August 1984 cannot take place.

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

This rule is promulgated pursuant to section 7, chapter 208, Laws of 1984 which directs that the director, Department of Licensing has authority to implement the provisions of chapter 208, Laws of 1984.

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 July 19, 1984.

By John Gonzalez  
Director

NEW SECTION

WAC 308-20-170 PASSING GRADES ON ALL EXAMINATIONS. Passing grades are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

An applicant who receives a passing score of not less than 85 percent shall be entitled to a license.

Applicants for a barber license will be required to obtain a passing grade on the barber examination.

Applicants for a manicurist license will be required to obtain a passing grade on the manicurist examination.

Applicants for a cosmetology license will be required to obtain a passing grade on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform clinical services until successfully passing all three examinations.

If a cosmetology applicant passes the manicurist examination a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for the manicurist license will be required.

Applicants for cosmetology instructor license will be required to obtain an 85 percent grade on the instructor examination. The instructors examination will consist of preparation of a lesson plan as assigned at the time of examination and written questions with multiple choice answers on cosmetology teaching techniques.

**WSR 84-16-011**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed July 20, 1984]

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 amendment to WAC 230-02-020, 230-08-260, 230-25-065 and 230-40-030;

that the agency will at 10:00 a.m., Friday, September 14, 1984, 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 9.46.010 and 9.46.070 (8) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 14, 1984.

Dated: July 20, 1984

By: Ronald O. Bailey  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amendatory sections WAC 230-02-020 Time and place of meetings; 230-08-260 Fund raising events—Activity report required; 230-25-065 Licensees may join together to conduct a fund raising event; and 230-40-030 Number of tables and players limited.

Description of Purpose: To allow for flexibility in the commission's meeting place in Olympia; to update recordkeeping requirements for joint fund raising events; and to set a limit on the number of players allowed at a table in a card room.

Statutory Authority: RCW 9.46.050(3) and 9.46.070 (8) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-020, amends rule to allow for flexibility in the commission's meeting place in Olympia;

WAC 230-08-260, adds a requirement for supplemental activity report from each organization participating in a joint fund raising event; WAC 230-25-065, clarifies operating instructions and recordkeeping requirements for a joint fund raising event; and WAC 230-40-030, proposed by Don Oppgard to allow no more than 10 players to participate at any one table at any given time.

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 and a licensee, with the staff's concurrence, propose these rule amendments.

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

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

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 these amendments or new rules.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-02-020 TIME AND PLACE OF MEETINGS. Regular public meetings of the commission shall normally be held ~~((upon))~~ on the second Friday of March, June, September, and December, or the preceding business day if that Friday is a holiday. Each such regular meeting shall be held in ~~((Olympia City Hall, Council Chambers, 8th and Plum;))~~ Olympia, Washington, beginning at ~~((the hour of))~~ 10:00 a.m. Additional public meetings necessary to discharge the business of the commission may be called from time to time.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-08-260 FUND RAISING EVENTS—ACTIVITY REPORT REQUIRED. (1) Each ~~((licensee for the operation of))~~ organization licensed to conduct a fund raising event ~~((s))~~ and each lead organization for a joint fund raising event, shall submit an activity report to the commission concerning the operation of the licensed activities and other matters set forth below for the period of each event.

The report shall include among other items, the following information:

- (a) Revenue per records for each gambling activity;
- (b) Gross receipts and prizes paid for bingo, raffles, lotteries, and drawings;
- (c) Adjustments to net receipts (i.e., discounts on foreign currency and cash over/short);
- (d) Annual net receipts reconciliation (this item need not be completed on a joint event report submitted by the lead organization for the total event); and

(e) Full details of all expenses directly related to each event.

(2) Each participating licensee in a joint fund raising event shall submit a Joint Fund Raising Event Supplemental Report which shall include among other items, the following information:

- (a) Percentage of adjusted net receipts and expenses per Joint Fund Raising Event Agreement;
- (b) Dollar amounts allocated to your organization for adjusted net receipts, expenses, and net income; and
- (c) Annual net receipts reconciliation.

Each of the above reports shall be received in the office of the commission no later than 30 days following the authorized operating days or day. The report shall be signed by the president, or equivalent officer, and shall be submitted on a form to be provided by the commission. If the report is prepared by someone other than the president or equivalent officer of the organization, then the preparer shall sign the report also. ~~((The report shall include, among other items, the following information:))~~

- (1) The gross receipts from each separate gambling activity;

~~(2) Total cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually given out for each separate gambling activity;~~

~~(3) The net receipts for each separate gambling activity;~~

~~(4) The total net receipts;~~

~~(5) Full details of all expenses directly related to each event.))~~

**AMENDATORY SECTION** (Amending Order 140, filed 6/15/84)

WAC 230-25-065 LICENSEES MAY JOIN TOGETHER TO CONDUCT A FUND RAISING EVENT. (1) Organizations holding a license to conduct a fund raising event may join together with other organizations holding such a license to jointly conduct a fund raising event providing that the following conditions are met:

(a) Prior approval to do so is received by each licensee from the Commission for that particular fund raising event;

(b) The method by which ~~((the))~~ any income or losses and expenditures will be received, expended, and apportioned among the licensees conducting the fund raising event is disclosed in writing to the Commission, together with the application for the fund raising event. Changes to the original application must be approved by the commission;

(c) The percentage of income or loss agreed to by any organization shall not be greater than the percentage needed for them to reach the maximum of \$10,000 for the calendar year;

(d) A lead organization and an event manager are designated in the application, with the lead organization having the responsibility for the central accounting system required by WAC 230-25-070, ~~((the activity report to the commission required by WAC 230-08-260;))~~ and compliance with WAC 230-25-030(3) regarding the distribution of receipts beyond those permitted in (2) below((-);

~~((d) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended in connection with the joint fund raising event.))~~

(e) Each licensee shall prepare a list of all persons from their organization taking part in the management or operation of the fund raising event. Such list shall be available on the premises and contain, at a minimum, the name, address, telephone number, and a brief statement signed by the chief executive officer certifying that each member listed is a bona fide member as specified in RCW 9.46.020(15) and WAC 230-25-260.

(f) A Fund Raising Event Report will be prepared and submitted by the lead organization as required by WAC 230-08-260 (1) and each participating licensee, including the lead organization, shall submit a Joint Fund Raising Event Supplemental Report as required by WAC 230-08-260 (2); and

(g) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended in connection with the joint fund raising event;

(2) The amount of income derived from the joint fund raising event will not exceed the event limit of \$10,000. In addition, each participating organization must comply with annual limits imposed by RCW 9.46.020(23) and WAC 230-25-030. The joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the allowable proceeds for the purposes of determining the number of such events an organization may conduct each year.

(3) The lead organization will be responsible for the deposit of the ending cash on hand and must comply with WAC 230-25-070(12). All funds due to any participating organization must be made by check and disbursed within 30 days following the end of the event.

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

WAC 230-40-030 NUMBER OF TABLES AND PLAYERS LIMITED. (1) No licensee to allow a public card room on its premises shall allow more than five separate tables at which card games are played, nor shall allow more than ~~((eight))~~ ten players to participate at any one table at any given time.

(2) No licensee to allow a social card room on its premises shall allow more than ~~((eight))~~ ten players to participate at any one table at any given time.

(3) The commission may permit a licensee to exceed these limits on specific occasions for good cause shown. Requests to exceed the limit shall be submitted to the commission in writing not less than 30 days preceding the date upon which the licensee wishes to exceed the limit.

The request shall indicate the date(s) involved, the reasons why the request is made, and the number of games and players in the games which the licensee desires to allow on that occasion.

**WSR 84-16-012**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 84-80—Filed July 20, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 conservation of coastal salmon stocks while allowing a limited salmon fishery requires these regulations be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 20, 1984.

By: Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS—SALMON.** *Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. July 17, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean Waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except: (1) Those waters inside of a line running true north-south through the black buoy at Waddah Island, extending 200 yards past the northwest tip of Waddah Island, thence westerly to the northern tip of Tatoosh Island, thence southerly to Spike Rock, thence due east to the Point of the Arches - special daily bag limit of not more than one chinook salmon not less than 24 inches in length and all other salmon must be released immediately - open until July 28, 1984, or until quota of 400 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of*

fresh fish; additional salmon may be possessed in a frozen or processed form.

(2) Those waters within three miles of shore north of a line projected due west from the mouth of the Queets River to Tatoosh Island, thence within three miles of Tatoosh Island to a line from Tatoosh Island to Bonilla Point on Vancouver Island, and those waters easterly of the Bonilla-Tatoosh line and westerly of a line projected due north from the mouth of the Sekiu River - special daily bag limit of one salmon of any species, minimum coho salmon size of 16 inches and minimum chinook salmon size of 24 inches. Open July 28, 1984 until further notice. The possession limit may not exceed two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(3) Effective July 28, 1984 until further notice, it is unlawful to land in any Washington State port chinook salmon taken for personal use from Pacific Ocean waters southerly of the Washington-Oregon border.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000I SALTWATER SEASONS AND BAG LIMITS—SALMON. (83-74)

**WSR 84-16-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-81—Filed July 20, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 20, 1984.

By Frank Haw  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-44-05000I COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective August 1, 1984, it is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - 40,000 pounds per vessel trip, no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week, defined as Sunday through the following Saturday.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes spp.*) - no maximum poundage per vessel trip, no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) - 5,000 pounds or 20 percent of total weight of fish on board, whichever is less, per vessel trip, no minimum size.

(4) All other species of rockfish (*Sebastes spp.*) - 7,500 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, except that a fisherman having made a declaration of intent, may make one landing of no more than 15,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following. The declaration of intent to fish biweekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be post-marked at least seven days prior to the beginning of biweekly fishing. The declaration of intent to fish biweekly must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing with the department in the above manner. The declaration to stop biweekly fishing and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week.

(5) Sablefish - minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective August 1, 1984:

WAC 220-44-05000H COASTAL BOTTOM-FISH CATCH LIMITS (84-71)

**WSR 84-16-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-82—Filed July 20, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Areas 10C, 10D, 10F, 10G and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for summer/fall chinook and sockeye. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Area 13A and the Nooksack and White River and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook. Restrictions in the Dungeness, Elwha, Sekiu, Hoko, Clallam, Pysht and Lyre rivers, Deep and Salt creeks and Area 6D provide protection for local summer/fall chinook stocks.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
 APPROVED AND ADOPTED July 20, 1984.

By Frank Haw  
for William R. Wilkerson  
Director

**NEW SECTION**

WAC 220-28-411 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6B, 9 – Closed to all commercial fishing.

Area 6D – Closed to all commercial fishing.

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.

\*Area 8 – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. Effective 2:30 PM July 21, closed to all commercial fishing.

\*Skagit River – (1) Mouth to Baker River – Gill nets restricted to 6-1/2 inch minimum mesh and other gear must release sockeye, when open. Effective 2:30 PM July 21, closed to all commercial fishing. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.

\*Areas 10C, 10D, 10G, and 10F – Closed to all commercial fishing.

\*Area 13A north of the point of land on the south entrance of Horsehead Bay to a marker on Longbranch Peninsula – Effective through July 31, closed to all commercial fishing.

\*Nooksack River – Upstream of confluence – closed to all commercial fishing.

\*Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, and Minter Creek, Sekiu River, Hoko River, Clallam River, Pysht River, Lyre River, Salt Creek, and Deep Creek – Closed to all commercial fishing.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective immediately.

*WAC 220-28-410 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-76)*

**WSR 84-16-015**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 232—Filed July 23, 1984]

Be it resolved by the State Game Commission, acting at the Yakima Holiday Inn, 9 North 9th Street, Yakima, WA, that it does adopt the annexed rules relating to report required of licensed trappers, amending WAC 232-12-134.

This action is taken pursuant to Notice No. WSR 84-11-095 filed with the code reviser on May 23, 1984. 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 77.12.040 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 July 9, 1984.  
 By Vern E. Ziegler  
 Chairman, Game Commission

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

WAC 232-12-134 REPORT REQUIRED OF LICENSED TRAPPERS. It is unlawful for ((a)) any licensed trapper to fail to ((report)) complete and submit to the department, ((within thirty days after the close of the trapping season,)) a trappers report on ((a)) the form supplied by the department, ((the number of each species of animal taken)) on or before April 10 of each year.

**WSR 84-16-016**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 233—Filed July 23, 1984]

Be it resolved by the State Game Commission, acting at the Yakima Holiday Inn, 9 North 9th Street, Yakima, WA, that it does adopt the annexed rules relating to:

- New WAC 232-28-107 1984 Upland Migratory Game Bird Seasons.
- Rep WAC 232-28-106 1983 Upland Migratory Game Bird Seasons.

This action is taken pursuant to Notice No. WSR 84-11-096 filed with the code reviser on May 23, 1984. 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 77.12.040 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 July 9, 1984.  
 By Vern E. Ziegler  
 Chairman, Game Commission

**WAC 232-28-107 1984 UPLAND MIGRATORY GAME BIRD SEASONS**

-Statewide-

MOURNING DOVE:

September 1 - September 15, inclusive  
 Daily bag limit: 10  
 Possession limit: 20

BAND-TAILED PIGEON:

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

SELECTED REGULATIONS AND LAWS PERTAINING TO DOVE AND PIGEON HUNTING:

Trespass Unlawful.

It is unlawful to trespass upon private property without permission of the landowner.

RCW 77.16.070 Hunting while intoxicated. It is unlawful to hunt while under the influence of intoxicating liquor or drugs.

RCW 77.16.090 Waste of wildlife. It is unlawful for a person who kills or possesses game animals, game birds or game fish to allow them to needlessly go to waste.

RCW 77.16.095 Mutilation of wildlife, hampering identification. It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The Commission may prescribe specific criteria for field identification to satisfy this section.

RCW 77.16.100 Use of dogs—Public nuisance, when. It is unlawful for the owner or a person harboring a dog to directly or negligently permit the dog to pursue or injure deer or elk or to accompany a person who is hunting deer or elk. During the closed season for a species of game animal or game bird, a dog found pursuing that species, molesting its young, or destroying the nest of a game bird may be declared a public nuisance.

RCW 77.16.250 Loaded firearms in vehicles. It is unlawful to carry, transport, convey, possess, or control in or on a motor vehicle a shotgun or rifle containing shells or cartridge in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed.

RCW 77.16.260 Shooting firearm from public highway. It is unlawful to shoot a firearm from, across, or along the maintained portion of a public highway.

WAC 232-12-077 WILDLIFE TAKEN BY ANOTHER. It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

WAC 232-12-081 CHECKING STATIONS—INSPECTION OF GAME AND LICENSES. Hunters and fishermen occupying a motor vehicle approaching or entering a check station established by a Wildlife Agent must stop and produce for inspection:

- (1) Wildlife in their possession;
- (2) Licenses, permits, tags, stamps or punchcards required under Title 77 RCW or rules adopted thereunder.

WAC 232-12-247 TRANSMISSION LINES—UNLAWFUL HUNTING. It is unlawful to shoot at wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

WAC 232-12-254 DISCHARGE OF LITTER ON DEPARTMENT LANDS—UNLAWFUL. It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

FOR SAFETY, HUNTERS ARE ENCOURAGED TO WEAR HUNTER ORANGE WHILE HUNTING UPLAND BIRDS AS WELL AS OTHER SPECIES.

SHOOTING HOURS as follows (Daylight Saving Time)

*RCW 9/18/84 Bump*

Dates Inclusive	Western Washington from		Eastern Washington from	
	A.M.	P.M.	A.M.	P.M.
Sat. Sept. 1 - Sun. Sept. 2	6:00	7:50	5:45	7:40
Mon. Sept. 3 - Sun. Sept. 9	6:05	7:40	5:50	7:30
Mon. Sept. 10 - Sun. Sept. 16	6:15	7:25	6:00	7:15
Mon. Sept. 17 - Sun. Sept. 23	6:20	7:10	6:10	7:00
Mon. Sept. 24 - Sun. Sept. 30	6:30	6:55	6:20	6:45

**REPEALER**

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

WAC 232-28-106 1983 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 84-16-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-79—Filed July 23, 1984]

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 these rules are necessary to allow an orderly fishery, prevent wastage, and provide separation of the sport and commercial sturgeon fisheries.

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 July 20, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

WAC 220-36-03001A GRAYS HARBOR—SEASONS AND LAWFUL GEAR—OTHER THAN SALMON. Notwithstanding the provisions of WAC 220-36-03001, effective immediately in Grays Harbor Salmon Management and Catch Reporting Areas 2B, 2C, and 2D and Marine Fish-Shellfish Management and Catch Reporting Area 60B, it is unlawful for any fisherman: (1) to operate more than three set lines.

(2) To operate set lines with more than 300 hooks per line, treble hooks prohibited.

(3) To operate set lines that are not marked at each end with a buoy to which is affixed the buoy brand number assigned to the fisherman.

(4) To fail to attend set line gear at least once in any 48 hour period.

(5) To fail to release immediately all sturgeon under 48 inches in length or over 72 inches in length or to possess in transit a sturgeon with head or tail removed.

(6) To take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

**NEW SECTION**

WAC 220-40-03000B WILLAPA HARBOR—SEASONS AND LAWFUL GEAR—OTHER THAN SALMON. Notwithstanding the provisions of WAC 220-40-030, effective immediately for the taking of sturgeon in Willapa Harbor Salmon Management and Catch Reporting Areas 2G, 2J and 2M or bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60C, it is unlawful for any fisherman: (1) to operate more than three set lines.

(2) To operate set lines with more than 300 hooks per line, treble hooks prohibited.

(3) To operate set lines that are not marked at each end with a buoy to which is affixed the buoy brand number assigned to the fisherman.

(4) To fail to attend set line gear at least once in any 48 hour period.

(5) To fail to release immediately all sturgeon under 48 inches in length or over 72 inches in length or to possess in transit a sturgeon with head or tail removed.

(6) To take sturgeon by angling from any vessel that is engaged in commercial sturgeon fishing, has been engaged in commercial sturgeon fishing that same day, or has commercially caught sturgeon aboard.

(7) To take sturgeon from any Willapa Harbor waters other than Areas 2G, 2J or 2M.

**WSR 84-16-018**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-84—Filed July 23, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 this regulation is necessary to provide an orderly sport fishery and prevent accidental snagging of fish congregating under Lake Washington bridges.

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 July 23, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-57A-17500J LAKE WASHINGTON.**  
*Effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use within 100 yards either side of the I-90 Bridge or within 100 yards southerly of the Evergreen Point Bridge crossing Lake Washington.*

**WSR 84-16-019**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed July 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special education programs—Education for all handicapped children, chapter 392-171 WAC;

that the agency will at 9:00 a.m., Wednesday, September 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, 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 September 6, 1984.

The authority under which these rules are proposed is RCW 28A.13.070(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

Dated: July 24, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

**Rule:** Chapter 392-171 WAC, Special education programs—Education for all handicapped children.

**Rule Section(s):** WAC 392-171-533 Transmittal of complaint by school district to Superintendent of Public Instruction; 392-171-536 Hearing officers—Selection and expenses of—Parent assistance; 392-171-551 Hearing rights; 392-171-559 Prospective application to amendments in Washington Administrative Code affecting hearings; 392-171-561 Final decision—Appeal to court of law; 392-171-576 Student's status during hearing and judicial review processes; 392-171-541 Hearing officers—Scheduling and conduct of hearings; 392-171-546 Evidence; 392-171-566 Appeals to the Superintendent of Public Instruction; and 392-171-571 Timeline for reviewing officer's decision—Time and place of hearings—Final decision.

**Statutory Authority:** RCW 28A.13.070(7).

**Purpose of the Rule(s):** To establish policies and procedures for special education due process hearings.

**Summary of the New Rule(s) and/or Amendments:** WAC 392-171-553 establishes procedure for transmittal of complaints to SPI; 392-171-536 changes cost of hearings from payment by districts to SPI. Establishes system of hearings under Washington State Administrative Procedure Act. Removes matters covered by uniform rules of the chief administrative law judge; 392-171-551 eliminates the requirement for districts to pay cost of transcript unless the district is the appealing party. Removes matters covered by uniform rules of the chief administrative law judge; 392-171-559 makes provision for transition from current to new rules; 392-171-561 eliminates appeal to SPI and substitutes appeal to

court of law; 392-171-576 clarifies title to rule; 392-171-541 repealed; 392-171-546 repealed; 392-171-566 repealed; and 392-171-571 repealed. Repeals matters covered by uniform rules of chief administrative law judge and matters related to appeals to SPI.

Reasons Which Support the Proposed Action(s): Compliance with federal directive.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Ralph E. Julnes, SPI, 3-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Revised DAS Bulletin No. 107.

Agency Comments, if any Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): The federal directive to eliminate SPI involvement in review of special education appeals makes any review of such decisions of little value. Hence, SPI has substituted an immediate appeal to a court of law.

#### NEW SECTION

WAC 392-171-533 TRANSMITTAL OF COMPLAINT BY SCHOOL DISTRICT TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Unless the complaint filed with the school district superintendent pursuant to WAC 392-171-531(2) is withdrawn by the complainant in writing within five calendar days from the date of receipt, the school district superintendent shall transmit the complaint to the office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504 prior to midnight of such fifth calendar day by depositing such complaint in the United States mail.

#### AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-536 HEARING OFFICERS—SELECTION AND EXPENSES OF—PARENT ASSISTANCE. (1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the ((student's resident school district)) superintendent of public instruction.

(b) The ((school district)) superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the ((school district)) superintendent of public instruction: PROVIDED, That a court reporter's stenographic record need not be transcribed ((at the expense of the school district)) for any purpose except ((for the copy the district shall provide the superintendent of public instruction)) as provided or required in ((the event of an appeal pursuant to)) WAC ((392-171-566)) 392-171-551(e).

(c) The ((school district)) superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or  
(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the ((school district)) chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a school district which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) ((A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer)) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

~~((3))~~ The parent(s) (or adult student) shall have the right to file a written objection to the hearing officer(s) selected by the district if the parent(s) (or adult student) believe that the hearing officer may be biased. All such objections shall state the belief and the reasons or facts that give rise to the belief. The hearing officer objected to shall rule on the objection after hearing such arguments as the parties wish to make, unless such hearing officer has already chosen to disqualify himself or herself upon receipt of the objection. All such objections, arguments and their disposition shall be made a permanent part of the hearing record.

~~((4))~~ Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified:))

#### AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-551 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written verbatim record of the hearing at a cost no greater than the fee charged by the court reporter for transcribing his or her record of the hearing: PROVIDED, That in the event of an appeal to a court of law by ~~((either party;))~~ the school district, such district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

~~((4))~~ All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party:))

#### NEW SECTION

WAC 392-171-559 PROSPECTIVE APPLICATION TO AMENDMENTS IN WASHINGTON ADMINISTRATIVE CODE AFFECTING HEARINGS. Amendments to the Washington Administrative Code affecting special education hearings and appeals pursuant to chapter 392-171 WAC shall apply prospectively. Complaints filed pursuant to WAC 392-171-531 shall be governed by the chapter 392-171 WAC regulations in effect at the time the complaint is filed.

#### AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-561 FINAL DECISION—APPEAL TO COURT OF LAW. A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless ((a party to the hearing appeals the decision in accordance with WAC 392-171-566)) modified or overturned by a court of law.

#### AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-576 STUDENT'S STATUS DURING HEARING AND ~~((STATE OR))~~ JUDICIAL REVIEW PROCESSES. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 392-171-541 HEARING OFFICERS—SCHEDULING AND CONDUCT OF HEARINGS.

WAC 392-171-546 EVIDENCE.

WAC 392-171-566 APPEALS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

WAC 392-171-571 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION.

**WSR 84-16-020****EMERGENCY RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 84-28—Filed July 24, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special education programs—Education for all handicapped children, chapter 392-171 WAC.

I, Frank B. Brouillet, 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 United States Department of Education is withholding federal dollars for the support of programs for handicapped children until the state of Washington demonstrates compliance with a federal bulletin—i.e., Revised DAS Bulletin No. 107. Negotiations with the federal government have resulted in an impasse. The SPI, in order to guarantee the steady flow of needed federal dollars for the support of programs for handicapped children, takes emergency action.

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

This rule is promulgated pursuant to RCW 28A.13.070(7) 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 July 24, 1984.

By Frank B. Brouillet  
Superintendent of Public Instruction

**NEW SECTION**

WAC 392-171-533 TRANSMITTAL OF COMPLAINT BY SCHOOL DISTRICT TO SUPERINTENDENT OF PUBLIC INSTRUCTION. Unless the complaint filed with the school district superintendent pursuant to WAC 392-171-531(2) is withdrawn by the complainant in writing within five calendar days from the date of receipt, the school district superintendent

shall transmit the complaint to the office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504 prior to midnight of such fifth calendar day by depositing such complaint in the United States mail.

**AMENDATORY SECTION** (Amending Order 80-31, filed 8/19/80)

WAC 392-171-536 HEARING OFFICERS—SELECTION AND EXPENSES OF—PARENT ASSISTANCE. (1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the ~~((student's resident school district))~~ superintendent of public instruction.

(b) The ~~((school district))~~ superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the ((school district)) superintendent of public instruction: PROVIDED, That a court reporter's stenographic record need not be transcribed ((at the expense of the school district)) for any purpose except ((for the copy the district shall provide the superintendent of public instruction)) as provided or required in ((the event of an appeal pursuant to)) WAC ~~((392-171-566))~~ 392-171-551(e).

(c) The ~~((school district))~~ superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the ~~((school district))~~ chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a school district which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) ~~((A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer))~~ The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

~~((3) The parent(s) (or adult student) shall have the right to file a written objection to the hearing officer(s) selected by the district if the parent(s) (or adult student) believe that the hearing officer may be biased. All such objections shall state the belief and the reasons or facts that give rise to the belief. The hearing officer objected to shall rule on the objection after hearing such arguments as the parties wish to make, unless such hearing officer has already chosen to disqualify himself or herself upon receipt of the objection. All such objections, arguments and their disposition shall be made a permanent part of the hearing record.~~

~~(4) Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified.))~~

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-551 HEARING RIGHTS. (1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written verbatim record of the hearing at a cost no greater than the fee charged by the court reporter for transcribing his or her record of the hearing: PROVIDED, That in the event of an appeal to a court of law by ((either party,)) the school district, such district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

~~((4) All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party.))~~

#### NEW SECTION

WAC 392-171-559 PROSPECTIVE APPLICATION TO AMENDMENTS IN WASHINGTON ADMINISTRATIVE CODE AFFECTING HEARINGS. Amendments to the Washington Administrative Code affecting special education hearings and appeals pursuant to chapter 392-171 WAC shall apply prospectively. Complaints filed pursuant to WAC 392-171-531 shall be governed by the chapter 392-171 WAC regulations in effect at the time the complaint is filed.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-561 FINAL DECISION—APPEAL TO COURT OF LAW. A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless ~~((a party to the hearing appeals the decision~~

~~in accordance with WAC 392-171-566)) modified or overturned by a court of law.~~

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-576 STUDENTS STATUS DURING HEARING AND ((STATE OR)) JUDICIAL REVIEW PROCESSES. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-171-541 HEARING OFFICERS—SCHEDULING AND CONDUCT OF HEARINGS.

WAC 392-171-546 EVIDENCE.

WAC 392-171-566 APPEALS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

WAC 392-171-571 TIMELINE FOR REVIEWING OFFICER'S DECISION—TIME AND PLACE OF HEARINGS—FINAL DECISION.

#### WSR 84-16-021

#### EMERGENCY RULES

#### DEPARTMENT OF

#### NATURAL RESOURCES

[Order 412—Filed July 24, 1984]

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 restricting logging on forest lands under the protection of the Department of Natural Resources. The northwest area shall have a general logging shutdown (everything shutdown) in zone 658, effective at noon July 24, 1984, until midnight Thursday July 26, 1984.

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 existing and forecasted weather conditions, the area listed above included in the logging restriction is particularly exposed to fire danger. No one may enter areas of logging slash. Burning permits and burning privileges in zone 658 are cancelled during the shutdown 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 76.04.150, 76.04.190 and 76.04.200 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 July 24, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

### NEW SECTION

**WAC 332-26-051 GENERAL LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST AREA.** *Effective noon (1200 hr) Tuesday, July 24, 1984 through midnight (2400 hr) Thursday, July 26, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start are to be shutdown.*

*Department of Natural Resources shutdown zone affected by this closure is zone 658 in the eastern 2/3 of Watcom, Skagit, Snohomish counties protected by the Northwest Area.*

*During the shutdown period, all persons are excluded from logging operating areas and areas of logging slashing except those present in the interest of fire protection.*

*Burning permits and burning privileges are cancelled in zone 658 during the shutdown period.*

**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 84-16-022

#### ADOPTED RULES

#### DEPARTMENT OF AGRICULTURE

[Order 1838—Filed July 24, 1984]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the importation of animals into the state of Washington, chapter 16-54 WAC.

This action is taken pursuant to Notice No. WSR 84-12-083 filed with the code reviser on June 6, 1984. 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 16.36.040 and 16.36.050 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 July 23, 1984.

By M. Keith Ellis  
Director

### AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

WAC 16-54-010 ((~~DIRECTOR DEFINED.~~)) DEFINITIONS. For ((~~the purpose of these rules the~~)) purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment or a registered quarantined feed lot.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Class free and class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

### AMENDATORY SECTION (Amending Order 1716, filed 12/17/80, effective 4/1/81)

WAC 16-54-016 OFFICIAL CALFHOOD ((~~VACCINATE DEFINED.~~)) VACCINATES. ((~~For the purpose of this order "official calfhood vaccination" means a female bovine animal four through twelve months (120 to 365 days) of age vaccinated with an approved brucella vaccine.~~)) All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director.

### AMENDATORY SECTION (Amending Order 1792, filed 4/8/83)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian: **PROVIDED,** That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter ~~((establishments))~~ plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved ~~((stockyard))~~ livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

~~((a))~~ ~~((All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest))~~ Brucellosis test.

~~((i))~~ Cattle originating in class free or class A states must be negative to an official brucellosis test conducted within thirty days prior to date of entry.

~~((ii))~~ Cattle originating in class B states must be negative to an official brucellosis test conducted within thirty days prior to date of entry and will be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of pre-entry test.

~~((iii))~~ Cattle originating in class C states must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. These cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than ~~((thirty))~~ forty-five nor more than ~~((sixty))~~ one hundred twenty days from the date of ~~((previous))~~ the second negative pre-entry test~~((,-except that)).~~

~~((iv))~~ The following classes of cattle are exempt from ~~((these))~~ the test requirements in (a) (i), (ii), and (iii) of this subsection:

~~((i))~~ (A) Calves under six months of age.

~~((ii))~~ (B) Steers and spayed heifers.

~~((iii))~~ (C) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

~~((iv))~~ (D) Immediate slaughter cattle going directly to a federally inspected slaughter ~~((establishment))~~ plant.

~~((v))~~ (E) Cattle consigned directly to a state-federal quarantined ~~((registered))~~ feed lot.

~~((vi))~~ (F) Cattle from certified brucellosis free herds.

~~((vii))~~ (G) Beef breed cattle eligible for brucellosis testing coming from ~~((contiguous))~~ class free or class A states ~~((certified brucellosis free))~~ may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. ~~((Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.))~~

(v) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

~~((b))~~ ~~((After January 1, 1979,))~~ Brucellosis calftlood vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calftlood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

~~((c))~~ ~~((After January 1, 1984,))~~ Brucellosis calftlood vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle~~((,-after January 1, 1984, over twelve months of age; after January 1, 1985, over two years of age; after January 1, 1986, over three years of age; after January 1, 1987, over four years of age; after January 1, 1988, over five years of age; after January 1, 1989, over six years of age))~~ born before January 1, 1983.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: PROVIDED, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter ~~((establishment))~~ plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter ~~((establishment))~~ plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the

point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: PROVIDED, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 16-54-012 BREEDING CATTLE DEFINED.

(2) WAC 16-54-014 OFFICIAL BRUCELLOSIS TEST DEFINED.

**WSR 84-16-023**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
[Filed July 24, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning insurance agent, broker, solicitor and adjuster licensing and appointment procedures, amending WAC 284-17-120, 284-17-400, 284-17-410 and 284-17-420;

that the agency will at 10 a.m., Tuesday, September 11, 1984, in the Conference Room, 2nd Floor, Insurance 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 48.02.060.

The specific statute these rules are intended to implement is RCW 48.17.130, 48.17.150, 48.17.160, 48.17.180 and 48.17.500.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1984.

Dated: July 23, 1984  
By: Robert E. Johnson  
Deputy Commissioner

#### STATEMENT OF PURPOSE

Amendments proposed to WAC 284-17-120, 284-17-400, 284-17-410 and 284-17-420, relating to licensing and appointment procedures with respect to insurance agents, brokers, solicitors and adjusters.

The statutory authority for the proposed changes is RCW 48.02.060 to effectuate the provisions of RCW 48.17.130, 48.17.150, 48.17.160, 48.17.180 and 48.17.500.

The proposed changes are primarily intended to remove provisions which are no longer necessary. Originally, they were inserted to cover a transitional period during which the expiration of licenses was converted to a staggered system, whereby, generally, licenses were made to expire on birthday anniversaries of licensees. Conversion to the staggered system being complete, the provisions are no longer needed. Minor wording changes are also being made for clarity. New subsections are being added to WAC 284-17-410 and 284-17-420 to make clear that appointments of agents by insurers, or of agents and other licensees by firms or corporations, may be terminated by either side, and the procedure for doing so is outlined.

Erika Taylor, Licensing Supervisor, Insurance Building, AQ-21, Olympia, Washington 98504, (206) 753-7307, is primarily responsible for the drafting, implementation and enforcement of the rules involved, under the supervision of Roger Polzin, Deputy Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504, (206) 753-2403.

The amendments are proposed by the insurance commissioner, a state public official.

The rules and proposed amendments are not necessary as the result of federal law or federal or state court action.

The proposed amendments make no substantive changes in the rules. There will be no economic impact on businesses, large or small.

#### Chapter 284-17 WAC LICENSING REQUIREMENTS AND PROCEDURES

##### WAC

284-17-120	Examination procedures for agents, solicitors and adjusters.
284-17-400	<del>((Staggered licensing for insurance agents, brokers, solicitors and adjusters—Conversion of current licenses—Assignment of renewal date for new licenses.))</del> <u>Renewal dates for agents, brokers, solicitors and adjusters.</u>
284-17-410	<del>((Staggered))</del> <u>Appointment renewal and termination procedures for insurance agents.</u>
284-17-420	<u>Appointment, affiliation and renewal procedures for licensed persons empowered to exercise the authority conferred to a corporate or firm licensee((= Conversion to a staggered system of renewals)).</u>

#### AMENDATORY SECTION (Amending Order R 82-2, filed 4/28/82)

WAC 284-17-120 EXAMINATION PROCEDURES FOR AGENTS, SOLICITORS AND ADJUSTERS. (1) The commissioner has contracted with an independent testing service for the administration of agents', solicitors', and adjusters' examinations. On and after

June 1, 1982, any person desiring to take an examination for the type of license shown in subsection (2) of this section will be required to submit a registration form and the appropriate examination fee to ((educational)) the independent testing service. Such fee is not refundable. Registration forms and information about examinations may be obtained from the office of insurance commissioner or from ((educational)) the independent testing service.

(2) At least twice each month at predetermined locations, ((educational)) the independent testing service will conduct the examinations required for the following types of licenses:

TYPE OF LICENSE	EXAMINATION(S) REQUIRED
Life insurance agent or solicitor .....	Life
Disability insurance agent or solicitor .....	Disability
Life and disability agent or solicitor .....	Life, disability
Property/casualty agent or solicitor .....	Property, casualty
General lines agent or solicitor .....	Property, casualty, disability
All lines agent or solicitor .....	Life, disability, property, casualty
Vehicle only agent or solicitor .....	Vehicle
Surety only agent or solicitor .....	Surety
Credit life and disability agent or solicitor .....	Credit life and disability
Independent adjuster .....	Independent adjuster
Public adjuster .....	Public adjuster

(3) If an applicant fails to take a scheduled examination, a new registration form and appropriate fees must be submitted for any later examination, unless a serious emergency prevented attendance.

(4) Tests for vehicle, surety, ((and)) or credit insurance and for adjusters will be graded by the insurance commissioner's licensing department which will notify applicants of the results. Other tests will be graded by ((educational)) the independent testing service which will provide each applicant with a score report, following examination. If the examination is passed, the score report must be forwarded to the insurance commissioner with a completed insurance license application, finger print card ((and)), the appropriate license fee and filing fee.

(5) An applicant who fails to pass the insurance agent, solicitor or adjuster examination may request reexamination at such time as the applicant believes that he or she has completed sufficient additional study. Each reexamination request must be accompanied by a new registration form and the appropriate examination fee.

AMENDATORY SECTION (Amending Order R 80-4, filed 3/20/80)

~~WAC 284-17-400 ((STAGGERED LICENSING FOR INSURANCE AGENTS, BROKERS, SOLICITORS AND ADJUSTERS—CONVERSION OF CURRENT LICENSES—ASSIGNMENT OF RENEWAL DATE FOR NEW LICENSES—)) RENEWAL DATES FOR AGENTS, BROKERS, SOLICITORS AND ADJUSTERS. ((The licensing of insurance agents, brokers, solicitors and adjusters in Washington shall be converted to a staggered licensing system as follows:~~

~~(1) Those licenses expiring on March 31, 1980 shall be renewable for six months and shall expire on September 30, 1980:~~

~~(2) New licenses issued on or after April 1, 1980 and before October 1, 1980 shall be valid until September 30, 1980:~~

~~(3) All licenses then outstanding will expire on September 30, 1980, as provided by subsections 1 and 2 above. In the case of licenses issued to individuals, such licenses will be renewed for a period ending with the individual licensee's second birthday anniversary occurring after September 30, 1980. In the case of firms or corporations, the license will be renewed for a period ending with the firm or corporation's second renewal date occurring after September 30, 1980. Such renewal dates are assigned by the office of the insurance commissioner. Thereafter, all licenses will be renewed for a period of one year from their termination date:~~

~~(4)) New licenses ((issued on or after October 1, 1980;)) will be valid for a period ending with the licensee's first birthday anniversary after the initial issue date in the case of individuals. and for a period ending with the first renewal date after the initial issue date in the case of firms or corporations. Thereafter, such licenses will be renewed ((as provided by subsection 3 above)) for a period of one year.~~

~~((5) During the conversion to a staggered system of license renewals, fees shall be prorated on the basis of 1/12th the annual renewal~~

~~fee for each month or fraction thereof for the term for which the license is being renewed:))~~

AMENDATORY SECTION (Amending Order R 80-4, filed 3/20/80)

~~WAC 284-17-410 ((STAGGERED)) APPOINTMENT RENEWAL AND TERMINATION PROCEDURES FOR INSURANCE AGENTS. ((The appointment of insurance agents by insurers in Washington shall be converted to a staggered system as follows:~~

~~(1) Effective March 31, 1980, the appointments of all insurance agents expire and shall be renewable for six months to expire as of September 30, 1980:~~

~~(2) Appointments of insurance agents that are newly made between March 31, and September 30, 1980 shall also expire on September 30, 1980:~~

~~(3) New and renewal) (1) Appointments ((that are made on and after October 1, 1980)) shall be valid for a period ending with the insurer's first renewal date after the initial issue date. Such renewal date is assigned by the office of the insurance commissioner. Thereafter, all appointments will be renewed for a period of one year ((from their termination date:~~

~~(4) During the conversion to a staggered system of appointment renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the appointment is being made or renewed)):~~

~~(2) Revocations of agents' appointments by the insurer are governed by RCW 48.17.160(4).~~

~~(3) Termination of an appointment by the agent may be accomplished by the agent giving advance written notice to the insurer with a copy mailed to the insurance commissioner that, as of a date stated in such notice, the agent renounces the appointment and will no longer represent the insurer as its agent.~~

AMENDATORY SECTION (Amending Order R 80-4, filed 3/20/80)

~~WAC 284-17-420 APPOINTMENT, AFFILIATION AND RENEWAL PROCEDURES FOR LICENSED PERSONS EMPOWERED TO EXERCISE THE AUTHORITY CONFERRED TO A CORPORATE OR FIRM LICENSEE((=CONVERSION TO A STAGGERED SYSTEM OF RENEWALS)). (1) Each firm or corporation licensed as an insurance agent must be appointed by an insurer or insurers as required by RCW 48.17.160 as a prerequisite to the sale of insurance: PROVIDED, That individual licensees who are empowered to exercise the authority conferred by the corporate or firm license need not be individually appointed by insurers.~~

~~(2) ((Effective April 1, 1980;)) All firms or corporations licensed as an agent, adjuster or broker shall notify the office of the insurance commissioner of all persons who are empowered to exercise the authority conferred by the firm or corporate license. For purposes of this section, such persons shall be defined as "affiliated" with the licensed firm or corporation. ((The notice of affiliation shall expire on September 30, 1980. Notice of new affiliations made between April 1, 1980 and September 30, 1980 shall also expire on September 30, 1980;))~~

~~(3) ((On and after October 1, 1980, the notice of affiliations by a licensed firm or corporation shall be valid until the first affiliation renewal date established by the office of the insurance commissioner for the firm or corporation. Each firm or corporation shall annually pay the affiliation renewal fee which shall be the same as the agent appointment renewal fee. Thereafter, each affiliation will be renewed for a period of one year from its termination date)) An affiliation by a licensed firm or corporation which is not revoked or renounced shall be valid until the firm's or corporation's first renewal date after the notice. Thereafter, each affiliation may be renewed for a period of one year, subject to the firm or corporation paying the annual affiliation renewal fee which shall be the same as the agent appointment renewal fee.~~

~~(4) ((During the conversion to a staggered system of affiliation renewals, fees shall be prorated on the basis of 1/12th the annual fee for each month for which the affiliation is being made or renewed:)) When the appointment of an affiliated person is revoked by a firm or corporation, written notice of such revocation shall be given to the affiliated person and a copy of the notice of revocation shall be mailed to the commissioner.~~

~~(5) Termination of an appointment by an affiliated person may be accomplished by such person giving advance written notice to the firm or corporation with a copy mailed to the insurance commissioner that, as of a date stated in such notice, the affiliated person renounces the~~

appointment and will no longer act on behalf of the firm or corporation.

**WSR 84-16-024**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 413—Filed July 24, 1984]

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 restricting logging on forest lands under the protection of the Department of Natural Resources. The South Puget Sound Area shall have a modified logging restriction in zone 659 in parts of Snohomish, King, and Pierce counties, effective midnight Tuesday, July 24, 1984, through midnight Thursday, July 26, 1984. Power saws to be shutdown from 11 a.m. to 8 p.m., yarding and skidding to be shutdown from 1 p.m. to 8 p.m., loading/hauling permitted to continue during the shutdown period. All burning permits and burning privileges cancelled during shutdown period.

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 existing and forecasted weather conditions, with no precipitation in sight, the area listed above as included in the modified logging restriction is particularly exposed to fire danger. Burning permits and burning privileges in zone 659 are cancelled during the period midnight July 24, 1984, through midnight July 26, 1984.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 24, 1984.

By Brian J. Boyle  
 Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-061 MODIFIED LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTH PUGET SOUND AREA. Effective midnight Tuesday, July 24, 1984 through midnight Thursday, July 26, 1984, all logging, land clearing, and other industrial operations which may cause a fire to**

*start are to cease operation during the following times and under the following conditions: 1) All power saws (excluding landings) to shutdown from 11 am to 8 pm during the shutdown period. 2) All yarding and skidding to shutdown from 1 pm to 8 pm during the shutdown period. 3) Loading and hauling permitted to continue during the shutdown period.*

*Department of Natural Resources shutdown zone affected by this restriction is zone 659 in parts of Snohomish, King, and Pierce counties under the protection of the South Puget Sound Area.*

*Burning permits and burning privileges are cancelled in zone 659 during the period midnight Tuesday, July 24, 1984 through midnight Thursday, July 26, 1984.*

**WSR 84-16-025**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 414—Filed July 24, 1984]

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 restricting logging on forest lands under the protection of the Department of Natural Resources. The Olympic Area shall have a hoot owl logging restriction in zones 649, 650, 651, 652, 653, and 654 under the protection of the Olympic Area, effective midnight Tuesday July 24, 1984, through midnight Friday, July 27, 1984. Logging, land clearing, and other operations will cease from noon to midnight during the shutdown period. Burning permits and burning privileges are cancelled during the shutdown period.

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 existing and forecasted weather conditions the areas listed above, included in the logging restriction, are particularly exposed to fire danger. No precipitation is expected in the near future and a drying trend is to continue.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 24, 1984.

By Brian J. Boyle  
 Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-021 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE OLYMPIC AREA.** Effective midnight Tuesday, July 24, 1984, through midnight Friday, July 27, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operating from noon to midnight (1200 hr to 2400 hr) each day during the shutdown period.

Department of Natural Resources zones affected by this restriction are zones 649, 650, 651, 652, 653, & 654 in Clallam, Jefferson, and parts of Grays Harbor counties under the protection of the Olympic Area.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, during the above listed dates.

Burning permits and burning privileges are cancelled in burn permit zones B and C of the Olympic Area, located in shutdown zones 649, 650, 651, 652, 653, and 654.

**WSR 84-16-026  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION  
[Filed July 24, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Transportation—State allocation for operations, chapter 392-141 WAC;

that the agency will at 9:00 a.m., Wednesday, September 5, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, 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 September 6, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

Dated: July 12, 1984

By: Frank B. Brouillet

Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-141 WAC, Transportation—State allocation for operations.

Rule Section(s): WAC 392-141-005 Purposes; 392-141-007 Definitions; 392-141-008 Additional definitions; 392-141-017 Reimbursable and nonreimbursable

transportation; 392-141-018 Transportation arrangements that are eligible for state reimbursement—Rates of reimbursement; 392-141-027 School bus routes limitations; 392-141-028 Annual application for approval for transportation reimbursement—Approval process; 392-141-037 Application for approval for transportation within the "two-mile limit"—Measurement of "two-mile limit"; 392-141-038 Contents of applications for state transportation reimbursement—Mileage records; 392-141-042 Deviations from approved transportation arrangements; and 392-141-043 Record requirements.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Was to establish policies and procedures for distribution of state transportation funds.

Summary of the New Rule(s) and/or Amendments: Repeals previous policies and procedures.

Reasons Which Support the Proposed Action(s): Adoption of new chapter 392-141 WAC replaces these rules.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): These rules should have been repealed when chapter 392-141 WAC was adopted July 11, 1984.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 392-141-005 PURPOSES.
- WAC 392-141-007 DEFINITIONS.
- WAC 392-141-008 ADDITIONAL DEFINITIONS.
- WAC 392-141-017 REIMBURSABLE AND NONREIMBURSABLE TRANSPORTATION.
- WAC 392-141-018 TRANSPORTATION ARRANGEMENTS THAT ARE ELIGIBLE FOR STATE REIMBURSEMENT—RATES OF REIMBURSEMENT.
- WAC 392-141-027 SCHOOL BUS ROUTES LIMITATIONS.
- WAC 392-141-028 ANNUAL APPLICATION FOR APPROVAL FOR TRANSPORTATION REIMBURSEMENT—APPROVAL PROCESS.
- WAC 392-141-037 APPLICATION FOR APPROVAL FOR TRANSPORTATION WITHIN THE "TWO-MILE LIMIT"—MEASUREMENT OF "TWO-MILE LIMIT."
- WAC 392-141-038 CONTENTS OF APPLICATIONS FOR STATE TRANSPORTATION REIMBURSEMENT—MILEAGE RECORDS.
- WAC 392-141-042 DEVIATIONS FROM APPROVED TRANSPORTATION ARRANGEMENTS.
- WAC 392-141-043 RECORD REQUIREMENTS.

**WSR 84-16-027**

**NOTICE OF PUBLIC MEETINGS**

**WESTERN WASHINGTON UNIVERSITY**

[Memorandum—July 17, 1984]

The meetings of the board of trustees of Western Washington University scheduled for August 2, 1984, and September 6, 1984, are cancelled.

**WSR 84-16-028**

**ADOPTED RULES**

**UNIVERSITY OF WASHINGTON**

[Order 84-4—Filed July 25, 1984—Eff. September 1, 1984]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does adopt the annexed rules relating to parking and traffic regulations of the University of Washington.

This action is taken pursuant to Notice No. WSR 84-11-062 filed with the code reviser on May 21, 1984. These rules shall take effect at a later date, such date being September 1, 1984.

This rule is promulgated under the general rule-making authority of the University of Washington as authorized in RCW 28B.10.300 and 28B.10.560.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 20, 1984.

By Elsa Kircher Cole  
Assistant Attorney General

AMENDATORY SECTION (Amending Order 84-3, filed 4/30/84)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
  - (i) Central campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18, C19;
  - (ii) East campus: E3, E6, E7, E8, E13, E15, E16;
  - (iii) North campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28(, N2E);
  - (iv) South campus: S1, S4, S5, S6, S7, S8, S9, S10;
  - (v) West campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, ((W18;)) W19, W20, W21, W22, W23, W24, W25, W29, W34, W39, W41, W42.
- (b) Zone B -
  - (i) East campus: E2, E9, E10, E11, E12(, E15);
  - (ii) North campus: N1, N5, N25;
  - (iii) South campus: S13;
  - (iv) West campus: W2, W26, W27, W28, ((W29; W30, W31, W32;)) W33, W35, W36, ((W38;)) W40(, W43)).

(2) The following schedule of parking fees is hereby established:

**PERAMOUNT**

(a) Type of permit -	
(i) Annual permits:	
(A) Zone A permits	Year (( <del>\$168.00</del> ) \$204.00)
(B) Zone B permits	Year (( <del>122.88</del> ) 150.00)
(C) Reserved - general	Year (( <del>324.00</del> ) 420.00)
(D) Wheelchair permits	Year (( <del>122.88</del> ) 150.00)
(E) Motorcycles, scooters and mopeds	Year (( <del>25.92</del> ) 30.00)
(F) Drive-through permits (Full-time faculty and staff only)	Year (( <del>6.48</del> ) 6.00)
(G) 24-hour storage, garages	Year (( <del>194.40</del> ) 240.00)
(H) Carpool permits	Year (( <del>25.92</del> ) 24.00)
(I) Retiree permits	Month (( <del>5.60</del> ) 6.80)
(ii) Quarterly permits:	
(A) Zone A permits	Quarter (( <del>42.00</del> ) 51.00)
(B) Zone B permits	Quarter (( <del>30.72</del> ) 37.50)
(C) Reserved - general	Quarter (( <del>81.00</del> ) 105.00)
(D) Wheelchair permits	Quarter (( <del>30.72</del> ) 37.50)
(E) Drive-through permits (Full-time faculty and staff only)	Quarter (( <del>2.16</del> ) 2.00)
(F) Motorcycles, scooters and mopeds	Quarter (( <del>6.48</del> ) 7.50)
(G) 24-hour storage, garages	Quarter (( <del>48.60</del> ) 60.00)
(H) Carpool permits	Quarter (( <del>6.48</del> ) 6.00)
(I) Retiree permits	Quarter (( <del>16.80</del> ) 20.40)
(iii) Night permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)	
(A) Zone A annual permits	Year (( <del>78.00</del> ) 96.00)
(B) Zone B annual permits	Year (( <del>45.60</del> ) 54.00)
(C) Zone A quarterly permits	Quarter (( <del>19.50</del> ) 24.00)
(D) Zone B quarterly permits	Quarter (( <del>11.40</del> ) 13.50)
(iv) Academic year permits (9 months - 24-hour storage)	
(A) Zone A	Academic year (( <del>126.00</del> ) 153.00)
(B) Zone B	Academic year (( <del>92.16</del> ) 112.50)
(C) 24-hour storage-garages	Academic year (( <del>145.80</del> ) 180.00)
(b) Hourly parking rates for designated areas on main campus and south campus (( <del>6.45</del> )6:00 a.m. to 11:00 p.m. weekdays only) -	
(i) 0-15 minutes	No charge
(ii) 15 minutes to 30 minutes	\$ (( <del>.75</del> ) 1.00)
(iii) To 1 hour	(( <del>1.00</del> ) 1.50)
(iv) 1 hour to 2 hours	(( <del>1.50</del> ) 2.00)
(v) 2 hours to 3 hours	(( <del>1.75</del> ) 2.50)

PERMOUNT

PERMOUNT

(vi) Over 3 hours		( <del>2.25</del> )	
		3.00	
(vii) Gate issued	Week	6.50	
(c) Hourly parking rates for designated areas on the periphery of campus ( <del>6.45</del> ) 6:00 a.m. to 11:00 p.m. weekdays only) -			
(i) 0-15 minutes	No charge	( <del>.50</del> )	
(ii) 15 minutes to 1 hour		1.00	
(iii) 1 hour to 2 hours		( <del>1.00</del> )	
		1.50	
(iv) Over 2 hours		( <del>1.35</del> )	
		1.75	
(d) Evening parking (4:00 p.m.-( <del>12:00 midnight</del> ) 7:30 a.m.)			
(i) 0-15 minutes	No charge	( <del>.50</del> )	
(ii) 15-30 minutes		.75	
(iii) Over 30 minutes		( <del>1.00</del> )	
		1.25	
(e) Special permits -			
(i) Short term	Week	( <del>4.30</del> )	
		4.50	
(ii) Short-term motorcycle	Day	( <del>.40</del> )	
		.50	
(iii) Ticket books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)			
(A) 5 ticket book - Dept./Indv.		( <del>3.50</del> )	
		4.25	
(B) 10 ticket book - Dept./Indiv.		( <del>7.00</del> )	
		8.50	
(C) 25 ticket book - Dept./Indiv.		( <del>17.50</del> )	
		21.25	
(iv) Steno person (SP) and special services (SS)	Year	( <del>168.00</del> )	
		204.00	
	Quarter	( <del>42.00</del> )	
		51.00	
(f) Mechanically controlled parking areas as designated (parking meters, ticket dispensers, automatic gates, etc.)		( <del>10.75</del> )	
		25-.75	
(g) Athletic events -			
(i) Football			
(A) Automobiles		( <del>2.25</del> )	
		3.00	
(B) Motor homes		( <del>4.30</del> )	
		6.00	
(C) Buses		( <del>6.50</del> )	
		10.00	
(ii) All other events - Pavilion and stadium lots			
(A) When staffed by attendants		( <del>1.50</del> )	
		2.00	
(B) When controlled by mechanical equipment (E1-only)		( <del>.50</del> )	
		.60	
(h) Miscellaneous fees -			
(i) Transfer from one area to another by request of individual		2.00	
(ii) Gate keycard replacement - not to exceed		5.40	
(iii) Vehicle gate keycard deposit (Amount of deposit will be set by the manager of the parking division. Deposit will be returned to individual when key is returned to parking division.)	Not to exceed	10.00	
(iv) Permit replacement			
(A) With signed certificate of destruction or theft		1.10	
(B) Without certificate of destruction or theft		2.15	
(v) Impound fee	At cost		

(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)	( <del>.25-.55</del> )
	.25-.50

NOTE: The schedule above includes applicable Washington state sales tax.

**WSR 84-16-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-85—Filed July 25, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 conservation of coastal salmon stocks while allowing a limited salmon fishery requires these regulations be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

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

This rule is promulgated pursuant to RCW 75.08.070 and 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 July 25, 1984.

By William R. Wilkerson  
 Director

NEW SECTION

**WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS—SALMON.** Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. July 17, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean Waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10 except: (1) Those waters inside of a line running true north-south through the black buoy at Waddah Island, extending 200 yards past the northwest tip of Waddah Island, thence westerly to the northern tip of Tatoosh Island, thence southerly to Spike Rock, thence due east to the Point of the Arches - special daily bag limit of not more than one chinook salmon not less than 24

inches in length and all other salmon must be released immediately - open until July 28, 1984, or until quota of 400 chinook salmon is taken, whichever occurs first. The possession limit may not exceed two daily bag limits of fresh fish; additional salmon may be possessed in a frozen or processed form.

(2) Those waters southerly of a line projected due west from Cape Shoalwater, northerly of a line projected due west from Klipsan Beach and westerly of a line projected southeasterly from Cape Shoalwater Light to the eastern-most tip of Leadbetter Point - special daily bag limit of not more than two coho salmon not less than 16 inches in length and all chinook salmon must be released immediately - open July 28 until further notice. The possession limit may not exceed two daily bag limits of fresh salmon; additional salmon may be possessed in a frozen or processed form.

(3) Those waters within three miles of shore north of a line projected due west from the mouth of the Queets River to Tatoosh Island, thence within three miles of Tatoosh Island to a line from Tatoosh Island to Bonilla Point on Vancouver Island, and those waters easterly of the Bonilla-Tatoosh line and westerly of a line projected due north from the mouth of the Sekiu River - special daily bag limit of one salmon of any species, minimum coho salmon size of 16 inches and minimum chinook salmon size of 24 inches. Open July 28, 1984 until further notice. The possession limit may not exceed two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(4) Effective July 28, 1984 until further notice, it is unlawful to land in any Washington State port chinook salmon taken for personal use from Pacific Ocean waters southerly of the Washington-Oregon border.

#### REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-56-19000J SALTWATER SEASONS AND BAG LIMITS-SALMON. (84-80)

**WSR 84-16-030**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed July 25, 1984]

The Washington State Department of Fisheries withdraws the notice to amend WAC 220-56-116, filed as WSR 84-13-084 on June 21, 1984. This issue will be refiled for consideration at a public hearing next year.

Edward P. Manary  
 for William R. Wilkerson  
 Director

**WSR 84-16-031**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 272—Filed July 26, 1984]

Be it resolved by the Washington State Board of Health, acting at Wenatchee, Washington, that it does adopt the annexed rules relating to variances, waivers, and exemptions, new WAC 248-08-596.

This action is taken pursuant to Notice No. WSR 84-12-058 filed with the code reviser on June 4, 1984. 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 34.04.020 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 11, 1984.

By John A. Beare, MD, MPH  
 Director

#### NEW SECTION

WAC 248-08-596 VARIANCES, WAIVERS AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers and variances:

(1) The director of the health services division of the department of social and health services shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver or variance is requested, that the request be granted or denied.

(2) Written summaries of all exemptions, waivers or variances proposed to be granted by the director shall be sent to all members of the board of health and shall include written forms upon which the members may indicate approval or disapproval of the request.

(3) Upon receipt by the director of written approval by each and every member of the board of health, the approval shall take effect and the director shall notify the requesting party of the approval in writing.

(4) If any member of the board of health shall disapprove the request within thirty days of notification by the director, the request shall be discussed by the board at its next regular meeting.

(5) If a request is recommended for denial by the director, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers and variances shall not be considered contested cases as that term is defined in chapter 34.04

RCW. Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross examination of witnesses in such matters shall be within the discretion of the board.

### REPEALER

The following section of the Washington Administrative Code is repealed:

↓ WAC 248-08-595 EXEMPTIONS, WAIVERS, AND VARIANCES.

**WSR 84-16-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 239—Filed July 26, 1984]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to establishing an open fishing season for hatchery origin steelhead trout on the mainstem Columbia River and Drano Lake, WAC 232-28-60701.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is recent investigations have shown that use of the 2-1/4" dorsal fin standard for the selective harvest of hatchery-origin fish can cause a significant harvest of one-ocean wild fish. This change will implement the original intent of the regulation.

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

This rule is promulgated pursuant to RCW 77.12.030 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 July 25, 1984.

Vern E. Ziegler  
by Frank R. Lockard  
Director

### AMENDATORY SECTION (Amending Order 228, filed 5/25/84)

**WAC 232-28-60701 ESTABLISH AN OPEN FISHING SEASON FOR HATCHERY ORIGIN STEELHEAD TROUT ON THE MAINSTEM COLUMBIA RIVER AND DRANO LAKE.** Notwithstanding the provisions of WAC 232-28-607 and 232-28-612, it shall be lawful for any sport fisherman to

take, fish for, or possess steelhead trout in the mainstem Columbia River and Drano Lake provided that these activities occur under the following provisions.

#### Open Area:

*Columbia River Mainstem – From the Megler–Astoria Bridge upstream to the Highway 12 Bridge at Pasco except those waters closed to all fishing under WAC 232-28-607 adjacent to Bonneville, Dalles, John Day and McNary Dams.*

#### Drano Lake

#### Season Date:

*July 26 through October 31*

#### Special Provisions:

1) *Only steelhead with dorsal fins measuring less than 2 ((+7/4)) inches in height when fully extended or with missing adipose or ventral fins may be reduced to possession.*

2) *It is unlawful to possess a steelhead with a freshly cut or mutilated dorsal, ventral or adipose fin.*

#### Catch and Possession Limits for Steelhead:

*Daily catch limit – 2*

*Possession limit – 4*

**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 84-16-033**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**  
[Memorandum—July 26, 1984]

10:00 a.m., Thursday, August 2, 1984, in the Transportation Commission Board Room, Room No. 1D2, DOT's Administration Building.

**WSR 84-16-034**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed July 26, 1984]

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 work period designations, amending WAC 356-15-020;

that the agency will at 10:00 a.m., Thursday, September 13, 1984, 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.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 11, 1984.

Dated: July 24, 1984  
By: Leonard Nord  
Secretary

### STATEMENT OF PURPOSE

Amend WAC 356-15-020.

Title: Work period designations.

Purpose: Outlines the various work period designations within the state merit system.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed change is of a housekeeping nature; would reflect title change of the weight control officers and add the class of motor carrier law enforcement inspector in subsection (1).

Responsibility for Drafting: Robert W. Bratton, Utilities and Transportation Commission, Highways-Licenses Building, MS: PB-02, Olympia, WA 98504, Phone: 753-6423; Implementation: Utilities and Transportation Commission and the Washington State Patrol; and Enforcement: Department of Personnel, Utilities and Transportation Commission and the Washington State Patrol.

Proposed by: Utilities and Transportation Commission, governmental agency.

### AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. The personnel board shall assign a specific work period designation to each classification. The personnel board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed.

#### (1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to communications officers and scheduled ~~((weight control))~~ commercial vehicle enforcement officers of the state patrol and motor carrier law enforcement inspectors of the utility and transportation commission.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(c) Unlisted: Full time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(2) Nonscheduled (NS): Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) Exceptions (E): In determining which positions are designated in the "exceptions" work period, the personnel board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.

(b) Positions which have historically been paid overtime by the state.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate.

**WSR 84-16-035**  
**ADOPTED RULES**  
**BOXING COMMISSION**  
[Order 84-1—Filed July 26, 1984]

Be it resolved by the Washington State Boxing Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to practice and procedure, amending chapter 36-08 WAC, and boxing and wrestling, amending chapter 36-12 WAC.

This action is taken pursuant to Notice No. WSR 84-13-051 filed with the code reviser on June 18, 1984. 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 337, Laws of 1981 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 July 25, 1984.

By Eddie Cotton, Jr.  
Chairman

### AMENDATORY SECTION (Amending Rule .08.010, filed 3/17/60)

WAC 36-08-010 APPEARANCE AND PRACTICE BEFORE COMMISSION—WHO MAY APPEAR. No person may appear in a representative capacity before the Washington state ~~((athletic))~~ boxing commission or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

**AMENDATORY SECTION** (Amending Rule .08.590, filed 3/17/60)

WAC 36-08-590 FORMS. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "before the Washington state ((athletic)) boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11 or 8 1/2" x 13" in size.

Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "before the Washington state ((athletic)) boxing commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its

entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

**AMENDATORY SECTION** (Amending Rule .04.010, filed 9/22/60)

WAC 36-12-010 PENALTIES. In cases of infraction of the law, the rules and regulations, orders of the state ((athletic)) boxing commission, or the failure to fulfill any contracts or agreements, it shall rest with the commission to impose such penalties as may be deemed expedient.

**AMENDATORY SECTION** (Amending Order 80-2, filed 2/6/81)

WAC 36-12-190 DUTIES OF STATE INSPECTOR. (1) They shall attend to the forwarding of all reports to the executive secretary of the commission; prepare reports on suspensions, applications for reinstatement, and all other matters arising in their respective districts which require joint action by the commission.

(2) They shall have under their charge the issuing of licenses to boxers, managers, seconds, wrestlers, referees, timekeepers, clubs, physicians, judges, announcers and trainers. They shall investigate applications for club licenses and report same to the commission but shall not issue club licenses except upon the order of the commission. They shall not reinstate anyone under suspension or release fines or money held for forfeiture, these being matters for action by the commission's representative in the form of certified checks made payable to the order of the state ((athletic)) boxing commission of Washington.

(3) Inspectors shall report directly to the chief inspector of the district and be under his authority.

(4) Inspectors shall be in charge of all details of the contest that do not come under the jurisdiction of the other officials.

(5) Inspectors shall see that all necessary equipment is provided, that the contestants are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the referee, and that all regulations pertaining to the proper conduct of the bout are enforced.

(6) Inspectors shall insist that clubs enforce the rule against gambling.

(7) Inspectors shall see that all seconds present a neat appearance and are attired according to the requirements of the rules.

(8) The referee's report shall be made on the form supplied for that purpose by the inspector. The referee shall sign the report in the presence of a state inspector after the termination of the show.

(9) In accordance with the law, each inspector shall receive for each contest officially attended a fee not to exceed one percent of the net gate of such contest up to a maximum of one hundred fifty dollars for closed circuit televised contests and three hundred dollars for all other contests. Fifty dollars shall be the minimum charge for such fee with respect to closed circuit televised contests and twenty dollars for all other contests.

(10) Inspectors will check the number and places of ticket cans at the gates and see that they are sealed and padlocked. After the show have them opened and tickets counted under their supervision.

AMENDATORY SECTION (Amending Order 74-1, filed 11/19/74)

WAC 36-12-330 CONTRACTS. (1) All contracts between clubs and boxers or their managers must be drawn in triplicate on the official forms supplied by the commission. The original copy for the state (athletic) boxing commission must be filed at the commission office at least five days before the bout.

(2) All contracts must name the opponent and fix a certain date for the contest. If a boxer is signed for a series of bouts, dates and names of opponents must be a part of the agreement and a separate contract signed for each bout. Each contract shall be accompanied by an affidavit, signed by the boxer or manager and properly attested, giving an accurate account of his ring record. Such affidavit shall be in a form and style prescribed by the commission.

(3) It is provided, however, that should the club desire to rematch the boxer with the winner of an ensuing contest that may be done by writing in the space reserved for opponent's name, as follows: "(Name) or (name) or the winner of their contest on (date)." In signing the opponent in the case the matchmaker of the club may sign both principals in the said ensuing contest and with consent of all parties to the contract, have written in the blank space below, in each of their official contracts the provisions: "This contract shall become null and void if the boxer loses the contest with (name of opponent) on (date) and may be declared null and void at the pleasure of the club in the event of a "draw" decision, or a decision of "no decision."

(4) All papers filed with the commission, shall be the property of the commission.

(5) No verbal agreement or written agreement other than the contract on the official contract form, and no "blanket contract" or option on a boxer's services will be recognized by the commission. Such options and contracts are expressly prohibited.

(6) All contracts shall be paid in full according to their contracts, and no part or percentage of their remuneration may be withheld except by order of the commission or its referee, nor shall any part thereof be

returned through arrangement with the boxer and his manager, to any matchmaker or club official.

(7) As a matter of record all communications to the commission regarding contracts, or violations or threatened violations thereof, must be made in writing or by telegraph to the commission through its nearest chief inspector, and rulings of the chief inspector or the commission must be made only in writing or by telegraph.

(8) If, through inclement weather (in case of an outdoor show), or other happening not within the control of the club, a postponement becomes necessary, the commission may grant an extension of the contracts and set a new date, and the action of the commission shall be binding upon all parties to the contracts. A small advance sale shall not be regarded as a legitimate reason for a postponement.

AMENDATORY SECTION (Amending Order 80-1, filed 7/16/80)

WAC 36-12-350 TICKETS. (1) The sale of tickets for any proposed exhibition is prohibited until plans showing the seating arrangement, aisle spacing, exit facilities, and the location of fire appliances have been approved by the fire department.

(2) Clubs may use only tickets obtained from a printer approved by the commission. Authorized printers shall send by mail to the commission office, not less than twenty-four hours before the exhibition for which the tickets have been printed a sworn inventory of all tickets delivered to any licensed club. This inventory shall account also for any over prints, changes or extras. Clubs will notify printers of this requirement.

(3) No exchange of tickets shall be made except at the box office, and no ticket shall be redeemed after the show has taken place. Tickets in the hands of agencies must be returned to the box office not later than two hours after the show has started.

(4) All tickets, exclusive of working press, official, employee, and photographer, shall have the price and name of club and date of show printed plainly thereon. Changes in ticket prices or dates of shows must be referred to the commission for approval.

(5) No ticket shall be sold except at the price printed on it.

(6) Every club holding either boxing or wrestling matches must have printed on the stub of every ticket sold the following advice:

"Retain this coupon in event of postponement or no contest. Refund \$ . . . . ."

The price paid for the ticket shall be printed in the foregoing blank space and the coupon detached and returned to the ticket holder at the entrance gate. This coupon check shall also show the name of the club, and date of the exhibition, and shall be redeemed at its face value by the club upon presentation by the purchaser if the advertised main event is postponed or does not take place as advertised.

(7) Tickets of different prices must be printed on cardboard of different colors.

(8) Inspectors will check numbers and places of ticket cans at gates and see that they are sealed and padlocked,

and after the show have them opened and tickets counted under their supervision.

(9)(a) All tickets issued to the press shall be marked "press." Working press tickets shall be consecutively numbered to correspond to the seats and shall not be issued to exceed the comfortable seating capacity of the press box surrounding the ring, and no one, except the officials designated by the commission and the timekeeper, shall be allowed to sit at the press table unless actually engaged in reporting the contest.

(b) All complimentary and attache tickets shall be marked "complimentary" and "attache" in large letters. Attache tickets must be made available for commission use.

(c) No person shall be admitted to any wrestling show or boxing contest, held in the state of Washington without presenting to the doorkeeper an official ticket, or pass.

(d) Each promoter shall provide himself with a rubber stamp with the word "attache" thereon.

(e) The persons who may receive "attache" passes or tickets for admission are included in the following list:

(i) Officials connected with the specific boxing or wrestling show on any given date.

(ii) Actual contestants.

(iii) Licensed seconds scheduled to work for said contestants.

(iv) Managers of actual contestants.

(v) Ushers scheduled to work at the specific show.

(vi) An agreed number of firemen and policemen in uniform, who are assigned to work at the specific show.

(vii) Two working newspaper reporters from each daily newspaper in the city where show is held. In case of a major or championship match, special arrangements may be made with the commission for passes to out-of-town newsreporter, actually engaged in reporting the show.

(viii) Building custodian or manager; commission inspectors and referees assigned to work at a specific show.

All other persons to whom passes are issued by the management, including newspaper employees, check room employees, concessionaires, peanut, popcorn and refreshment vendors, must each present his pass to the box office window and purchase a state tax ticket for which he shall pay as follows: If the established price is \$1.00 or less (exclusive of federal tax) the state tax is 5 cents; if the established price is more than \$1.00 and not over \$2.00, the state tax ticket will cost 10 cents; if the established price is more than \$2.00 and not over \$3.00 the state tax ticket will cost 15 cents. Add 5 cents for each dollar or fraction thereof in excess of an established price of \$3.00—example, a \$4.00 top will cost 20 cents; a \$5.00 top will cost 25 cents.

If the promoter elects to make a service charge on his passes, he must include in his charge the amount of the federal tax; the state tax as per the schedule set forth in this section and any other taxes, such as local city tax.

The pass and the tax ticket must be presented to the ticket taker at the door in order to gain admission.

No policemen, firemen, constables and/or employees of the sheriff's office either in uniform or in civilian attire should be admitted to any boxing or wrestling show

without a pass and tax ticket, except policemen and firemen designated in subsection (9)(e)(vi) of this section. FIVE PERCENT STATE TAX MUST BE PAID ON THE VALUE OF THE SEAT REGARDLESS OF COURTESY TICKETS OR ANY OTHER FORM OF PARTIAL PASS.

(10) Complimentary passes shall be limited to one percent of the seating capacity of the house unless permission is obtained from the state ((athletic)) boxing commission to exceed the said one percent.

(11) Under no circumstances shall a ticketholder be passed through the gate without having the ticket separated from the stub, or be allowed to occupy a seat, unless in possession of a ticket stub.

(12) Ushers must see to it that spectators get the seats their ticket stubs entitle them to, and that anyone occupying such seat unlawfully is asked to vacate, and if necessary is ejected.

(13) The sale of tickets cannot exceed the seating capacity of the house, and no person can be sold the right of admission without a ticket.

(14) Whenever an exhibition is given an authorized representative of the licensed club holding such exhibition shall, in addition to the written report required by the commission, give a memorandum in writing to the inspector immediately after the close of the box office, showing the number of each class of tickets unsold or unused, and permit the inspector to examine all unsold or unused tickets, stubs, coupons, books, cash, and all other matters relating to the box office and ticket takers. The inspector will make formal report to the commission by mail immediately upon the completion of such examination. Any fraud on the part of the club's representative will be deemed the act of the club.

#### AMENDATORY SECTION (Amending Rule .04.360, filed 9/22/60, 3/17/60)

WAC 36-12-360 CLUBS. (1) Licensed clubs shall not be allowed to hold more than one set of boxing bouts a week without special permission. All main event and semi-finals must have the okay of the commissioner or chief inspector in each particular district, before a bout or card is announced or publicity given to the newspapers.

(2) Clubs will be held responsible for maintaining order, and any person who is intoxicated, abusive or disorderly in conduct, to the annoyance of surrounding spectators, must be ejected.

(3) Licensed clubs are not to exceed forty rounds of boxing for any one program, without written consent of the commission. An emergency bout must be provided in case the arranged card breaks down and if it is necessary to put on another bout. The emergency bout should not be paid for unless used, but the boxers must then be given a preliminary bout at the following exhibition.

(4) Advance notices for all boxing shows must be in the office of the commission three days prior to the holding of any boxing show. In addition to the regular scheduled boxers the advance notice must show the names of boxers engaged by the club for an emergency bout.

(5) Notice of any change in announced or advertised programs for any contest must be filed immediately with

the commission and the press. Notice of such change or substitution must also be conspicuously posted at the box office, and announced from the ring before the opening contest, and if any of the patrons desire to have the price of their tickets refunded, such refund shall be made if the tickets or ticket stubs are presented at the box office at once. The box office must remain open a reasonable time to redeem such tickets.

(6) Substitutions will not be permitted in the main bout unless more than twenty-four hours before weighing-in time of the day of the contest, and then will be permitted only when the substitute has been approved by the commission.

(7) No intermission shall exceed a period of 10 minutes at any boxing or wrestling show and the inspector in charge shall see that this rule is strictly enforced.

The time allowed for putting the gloves on main event boxers within the ring, shall not exceed five minutes and the referee and timekeeper shall advise the inspector in charge if this rule is violated.

(8) Clubs are not allowed to "farm out" or sell their show to any matchmaker, or manager of boxers, or other person.

No person other than boxer or person officially identified with the sport may be introduced from the ring.

(9) No club, or member or stockholder or official of a club shall be permitted to act directly or indirectly as a manager of a boxer, or to hold any financial interest in such management or in the boxer's ring earnings.

(10) Every club must provide a suitable room or place for the examination of contestants by the club physician. The club must furnish ice bags and a blanket at each boxing show, to be in readiness in the event same will be deemed necessary by the commission physician.

(11) Copies of all boxing contracts must be filed with the commission. The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

(12) Any club doing business directly or indirectly with managers or boxers under suspension may have its license revoked.

(13) Requests for charity shows must be referred to the commission.

(14) No soliciting of any kind by any individual, or organization shall be allowed in any boxing arena without the written permission of the commission.

(15) All drinks shall be dispensed only in paper cups. Violations of this rule may result in the suspension or revocation of the offending club's license.

(16) A club shall not employ any unlicensed referee, second, timekeeper, boxer, matchmaker, announcer or club physician.

It is imperative that every boxer competing must be licensed and in possession of his identification card bearing his photo and license number. Contestants must show their identification cards to the inspector in charge, and those not having cards in their possession will be required to pay an additional license fee as a fine, which fine with report concerning same by inspector shall be sent to the commission for approval or refund. Only one appearance is allowed on a receipt.

(17) No admission can be charged to a training quarters where boxers are training except by permission of the commission. Where such admission fee is charged it shall be considered by the commission that it is charged for the privilege of seeing an exhibition of boxing, and the club or person making the charge for admission shall furnish the commission a certified written report, detailing the number of admissions and the total amount of money taken in, within 72 hours thereafter. The state tax of 5 percent on such gross receipts, exclusive of any federal taxes paid thereon shall be forwarded to the commission with the report.

(18) The commission requires that whenever any person, licensed by the state ((athletic)) boxing commission of Washington is approached with a request or suggestion that sham or collusive contest be entered into or that the contest shall not be conducted honestly and fairly, such licensed person must immediately report the matter to the state ((athletic)) boxing commission.

(19) A state ((athletic)) boxing commissioner, chief inspector or any inspector in attendance upon and supervising a contest or exhibition has the full power of the commission in enforcing the rules and regulations of the commission.

(20) SHOULD ANY QUESTION COME UP, NOT COVERED BY THESE RULES, THE STATE ((ATHLETIC)) BOXING COMMISSION OF WASHINGTON RESERVES THE RIGHT TO MAKE WHATEVER DECISION SEEMS TO IT FAIR AND EQUITABLE, AND IN ACCORDANCE WITH THE SPIRIT AS WELL AS THE LETTER OF THE LAW, AND SUCH DECISION SHALL BE FINAL.

AMENDATORY SECTION (Amending Order 80-2, filed 2/6/81)

WAC 36-12-480 METHOD OF OPERATION. The state ((athletic)) boxing commission composed of three members appointed by the governor is generally responsible for the supervision, licensing and control of all boxing contests and wrestling matches or exhibitions conducted within the state. The commission functions through announced periodic official commission meetings, throughout the state, which are open to the public, and conducts hearings in accordance with the practice and procedural rules, WAC 36-08-010 through 36-08-520 where required. State inspectors are appointed by the commission to perform various duties as contained in WAC 36-12-190. The commission also employs a secretary. Submissions, inquiries and requests may be directed to the ((athletic)) boxing commission secretary, in care of the Commission Office, Olympia, Washington 98504 (telephone 753-3713).

WSR 84-16-036

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-83—Filed July 26, 1984]

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

Washington, the annexed rules relating to personal use 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 this regulation provides for an orderly fishery on harvestable numbers of jack salmon, while providing escapement for spawning adult 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 July 23, 1984.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-57-16000H COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective July 25 through August 15, 1984 special bag limit of six chinook, coho and sockeye salmon in the aggregate not less than 10 inches in length or more than 24 inches in length for chinook or sockeye salmon or 20 inches in length for coho salmon in those waters of the Columbia River downstream from the Highway 12 Bridge at Pasco to the Megler Astoria Bridge except those waters closed in WAC 220-57-160 (3) and (4) remain closed, and the waters of Camas Slough between the upper Highway 14 Bridge on Lady Island and a line projected true north from the lower end of Lady Island are open under this bag limit.

**WSR 84-16-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 415—Filed July 26, 1984]

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 amending the modified logging restrictions (hoot owl) on forest lands under the protection of the Department of Natural Resources in the Olympic Area. The adoption of an emergency rule describes logging restrictions on forest lands under the protection of the Department of Natural Resources in the Northwest Area.

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 existing and forecasting weather conditions on forest lands in the Olympic Area of the Department of Natural Resources, zones 649, 650, 651, and 652 no longer are exposed to fire danger. Due to continued weather conditions in zone 658 of the Northwest Area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 26, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

#### AMENDATORY SECTION (Amending Emergency Order 414, filed 7/24/84)

WAC 332-26-021 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE OLYMPIC AREA. Effective midnight Tuesday, July 24, 1984 through midnight Friday, July 27, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operating from noon to midnight (1200 hr to 2400 hr) each day during the shutdown period.

Department of Natural Resources zones affected by this restriction are zones (~~649, 650, 651, 652,~~) 653, & 654 in Clallam and eastern(;) Jefferson(~~;~~ and parts of Grays Harbor) counties under the protection of the Olympic Area.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons all excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, during the above listed dates.

Burning permits and burning privileges are cancelled in burn permit zones B and C of the Olympic Area, located in shutdown zones (~~649, 650, 651, 652,~~) 653(;) and 654.

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 332-26-052 GENERAL LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST AREA. Effective midnight Thursday, July 26, 1984 through midnight Monday,

July 30, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start are to shutdown.

Department of Natural Resources shutdown zone affected by this closure is zone 658 in parts of Whatcom, Skagit, Snohomish, and King counties protected by the Northwest Area of the Department of Natural Resources.

During the shutdown period, all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in zone 658 during the shutdown period.

Dated: July 24, 1984

By: David A. Hogan, Director

Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 490-500-190 and 490-500-420.

The Purpose of the Rule Changes: WAC 490-500-190(7) Economic need-maintenance; and WAC 490-500-420 Change the word "process" to "plan."

The Reasons These are Necessary: The Division of Income Assistance has raised payment standards for maintenance 3% to \$304 for one person. The Division of Vocational Rehabilitation needs to follow suit to provide equal standards for clients of the department. The word "plan" more accurately represents the intent of DVR since the section really deals with the rehabilitation plan which the counselor is developing.

Statutory Authority: RCW 28A.10.025.

Summary of the Rule Changes: Changes maintenance from \$295 per month to \$304 per month. The word "plan" more accurately represents DVR's intention, as the section deals with the rehabilitation plan the counselor is developing.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Les James, Director, Division of Vocational Rehabilitation, Mailstop: OB 21C, Telephone: 753-0293.

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

#### WSR 84-16-038

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Commission for Vocational Rehabilitation)

[Filed July 26, 1984]

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

Amd WAC 490-500-190 Economic need—Standards for determining.

Amd WAC 490-500-420 Vocational rehabilitation services—Maintenance.

It is the intention of the secretary to adopt these rules on an emergency basis on or about July 27, 1984;

that the agency will at 10:00 a.m., Wednesday, September 5, 1984, in the General Administration Building Auditorium, 11th and Columbia, 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 September 12, 1984.

The authority under which these rules are proposed is RCW 74.29.025.

The specific statute these rules are intended to implement is chapter 74.29 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

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

David A. Hogan, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 22, 1984. The meeting site is in a location which is barrier free.

#### AMENDATORY SECTION (Amending Order 2004, filed 8/23/83)

WAC 490-500-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division when total obligations, debts, and expenses equals or exceeds income and nonexempt assets and resources. When income and nonexempt assets are greater than the value of obligations, debts, and expenses, the excess is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his or her entire family unit, including his or her dependents or, if the client is an unemancipated minor, his or her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section, wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions.

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis,

(c) Net profit from roomers or boarders,

(d) Net profit from property rentals,

(e) Net profit from farm products,

(f) Net profit from business enterprises,

(g) Scholarship or fellowship funds,

(h) Income from public or private welfare agencies,

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or his or her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his or her family as the

principle place of residence or when it will be so occupied in the predictable future.

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his or her family have only one automobile, or  
 (ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his or her dependents by the Veterans' Administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if the equipment and/or machinery is being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent the livestock produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to the nonexempt assets fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses,  
 (b) Shelter and living expenses for the client's dependents,  
 (c) Payments which the client is required to make under court order,  
 (d) Outstanding taxes on earnings or personal or real property,  
 (e) Insurance premium payments,  
 (f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

(7) When maintenance is to be paid by the division of vocational rehabilitation to a client, the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client up to a maximum of ~~((two))~~ three hundred ~~((ninety-five))~~ four dollars.

**AMENDATORY SECTION** (Amending Order 2098, filed 5/2/84)

WAC 490-500-420 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services shall be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation ~~((process))~~ plan, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) The provision of maintenance services shall be conditioned on the economic need of the client.

**WSR 84-16-039**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission of Vocational Rehabilitation)**

[Order 2128—Filed July 26, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 490-500-190 Economic need—Standards for determining.

Amd WAC 490-500-420 Vocation rehabilitation services—Maintenance.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to make vocational rehabilitation maintenance standards consistent with income assistance standards which went into effect on July 1.

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

This rule is promulgated pursuant to RCW 74.09.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.29 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 July 24, 1984.

By David A. Hogan, Director  
 Division of Administration and Personnel

**AMENDATORY SECTION** (Amending Order 2004, filed 8/23/83)

**WAC 490-500-190 ECONOMIC NEED—STANDARDS FOR DETERMINING.** (1) A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division when total obligations, debts, and expenses equals or exceeds income and nonexempt assets and resources. When income and nonexempt assets are greater than the value of obligations, debts, and expenses, the excess is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his or her entire family unit, including his or her dependents or, if the client is an unemancipated minor, his or her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section, wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions.

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis,

(c) Net profit from roomers or boarders,

(d) Net profit from property rentals,

(e) Net profit from farm products,

(f) Net profit from business enterprises,

(g) Scholarship or fellowship funds,

(h) Income from public or private welfare agencies,

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or his or her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his or her family as the principle place of residence or when it will be so occupied in the predictable future.

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his or her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his or her dependents by the Veterans' Administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if the equipment and/or machinery is being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent the livestock produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to the nonexempt assets fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses,

(b) Shelter and living expenses for the client's dependents,

(c) Payments which the client is required to make under court order,

(d) Outstanding taxes on earnings or personal or real property,

(e) Insurance premium payments,

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

(7) When maintenance is to be paid by the division of vocational rehabilitation to a client, the maintenance paid shall be in the amount the division has determined

to be necessary to maintain the client up to a maximum of ~~((two))~~ three hundred ~~((ninety-five))~~ four dollars.

**AMENDATORY SECTION** (Amending Order 2098, filed 5/2/84)

**WAC 490-500-420 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE.** (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services shall be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation ~~((process))~~ plan, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) The provision of maintenance services shall be conditioned on the economic need of the client.

#### WSR 84-16-040

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 84-86—Filed July 26, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 10D, 10F and 10G provide protection for Lake Washington sockeye and subsequent protection for sockeye while allowing harvest of surplus chinook. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 8 and the Skagit River below Baker River provide protection for adult summer/

fall chinook. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Area 13A and the Nooksack and White River and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook. Restrictions in the Dungeness, Elwha, Sekiu, Hoko, Clallam, Pysht and Lyre rivers, Deep and Salt creeks and Area 6D provide protection for local summer/fall chinook stocks.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 26, 1984.

By William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-28-412 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** *Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.*

*Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.*

*Areas 6B, 9 – Closed to all commercial fishing.*

*Area 6D – Closed to all commercial fishing.*

*Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.*

*Area 8 – Closed to all commercial fishing.*

*\*Skagit River – (1) Mouth to Baker River – Closed to all net gear except dip bag nets, and all chinook greater than 24 inches in length must be released when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.*

*\*Area 10C – Closed to all commercial fishing.*

*\*Area 10D – Effective through July 31, closed to all commercial fishing. Effective August 1, (1) gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open. (2) Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of*

*Lake Sammamish between the Sammamish River and Issaquah Creek.*

*\*Areas 10F and 10G – Effective through July 31, closed to all commercial fishing. Effective August 1, gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open.*

*Area 13A north of the point of land on the south entrance of Horsehead Bay to a marker on Longbranch Peninsula, and Minter Creek – Closed to all commercial fishing.*

*Nooksack River – Upstream of confluence, closed to all commercial fishing.*

*Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, Sekiu River, Hoko River, Clallam River, Pysht River, Lyre River, Salt Creek, and Deep Creek – Closed to all commercial fishing.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective immediately.*

**WAC 220-28-411 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-82)**

#### **WSR 84-16-041**

#### **ADOPTED RULES**

#### **CORRECTIONS STANDARDS BOARD**

[Order 84-01—Filed July 27, 1984]

Be it resolved by the Corrections Standards Board, acting at the Ginni Stevens Hearing Room, Snohomish County Administrative Building, 300 Rockefeller, Everett, WA, that it does adopt the annexed rules relating to maximum capacities, amending WAC 289-15-225.

This action is taken pursuant to Notice No. WSR 84-09-067 filed with the code reviser on April 18, 1984. 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 Corrections Standards Board as authorized in RCW 70.48.050 (1)(c).

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 July 27, 1984.

By Robert W. Cote  
Executive Secretary

AMENDATORY SECTION (Amending Order 34, filed 10/5/83)

WAC 289-15-225 MAXIMUM CAPACITIES. Pursuant to WAC 289-15-220, the maximum capacity of each detention and correctional facility within the state of Washington is established at the figure indicated below.

Detention Facilities	Correctional Facilities
Auburn (22)	Benton County ( <del>((33))</del> ) (109)
Bremerton (23)	Chelan County ( <del>((50))</del> ) (117)
Forks (11)	Clallam County (102)
Issaquah (6)	Clark County (141)
Olympia (temporary) (19)	Cowlitz County (91)
Richland (23)	Ferry County (22)
	Franklin County (76)
	Grant County (54)
	Grays Harbor County (54)
	Island County (29)
	Jefferson County (18)
	Kent (20)
	King County (1038)
	Kitsap County ( <del>((104))</del> ) (103)
	Kitsap County Work Release (42)
	Kittitas County (45)
	Klickitat County (36)
	Lewis County (62)
	Lincoln County (8)
	Mason County (34)
	Okanogan County ( <del>((52))</del> ) (67)
	Pacific County (14)
	Pend Oreille County (18)
	Pierce County (359)
	Skagit County ( <del>((36))</del> ) (83)
	Skamania County (17)
	Snohomish County (116)
	Snohomish County Work Release (60)
	Stevens County (22)
	Spokane County (352)
	Thurston County (94)
	Walla Walla County (44)
	Whatcom County (82)
	Whitman County ( <del>((24))</del> ) (34)
	Yakima County ( <del>((225))</del> ) (274)

## WSR 84-16-042

## ADOPTED RULES

## CORRECTIONS STANDARDS BOARD

[Order 84-02—Filed July 27, 1984]

Be it resolved by the Corrections Standards Board, acting at the Ginni Stevens Hearing Room, Snohomish County Administrative Building, 300 Rockefeller, Everett, WA, that it does adopt the annexed rules relating to use of force, amending WAC 289-15-130 and 289-15-230.

This action is taken pursuant to Notice No. WSR 84-09-066 filed with the code reviser on April 18, 1984. 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 Corrections Standards Board as authorized in RCW 70.48.050 (3)(c).

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 July 27, 1984.

By Robert W. Cote  
Executive SecretaryAMENDATORY SECTION (Amending Order 13, filed 3/24/81)

WAC 289-15-130 USE OF FORCE. (HOLDING FACILITIES.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

~~((2)) A record of the use of such force shall be made.~~

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) on the use of deadly force shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as

possible after the use of the carotid sleeper hold or the choke hold.

AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-15-230 USE OF FORCE. (DETENTION AND CORRECTIONAL FACILITY.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used. ((A record of the use of such force shall be made:))

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and that the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold.

WSR 84-16-043

PROPOSED RULES

## CORRECTIONS STANDARDS BOARD

[Filed July 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Corrections Standards Board intends to adopt, amend, or repeal rules concerning prisoner rules of conduct (holding facilities), amending WAC 289-19-110, and discipline (detention and correctional facilities), amending WAC 289-19-220;

that the agency will at 9:00 a.m., Friday, October 5, 1984, in the Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, 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 70.48.050 (1)(a) and 70.48.070.

The specific statute these rules are intended to implement is RCW 70.48.050 (1)(a) and 70.48.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1984.

Dated: July 27, 1984

By: Robert W. Cote  
Executive Secretary

## STATEMENT OF PURPOSE

Title: Amendments to WAC 289-19-110 Prisoner rules of conduct (holding facilities) and 289-19-220 Discipline (detention and correctional facilities).

Description of Purpose: The purposes of these amendments are to expand the time within which charges against jail inmates are to be acted upon, and to clarify the phrase "acted on."

Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070.

Summary of Rule: Charges against jail inmates are to be acted on within seventy-two hours (rather than forty-eight hours). Action in this context means either a disciplinary hearing or a decision to drop the charges.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Cote, Executive Secretary, Corrections Standards Board, 110 East 5th Avenue, Mailstop GB-12, Olympia, WA 98504, (206) 753-5790, scan 234-5790.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Amendments are proposed by the Corrections Standards Board.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 13, filed 3/24/81)

WAC 289-19-110 PRISONER RULES OF CONDUCT. (HOLDING FACILITIES.) (1) Rules established.

(a) The department of corrections or chief law enforcement officer shall establish uniform rules and disciplinary sanctions to guide the

conduct of all prisoners which rules shall designate major and minor infractions. (30 day, 72 hour)

(b) Appropriate rules relating to the imposition of discipline, if any, shall be established in writing. (6 hour)

(2) Prisoners informed.

(a) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the jail or conveyed orally to each prisoner. Reasonable efforts shall be made to inform non-English speaking prisoners. (30 day, 72 hour)

(b) Prisoners shall be informed of facility rules and sanctions, if any are established. (6 hour)

(3) Major infractions. If major infractions are handled within the facility, rather than as criminal proceedings, the following shall apply:

(a) All major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(b) Disciplinary committee.

(i) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of major violation of facility rules and impose sanctions. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. (30 day) WAC 289-19-110 (3)(b)(ii) ADVISORY. (Not applicable - 72 hour, 6 hour)

(iii) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Disciplinary procedures.

(i) Any charge pending against a prisoner shall be acted on as soon as possible and no later than ~~((forty-eight))~~ seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-110 (3)(a). If the prisoner is illiterate, the infraction report shall be read to him. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(A) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(B) The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(C) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;

(D) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(E) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) All disciplinary proceedings shall be recorded. (30 day) (Not applicable - 72 hour, 6 hour)

(v) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction. (30 day) (Not applicable - 72 hour, 6 hour)

(4) Minor infractions. Minor infractions may be handled by any staff person by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner.

(a) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees, shall hear and decide all charges of major violation of facility rules and impose sanctions.

(b) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-19-220 (1)(b) ADVISORY.

(c) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge.

(2) Disciplinary procedures.

(a) Any charges pending against a prisoner shall be acted on as soon as possible and no later than ~~((forty-eight))~~ seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing.

(b) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-210(3). If the prisoner is illiterate, the infraction report shall be read to him.

(c) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(i) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(ii) The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(iii) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;

(iv) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(v) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed rules.

(d) All disciplinary proceedings shall be recorded.

(e) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

(f) The above provisions do not preclude imposition of administrative segregation, according to procedures required by WAC 289-16-230(4), or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding: PROVIDED, That every such restriction shall be in accordance with the other provisions in these standards: PROVIDED FURTHER, That any such restrictions shall be based on legitimate grounds of institutional security or prisoner safety, and such action shall be noted in the prisoner's records.

(3) Corrective action or forms of discipline.

(a) Nonpunitive corrective action should be the first consideration in all disciplinary proceedings. WAC 289-19-220 (3)(a) ADVISORY.

(b) When punitive measures are imposed, such measures shall be in accordance with law, and recommended sanctions, appropriate to the severity of the infraction, and based on considerations of the individual involved.

(c) Acceptable forms of discipline shall include the following:

(i) Loss of privileges;

(ii) Removal from work detail or other assignment;

(iii) Recommendation of forfeiture of "good time" credit;

(iv) Transfer to the maximum security or segregation section.

(4) Limitations on punishment.

(a) No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.

(b) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

(c) Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts or the department of corrections or chief law enforcement officer be suspended.

(d) Restrictions on visitation.

#### AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-19-220 DISCIPLINE. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Disciplinary committee.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. WAC 289-19-220 (4)(d)(i) **ADVISORY.**

(ii) Under no circumstances shall attorney-client visits be restricted.

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer or his or her designee, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

**WSR 84-16-044**  
**PROPOSED RULES**  
**CORRECTIONS STANDARDS BOARD**  
[Filed July 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Corrections Standards Board intends to adopt, amend, or repeal rules concerning services (detention and correctional facilities), amending WAC 289-22-200;

that the agency will at 9:00 a.m., Friday, October 5, 1984, in the Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, 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 70.48.050 (1)(a) and 70.48.070.

The specific statute these rules are intended to implement is RCW 70.48.050 (1)(a) and 70.48.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1984.

Dated: July 27, 1984  
By: Robert W. Cote  
Executive Secretary

**STATEMENT OF PURPOSE**

Title: Services (detention and correctional facilities).

Description of Purpose: The purpose of this amendment to WAC 289-22-200 is to permit jail library services in consultation rather than conjunction with state and local library service.

Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070.

Summary of Rule: This amendment requires library services in local detention and correctional facilities, in consultation with state and local officials.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Cote, Executive Secretary, Corrections Standards Board, 110 East 5th Avenue, Mailstop GB-12, Olympia, WA 98504, (206) 753-5790, scan 234-5790.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Amendments are proposed by the Corrections Standards Board.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-22-200 SERVICES. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each detention and correctional facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at least once a week at local stores.

(b) Commissary items shall include books, periodicals, and newspapers, or the facility shall make arrangements to order any such items from publishers and/or local newsstands.

(c) Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

(d) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoners account shall be accurately recorded and received.

(2) Basic hair care. All jails shall make reasonable arrangements to provide basic hair care.

(3) Library services. In ((conjunction)) consultation with state and/or local library service units, each jail shall make provision for library services.

(4) Legal assistance.

(a) When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials.

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers.

(5) Religious services.

(a) Upon request from a prisoner, the jail facility shall arrange religious services or confidential religious consultation.

(b) Detention and correctional facilities with an average daily population of twenty-five or more shall arrange for weekly religious services.

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-22-200 (5)(c) **ADVISORY.**

(d) Attendance at religious services shall be voluntary, and prisoners who do not wish to hear or participate shall not be exposed to such services.

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in detention and correctional facilities with an opportunity to discuss their problems, interests, and program. WAC 289-22-200 (6)(a) **ADVISORY.**

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community. WAC 289-22-200 (6)(b) **ADVISORY.**

(c) Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling. WAC 289-22-200 (6)(c) **ADVISORY.**

(d) Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body. WAC 289-22-200 (6)(d) **ADVISORY.**

(e) Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

(f) Prisoners being discharged should receive assistance in obtaining employment, housing, acceptable clothing, and transportation. WAC 289-22-200 (6)(f) **ADVISORY.**

**WSR 84-16-045**  
**PROPOSED RULES**  
**CORRECTIONS STANDARDS BOARD**  
[Filed July 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Corrections Standards Board intends to adopt, amend, or repeal rules concerning fire prevention and suppression (detention and correctional facilities), amending WAC 289-15-210;

that the agency will at 9:00 a.m., Friday, October 5, 1984, in the Cavanaugh's River Inn, North 700 Division, Spokane, WA 99202, 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 70.48.050 (1)(a) and 70.48.070.

The specific statute these rules are intended to implement is RCW 70.48.050 (1)(a) and 70.48.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1984.

Dated: July 27, 1984

By: Robert W. Cote  
Executive Secretary

### STATEMENT OF PURPOSE

Title: Amendment to WAC 289-15-210 Fire prevention and suppression (detention and correctional facilities).

Description of Purpose: The purpose of WAC 289-15-210 is to require a written fire prevention and suppression plan in local detention and correctional facilities. The purpose of this amendment is to permit fire inspection by a qualified inspector when an inspection by the fire department having jurisdiction cannot be obtained.

Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070.

Summary of Rule: This amendment permits semi-annual fire inspections in local detention and correctional facilities by a qualified inspector when such inspection cannot be obtained from the fire department having jurisdiction.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Cote, Executive Secretary, Corrections Standards Board, 110 East 5th Avenue, Mailstop GB-12, Olympia, WA 98504, (206) 753-5790, scan 234-5790.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Amendments are proposed by the Corrections Standards Board.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None.

### AMENDATORY SECTION (Amending Order 10, filed 3/18/81)

WAC 289-15-210 FIRE PREVENTION AND SUPPRESSION. (DETENTION AND CORRECTIONAL FACILITIES.) (1) The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:

(a) A fire prevention plan to be part of the operations manual of policies and procedures;

(b) A requirement that staff are alert to fire hazards during their daily rounds.

(c) Fire prevention inspections at least semi-annually by the fire department having jurisdiction; provided, that when such inspections cannot be obtained from such fire department the facility shall provide such inspections by an independent, qualified source.

(d) Recommendations resulting from inspections should be promptly implemented WAC 289-15-210 (1)(d) ADVISORY; and

(e) A regular schedule for inspections, testing and servicing fire suppression equipment.

(2) Results of all fire department inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports.

### WSR 84-16-046

#### PROPOSED RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Filed July 27, 1984]

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 insurance, WAC 480-12-350. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1804. 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 July 26, 1984, General Order No. R-217, and filed with the code reviser's office on the same date;

that the agency will at 9:00, Wednesday, September 5, 1984, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is RCW 81.80.130 and 81.80.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 31, 1984.

Dated: July 26, 1984

By: Barry M. Mar  
Secretary

### STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-350 relating to insurance.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.130 and 81.80.190 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 reflect the deferral by the federal Department of Transportation of previously adopted standards from July 1, 1984, to January 1, 1985.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of the staff were

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

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

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 81.80-.130 and 81.80.190.

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. The effect on small businesses will be to reduce paperwork compared to having two standards to comply with.

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-207, Cause No. TV-1711, filed 9/7/83)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80-.010 used or to be used under the permit granted, in the amount shown on the following table:

Commodity Transported	July 1, 1983	<del>((July 1, 1984))</del>
		January 1, 1985
(1) Property (nonhazardous) . . . . .	\$ 500,000	\$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," (Form E) filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: PROVIDED, The requirements set forth above are in effect.

WSR 84-16-047

EMERGENCY RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-217, Cause No. TV-1804—Filed July 27, 1984]

In the matter of amending WAC 480-12-350 relating to insurance.

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 that the commission had previously adopted certain insurance standards which were consistent with federal Department of Transportation standards. The DOT recently deferred certain previously adopted standards from July 1, 1984, to January 1, 1985. To avoid confusion and promote consistency, an emergency rule-making is necessary to reflect the same deferral in state rules.

This rule amendment is being promulgated pursuant to RCW 80.01.040, 81.80.130 and 81.80.190.

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 to WAC 480-12-350 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-350 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-350 as amended, will defer to January 1, 1985, the changes in insurance coverage previously called for on July 1, 1984.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-350 as set forth in Appendix A, be amended, 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 26th day of July, 1984.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Chairman  
Mary D. Hall, Commissioner

APPENDIX "A"

WSR 84-16-048  
 PROPOSED RULES  
 ENERGY FACILITY SITE  
 EVALUATION COUNCIL  
 [Filed July 27, 1984]

AMENDATORY SECTION (Amending Order R-207, Cause No. TV-1711, filed 9/7/83)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount shown on the following table:

Commodity Transported	July 1, 1983	<del>((July 1, 1984))</del>	January 1,
<u>1985</u>			
(1) Property (nonhazardous) . . . . .	\$ 500,000	\$ 750,000	
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas, or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000	
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000	
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000	

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," (Form E) filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: PROVIDED, The requirements set forth above are in effect.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning adoption of rules regarding the State Environmental Policy Act, new chapter 463-47 WAC and repealing chapter 463-46 WAC, as shown below:

New	WAC 463-47-010	Authority.
New	WAC 463-47-020	Adoption by reference.
New	WAC 463-47-030	Purpose.
New	WAC 463-47-040	Additional definitions.
New	WAC 463-47-050	Designation of decisionmaker.
New	WAC 463-47-051	Designation of responsible official.
New	WAC 463-47-060	Additional timing consideration.
New	WAC 463-47-070	Threshold determination process—Additional considerations.
New	WAC 463-47-080	Mitigated DNS.
New	WAC 463-47-090	EIS preparation.
New	WAC 463-47-100	Public notice requirements.
New	WAC 463-47-110	Policies and procedures for conditioning or denying permits or other approvals.
New	WAC 463-47-120	Environmentally sensitive areas.
New	WAC 463-47-130	Threshold levels adopted by cities/counties.
New	WAC 463-47-140	Responsibilities of the council.
New	WAC 463-47-150	Coordination on combined council—Federal action.
New	WAC 463-47-190	Severability.
Rep	WAC 463-46-010	Authority.
Rep	WAC 463-46-020	Purpose.
Rep	WAC 463-46-025	Scope and coverage of this chapter.
Rep	WAC 463-46-040	Definitions.
Rep	WAC 463-46-050	Use of the environmental checklist form.
Rep	WAC 463-46-055	Timing of the EIS process.
Rep	WAC 463-46-060	Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation.
Rep	WAC 463-46-100	Summary of information which may be required of a private applicant.
Rep	WAC 463-46-150	Exemptions exclusive—DOE approval of changes in exemptions.
Rep	WAC 463-46-160	No presumption of significance for non-exempt actions.
Rep	WAC 463-46-170	Categorical exemptions.
Rep	WAC 463-46-175	Exemptions and nonexemptions applicable to specific state agencies.
Rep	WAC 463-46-177	Environmentally sensitive areas.
Rep	WAC 463-46-180	Exemption for emergency actions.
Rep	WAC 463-46-190	Use and effect of categorical exemptions.
Rep	WAC 463-46-200	Lead agency—Responsibilities.
Rep	WAC 463-46-203	Determination of lead agency—Procedures.
Rep	WAC 463-46-205	Lead agency designation—Governmental proposals.
Rep	WAC 463-46-210	Lead agency designation—Proposals involving both private and public construction activity.
Rep	WAC 463-46-215	Lead agency designation—Private projects for which there is only one agency with jurisdiction.
Rep	WAC 463-46-220	Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
Rep	WAC 463-46-225	Lead agency designation—Private projects requiring licenses from more than one state agency.

- Rep WAC 463-46-230 Lead agency designation—Specific proposals.
- Rep WAC 463-46-240 Agreements as to lead agency status.
- Rep WAC 463-46-245 Agreements between agencies as to division of lead agency duties.
- Rep WAC 463-46-260 Dispute as to lead agency determination—Resolution by DOE.
- Rep WAC 463-46-270 Assumption of lead agency status by another agency with jurisdiction.
- Rep WAC 463-46-300 Threshold determination requirement.
- Rep WAC 463-46-305 Recommended timing for threshold determination.
- Rep WAC 463-46-310 Threshold determination procedures—Environmental checklist.
- Rep WAC 463-46-320 Threshold determination procedures—Initial review of environmental checklist.
- Rep WAC 463-46-330 Threshold determination procedures—Information in addition to checklist.
- Rep WAC 463-46-340 Threshold determination procedures—Negative declarations.
- Rep WAC 463-46-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice.
- Rep WAC 463-46-350 Affirmative threshold determination.
- Rep WAC 463-46-355 Form of declaration of significance/nonsignificance.
- Rep WAC 463-46-360 Threshold determination criteria—Application of environmental checklist.
- Rep WAC 463-46-365 Environmental checklist.
- Rep WAC 463-46-370 Withdrawal of affirmative threshold determination.
- Rep WAC 463-46-375 Withdrawal of negative threshold determination.
- Rep WAC 463-46-390 Effect of threshold determination by lead agency.
- Rep WAC 463-46-400 Duty to begin preparation of a draft EIS.
- Rep WAC 463-46-405 Purpose and function of a draft EIS.
- Rep WAC 463-46-410 Predraft consultation procedures.
- Rep WAC 463-46-420 Preparation of EIS by persons outside the lead agency.
- Rep WAC 463-46-425 Organization and style of a draft EIS.
- Rep WAC 463-46-440 Contents of a draft EIS.
- Rep WAC 463-46-442 Special considerations regarding contents of an EIS on a nonproject action.
- Rep WAC 463-46-444 List of elements of the environment.
- Rep WAC 463-46-450 Public awareness of availability of draft EIS.
- Rep WAC 463-46-455 Circulation of the draft EIS—Review period.
- Rep WAC 463-46-460 Specific agencies to which draft EIS shall be sent.
- Rep WAC 463-46-465 Agencies possessing environmental expertise.
- Rep WAC 463-46-470 Cost to the public for reproduction of environmental documents.
- Rep WAC 463-46-480 Public hearing on a proposal—When required.
- Rep WAC 463-46-485 Notice of public hearing on environmental impact of the proposal.
- Rep WAC 463-46-490 Public hearing on the proposal—Use of environmental documents.
- Rep WAC 463-46-495 Preparation of amended or new draft EIS.
- Rep WAC 463-46-500 Responsibilities of consulted agencies—Local agencies.
- Rep WAC 463-46-510 Responsibilities of consulted agencies—State agencies with jurisdiction.
- Rep WAC 463-46-520 Responsibilities of consulted agencies—State agencies with environmental expertise.
- Rep WAC 463-46-530 Responsibilities of consulted agencies—When predraft consultation has occurred.
- Rep WAC 463-46-535 Cost of performance of consulted agency.
- Rep WAC 463-46-540 Limitations on responses to consultation.
- Rep WAC 463-46-545 Effect of no written comment.
- Rep WAC 463-46-550 Preparation of the final EIS—Time period allowed.
- Rep WAC 463-46-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS.
- Rep WAC 463-46-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS.
- Rep WAC 463-46-600 Circulation of the final EIS.
- Rep WAC 463-46-650 Effect of an adequate final EIS prepared pursuant to NEPA.
- Rep WAC 463-46-652 Supplementation by a lead agency of an inadequate final NEPA EIS.
- Rep WAC 463-46-660 Use of previously prepared EIS for a different proposed action.
- Rep WAC 463-46-690 Use of lead agency's EIS by other acting agencies for the same proposal.
- Rep WAC 463-46-695 Draft and final supplements to a revised EIS.
- Rep WAC 463-46-700 No action for seven days after publication of the final EIS.
- Rep WAC 463-46-830 Responsibility of agencies—SEPA public information center.
- Rep WAC 463-46-840 Application of agency guidelines to ongoing actions.
- Rep WAC 463-46-910 Severability;

that the agency will at 1:30 p.m., Monday, September 10, 1984, in the EFSEC Hearing Room, 4224 6th Avenue, Lacey, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.50.040(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

Dated: July 26, 1984

By: Bill Fitch

Executive Secretary

#### STATEMENT OF PURPOSE

Rule Title and Purpose: Adopt the SEPA rules shown above.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: Adoption by reference appropriate sections and subsections of chapter 197-11 WAC and proposing new chapter 463-47 WAC to implement the revised State Environmental Policy Act guidelines which apply to EFSEC. Council is also proposing to repeal entire chapter 463-46 WAC.

Agency Responsible for Drafting: Executive Committee, Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; and Enforcing: Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Site Evaluation Council.

Agency Comments, if any: None.

**NEW SECTION**

WAC 463-47-010 **AUTHORITY.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

**NEW SECTION**

WAC 463-47-020 **ADOPTION BY REFERENCE.** The Energy Facility Site Evaluation Council adopts the following sections or subsections of chapter 197-11 WAC by reference.

197-11-040 Definitions.  
 197-11-050 Lead agency.  
 197-11-055 Timing of the SEPA process.  
 197-11-060 Content of environmental review.  
 197-11-070 Limitations on actions during SEPA process.  
 197-11-080 Incomplete or unavailable information.  
 197-11-090 Supporting documents.  
 197-11-100 Information required of applicants.  
 197-11-300 Purpose of this part.  
 197-11-305 Categorical exemptions.  
 197-11-310 Threshold determination required.  
 197-11-315 Environmental checklist.  
 197-11-330 Threshold determination process.  
 197-11-335 Additional information.  
 197-11-340 Determination of nonsignificance (DNS).  
 197-11-350 Mitigated DNS.  
 197-11-360 Determination of significance (DS)/initiation of scoping.  
 197-11-390 Effect of threshold determination.  
 197-11-400 Purpose of EIS.  
 197-11-402 General requirements.  
 197-11-405 EIS types.  
 197-11-406 EIS timing.  
 197-11-408 Scoping.  
 197-11-410 Expanded scoping. (Optional)  
 197-11-420 EIS preparation.  
 197-11-425 Style and size.  
 197-11-430 Format.  
 197-11-435 Cover letter or memo.  
 197-11-440 EIS contents.  
 197-11-442 Contents of EIS on nonproject proposals.  
 197-11-443 EIS contents when prior nonproject EIS.  
 197-11-444 Elements of the environment.  
 197-11-448 Relationship of EIS to other considerations.  
 197-11-450 Cost-benefit analysis.  
 197-11-455 Issuance of DEIS.  
 197-11-460 Issuance of FEIS.  
 197-11-500 Purpose of this Part.  
 197-11-502 Inviting comment.  
 197-11-504 Availability and cost of environmental documents.  
 197-11-508 SEPA register.  
 197-11-510 Public notice.  
 197-11-535 Public hearings and meetings.  
 197-11-545 Effect of no comment.  
 197-11-550 Specificity of comments.  
 197-11-560 FEIS response to comments.  
 197-11-570 Consulted agency costs to assist lead agency.  
 197-11-600 When to use existing environmental documents.  
 197-11-610 Use of NEPA documents.  
 197-11-620 Supplemental environmental impact statement—Procedures  
 197-11-625 Addenda—Procedures.  
 197-11-630 Adoption—Procedures.  
 197-11-635 Incorporation by reference—Procedures.  
 197-11-640 Combining documents.  
 197-11-650 Purpose of this Part.  
 197-11-655 Implementation.  
 197-11-660 Substantive authority and mitigation.  
 197-11-680 Appeals.  
 197-11-700 Definitions.  
 197-11-702 Act.  
 197-11-704 Action.  
 197-11-706 Addendum.  
 197-11-708 Adoption.  
 197-11-710 Affected tribe.  
 197-11-712 Affecting.  
 197-11-714 Agency.  
 197-11-716 Applicant.  
 197-11-718 Built environment.  
 197-11-720 Categorical exemption.  
 197-11-722 Consolidated appeal.  
 197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decisionmaker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).

197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 197-11-748 Environmentally sensitive area.  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
 197-11-776 Phased review.  
 197-11-778 Preparation.  
 197-11-780 Private project.  
 197-11-782 Probable.  
 197-11-784 Proposal.  
 197-11-786 Reasonable alternative.  
 197-11-788 Responsible official.  
 197-11-790 SEPA.  
 197-11-792 Scope.  
 197-11-793 Scoping.  
 197-11-794 Significant.  
 197-11-796 State agency.  
 197-11-797 Threshold determination.  
 197-11-799 Underlying governmental action.  
 197-11-800 Categorical exemptions.  
 197-11-880 Emergencies.  
 197-11-890 Petitioning DOE to change exemptions.  
 197-11-900 Purpose of this part.  
 197-11-902 Agency SEPA policies.  
 197-11-904 Agency SEPA procedures.  
 197-11-906 Content and consistency of agency procedures.  
 197-11-910 Designation of responsible official.  
 197-11-912 Procedures on consulted agencies.  
 197-11-914 SEPA fees and costs.  
 197-11-916 Application to ongoing actions.  
 197-11-917 Relationship to chapter 197-10 WAC.  
 197-11-918 Lack of agency procedures.  
 197-11-920 Agencies with environmental expertise.  
 197-11-922 Lead agency rules.  
 197-11-924 Determining the lead agency.  
 197-11-926 Lead agency for governmental proposals.  
 197-11-928 Lead agency for public and private proposals.  
 197-11-930 Lead agency for private projects with one agency with jurisdiction.  
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.  
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.  
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.  
 197-11-938 Lead agencies for specific proposals.  
 197-11-940 Transfer of lead agency status to a state agency.  
 197-11-942 Agreements on lead agency status.  
 197-11-944 Agreements on division of lead agency duties.  
 197-11-946 DOE resolution of lead agency disputes.  
 197-11-948 Assumption of lead agency status.  
 197-11-950 Severability.  
 197-11-955 Effective date.  
 197-11-960 Environmental checklist.  
 197-11-965 Adoption notice.  
 197-11-970 Determination of nonsignificance (DNS).  
 197-11-980 Determination of significance and scoping notice (DS).  
 197-11-985 Notice of assumption of lead agency status.  
 197-11-990 Notice of action.

**NEW SECTION**

WAC 463-47-030 **PURPOSE.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the Energy Facility Site Evaluation Council.

**NEW SECTION**

WAC 463-47-040 **ADDITIONAL DEFINITIONS.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Office" means the offices of the Energy Facility Site Evaluation Council.

- (2) "Agency" should be read as synonymous of Council.  
 (3) "Council" means the Energy Facility Site Evaluation Council.  
 (4) "Final decision" means the recommendation to the Governor required under RCW 80.50.100.

**NEW SECTION**

WAC 463-47-050 DESIGNATION OF DECISIONMAKER. Within the Energy Facility Site Evaluation Council the decisionmaker is the Council.

**NEW SECTION**

WAC 463-47-051 DESIGNATION OF RESPONSIBLE OFFICIAL. Within the Energy Facility Site Evaluation Council the responsible official is the Executive Secretary.

**NEW SECTION**

WAC 463-47-060 ADDITIONAL TIMING CONSIDERATIONS. (1) The Council will determine when it receives an application whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the Council will request the applicant to complete an environmental checklist. A checklist is not needed if the Council and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application. The applicant should also complete an environmental checklist if the Council is unsure whether the proposal is exempt.

(2) The Council when it receives an application and environmental checklist will determine whether the Council or another agency is SEPA lead agency (see WAC 197-11-050 and 197-11-922 through 197-11-940) within five working days. If the Council is not the lead agency, the Council shall send the completed environmental checklist, a copy of the permit application, to the lead agency, and an explanation of the determination to the identified lead agency.

(3) The Council may initiate a contested case hearing required by RCW 80.50.100 prior to completion of the draft EIS. The Council shall initiate and conclude a contested case hearing required by RCW 80.50.100 prior to issuance of the final EIS.

**NEW SECTION**

WAC 463-47-070 THRESHOLD DETERMINATION PROCESS—ADDITIONAL CONSIDERATIONS. When reviewing a completed environmental checklist to make the threshold determination, the Council will:

- (1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.
- (2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant.

**NEW SECTION**

WAC 463-47-080 MITIGATED DNS. (1) An applicant may ask the Council whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
  - (b) Follow submission of an application and environmental checklist for a nonexempt proposal for which the Council is lead agency; and
  - (c) Precede the Council's actual threshold determination for the proposal.
- (2) The Council shall respond to the request within ten working days of receipt of the letter; the response shall:
- (a) Be written;
  - (b) State whether the Council is considering issuance of a DS;
  - (c) Indicate the general or specific area(s) of concern that led the Council to consider a DS; and
  - (d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The Council shall not continue with the threshold determination until after receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the Council will make its threshold determination based on the changed or clarified proposal.

(a) If the Council's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the Council shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If the Council indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the Council shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The Council may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the Council shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the Council may require the applicant to submit a new checklist.

(7) The Council may change or clarify features of its own proposals before making the threshold determination.

(8) The Council's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the Council to consider the clarifications or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the Council's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

**NEW SECTION**

WAC 463-47-090 EIS PREPARATION. (1) Preparation of draft and final EISs and SEISs is the responsibility of the application review committee or its successor. Before the Council issues an EIS, the responsible official shall be satisfied that it complies with these rules and chapter 197-11 WAC.

(2) The Council normally will prepare its own draft and final EISs. It may require an applicant to provide information that the Council does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under these rules.

(3) If the Council would be unable to prepare a draft and/or final EIS due to its commitments or other constraints or when a local agency transfers lead agency status to the Council under WAC 197-11-940, the Council may allow an applicant the following option for preparation of the draft and/or final EIS for the applicant's proposal:

(a) The Council retains a mutually agreed upon and independent outside party to prepare the document.

(b) The applicant and the Council agree upon a method of funding in which the applicant will bear the expense of the EIS preparation, but the consultant will work directly for the Council.

(c) The outside party will prepare the document under the supervision of the application review committee, or its successor, and the responsible official.

(d) Normally, the Council will have the documents printed and distributed.

(4) Whenever someone other than the Council prepares a draft or final EIS, the Council shall:

(a) Direct the areas of research and examination to be undertaken and the content and organization of the document.

(b) Initiate and coordinate scoping, ensuring that the individual preparing the EIS receives all substantive information submitted by any agency or person.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the EIS.

(d) Allow the person preparing the EIS access to Council records relating to the EIS (under chapter 42.17 RCW—Public disclosure and public records law).

#### NEW SECTION

**WAC 463-47-100 PUBLIC NOTICE REQUIREMENTS.** (1) The Council shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 173-802-090, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the Council shall integrate the public notice required under this section with existing notice procedures for the Council's review of an application.

(a) When more than one permit required from the Council has public notice requirements, the notice procedures that would reach the widest audience should be used, if possible.

(b) If the public notice requirements for the permit or certification must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the Council must use one or more public notice methods in subsection (4) of this section.

(c) If there are no public notice requirements for any of the permits required for a proposal, the Council must use one or more public notice methods in subsection (4) of this section.

(3) The Council may require an applicant to perform the public notice requirement at his or her expense.

(4) The Council shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or certification required from the Council and, public interest expressed in the proposal:

(a) Mailing to persons or groups who have expressed interest in the proposal, that type of proposal, or proposals in the geographic area in which the proposal will be located, constructed and operated if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be located, constructed and operated; and/or

(c) Posting the property, for site specific proposals.

#### NEW SECTION

**WAC 463-47-110 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS.** (1)(a) The overriding policy of the Council is to avoid or mitigate adverse environmental impacts which may result from the Council's decisions.

(b) The Council shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Council recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(d) The Council shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2)(a) When the environmental document for a proposal shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the Council shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The Council may:

(i) Condition the approval or recommendation for approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Reject or recommend rejection of the application if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning, denying or recommending permits or rejection of applications.

#### NEW SECTION

**WAC 463-47-120 ENVIRONMENTALLY SENSITIVE AREAS.** In determining whether a proposal is exempt from SEPA, the Council shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

#### NEW SECTION

**WAC 463-47-130 THRESHOLD LEVELS ADOPTED BY CITIES/COUNTIES.** In determining whether a proposal is exempt from SEPA, the Council shall inquire of the threshold levels adopted by cities/counties under WAC 197-11-800(1).

#### NEW SECTION

**WAC 463-47-140 RESPONSIBILITIES OF THE COUNCIL.** The Council shall be responsible for the following:

(1) Coordinating activities to comply with SEPA and encouraging consistency in SEPA compliance.

(2) Providing information and guidance on SEPA and the SEPA rules to Council staff, groups, and citizens.

(3) Reviewing SEPA documents falling under Council interests and providing the department of ecology with comments.

(4) Maintaining the files for EISs, DNSs, and scoping notices, and related SEPA matters.

(5) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with interested agencies.

(6) Publishing and distributing its SEPA rules and amending its SEPA rules, as necessary.

(7) Fulfilling the Council's other general responsibilities under SEPA and the SEPA rules.

#### NEW SECTION

**WAC 463-47-150 COORDINATION ON COMBINED COUNCIL—FEDERAL ACTION.** When the Council is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal.

#### NEW SECTION

**WAC 463-47-190 SEVERABILITY.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 463-46-010 AUTHORITY.
- WAC 463-46-020 PURPOSE.
- WAC 463-46-025 SCOPE AND COVERAGE OF THIS CHAPTER.
- WAC 463-46-040 DEFINITIONS.
- WAC 463-46-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM.
- WAC 463-46-055 TIMING OF THE EIS PROCESS.

- WAC 463-46-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION.
- WAC 463-46-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.
- WAC 463-46-150 EXEMPTIONS EXCLUSIVE—DOE APPROVAL OF CHANGES IN EXEMPTIONS.
- WAC 463-46-160 NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS.
- WAC 463-46-170 CATEGORICAL EXEMPTIONS.
- WAC 463-46-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.
- WAC 463-46-177 ENVIRONMENTALLY SENSITIVE AREAS.
- WAC 463-46-180 EXEMPTION FOR EMERGENCY ACTIONS.
- WAC 463-46-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS.
- WAC 463-46-200 LEAD AGENCY—RESPONSIBILITIES.
- WAC 463-46-203 DETERMINATION OF LEAD AGENCY—PROCEDURES.
- WAC 463-46-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS.
- WAC 463-46-210 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.
- WAC 463-46-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.
- WAC 463-46-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.
- WAC 463-46-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.
- WAC 463-46-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.
- WAC 463-46-240 AGREEMENTS AS TO LEAD AGENCY STATUS.
- WAC 463-46-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.
- WAC 463-46-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY DOE.
- WAC 463-46-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION.
- WAC 463-46-300 THRESHOLD DETERMINATION REQUIREMENT.
- WAC 463-46-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION.
- WAC 463-46-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST.
- WAC 463-46-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.
- WAC 463-46-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.
- WAC 463-46-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.
- WAC 463-46-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.
- WAC 463-46-350 AFFIRMATIVE THRESHOLD DETERMINATION.
- WAC 463-46-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE.
- WAC 463-46-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.
- WAC 463-46-365 ENVIRONMENTAL CHECKLIST.
- WAC 463-46-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.
- WAC 463-46-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.
- WAC 463-46-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY.
- WAC 463-46-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.
- WAC 463-46-405 PURPOSE AND FUNCTION OF A DRAFT EIS.
- WAC 463-46-410 PREDRAFT CONSULTATION PROCEDURES.
- WAC 463-46-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.
- WAC 463-46-425 ORGANIZATION AND STYLE OF A DRAFT EIS.
- WAC 463-46-440 CONTENTS OF A DRAFT EIS.
- WAC 463-46-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.
- WAC 463-46-444 LIST OF ELEMENTS OF THE ENVIRONMENT.
- WAC 463-46-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.
- WAC 463-46-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD.
- WAC 463-46-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.
- WAC 463-46-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.
- WAC 463-46-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.
- WAC 463-46-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.
- WAC 463-46-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.
- WAC 463-46-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.
- WAC 463-46-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.
- WAC 463-46-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES.
- WAC 463-46-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION.
- WAC 463-46-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE.
- WAC 463-46-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED.
- WAC 463-46-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.
- WAC 463-46-540 LIMITATIONS ON RESPONSES TO CONSULTATION.
- WAC 463-46-545 EFFECT OF NO WRITTEN COMMENT.
- WAC 463-46-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED.
- WAC 463-46-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- WAC 463-46-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.
- WAC 463-46-600 CIRCULATION OF THE FINAL EIS.
- WAC 463-46-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.
- WAC 463-46-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS.
- WAC 463-46-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.
- WAC 463-46-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL.
- WAC 463-46-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.
- WAC 463-46-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS.
- WAC 463-46-830 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION CENTER.
- WAC 463-46-840 APPLICATION OF AGENCY GUIDELINES TO ONGOING ACTIONS.
- WAC 463-46-910 SEVERABILITY.

**WSR 84-16-049**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
 [Filed July 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning conversion plans mandated by chapter 190, Laws of 1984, and their minimum standards and benefits, which must be provided by insurers, health care service contractors and health maintenance organizations, creating new chapter 284-52 WAC, and amending WAC 284-44-040(9);

that the agency will at 10:00 a.m., Thursday, September 6, 1984, in the Public Lands Building, First Floor, Room 2, 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 September 19, 1984, at 10:00 a.m. in the Insurance Commissioner's Office.

The authority under which these rules are proposed is RCW 48.02.060 and 48.44.050.

The specific statute these rules are intended to implement is sections 4, 7 and 10, chapter 190, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1984.

Dated: July 27, 1984  
 By: Robert E. Johnson  
 Deputy Commissioner

#### STATEMENT OF PURPOSE

Title: Chapter 284-52 WAC, Conversion regulation, proposing new rules to establish minimum benefit standards and specific standards for conversion agreement provisions to effectuate the provisions of chapter 190, Laws of 1984, and amending WAC 284-44-040(9).

The specific statutory authority for the proposed rules is sections 4, 7 and 10, chapter 190, Laws of 1984.

With respect to policies and contracts issued, renewed or amended on or after January 1, 1984, the law will require insurers, health care service contractors and health maintenance organizations, which provide group hospital or medical benefit plans, to provide conversion policies or contracts to persons who become ineligible for the group plan. By these rules, the commissioner establishes minimum benefits and standards for conversion agreements, as required by the law.

Proposed WAC 284-52-020 provides general standards which must be met by the conversion plans, including those pertaining to denials and continuation of coverage, terms of renewability and nonduplication of coverage.

Proposed WAC 284-52-030 provides general standards pertaining to definitions of terms, formats and contract provisions.

Proposed WAC 284-52-040 establishes the minimum benefits for a basic medical plan, WAC 284-52-050 for a major medical plan, and WAC 284-52-060 for a comprehensive medical plan.

Proposed WAC 284-52-070 sets forth standards pertaining to exclusions of coverage.

WAC 284-44-040(9) is amended so that health care service contractors may deal with nonduplication of coverage consistent with the new chapter.

In meeting the mandate of the legislature, the commissioner has attempted to provide standards that will result in realistic benefit plans consistent with the intent of the law.

A. G. Vande Wiele, Deputy Insurance Commissioner, (206) 753-7381, was primarily responsible for drafting the rules and will be responsible for the implementation and enforcement of the proposed rules with respect to health care service contractors and health maintenance organizations. Don Starovasnik, Actuary, (206) 753-7305, will be responsible for the implementation and enforcement of the proposed rules with respect to insurance companies. Both deputies are under the supervision of David Rodgers, Chief Deputy, (206) 753-7302, all of whom have their offices in the Insurance Building, AQ-21, Olympia, Washington 98504.

The proposed rules are mandated by the legislature and the form and contents of the rules are proposed by the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: The law which these proposed rules effectuate will have an economic impact on all insurers, health care service contractors and health maintenance organizations which, on and after January 1, 1985, issue, renew or amend contracts providing group hospital or medical benefits. Such carriers will have to provide the plans required by the law, the specific standards for which are set forth in the proposed rules. Insurers and health care service contractors will have to provide a "major medical plan" with a \$5,000 deductible and a lifetime benefit maximum of \$250,000, a "comprehensive medical plan" with a \$500 deductible and a lifetime benefit maximum of \$500,000, and a "basic medical plan" with a \$1,000 deductible and a lifetime benefit maximum of \$75,000. A health maintenance organization will be required to provide only one plan, which the proposed rules establish to be the "comprehensive plan" required of other carriers. In complying with the law and these rules, each affected carrier will have initial expenses incurred in preparing and printing the necessary contract forms, in pricing the product for rate purposes and in preparing for the administration of the plans. A "smaller" business (when measured by number of employees, as required by the Regulatory Fairness Act) may have a larger expense because it may have to hire outside experts to perform some of the work which a "larger" insurer could do routinely. Such expenses could constitute a higher percentage of a "small" insurer's cost per \$100 of sales (when measured by premium volume), although such preliminary costs will be amortized over a period of time and will be relatively insignificant in the overall operation of a carrier. The rules do not impose costs measurable on a "cost per employee" or a "cost per hour of labor" basis. The law which the proposed rules effectuate will put carriers at

risk in amounts up to \$500,000 per covered person, depending on the plan selected by the individual to be insured. Thus, there is potentially very serious economic impact, which will have to be met by the respective carriers through appropriate stop-loss reinsurance and reserves. Because stop-loss reinsurance is sold for a premium which includes a margin for profits and contingencies, those carriers with smaller financial resources (which may or may not be those with 50 or fewer employees) will be penalized when compared to those carriers which are able to avoid or reduce such expenses. There are too many variable factors pertaining to the carriers affected by the proposed rules to permit valid dollar-amount comparisons between a "small business" and the 10% of the largest businesses required to comply with the rules. It should be noted, in any event, that there is probably no "small business," as defined, pursuant to RCW 19.85.020(1) by RCW 43.31.920, which will be affected by the rules, either because they have more than 50 employees or because they were not "formed for the purpose of making a profit."

Chapter 284-52 WAC  
CONVERSION REGULATION

WAC

284-52-010	Purpose.
284-52-020	Mandated conversion plans minimum standards.
284-52-030	Other provisions applicable to mandated conversion plans.
284-52-040	Basic medical plan.
284-52-050	Major medical plan.
284-52-060	Comprehensive medical plan.
284-52-070	Exclusions.

NEW SECTION

WAC 284-52-010 PURPOSE. (1) The purpose of this chapter is to establish rules pertaining to mandated conversion plans, and their specific standards and minimum benefits, to effectuate the provisions of RCW 48.21.\_\_\_\_, 48.21.\_\_\_\_, 48.44.\_\_\_\_, 48.44.\_\_\_\_, 48.46.\_\_\_\_, and 48.46.\_\_\_\_ (sections 3, 4, 6, 7, 9 and 10, chapter 190, Laws of 1984).

(2) Other conversion plans in addition to those required by this chapter may also be offered.

NEW SECTION

WAC 284-52-020 MANDATED CONVERSION PLANS MINIMUM STANDARDS. (1) Every insurer and every health care service contractor which issues group hospital or medical benefit plans shall make available three conversion benefit plans which meet the requirements of WAC 284-52-040, 284-52-050, and 284-52-060, and every health maintenance organization which issues group hospital or medical benefit plans shall make available a conversion benefit plan which meets the requirements of WAC 284-52-060.

(2) Chapter 190, Laws of 1984, permits a denial of conversion coverage "to a person who is covered under another group plan, policy, contract, or agreement providing benefits for hospital or medical care." For such denial provision to apply, such other coverage must not contain operable exclusions for preexisting conditions or waiting periods greater than those remaining under the terminated plan.

(3) Such conversion benefit plans:

(a) May provide that their benefits will be excess to any group hospital or medical plan, governmental program, or automobile medical, automobile no-fault, automobile uninsured and/or underinsured motorist or similar coverage issued to or on behalf of the covered person.

(b) Shall provide that deductible amounts will be determined on a calendar year basis.

(c) Shall provide that when no benefits have been paid or provided during a calendar year, expenses incurred or the cost of services rendered and applied toward the annual deductible amount during the last three months of such calendar year shall be applied toward the deductible amount in the ensuing calendar year.

(d) May be rated based upon attained age.

(e) May require evidence of insurability for newly acquired dependents except that newborn infants shall be covered from the moment of birth without evidence of insurability provided application therefor and payment of applicable rates, if any, are made within sixty days of birth.

(f) Shall permit the covered person to pay the premium monthly.

(g) Shall provide that an insured, subscriber or enrollee may continue to renew the conversion coverage until such person fails to pay a necessary premium or fee, becomes eligible for Medicare, or is covered under another group plan providing benefits for hospital and medical care without preexisting condition exclusions or waiting periods.

(h) May provide for termination of a dependent upon the dependent's marriage or upon attainment of age nineteen, or age twenty-three if attending an institution of higher learning, subject to statutes relating to continued coverage for handicapped dependent children, or upon becoming covered under another group hospital or medical benefit plan, but only after preexisting conditions are covered under such plan.

(i) Shall contain a provision to assure that a covered spouse and/or dependents, in the event that any ceases to be a qualified family member by reason of termination of marriage or death of the principal covered person, or in the event the insured, subscriber or enrollee becomes covered under Medicare or another group plan which excludes coverage for dependents, shall have the right to continue the coverage without a physical examination, statement of health, or other proof of insurability.

NEW SECTION

WAC 284-52-030 OTHER PROVISIONS APPLICABLE TO MANDATED CONVERSION PLANS. Except as otherwise required or permitted by this chapter, mandated conversion plans shall:

(1) Use definitions no less favorable to the covered individual than those set forth in WAC 284-50-315;

(2) Use a format no less favorable to the covered individual than those set forth in RCW 48.20.012, with respect to insurers, or WAC 284-44-030, with respect to health care service contractors and health maintenance organizations;

(3) Contain a provision providing for the return of the contract for a refund of payment, consistent with RCW 48.20.013, 48.44.230 or 48.46.260, as appropriate;

(4) Contain provisions consistent with and no less favorable to the covered individual than:

(a) With respect to insurers, the requirements and standard provisions set forth in chapter 48.20 RCW;

(b) With respect to health care service contractors, the requirements of chapter 48.44 RCW and WAC 284-44-040, except that lifetime maximum benefits under a conversion plan are not required to be renewed or restored;

(c) With respect to health maintenance organizations, the requirements of chapter 48.46 RCW;

(5) Be administered by the carrier in full compliance with any laws which prohibit denials of payments for services performed by certain licensed providers of service.

NEW SECTION

WAC 284-52-040 BASIC MEDICAL PLAN. A basic medical plan shall have an annual deductible amount of no more than one thousand dollars per person and shall provide at least the following benefits:

(1) A lifetime maximum amount of benefits of seventy-five thousand dollars per person.

(2) Daily hospital room and board expenses in an amount not less than one hundred eighty dollars per day for a maximum of seventy days per confinement.

(3) Miscellaneous hospital expenses up to a maximum of eighteen hundred dollars per confinement.

(4) Surgical expenses at the usual and customary charge up to a maximum of fifteen hundred dollars per surgical procedure.

(5) Assistant surgical expense in an amount not less than fifteen percent of the surgery charge.

(6) Anesthesia expense in an amount not less than twenty percent of the surgery charge.

(7) Inpatient and outpatient physician services at the usual and customary charge.

NEW SECTION

WAC 284-52-050 MAJOR MEDICAL PLAN. A major medical plan shall have an annual deductible amount of no more than five thousand dollars per person and shall provide at least the following benefits:

- (1) A lifetime maximum amount of benefits of two hundred fifty thousand dollars.
- (2) Payment at seventy-five percent of the following:
  - (a) Daily hospital room and board expenses not less than the semi-private room rate nor less than one hundred twenty days per confinement.
  - (b) Miscellaneous hospital expenses.
  - (c) Surgical expenses at the usual and customary charge.
  - (d) Assistant surgical expense.
  - (e) Anesthesia expense.
  - (f) Inpatient and outpatient physician services at the usual and customary charge.
  - (g) Prescription drugs.
  - (h) Prescribed durable medical equipment.

NEW SECTION

WAC 284-52-060 COMPREHENSIVE MEDICAL PLAN. A comprehensive medical plan shall have an annual deductible amount of no more than five hundred dollars per person and shall provide at least the following benefits:

- (1) A lifetime maximum amount of benefits of five hundred thousand dollars per person.
- (2) Payment at eighty percent of the following:
  - (a) Daily hospital room and board expenses not less than the semi-private room rate nor less than one hundred eighty days per confinement.
  - (b) Miscellaneous hospital expenses.
  - (c) Surgical expenses at the usual and customary charge.
  - (d) Assistant surgical expense.
  - (e) Anesthesia expense.
  - (f) Inpatient and outpatient physician services at the usual and customary charge.
  - (g) Prescription drugs.
  - (h) Prescribed durable medical equipment.

NEW SECTION

WAC 284-52-070 EXCLUSIONS. No policy or contract set forth in WAC 284-52-040, 284-52-050, and 284-52-060 may exclude coverage by type of illness, injury, accident, treatment, or medical condition, except with respect to the following:

- (1) Mental or emotional disorders, alcoholism and drug addiction.
- (2) Pregnancy, except for complications of pregnancy.
- (3) Illness, treatment or medical condition arising out of:
  - (a) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units auxiliary thereto.
  - (b) Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury.
  - (c) Aviation.
- (4) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part, and reconstructive surgery because of congenital disease or anomaly of a covered dependent child which has resulted in a functional defect.
- (5) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, or chronic foot strain.
- (6) Treatment (except emergency treatment for which legal liability exists to the covered person for the costs thereof) provided in a government hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal worker's compensation, employer's liability or occupational disease law; service rendered by employees of hospitals, laboratories or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.
- (7) Dental care or treatment.
- (8) Eye glasses, hearing aids, and examination for the prescription or fitting thereof.

(9) Rest cures, custodial care, transportation, and routine physical examinations.

(10) Territorial limitations.

AMENDATORY SECTION (Amending Order R-74-1, filed 6/4/74, effective 8/1/74)

WAC 284-44-040 CONTRACT STANDARDS REQUIRED. Every health care service contract issued or renewed after December 31, 1974, shall conform to the following standards:

(1) A contract shall not unreasonably limit benefits to a specified period of time. For example, a provision that services for a particular condition will be covered only for one year without regard to the amount of the benefits paid or provided, is not acceptable. Contracts may, however, limit major medical benefits, supplemental accident benefits, and diagnostic x-ray and laboratory benefits to a reasonable period of time. Benefits may also be limited to a reasonable maximum dollar amount, and, in the case of doctor calls, to a reasonable number of calls over a stated period of time.

(2) A contract must provide that reasonable benefits will be restored upon each renewal of the contract or upon a calendar year basis or that such benefits be reasonably continuous. It is not required that a major medical contract with a lifetime maximum benefit be renewed or restored.

(3) A contract shall not contain any provision which gives or purports to give the contractor, its agent, officer, employee, or designee the authority to make a decision relative to the contract, or coverage or claims thereunder, which is final and binding on the subscriber or beneficiary. That is, in the case of controversy arising out of the contract, a subscriber shall not be denied the right to have the controversy determined by legal or arbitration proceedings.

(4) A contract shall not contain any provision which requires a subscriber to purchase a "monthly treatment order." This prohibits provisions that require a subscriber to pay a special charge, distinct from the pre-payment fees required of all subscribers and coinsurance deductible amounts, in order to obtain advance authorization for treatment or services.

(5) If a contract restricts treatment to services by the contractor's participants or agents, a reasonable provision shall be included to allow emergency treatment consistent with the scope of the benefits regularly provided by the contract.

(6) If a contract provides maternity benefits, there shall be no waiting period for maternity benefits in advance of a conception occurring while the contract is in force.

(7) No contract shall contain any provision that unreasonably restricts or delays the payment of benefits payable under the contract. Delays are not justified because the expenses incurred, or the services received, resulted from an act or omission of a third party.

(8) Every contract shall provide for a grace period of not less than ten days following the due date for the payment of the subscriber's dues, fees, or premium, during which grace period the contract shall continue in force. If payment is not made within the grace period, the contract may be terminated as of the due date of payment rather than at the end of the grace period.

(9) No contract other than a conversion contract issued pursuant to chapter 284-52 WAC shall contain any provision having the effect of coordinating benefits with other health care service contracts, health maintenance agreements, or disability insurance policies, except that group contracts may provide for coordination of benefits (~~with other group contracts or group insurance policies~~) pursuant to chapter 284-51 WAC, and except that any contract may provide for coordination with respect to governmental programs.

**WSR 84-16-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 416—Filed July 27, 1984]

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 rules describing restrictions on forest lands under the

protection of the Department of Natural Resources in the Olympic Area. The Olympic Area shall have a hoot owl logging restriction in zones 653 and 654, effective midnight Friday, July 27, 1984, through midnight Monday, July 30, 1984. Burning permits and burning privileges are cancelled in burn permit zones B and C in shutdown zones 653 and 654.

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 continued weather conditions and forecasted weather conditions in shutdown zones 653 and 654 in the Olympic Area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 27, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-022 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE OLYMPIC AREA.** *Effective midnight, Friday, July 27, 1984 through midnight Monday, July 30, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day during the shutdown period.*

*Department of Natural Resources Shutdown Zones affected by this restriction are zone 653, in parts of eastern Clallam and Jefferson counties, and zone 654, in parts of eastern Jefferson county under the protection of the Department of Natural Resources in the Olympic Area.*

*During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, during the above listed dates.*

*Burning permits and burning privileges are cancelled in Burning Permit Zones B and C of the Olympic Area, located in Shutdown Zones 653 and 654.*

**WSR 84-16-051  
NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION  
[Memorandum—July 26, 1984]**

The State Human Rights Commission, at its adjourned regular commission meeting on July 13, 1984, agreed to change the locations of the following meetings:

September 20, 1984	from Seattle to Port Angeles
October 18, 1984	from Vancouver to Renton
November 15, 1984	from Seattle to Vancouver
December 20, 1984	from Seattle to Walla Walla

**WSR 84-16-052  
PROPOSED RULES  
DEPARTMENT OF  
SERVICES FOR THE BLIND  
[Filed July 27, 1984]**

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

- New WAC 67-25-360 Vocational rehabilitation services—Similar benefits.
- Amd WAC 67-25-005 Definitions.
- Amd WAC 67-25-325 Services available from other agencies.
- Amd WAC 67-25-385 Vocational rehabilitation services—Physical and mental restoration.
- Amd WAC 67-25-388 Vocational rehabilitation services—Vocational and other training.
- Amd WAC 67-25-390 Vocational rehabilitation services—Training—Colleges;

that the agency will at 12 noon, Wednesday, September 5, 1984, at 3411 South Alaska Street, Seattle, WA 98118, 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 194, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1984.

Dated: July 26, 1984  
By: Paul Dzedzic  
Director

**STATEMENT OF PURPOSE**

Title: Describes the services offered to the vocational rehabilitation clients.

Description of Purpose: Repeal the economic need requirements and concentrate on enforcing similar benefit regulations in a more consistent manner.

Statutory Authority: RCW 74.18.140.

Summary of Rules: To clarify how private scholarships received by vocational rehabilitation clients affect our level of financial assistance to them. Repeals the economic need test.

Reasons Supporting Proposed Action: Most clients of the agency are SSI eligible which automatically exempts them from the economic needs test. Therefore, we have a

fairly small number of vocational rehabilitation competitive clients who are affected by the economic need rules and then only for a limited number of services.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA, a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters: Will reduce a lot of paperwork for clients and staff time currently utilized to get down to the few people who have private assets who also apply for our services.

Small Business Economic Impact: None.

**AMENDATORY SECTION** (Amending Order 83-08, filed 12/15/83)

WAC 67-25-005 DEFINITIONS. (1) "Accepted for services" shall mean that the department has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the department a letter or application requesting vocational rehabilitation services which:

(a) Has been signed by the individual, his/her parents or guardian or other representative; and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Blind or visually impaired" for purposes of this chapter is a physical disability defined as follows:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°; or

(b) Vision so defective as to prevent the performance of ordinary activities for which eyesight is essential; or

(c) An eye condition of a progressive nature which may lead to blindness.

(5) "Client" shall mean any handicapped individual:

(a) Who has applied for services from the department; and

(b) For whom services have not been denied or terminated by the department.

(6) "Department of services for the blind" shall mean the legal authority in its entirety:

(a) "Advisory council" shall mean the members appointed by the governor as the advisory body.

(b) "Department" shall mean the agency which carries out the operations of the Washington department of services for the blind.

(7) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

(8) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(9) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(10) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(11) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(12) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(13) "Medical consultant" shall mean a physician licensed pursuant to chapters 18.57 and 18.71 RCW employed by the department to provide consultation to rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(14) "Ophthalmological consultant" shall mean a physician licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye employed by the department to provide consultation to rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(15) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(16) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term "physical disability" includes blindness and/or visual impairment.

(17) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(18) "Referral" is defined as any individual who applied or has been referred to a department office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(19) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(20) "Rehabilitation teacher" (RT) shall refer to an employee of the department who has responsibility to determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program.

(21) "Similar benefits" is a financial resource for which a client is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The financial resource must be an organized, on-going form of service or financial assistance, whether public or private. It must be free or may require a deductible, coinsurance feature, token payment or personal claim.

(22) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his/her obtaining, retaining, or preparing for employment consistent with his/her capacities and abilities.

~~((22))~~ (23) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the department who has direct responsibility for providing, or supervising the provision of all vocational rehabilitation services to a client of the department.

~~((23))~~ (24) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him/her to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his/her rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

~~((24))~~ (25) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

#### NEW SECTION

WAC 67-25-360 VOCATIONAL REHABILITATION SERVICES—SIMILAR BENEFITS. (1) In as much as full consideration of similar benefits is required by federal regulations, this section prevails over all other sections describing the conditions under which rehabilitation services will be provided. Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.

(2) The following services are provided without full consideration of similar benefits:

(a) Evaluation of rehabilitation potential;

(b) Counseling;

(c) Guidance;

(d) Referral;

(e) Placement;

(f) Vocational and other training services not provided in an institution of higher education;

(g) Related and necessary services which may be provided to family members;

(h) Post-employment services.

(3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

(4) The following services may be provided only after giving full consideration to similar benefits:

(a) Physical and mental restoration services;

(b) Maintenance;

(c) Interpreter services for the deaf;

(d) Reader services for the blind;

(e) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;

(f) Rehabilitation teaching services;

(g) Orientation and mobility services for the blind;

(h) Occupational licenses, tools, equipment, initial stocks and supplies;

(i) Transportation;

(j) Telecommunications, sensory, and other technological aids and devices.

(5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.

(6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.

(7) Exception to policy in two areas of service:

(a) Physical and mental restoration; and

(b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.

(8) The consideration of similar benefits will be documented in the client's case record. The documentation will include sources of assistance considered, whether the client applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funding for services in subsections (3) and (4) of this section.

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-325 SERVICES AVAILABLE FROM OTHER AGENCIES. The department's funds shall not be expended to purchase services for which a client is eligible ~~((from))~~ when another agency which has primary responsibility for providing the needed service. ~~((In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program.))~~

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-385 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION. (1) Physical and mental restoration shall include all medical and related services including the following:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication;

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the medical consultant;

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short-term therapy. A program of psychiatric treatment which will extend beyond twelve months must have the prior approval of the medical consultant;

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of

disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services;  
 (f) Hospital (either inpatient or outpatient care) and clinic services;  
 (g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the ~~((commission))~~ department as a long-term process for conditions not expected to improve;

(h) Drugs and supplies;  
 (i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment;

(j) Eyeglasses;  
 (k) Podiatry;  
 (l) Physical therapy; physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury;

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques;

(n) Medical or medically-related social work services;  
 (o) Medically directed speech or hearing therapy.  
 (2) Physical and mental restoration will be provided ~~((on an exception basis))~~ after ~~((exhausting all other resources~~

~~(a) Clients needing physical restoration who appear to be eligible will be referred to the prevention of blindness program;~~

~~(b)) consideration of similar benefits which may be available to the client.~~

Medical emergencies to prevent eminent loss of sight or prevent severe service interruption will be provided with the approval of the supervisor.

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-388 VOCATIONAL REHABILITATION SERVICES—VOCATIONAL AND OTHER TRAINING. (1) The department may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in subsection (5) of this section.

(2) The department will operate and maintain an orientation and training center for prevocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless ~~((maximum efforts have been made by the department on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services:))~~ a client ~~((must))~~ can demonstrate application for, and denial of, ~~((other grants and scholarships))~~ federal or state grant assistance.

(4) The department may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client. The amount of assistance provided on a quarterly or semester basis for students carrying a full academic load will be established by the director of the department, provided that exceptions can be made on a case-by-case basis. Students attending less than full time will have amount reduced proportionately.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that

amount charged at the University of Washington or the actual cost, whichever is less.

(7) The department may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the department in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-390 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE. (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him/her on a reasonably competitive basis in a suitable occupation.

(b) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.

(c) Evaluation of the client's motivation, study habits, personality and character traits, or other relevant factors, indicates that it would be appropriate to provide him/her with college training even though he/she has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his/her grades fall below the standards required in the field of his/her choice, it may be necessary to select a new objective for college training through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of the rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.

~~((3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for such training or training services:))~~

### WSR 84-16-053 PROPOSED RULES COMMUNITY ECONOMIC REVITALIZATION BOARD [Filed July 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Community Economic Revitalization Board (CERB) intends to adopt, amend, or repeal rules concerning the amending of WAC 133-40-030.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, October 18, 1984.

The authority under which these rules are proposed is RCW 34.04.020, 42.17.250, 42.17.290, 42.30.070, 43.12C.120 [43.21C.120] and 43.160.050(8).

The specific statutes these rules are intended to implement is RCW 34.04.020, 34.04.025 (1)(c), 34.04.060, 34.04.080, 34.04.105(1), 42.17.250 et seq., 42.30.070, 43.21C.120, 43.160.050(6), 43.160.060 and 43.160.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, October 18, 1984.

Dated: July 27, 1984  
 By: Richard T. Schrock  
 Vice Chairman

### STATEMENT OF PURPOSE

Title: CERB application submittal deadline.

Description of Purpose: To clarify application procedures.

Statutory Authority for Adopting Rule: RCW 34.04.020, 42.17.250, 42.17.290, 42.30.070, 43.12C.120 [43.21C.120] and 43.160.050(8).

Specific Statute Rule is Intended to Implement: RCW 34.04.020, 34.04.025 (1)(c), 34.04.060, 34.04.080, 34.04.105(1), 42.17.250 et seq., 42.30.070, 43.21C.120, 43.160.050(6), 43.160.060 and 43.160.070.

Summary of Rule: To provide guidance to potential applicants for CERB funding concerning application submittal procedures.

Reasons Supporting Proposed Action: To clarify for applicants the deadlines for applying for CERB funding and to facilitate administration of the program and allow adequate time for review and evaluation of applications prior to regular CERB meetings.

Agency Personnel Responsible for Drafting and Implementation: Beth J. Davis, CERB Administrator, Department of Commerce and Economic Development, 101 General Administration Building, Olympia, WA 98504, AX-13, (206) 753-3065; and Enforcement: Same as above, and selected members of CERB.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Community Economic Revitalization Board, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: Not applicable.

Small Business Economic Impact Statement: Not necessary (a funding program for local governments).

#### AMENDATORY SECTION (Amending Order 83-1, filed 5/2/83)

WAC 133-40-030 LOAN AND GRANT APPLICATIONS. (1) Applications for loans and/or grants to assist in financing public facility costs may be made by any political subdivision of the state of Washington.

(2) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain the following information:

(a) Name and address of the political subdivision making the application for financial assistance.

(b) Complete description of the public facility for which financing assistance is sought.

(c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.

(d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.

(e) If application is being made for a loan, the applicant's proposed repayment schedule.

(f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor.

(3) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official. Such official shall

also provide the board with any additional materials or information in support of the application which the board or its staff may request, either prior to or at the board's deliberations on the application.

(4) Applications for public works funding must be submitted at least thirty calendar days prior to regular quarterly meeting dates. Exceptions to this deadline will be determined by decision of the chairman (or the vice chairman, when acting as chairman) or a majority of CERB members.

### WSR 84-16-054 EMERGENCY RULES DEPARTMENT OF FISHERIES [Order 84-87—Filed July 27, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 this regulation is necessary to provide an orderly sport fishery for harvestable numbers of sockeye salmon, and prevent accidental snagging of fish congregating under Lake Washington bridges.

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 July 27, 1984.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

#### NEW SECTION

WAC 220-57A-17500M LAKE WASHINGTON  
*Notwithstanding the provisions of WAC 220-57A-175, effective immediately through August 15, 1984, it is lawful to take, fish for and possess sockeye salmon for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge. Waters within a 1,000-foot radius of the mouth of the Cedar River, waters within 100 yards either side of the I-90 Bridge, and waters within 100 yards southerly of the Evergreen Point Bridge are closed to salmon angling at all times.*

*The bag limit in any one day is six sockeye salmon not less than 10 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh sockeye salmon. Additional sockeye salmon may be possessed in a frozen or processed form.*

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective immediately.

WAC 220-57A-17500J LAKE WASHINGTON (84-84)

WAC 220-57A-17500K LAKE WASHINGTON (84-75)

**WSR 84-16-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 89-88—Filed July 27, 1984]

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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B, 7C, 12 and 12B provide opportunity to harvest non-Indian chinook allocations. Area restrictions in Areas 7C and 12B are required to protect milling chinook returning to Samish Hatchery and Hood Canal tributaries. All other areas are closed to prevent overharvest.

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 July 27, 1984.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

**NEW SECTION**

WAC 220-47-901 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

\*Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift

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

\*Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Tuesday, July 31.

\*Areas 6, 6A, 7, and 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5-7/8-inch maximum mesh when open.

\*Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly July 30 through the morning of August 1. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

\*Areas 12 and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM July 30 to 9:30 AM July 31, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM July 31. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.

\*Areas 6B, 6D, 7D, 8, 8A, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

**WSR 84-16-056**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-89—Filed July 27, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 coastal salmon stock protection requires this regulation be filed to conform Washington state regulations with those adopted by the Pacific Fisheries Management Council.

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 July 27, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-56-11600B SALMON—LAWFUL GEAR.** Notwithstanding the provisions of WAC 220-56-116, effective immediately until further notice it is unlawful to use barbed hooks while angling for salmon in all waters of Puget Sound, all marine waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean waters and Washington waters at the mouth of the Columbia River west of a line projected true north south through Buoy 10. (Barbless hooks are hooks on which the barb has been filed off, removed, pinched down, or deleted when manufactured)

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-56-11600A SALMON—LAWFUL GEAR (84-32)**

**WSR 84-16-057**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 84-90—Filed July 27, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 this rule is necessary for the preservation of summer-fall chinook salmon stocks in Willapa Harbor.

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 July 27, 1984.

By William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-40-02100J WILLAPA HARBOR GILL NET SEASON.** Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective 6:00 p.m. July 27, 1984 it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in Willapa Harbor fishing areas except provided for in this section.

#### Areas 2J and 2K—

Open continuously to 6:00 p.m. August 20, 1984; 8-inch minimum mesh, 1,500 feet maximum length.

#### Area 2M—

Open continuously to 6:00 p.m. July 31, 1984; 8-inch minimum mesh, 1,500 feet maximum length.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-40-02100I WILLAPA HARBOR GILL NET SEASON (84-63)**

**WSR 84-16-058**  
**PROPOSED RULES**  
**LOTTERY COMMISSION**  
[Filed July 30, 1984]

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

Amd	WAC 315-04-134	Change of officers.
Amd	WAC 315-06-120	Payment of prizes—General provisions.
Amd	WAC 315-30-020	Definitions.
Amd	WAC 315-30-030	On-line games criteria.
Amd	WAC 315-30-040	Drawings and end of sales before drawings.
Amd	WAC 315-31-020	Price of Triple Choice on-line game ticket;

that the agency will at 9:00 a.m., Friday, September 14, 1984, in the Sea-Tac Tower I Building, 5th Floor, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, 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 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 14, 1984.

Dated: July 30, 1984  
 By: Elwin Hart  
 Deputy Director

### STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-04-134 Change of officers; 315-06-120 Payment of prizes—General provisions; 315-30-020 Definitions; 315-30-030 On-line games criteria; 315-30-040 Drawings and end of sales prior to drawings; and 315-31-020 Price of Triple Choice on-line tickets.

Statutory Authority for the Rule(s): RCW 67.70.040.

Specific Statute that Rule is Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-04-134, this amendment requires the reporting of every change of a licensed agent's officers whether corporate or otherwise; WAC 315-06-120, this amendment clarifies the date of payment of installment prizes; WAC 315-30-020, this amendment clarifies that "numbers" can be used for "Evergreen Lotto"; WAC 315-30-030, this amendment clarifies that a claim for an on-line game prize must be made within 30 days of the drawing for an on-line agent to pay the prize; WAC 315-30-040, this amendment specifies certain drawing procedures including how a "foul" is handled and language to be used at each broadcasted drawing; and WAC 315-31-020, this amendment clarifies the price of a Triple Choice on-line ticket.

Reasons Supporting the Proposed Rule(s): WAC 315-04-134, this change is necessary to provide consistency with WAC 315-04-070; WAC 315-06-120, the payment dates for installment prizes need to be clarified so that all Evergreen Lotto prize winners in each drawing receive the same prize; WAC 315-30-020, the addition of the term "number" is necessary to provide consistency between chapters 315-30 and 315-32 WAC; WAC 315-30-030, the clarification of which prizes may be paid by a licensed agent is necessary for both players and licensed agents; WAC 315-30-040, the lottery needs to provide notice of the procedures which will be followed in the event there is a fouled drawing; and WAC 315-31-020, the clarification of the base price of a Triple Choice on-line ticket is necessary to prevent confusion among players and licensed agents.

The Agency Personnel Responsible for the Drafting: Peggy O'Neill, Contracts/Licensing Manager, Office of the Director, Washington State Lottery, P.O. Box 9702, Olympia, WA 98504, (206) 753-1947; Implementation and Enforcement: Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412; Robert Boyd, Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330; Elwin Hart, Deputy Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334; N. A. Stussy, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3329; William Robinson, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-1414; and Jamie Bailey, Assistant Director, Office of the Director,

Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information That may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement Requirement: The office of the director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the office of the director, Washington State Lottery or who voluntarily interact with the office of the director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the office of the director, Washington State Lottery.

#### AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-134 CHANGE OF ((CORPORATE)) OFFICERS. Each licensed agent shall report on a form prescribed by the director every change of ((corporate)) officer(s) to the lottery not later than ten days following the effective date of the change. The director may require the licensed agent to submit additional documentation. The lottery will not assess a license fee for a change of ((corporate)) officer(s).

If such change involves the addition of one or more ((corporate)) officers who does not have on file with the lottery a current "criminal history statement" or current "renewal affidavit - criminal history," each such officer shall submit a "personal information form" and a "criminal history statement." The lottery will assess a fee for a background check.

#### AMENDATORY SECTION (Amending Order 54, filed 4/9/84)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket. The claimant, by submitting the claim, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than 180 days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or agents, or from a licensed agent; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(7) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(8) A ticket that has been legally issued by a licensed agent is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(9) All prizes shall be paid within a reasonable time after the claims are verified by the director and a winner is determined. The date of the first installment payment of each prize (~~requiring installment payments shall be the commencement date of the payments and a payment shall be made on the anniversary date of said payment thereafter in accordance with the type of prize awarded~~) to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(10) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each ~~((original anniversary))~~ originally scheduled payment date thereafter.

(11) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(12) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(13) Each licensed agent shall pay all prizes authorized to be paid by the licensed agent by these rules during its normal business hours at the location designated on its license.

(14) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-30-020 DEFINITIONS. (1) On-line game. A lottery game in which a player pays a fee to a lottery agent and selects a combination of digits, numbers, or symbols(:); type and amount of play(:); and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules

of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line agent. A licensed agent authorized by the lottery to sell on-line tickets.

(3) On-line ticket. A computer-generated ticket issued by an on-line agent to a player as a receipt for the combination a player has selected. That ticket shall be the only acceptable evidence of the combination ((or)) of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line agents.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line agent enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-30-030 ON-LINE GAMES CRITERIA. (1) The base price of an on-line ticket shall not be less than \$.50 and not more than \$5.00.

(2) On the average the total of all prizes available to be won in an on-line game shall not be less than forty-five percent of the on-line game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of on-line game.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer entitled to a prize shall submit the winning ticket as specified by the director. The winning ticket must be validated by the lottery or an on-line agent through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming on-line prizes are as follows:

(a) To claim an on-line game prize of \$600.00 or less within thirty days of the drawing, the claimant shall present the winning on-line ticket to any on-line agent or to the lottery.

(i) If the claim is presented to an on-line agent, the on-line agent shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. If the on-line agent cannot validate the claim, the claimant may obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(ii) If the claim is presented to the lottery, the claimant shall complete a claim form, as provided in WAC 315-06-120, and submit it with the winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(b) To claim an on-line prize of more than \$600.00, or any prize more than thirty days after the date of the drawing, the claimant shall

obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

**AMENDATORY SECTION** (Amending Order 44, filed 12/8/83)

WAC 315-30-040 DRAWINGS AND END OF SALES PRIOR TO DRAWINGS. (1) Drawings shall be conducted in a location and at days and times designated by the director. Each on-line drawing script shall contain the statement, "Digits/Numbers/Symbols drawn are not official until validated".

(2) The director shall announce for each type of on-line game the time for the end of sales prior to the drawings. TDMs will not process orders for on-line tickets for that drawing after the time established by the director.

(3) The director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game.

(4) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be certified until all checks are completed. No prizes shall be paid until after the drawing is certified.

(5) All drawings shall be broadcast live on television provided the facilities for such broadcasts are available and operational.

(6) The director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (a) Drawing equipment malfunction before ~~((or during the drawing))~~ validation of the winning combination; (b) video and/or audio malfunction during the drawing; (c) fouled drawing ~~((mistaps;))~~; (d) delayed drawing~~((:))~~; and (e) other equipment, facility and/or personnel difficulties.

(7) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing shall be video taped for later broadcast, if broadcast time is available. The drawing shall be certified and the deviation documented on the certification form. The winning combination will be provided to the television network for dissemination to the public.

(8) ~~((The director shall invalidate any drawing affected by a drawing equipment malfunction))~~ If during ~~((any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all digits, numbers, or symbols, a "foul" shall be called by the lottery drawing official. Any digit/number/symbol drawn prior to a "foul" being called will stand and be deemed official after passing lottery validation tests.~~

(9) The director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing certified. If the drawing is not certified, another drawing will be conducted to determine the actual winner.

**AMENDATORY SECTION** (Amending Order 44, filed 12/8/83)

WAC 315-31-020 PRICE OF TRIPLE CHOICE ON-LINE TICKET. The base price of a triple choice on-line ticket shall be ~~((selected by the player, from \$.50 to \$5.00, in increments of))~~ \$.50 or \$1.00, except Six-Way Straight Box and Three-Way Straight Box tickets, which cost \$1.00 each.

**WSR 84-16-059**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 84-17]

Reviser's note: Executive Order No. 84-17 was previously filed on July 18, 1984, was published in the State Register as WSR 84-15-063, and is therefore not repeated in this issue of the Register.

**WSR 84-16-060**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 84-18]

Reviser's note: Executive Order No. 84-18 was previously filed on July 18, 1984, was published in the State Register as WSR 84-15-064, and is therefore not repeated in this issue of the Register.

**WSR 84-16-061**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 84-19]

**SALMON LICENSE FEES:**  
**SUPPLEMENTING EXECUTIVE ORDER**  
**EO 84-05**

The statewide public disaster affecting life, health, property, and the public peace involving the fishing industry, and recognized and addressed by Executive Order EO 84-05, is a disaster that affects numerous fishing groups. Among them are licensed Puget Sound reefnetters and Grays Harbor gillnetters.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, find that licensed Puget Sound reefnetters and Grays Harbor gillnetters, along with commercial trollers and charter salmon vessel owners, are adversely affected by the emergency conditions described in Executive Order EO 84-05.

Therefore, I hereby proclaim that the state of emergency described in Executive Order EO 84-05 is applicable likewise to Puget Sound reefnetter and Grays Harbor gillnetter license holders, and also hereby order that said reefnetter and gillnetter license holders shall be accorded the same relief and consideration made applicable to commercial troll and salmon charter vessel license holders by Executive Order 84-05.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 20th day of July, A.D., nineteen hundred and eighty-four.

John Spellman

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 84-16-062**  
**EMERGENCY RULES**  
**APPLE ADVERTISING COMMISSION**  
 [Order 15—Filed July 30, 1984]

Be it resolved by the Washington State Apple Advertising Commission, acting at the Convention Center, Wenatchee, Washington 98801, that it does adopt the annexed rules relating to collection procedures for delinquent assessments.

We, the Washington State Apple Advertising Commission, 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 it is necessary that the new collection procedures be established and in effect in September at the beginning of the 1984 apple shipping crop season.

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 Washington State Apple Advertising Commission as authorized in RCW 15.24.070(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 July 12, 1984.

By Thomas H. Hale  
 Executive Director

TEXT OF RULE

AMENDATORY SECTION (Amending Order 13, filed 10/6/82)

**WAC 24-12-010 AMOUNT OF ASSESSMENTS.** *There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of 32.6 cents on each one hundred pounds (100 lbs.) gross billing weight. Assessments shall be payable (~~when shipped,~~) as provided in WAC 24-12-012, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessments:*

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

NEW SECTION

**WAC 24-12-012 COLLECTION OF ACCOUNTS.** (1) *The Commission shall obtain from the Department of Agriculture a record of all shipments of fresh apples and shall from this record periodically invoice all apple dealers and handlers shown thereon for assessments on apples levied pursuant to WAC 24-12-010. The date of the invoice shall be known as the billing date.*

(2) *Assessments not paid within twenty (20) days from the billing date shall be delinquent, and the Commission shall thereupon send a notice of delinquency to the dealer or handler involved. A copy of the notice of delinquency shall be sent at the same time to the district inspection office of the Department of Agriculture. If the delinquent assessments are not paid within thirty-five (35) days from the billing date, a second notice of delinquency shall be sent to the dealer or handler involved with a copy to the district inspection office of the Department of Agriculture stating that if the delinquent assessments are not paid within forty-five (45) days from the billing date the dealer or handler involved will thereafter be put on a cash basis until the delinquent assessments are paid, and that if the delinquent assessments are not paid within sixty (60) days from the billing date, the Compliance Book of Compliance Certificates will be removed by the Department of Agriculture and inspection service will be withdrawn. Inspection service will be reinstated only upon mutual agreement of the Department of Agriculture and the Commission and after all delinquent assessments have been paid. Delinquent assessments not paid within thirty-five (35) days of the billing date shall bear interest at the maximum legal rate, not to exceed 1-1/2% per month, and in case of suit to collect said delinquent assessments, the Commission shall be allowed, in addition to any other relief granted, reasonable attorney fees and its costs of suit.*

(3) *The foregoing procedure for collection of assessments shall apply to all shipments of apples disclosed by Department of Agriculture records on or after September 7, 1984.*

REPEALER

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

(1) **WAC 24-12-090 COLLECTION OF ASSESSMENTS.**

**WSR 84-16-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 417—Filed July 30, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the Olympic Area. WAC 332-26-022 amended to read "effective midnight Monday, July 30, 1984 through midnight Wednesday, August 1, 1984." The amending of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the Northwest Area. WAC 332-26-052 amended to read "effective midnight Monday, July 30, 1984 through midnight Friday, August 3, 1984.

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 continued dry weather conditions and forecasted dry weather conditions in shutdown zones 653 and 654 in the Olympic Area, forest lands are exposed to fire danger. Hoot owl logging restrictions (1200-2400 hr) are imposed and burning permit and burning privileges are cancelled in burning permit zones B and C in shutdown zones 653 and 654. Dry weather continues to exist in zone 658 in the Northwest Area.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 30, 1984.

By Brian J. Boyle  
 Commissioner of Public Lands

**AMENDATORY SECTION** (Amending Emergency Order 416, filed 8/27/84 [7/27/84])

**WAC 332-26-022 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE OLYMPIC AREA.** *Effective midnight, ((Friday)) Monday, July ((27)) 30, 1984 through midnight ((Monday, July 30)) Wednesday, August 1, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day during the shutdown period.*

*Department of Natural Resources Shutdown Zones affected by this restriction are zone 653, in parts of*

*eastern Clallam and Jefferson counties, and zone 654, in parts of eastern Jefferson county under the protection of the Department of Natural Resources in the Olympic Area.*

*During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, during the above listed dates.*

*Burning permits and burning privileges are cancelled in Burning Permit Zones B and C of the Olympic Area, located in Shutdown Zones 653 and 654.*

**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 Emergency Order 415, filed 7/26/84)

**WAC 332-26-052 GENERAL LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST AREA.** *Effective midnight ((Thursday)) Monday, July ((26)) 30, 1984 through midnight ((Monday, July 30)) Friday, August 3, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start are to shutdown.*

*Department of Natural Resources shutdown zone affected by this closure is zone 658 in parts of Whatcom, Skagit, Snohomish, and King counties protected by the Northwest Area of the Department of Natural Resources.*

*During the shutdown period, all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.*

*Burning permits and burning privileges are cancelled in zone 658 during the shutdown period.*

**WSR 84-16-064**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-91—Filed July 30, 1984]

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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B, 7C, 12 and

12B provide opportunity to harvest non-Indian chinook allocations. Area restrictions in Areas 7C and 12B are required to protect milling chinook returning to Samish Hatchery and Hood Canal tributaries. All other areas are closed to prevent overharvest. Troll opening in WAC 220-47-901 was mistakenly announced as Tuesday rather than Monday.

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 July 30, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-47-902 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** *Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.*

*\*Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Monday, July 30.*

*Areas 6, 6A, 7, and 7A – Under control of International Pacific Salmon Fisheries Commission. Gill net gear restricted to 5-7/8-inch maximum mesh when open.*

*Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly July 30 through the morning of August 1. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.*

*Areas 12 and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM July 30 to 9:30 AM July 31, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM July 31. Fishery exclusion zones applicable to Area 12B commercial fisheries are described in WAC 220-47-307.*

*Areas 6B, 6D, 7D, 8, 8A, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all fresh-water areas – closed.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective immediately.*

**WAC 220-47-901 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-88)**

**WSR 84-16-065  
ADOPTED RULES  
COUNTRY ROAD  
ADMINISTRATION BOARD  
[Order 56—Filed July 30, 1984]**

Be it resolved by the County Road Administration Board, acting at the Everett Pacific Motel, Everett, Washington, that it does adopt the annexed rules relating to the administration of the rural arterial program, chapters 136-100, 136-110, 136-120, 136-130, 136-150, 136-160, 136-170, 136-180, 136-200, 136-210, 136-220 and 136-250 WAC.

This action is taken pursuant to Notice No. WSR 84-11-064 filed with the code reviser on May 22, 1984. 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 County Road Administration Board as authorized in chapter 36.78 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 June 28, 1984.

By Ernest Geissler  
Director

#### NEW SECTION

**WAC 136-100-010 PURPOSE.** Section 19(5), chapter 49, Laws of 1983 1st ex. sess. (the act), provides that the county road administration board (CRABoard) shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which the CRABoard will implement the several provisions of the act.

#### NEW SECTION

**WAC 136-100-020 ADOPTION OF RULES.** The CRABoard shall adopt rules in accordance with the provisions of the act for purposes of administering the RAP regarding the following:

(1) Apportionment of Rural Arterial Trust Account (RATA) funds to regions.

- (2) RAP projects in the six year program.
- (3) Regional prioritization of RAP projects.
- (4) Preparation of RAP budget and program.
- (5) Eligibility for RATA funds.
- (6) Allocation of RATA funds to approved RAP projects.
- (7) CRAB/County contract.
- (8) Processing of vouchers.
- (9) Audit responsibilities.
- (10) Functional classification.
- (11) Design standards for RAP projects.
- (12) Matching requirements.
- (13) Joint county RAP/Rural UAB projects.
- (14) Emergent projects.
- (15) Reports to the legislature.
- (16) Other matters deemed necessary by the CRABoard.

NEW SECTION

WAC 136-100-030 MAJOR COLLECTORS AND MINOR COLLECTORS. The act specifies that rural arterials classified as major collectors and rural arterials classified as minor collectors shall be eligible for RATA funding. In developing project priorities and in approving RAP projects the CRABoard shall prioritize all prospectus applications to determine the priority rating of each proposed project in each region in relation to all other proposed projects in each region without regard to their classification as major and minor collectors.

NEW SECTION

WAC 136-100-040 DELEGATION OF AUTHORITY. In order to assure effective and timely administration of the RAP, the CRABoard may delegate authority in specific matters to its director. Delegation may be relative to signing of contracts, approval of RAP project vouchers, approval of change of scope of a project and other matters as may be determined by the CRABoard.

NEW SECTION

WAC 136-110-010 PURPOSE. Sections 4 and 5, chapter 49, Laws of 1983 1st ex. sess. provides that rural arterial trust account (RATA) funds available for expenditure by the CRABoard shall be apportioned to the five regions for expenditure upon county arterials in rural areas in the following manner:

- (1) One-third in the ratio which the land area of the rural areas of each region bears to the total land area of all rural areas of the state;
  - (2) Two-thirds in the ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state.
- This chapter describes how this statutory language will be implemented by the CRABoard.

NEW SECTION

WAC 136-110-020 COMPUTATION OF LAND AREA RATIO. The rural land areas of each region,

and the ratio which they bear to the total rural land area of the state are shown as follows:

<u>REGION</u>	<u>RURAL LAND AREA SQ. MILE</u>	<u>% OF TOTAL RURAL LAND AREA</u>
Puget Sound	5,005	7.71
Northwest	8,069	12.43
Northeast	26,711	41.14
Southeast	14,748	22.72
Southwest	10,387	16.00
<b>TOTAL</b>	<b>64,920</b>	<b>100.00</b>



NEW SECTION

WAC 136-110-030 COMPUTATION OF ROAD MILEAGE RATIO. The ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state shall be computed from information shown in the county road log maintained by the secretary of transportation as of July 1, 1985 and each two years thereafter.

NEW SECTION

WAC 136-110-040 APPORTIONMENT PERCENTAGES ESTABLISHED. At the first CRABoard meeting of each biennium the CRABoard shall establish apportionment percentages for the five RAP regions based on the computations described in WAC 136-110-010 and 136-110-030. The apportionments so established shall remain in effect for the remainder of the biennium.

NEW SECTION

WAC 136-110-050 APPORTIONMENT TO REGIONS. The apportionment percentages established in accordance with WAC 136-110-040 shall be used once each quarter by the board to apportion funds credited to the rural arterial trust account (RATA) to the five regions. The funds so apportioned shall be allocated as described in chapter 136-160 WAC by the CRABoard to counties for construction of approved rural arterial projects.

NEW SECTION

WAC 136-120-010 PURPOSE. Sections 8 and 10, chapter 49, Laws of 1983 ex. sess., require that counties list prospective RAP projects in their respective six-year programs and that the CRABoard review such programs. This WAC chapter describes the manner in which the CRABoard will implement these provisions in its administration of the RAP program.

NEW SECTION

WAC 136-120-020 SIX-YEAR PROGRAM ADOPTION. The county's six-year program shall be prepared and adopted in accordance with RCW 36.81-.121, and one copy forwarded to the CRAB office no later than August 1st of each year.

NEW SECTION

WAC 136-120-030 RAP PROJECTS IN SIX-YEAR PROGRAM. The county's six-year program in each even-numbered year shall include all projects for which the county may request RATA funds during the succeeding biennium. Project cost estimates for RAP projects shall be considered preliminary, and subject to revision until a project application is submitted.

NEW SECTION

WAC 136-130-010 PURPOSE. Sections 8 and 10, chapter 49, Laws of 1983 1st ex. sess. provide that the CRABoard shall determine the priority of specific improvement projects based upon the rating of each proposed improvement in relation to all other proposed improvements within each region, taking into account, but not limited to, the following five factors:

- (1) Its structural ability to carry loads upon it;
- (2) Its capacity to move traffic at reasonable speeds;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

This chapter describes how this statutory language will be implemented by the CRABoard.

NEW SECTION

WAC 136-130-020 PRIORITIES BY REGION. The CRABoard has determined that the interests of the counties in the several regions will be best served by encouraging development of a distinct project priority rating system for each region. These rating systems, described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070, shall be used in the prioritization of proposed projects requesting RATA funds submitted by counties in the respective regions. Detailed procedures for implementing the regional rating systems are published by the CRABoard in a pamphlet entitled: "Procedures for Priority Rating of Proposed RAP Project" (RAP Rating Procedures).

NEW SECTION

WAC 136-130-030 PROJECT PRIORITIZATION IN PUGET SOUND REGION (PSR). Each county in the PSR region may submit up to three projects requesting RATA funds. Each project shall be rated in accordance with the NER RAP rating procedures. PSR RAP rating points shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals two and one-half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

NEW SECTION

WAC 136-130-040 PROJECT PRIORITIZATION IN NORTHWEST REGION (NWR). Each

county in the NWR may submit projects requesting RATA funds not to exceed two hundred fifty thousand dollars per project and seven hundred fifty thousand dollars total. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume and ten points for traffic accidents and five points for any project on a major collector (07). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

NEW SECTION

WAC 136-130-050 PROJECT PRIORITIZATION IN NORTHEAST REGION (NER). Each county in the NER may submit projects requesting RATA funds not to exceed five percent per project and thirty percent of the NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. A RAP project may include a bridge when its cost does not exceed twenty percent of the total project cost. A stand-alone bridge project may be submitted provided that its priority rating has been computed by the same RAP rating procedures applied to all other projects, and provided further that RATA funds may be used only as a match for federal funds. NER RAP rating points shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals two and one-half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the project worksheet and the prospectus form of the project application.

NEW SECTION

WAC 136-130-060 PROJECT PRIORITIZATION IN SOUTHEAST REGION (SER). Each county in the SER may submit projects requesting RATA funds not to exceed one million dollars per county. Each project shall be rated in accordance with the SER RAP rating procedures. Ten percent of the SER biennial apportionment shall be reserved for stand-alone bridge projects in each biennium. Whatever part of the bridge reserve is not allocated to bridge projects shall be available for allocation to other RAP projects. SER RAP rating points shall be assigned on the basis of forty points for structural condition, thirty points for geometrics, twenty points for traffic volume and ten points for traffic accidents. Prioritization of SER projects shall be on the basis of total SER RAP rating points shown on the project worksheet and the prospectus form of the project application.

NEW SECTION

WAC 136-130-070 PROJECT PRIORITIZATION IN SOUTHWEST REGION (SWR). Each county in the SWR may submit projects requesting RATA funds not to exceed two hundred thousand dollars per project and eight hundred thousand dollars per county. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of twenty-five points for structural condition, twenty-five points for road surface condition, thirty points for geometrics, ten points for traffic volume and ten points for traffic accidents, except that Portland cement surfaces shall have fifty points for road surface condition and no points for structural condition. Points for surface condition will be assigned by one independent consultant retained by mutual consent of all counties in the region. Points for structural condition will be assigned based on a method of pavement and/or subgrade structural adequacy evaluation, which is mutually acceptable by the counties in the region. Project pavement structures shall be designed for a minimum design life of ten years. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the application.

NEW SECTION

WAC 136-130-080 LIMITATION ON RATING POINTS. In each of the project prioritization methods described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070 rating points are assigned to a variety of structural and geometric conditions. For purposes of the RAP project prospectus submitted to the CRABoard, geometric condition points shall be assigned only for those conditions which will be corrected by construction of the project.

NEW SECTION

WAC 136-150-010 PURPOSE. Language in section 14, chapter 49, Laws of 1983 1st ex. sess. was intended to make rural arterial trust account (RATA) funds available only to those counties which in the preceding twelve months did not expend county road property tax revenues for any purposes other than those allowed to the state by Article II, section 40 of the state Constitution. This chapter describes how this statutory language will be implemented by the CRABoard during the rural arterial program (RAP) funding process.

NEW SECTION

WAC 136-150-020 DETERMINING ELIGIBILITY. Only those counties which in the preceding twelve months did not expend county road property tax revenues for any purposes other than those allowed to the state by Article II, section 40 of the state Constitution shall be eligible to receive RATA funds; provided however that counties of the seventh class shall be exempt from this requirement.

NEW SECTION

WAC 136-150-030 CERTIFICATION REQUIRED. The contract between CRAB and a county relative to a RAP project shall contain a certification, signed by the county executive or chairman of the board of county commissioners, that the county is in compliance with the provisions of this chapter.

NEW SECTION

WAC 136-150-040 POST AUDIT/PENALTY. Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next CRAB meeting and may be cause for the CRABoard to withdraw or deny the certificate of good practice of that county.

NEW SECTION

WAC 136-160-010 PURPOSE. Section 5, chapter 49, Laws of 1983 1st ex. sess. provides that the CRABoard shall allocate the rural arterial trust account (RATA) funds apportioned to each region to counties within the region for the construction of specific rural arterial projects. This chapter describes the manner in which a county may request RATA funds for specific rural arterial projects and the manner in which the CRABoard will approve such projects and allocate RATA funds.

NEW SECTION

WAC 136-160-020 THE PROJECT APPLICATION. Each application by a county for RATA funds shall be made on a prospectus form furnished by the CRABoard. The information submitted to the CRABoard shall include the prospectus form, a vicinity map and a sketch of a typical cross section. The project application shall also include a narrative which addresses the particular deficiency which caused the project to be submitted and explains how the proposed improvement would impact or correct the deficiency.

NEW SECTION

WAC 136-160-030 SUBMISSION OF THE PROJECT APPLICATION. Project applications for projects for which RATA funds are requested for any biennium must be submitted to the CRABoard no later than September 1, of the even-numbered year immediately preceding that biennium; provided that the CRABoard may request additional project applications at any time thereafter should additional funding become available. Project applications will not be accepted for projects which are not listed in the most recently adopted six-year program.

NEW SECTION

WAC 136-160-040 PREPARATION AND REVIEW OF REGIONAL PRIORITY ARRAY. The CRABoard shall prepare and review a regional priority

array for each RAP region based on the initial project prioritization in each region described in WAC 136-130-030 through 136-130-070. Projects shall be listed in the order of total RAP rating points including the RATA funds requested for each project. Ties in total RAP rating points may be broken by the CRABoard in favor of the county having the lesser amount of previously allocated RATA funds.

#### NEW SECTION

WAC 136-160-050 PROJECT APPROVAL AND RATA FUND ALLOCATION. The CRABoard will meet as soon as feasible after passage of each biennial budget by the legislature to approve RAP projects and allocate RATA funds. RAP projects shall be approved in each region, in order of their regional priority and RATA funds shall be allocated up to a cumulative dollar amount no greater than ninety percent of the RATA construction appropriation included in the biennial budget; provided however that no county shall receive a total RATA fund allocation greater than the following amounts in the respective regions: NWR, three hundred seventy-five thousand dollars; NER, fifteen percent of the regional apportionment; SER, five hundred thousand dollars; and SWR, four hundred thousand dollars. The remaining construction appropriation may be allocated to approved projects later in the biennium at a time deemed appropriate by the CRABoard.

#### NEW SECTION

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for eighty percent of its RAP construction costs up to the amount of the CRAB/County contract in all regions. RAP project RATA funds may be used to reimburse a county for eighty percent of its RAP project preliminary engineering costs only in the NER. RATA funds may not be used for right of way acquisition in any region.

#### NEW SECTION

WAC 136-170-010 PURPOSE. Section 5, chapter 49, Laws of 1983 1st ex. sess. provides that the CRABoard shall administer the rural arterial program (RAP). This chapter describes the individual project contract between the CRABoard and a county CRAB/county contract to be used to administer each approved RAP project.

#### NEW SECTION

WAC 136-170-020 NOTIFICATION OF COUNTIES. The CRABoard shall, within ten days of its RAP project approval meeting, notify each county having an approved project of such approval and of the amount of RATA funds allocated to each approved project. The CRABoard shall offer a contract for each such approved project setting forth the terms and conditions under which RATA funds will be provided.

#### NEW SECTION

WAC 136-170-030 TERMS OF CRAB/COUNTY CONTRACT. The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing by the CRABoard.

(2) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(3) The project will be constructed in accordance with (a) the information furnished to the CRABoard, and (b) the plans and specifications prepared by the county engineer.

(4) The county will notify the CRABoard when a construction contract has been awarded and/or when construction has started, and when the project has been completed.

(5) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, and subject to the availability of RATA funds apportioned to the region.

(6) The county will reimburse the RATA in the event a project post-audit reveals improper expenditure of RATA funds.

#### NEW SECTION

WAC 136-180-010 PURPOSE. Section 17, chapter 49, Laws of 1983 ex. sess. provides that counties shall submit vouchers for payment of the RATA share of the cost of work completed on each RAP project. This WAC chapter describes the manner in which the CRABoard will implement the provisions of the act related to payment of vouchers.

#### NEW SECTION

WAC 136-180-020 VOUCHER FORM. The CRABoard shall prepare and distribute to all counties with approved RAP projects, voucher forms for use in requesting progress payments and final payment for each approved RAP project.

#### NEW SECTION

WAC 136-180-030 VOUCHER APPROVAL. The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. The chairman of the CRABoard or his designated agent(s) shall approve such vouchers for payment to the county submitting the voucher.

#### NEW SECTION

WAC 136-180-040 PAYMENT OF VOUCHERS. Upon approval of each RAP project voucher by the chairman of the CRABoard or his designated agent(s), it shall be transmitted to the department of transportation for payment to the county submitting the voucher.

RATA warrants shall be transmitted directly to each county submitting a voucher.

#### NEW SECTION

WAC 136-200-010 PURPOSE. Section 2, chapter 49, Laws of 1983 ex. sess., provides that rural arterial trust account (RATA) funds shall be expended for the construction and improvement of county major and minor collectors in rural areas. This WAC chapter describes that manner in which the major and minor collector designations are made. The source document is entitled: "Guidelines: For Amending Urban Boundaries, Functional Classification, and/or Federal Aid Systems, December 1982", by WSDOT, and includes all subsequent amendments.

#### NEW SECTION

WAC 136-200-020 FUNCTIONAL CLASSIFICATION. The Federal Highway Administration (FHWA) has developed a system of functional classification for highways, roads and streets which divides these facilities into groups having similar characteristics of providing mobility and/or land access. All rural roads are presently categorized into four functional classifications: Principal arterials, minor arterials, major and minor collectors, and local roads.

#### NEW SECTION

WAC 136-200-030 FUNCTIONAL CLASSIFICATION CHANGES. Requests to change a route's functional classification are developed by the county having jurisdiction over the route. For those routes extending into another jurisdiction, i.e., a route extending into another city or county, concurrence from the other affected agency is required unless the functional classification can logically be changed at the boundary between agencies. Functional classification changes may be requested in accordance with procedures outlined in the source document described in WAC 136-200-010 through appropriate WSDOT channels.

#### NEW SECTION

WAC 136-200-040 FUNCTIONAL CLASSIFICATION VERIFICATION. Each RAP project application submitted in accordance with WAC 136-160-020 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a major or minor collector in the latest functional class printout available from state aid division, WSDOT.

#### NEW SECTION

WAC 136-210-010 PURPOSE. Section 6, chapter 49, Laws of 1983 1st ex. sess. provides that the CRABoard shall adopt reasonable uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities. This chapter describes how this statutory requirement will be implemented by the CRABoard.

#### NEW SECTION

WAC 136-210-020 APPLICABLE DESIGN STANDARDS. Geometric design of all RAP projects shall be in accordance with the local agency guidelines (LAG) manual published by the WSDOT, Division 13, Rural Area Design Standards.

#### NEW SECTION

WAC 136-210-030 DEVIATIONS FROM DESIGN STANDARDS. Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC 136-160-020. Request for deviation shall be made to the state aid engineer in accordance with the LAG manual.

#### NEW SECTION

WAC 136-210-040 REPORT OF STATE AID ENGINEER. Whenever the CRABoard meets to approve RAP projects the state aid engineer shall report on his action in response to deviation requests, if any, made on individual projects. Failure of the state aid engineer to report in response to a deviation request shall be considered as approval.

#### NEW SECTION

WAC 136-210-050 PROJECT APPROVAL WITH DEVIATION. After having received the report of the state aid engineer in response to deviation requests, the CRABoard shall proceed with RAP project approval in accordance with WAC 136-160-050. Proposed projects for which the deviation request has been denied shall not be approved.

#### NEW SECTION

WAC 136-220-010 PURPOSE. Section 12, chapter 49, Laws of 1983 1st ex. sess. provides that the CRABoard shall establish matching requirements for counties receiving funds from the rural arterial trust account (RATA). This chapter describes how this statutory requirement will be implemented by the CRABoard.

#### NEW SECTION

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. The CRABoard finds that most counties have sufficient financial resources to match available federal funds for road and bridge construction. Counties will be required to match RATA funds with a minimum of twenty percent matching funds.

#### NEW SECTION

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the

county will be required to match any RATA funds earmarked for the project with a minimum of twenty percent matching funds. Projects involving federal highway program funds will be administered through the state aid division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

#### NEW SECTION

WAC 136-250-010 PURPOSE. Section 5, chapter 53, Laws of 1983 ex. sess., requires the CRABoard to monitor expenditures by counties of county road levy revenues and to report all expenditures of these revenues for other than road construction and maintenance purposes annually to the legislative transportation committee (LTC). This chapter describes how the CRABoard intends to implement these provisions.

#### NEW SECTION

WAC 136-250-020 REPORT OF ROAD LEVY REVENUES. Annually, subsequent to the adoption of the county budgets in accordance with RCW 36.40.080, the county legislative authority is required to fix the amount of the levies necessary to raise the amount of estimated expenditures in accordance with RCW 36.40.090. The legislative authority may budget and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. Annually, no later than February 1, each county shall submit to the CRABoard a report showing the amount of the county road levy, the estimated revenues generated by such levy, the amount of such levy budgeted for road purposes, and the amount or amounts budgeted for any service to be provided in the unincorporated area of the county, in accordance with RCW 36.33.220.

#### NEW SECTION

WAC 136-250-030 REPORT OF EXPENDITURES. Annually each county submits a report of road fund revenues and expenditures for the preceding year to the secretary of transportation. A duplicate copy of this report shall be transmitted to the CRABoard no later than April 1 of each year.

#### NEW SECTION

WAC 136-250-040 REPORT OF ROAD LEVY EXPENDITURES. Annually, no later than April 1, each county shall submit to the CRABoard a report showing the amounts of the county road levy revenues actually expended during the preceding year, in accordance with RCW 36.33.220, for other than the construction, maintenance, and administration of the county road system.

#### NEW SECTION

WAC 136-250-050 REPORT TO THE LEGISLATIVE TRANSPORTATION COMMITTEE. Annually, no later than May 1, the CRABoard shall submit to the legislative transportation committee a composite

report on behalf of all counties showing the amounts specified in WAC 136-250-020 and 136-250-040.

### WSR 84-16-066

#### ADOPTED RULES

#### DEPARTMENT OF CORRECTIONS

[Order 84-11—Filed July 30, 1984—Eff. September 4, 1984]

I, Amos E. Reed, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Adult correctional institutions—Medical care—Health care, adopting chapter 137-91 WAC and repealing chapter 275-91 WAC.

All correspondence regarding this adoption should be directed to:

Robert W. Sampson, Administrator  
Office of Contracts and Regulations  
Department of Corrections  
Mailstop FN-62  
(206) 753-5770 or scan 234-5770

This action is taken pursuant to Notice No. WSR 84-13-075 filed with the code reviser on June 20, 1984. These rules shall take effect at a later date, such date being September 4, 1984.

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.050, 72.01.090 and 72.09.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
APPROVED AND ADOPTED July 30, 1984.

By Amos E. Reed  
Secretary

#### Chapter 137-91 WAC ADULT CORRECTIONAL INSTITUTIONS— MEDICAL CARE—HEALTH CARE

#### WAC

- |            |                                     |
|------------|-------------------------------------|
| 137-91-011 | Medical/dental care—General policy. |
| 137-91-021 | Medical/dental services.            |
| 137-91-050 | Use of allied health professionals. |
| 137-91-060 | Records.                            |
| 137-91-070 | Supplemental care.                  |

#### NEW SECTION

WAC 137-91-011 MEDICAL/DENTAL CARE—GENERAL POLICY. The policy of the department of corrections with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level

of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

- (1) Cause or allow to continue significant or debilitating pain; or
- (2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration.

**NEW SECTION**

**WAC 137-91-021 MEDICAL/DENTAL SERVICES.** The medical/dental treatment program operated by the department of corrections shall include the following services:

- (1) Regular environmental health inspections and, where appropriate, recommendations.
- (2) Initial examination when the inmate enters the adult correctional system. This examination shall include:
  - (a) A medical history;
  - (b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;
  - (c) A chest film as indicated;
  - (d) Serology;
  - (e) Blood count;
  - (f) Urinalysis;
  - (g) Electrocardiogram as indicated;
  - (h) Visual and auditory acuity;
  - (i) Dental examination;
  - (j) For female residents, gonorrhea culture and Pap smear as indicated.
- (3) Immunizations as indicated.
- (4) Evaluation of capacity for work and recreation.
- (5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 137-91-011.

**NEW SECTION**

**WAC 137-91-050 USE OF ALLIED HEALTH PROFESSIONALS.** Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks.

**NEW SECTION**

**WAC 137-91-060 RECORDS.** Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

- (1) Detailed reports of admission medical evaluation and recommendations;
- (2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of

consultations and examinations, reports of tests done, and immunizations;

- (3) Reports made by outside consultants.

**NEW SECTION**

**WAC 137-91-070 SUPPLEMENTAL CARE.** Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: PROVIDED, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 275-91-011 MEDICAL/DENTAL CARE—GENERAL POLICY.
- (2) WAC 275-91-021 MEDICAL/DENTAL SERVICES.
- (3) WAC 275-91-031 RIGHT TO REFUSE TREATMENT.
- (4) WAC 275-91-041 INVOLUNTARY TREATMENT—APPEALS.
- (5) WAC 275-91-050 USE OF ALLIED HEALTH PROFESSIONALS.
- (6) WAC 275-91-060 RECORDS.
- (7) WAC 275-91-070 SUPPLEMENTAL CARE.

**WSR 84-16-067**  
**ADOPTED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
 [Order 119—Filed July 31, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Grays Harbor College, Aberdeen, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 251-04-020 Definitions ("annual performance evaluation," "management employee," "non-management employee," "rating factor").
- Amd WAC 251-04-040 Exemptions.
- Amd WAC 251-08-090 Salary—Periodic increment.
- New WAC 251-08-091 Periodic increment withheld—Management employees.
- Amd WAC 251-10-160 Withdrawal or amendment of charges—Time limitation.
- Amd WAC 251-12-080 Appeals from demotion, suspension, lay-off, reduction in salary, dismissal.
- Amd WAC 251-12-110 Appearance and practice before the board.
- Amd WAC 251-12-240 Burden of proof.
- Amd WAC 251-18-180 Eligible lists—Definition—Composition.
- Amd WAC 251-18-240 Certification—Method.
- Amd WAC 251-18-320 Appointment—Probationary.
- Amd WAC 251-18-347 Permanent classified employee movement between institutions/related boards or state agencies.
- Amd WAC 251-18-350 Appointment—Temporary.

Amd	WAC 251-20-010	Employee performance evaluation— Authority, purpose, use.
Amd	WAC 251-20-020	Employee performance evaluation— Forms.
Amd	WAC 251-20-030	Method of evaluation.
Amd	WAC 251-20-040	Employee performance evaluation— Procedure.
New	WAC 251-20-045	Annual performance evaluation—Dis- tribution of ratings—Management employees.
Amd	WAC 251-20-050	Employee performance evaluation— Appeal.

This action is taken pursuant to Notice Nos. WSR 84-12-087 and 84-12-088 filed with the code reviser on June 6, 1984. 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 under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 20, 1984.

By John A. Spitz  
Director

AMENDATORY SECTION (Amending Order 116,  
filed 5/2/84)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"ANNUAL PERFORMANCE EVALUATION" – The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" – A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" – The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic,

medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-118-130, 251-18-180 (6) and/or (8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and

permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of cyclic year positions. 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.

"LAYOFF UNITY" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"MANAGEMENT EMPLOYEE" – An employee whose position: (1) Is at system-wide salary range 49 or above, and (2) includes supervision of subordinates, and (3) includes responsibilities normally associated with management such as planning, organizing, directing, and controlling a program or function.

"NONMANAGEMENT EMPLOYEES" – All classified employees except those defined as "management employees."

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class(~~(, as provided in WAC 251-08-090 and 251-08-100)~~).

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution (( $\sigma$ )), related board or state agency.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

- (1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic

endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"RATING FACTOR" – An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them

or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or

combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

**AMENDATORY SECTION** (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

~~(2) ((a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity, or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members:~~

~~(b)) Students employed by the institution at which they are enrolled (or related board) and who either:~~

~~(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:~~

~~(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or~~

~~(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;~~

~~(b) Provided further that the hour limitation shall not apply to student employees who were hired before July 20, 1984, with an understanding of working more than the stated number of hours monthly, and also with an understanding of such employment continuing for the duration of their education. However, this exception shall apply only to students who are continuously enrolled and shall not extend beyond September 1, 1988. Students covered by this exception shall be identified to the director;~~

~~(c) Are employed in a position directly related to their major field of study to provide training opportunity; or~~

~~(d) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.~~

~~(3) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.~~

~~(4) Students employed through the state or federal work/study programs.~~

(5) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

~~((c))~~ (6) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-04-020.

~~((d))~~ (7) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

~~((e))~~ (8) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

~~((f))~~ (9) The personnel director of the higher education personnel board and his confidential secretary.

~~((g))~~ (10) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

~~((h))~~ (11) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

~~((i))~~ (12) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

~~((j))~~ (13) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-090 SALARY—PERIODIC INCREMENT. (1) Nonmanagement employees((;)) whose performance permits them to retain job status in the classified service((;)) shall receive periodic increments

within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range.

(2) The salary of each management employee shall be increased two steps on the periodic increment date, not to exceed the maximum step of the range as follows:

(a) Upon successful completion of a probationary period or trial service period for employees appointed at the first step of the salary range.

(b) On annual periodic increment dates, providing the employee's annual overall performance evaluation rating is "meets expectations" or higher.

(3) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

#### NEW SECTION

WAC 251-08-091 PERIODIC INCREMENT WITHHELD—MANAGEMENT EMPLOYEES. (1) The periodic increment shall be withheld when a management employee receives an annual overall performance evaluation rating lower than "meets expectations."

(2) Withholding of a periodic increment is a reduction in salary and shall be processed as provided in WAC 251-10-110, 251-10-150 and 251-10-160.

(3) Withholding of a periodic increment shall be for a period of one year effective on the employee's periodic increment date.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-160 WITHDRAWAL OR AMENDMENT OF CHARGES—TIME LIMITATION. Appointing authorities may withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the board.

AMENDATORY SECTION (Amending Order 95, filed 4/26/82, effective 6/1/82)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION IN SALARY, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

AMENDATORY SECTION (Amending Order 86, filed 10/27/80, effective 12/1/80)

WAC 251-12-110 APPEARANCE AND PRACTICE BEFORE THE BOARD. Appellants shall have the right to represent themselves in all types of hearings before the board. In addition appellants or institutions may be represented by a party of their choosing, except

that no person may represent an appellant or institution in hearings of demotion, reduction in salary, suspension, separation, dismissal, layoff, or refusal to reinstate after presumption of resignation other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington state law.

(3) Authorized legal interns, when accompanied by their qualified supervising attorney.

AMENDATORY SECTION (Amending Order 90, filed 8/28/81, effective 10/1/81)

WAC 251-12-240 BURDEN OF PROOF. (1) At any hearing on appeal from a layoff, demotion, suspension, reduction in salary, separation (except for voluntary resignation or retirement), or dismissal the institution shall have the burden of proof.

(2) At any hearing on appeal from an allocation, the burden of proof shall rest with the appellant.

(3) At any hearing on exceptions to a hearing examiner's recommended decision per the provisions of WAC 251-12-085 or to a director's determination per the provisions of WAC 251-12-075, 251-12-600, or 251-18-115, the party filing the exceptions shall have the burden of proof.

AMENDATORY SECTION (Amending Order 115, filed 5/2/84)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. Eligible lists shall be established by class as follows:

(1) Institution-wide layoff lists shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved, ranked in order of layoff seniority.

(2) Organizational unit promotional lists shall contain the names of all permanent employees of the organizational unit for which the list is established who have passed the examination for the class, ranked in order of their final examination scores.

(3) Institution-wide promotional lists shall contain the names of all permanent employees who have passed the examination for the class, ranked in order of their final examination scores.

(4) Special employment program layoff lists shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a

class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ranked in order of layoff seniority.

(5) State-wide layoff lists shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Interinstitutional employee lists shall contain the names of permanent employees of an institution or related board other than the one at which he/she is applying, who have passed the examination for the class, ranked in order of their final examination scores.

(7) Intersystem employee lists shall contain the names of permanent employees under the jurisdiction of chapter 41.06 RCW who have passed the examination for the class, ranked in order of their final examination scores.

(8) Open competitive lists shall contain the names of all other applicants who have passed the examination for the class, ranked in order of their final examination scores. ~~((Applicants who are in permanent status at another institution/related board shall have a five percent credit added to their final passing score:~~

~~((7))~~ (9) Noncompetitive lists shall be established per WAC 251-18-015 and shall contain the names of applicants who meet the minimum qualifications and have passed the noncompetitive examination, if any, for the class, ranked by priority in time of filing application.

~~((8))~~ (10) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the interinstitutional employee list, the intersystem employee list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing scores.

**AMENDATORY SECTION** (Amending Order 115, filed 5/2/84)

WAC 251-18-240 **CERTIFICATION—METHOD.** (1) Upon receipt of a personnel request, the personnel officer shall provide to the employing official in writing four more names than there are vacancies to be filled by the certification.

(2) Names shall be certified in strict order of standing on the eligible list(s).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(8):

- (i) Institution-wide layoff list;
  - (ii) Organizational unit promotional list;
  - (iii) Institution-wide promotional list;
  - (iv) Special employment program layoff list;
  - (v) State-wide layoff list;
  - (vi) Interinstitutional employee list;
  - (vii) Intersystem employee list;
  - (viii) Open competitive or noncompetitive list.
- (b) When the personnel officer has established a combined eligible list:
- (i) Institution-wide layoff list;
  - (ii) Combined eligible list.

**AMENDATORY SECTION** (Amending Order 113, filed 3/30/84, effective 5/1/84)

WAC 251-18-320 **APPOINTMENT—PROBATIONARY.** (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-competitive or noncompetitive list (~~except those identified in WAC 251-18-347~~)).

(b) Institution-wide layoff list - when the employee was in probationary status at the time of layoff.

(c) State-wide layoff list.

(d) Combined eligible list as provided in WAC ~~((251-18-181))~~ 251-18-180(10) and 251-18-240 ~~((4))~~ (3)(b)(ii) when the person appointed is neither a permanent employee of the institution nor an employee moving pursuant to WAC 251-18-347.

(2) The probationary period will continue for the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

**AMENDATORY SECTION** (Amending Order 110, filed 12/30/83, effective 2/1/84)

WAC 251-18-347 **PERMANENT CLASSIFIED EMPLOYEE MOVEMENT BETWEEN INSTITUTIONS/RELATED BOARDS OR STATE AGENCIES.** Permanent classified employees desiring to promote, transfer, laterally move, or voluntarily demote to positions at other institutions/related boards or state agencies will:

(1) Have the responsibility for communicating their desires in writing to potential receiving institutions/related boards or the department of personnel.

(2) Be required to pass the examination for the class administered by the receiving institution/related board or department of personnel.

(3) Have their names placed on the appropriate eligible list as provided in WAC 251-18-180 or corresponding department of personnel register.

(4) Be certified to employing official(s) as provided in WAC 251-18-240 or corresponding department of personnel rule.

(5) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or corresponding department of personnel register.

(6) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employee to the new position.

(7) Retain (~~annual~~) vacation and sick leave balances (~~and accrual rates as if no movement had occurred~~). Vacation leave accrual rates shall be determined by appropriate higher education personnel board or department of personnel rules.

(8) Retain their former periodic increment date except upon promotion in accordance with WAC 251-08-100 (3)(a).

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-18-350 APPOINTMENT—TEMPORARY. (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-04-020.

(2) Temporary appointment to perform work in the absence of an employee on leave for ninety or more consecutive calendar days shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter 28B.16 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one hundred seventy-nine consecutive calendar day limitation identified in WAC 251-04-020(3) and subsection (5) of this section.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than ninety consecutive calendar days. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-04-020 (1)(a), (2), and (3) may be made without regard to the rules governing appointment.

(5) Upon prior approval of the director, a temporary appointment to a position identified in WAC 251-04-020 (1)(a) may be extended beyond the eighty-ninth day, however the total period of appointment shall not exceed one hundred seventy-nine consecutive calendar days.

(6) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-04-020 (1)(a), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(7) At the conclusion of a temporary appointment of less than one hundred eighty consecutive calendar days, a permanent employee shall have the right to revert to his/her former position.

(8) Each institution shall file with the director a procedure which indicates their system for controlling and monitoring exempt positions as identified in RCW 28B.16.040(2).

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-010 EMPLOYEE PERFORMANCE EVALUATION—AUTHORITY, PURPOSE, USE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.105(;) and 28B.16.250, which (~~provides in part, ". . . the board shall develop~~) require that standardized employee performance evaluation procedures and forms (~~which shall~~) be used by institutions of higher (~~learning~~) education for the appraisal of employee job performance at least annually(~~(". . .")~~).

(2) (~~It is the board's intent that employing officials or designated supervisory personnel~~) Supervisors will conduct annual performance evaluations for uses including but not limited to the following:

(a) To record and inform employees regarding how well they have contributed to (~~efficiency, effectiveness, and economy in fulfilling~~) the fulfillment of institution and job objectives.

(b) To award periodic increment increases for management employees.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-20-020 EMPLOYEE PERFORMANCE EVALUATION—FORMS. (1) Standardized performance evaluation forms approved by the board shall be used to record employee evaluations. The forms shall contain standard "~~(performance)~~rating factors" and shall provide for one or more "optional factors" developed by the institution, which reflect organizational requirements and specific job-related aspects of performance.

(2) The approved forms shall accommodate the provisions of WAC 251-20-040.

(3) The approved forms may be supplemented with other forms and/or information used by an institution to support the ratings recorded on the approved forms.

AMENDATORY SECTION (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-030 METHOD OF EVALUATION. (1) Employee performance is to be rated for each "~~(performance)~~rating factor" on the approved

form on the basis of ~~((criteria))~~ performance expectations determined by the supervisor. ~~((To assist in the rating))~~

(2) Upon appointment to a position, the employee's supervisor will~~((:~~

~~((a)))~~ provide the employee with a copy of the following:

~~((a))~~ The specification for the class~~((, and))~~.

~~((b))~~ ~~((Identify thereon, or on the approved form or attached thereto,))~~ The employee's specific position duties and responsibilities which relate to the specification~~((; and))~~.

~~((c))~~ ~~((Identify on the approved form or attached thereto criteria to be evaluated which set forth the supervisor's))~~ (3) Written performance expectations ~~((with regard to factors of quality, quantity, job knowledge and working relationships as they relate to the employee's position))~~ for each of the rating factors shall be provided to the employee in sufficient time to allow the employee to meet the work expectations (normally within thirty calendar days after appointment to an existing position and within ninety calendar days after appointment to a newly created or significantly modified position).

~~((2))~~ ~~((Criteria which set forth))~~ (4) The supervisor's performance expectations shall remain in effect for future evaluations unless action is taken to modify ~~((or replace))~~ them and the employee has been provided with a copy of them.

~~((3))~~ (5) Each "~~((performance))~~rating factor" will be rated and recorded in one of the rating categories on the approved evaluation form.

(6) Each management employee shall be given an overall performance rating which will be recorded on the approved form in one of the following five rating categories: "Outstanding," "exceeds expectations," "meets expectations," "needs improvement" or "unsatisfactory."

(7) The director shall establish procedures for determining assigned overall scores and overall performance ratings for management employees and shall make them available through a personnel bulletin.

**AMENDATORY SECTION** (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-040 **EMPLOYEE PERFORMANCE EVALUATION—PROCEDURE.** (1) Each employee shall be evaluated at least annually by his/her immediate supervisor prior to the date on which the employee would be eligible to receive a periodic increment increase in salary. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the ~~((signed))~~ completed annual evaluation form will be provided to the employee upon request.

(5) Performance evaluations shall be retained in the employee's file for no more than three years.

**NEW SECTION**

WAC 251-20-045 **ANNUAL PERFORMANCE EVALUATION—DISTRIBUTION OF RATINGS—MANAGEMENT EMPLOYEES.** (1) Each institution is expected to monitor the application of ratings of management employees to ensure a realistic distribution. A distribution of ratings will not be considered unrealistic if it approximates the following:

<u>Assigned Overall Score/Rating</u>		
3.5 - 4.0	Outstanding	Maximum 10%
2.5 - 3.4	Exceeds expectations	Maximum 35%
1.5 - 2.4	Meets expectations	Minimum 50%

(2) Each year the personnel officer shall review the distribution of ratings of management employees and shall report that distribution at the time of the annual report to the director. The management of each institution shall take steps so that the rating distribution for the coming year would more nearly approximate a realistic distribution, such steps to include, if necessary, the adjustment of performance expectations.

**AMENDATORY SECTION** (Amending Order 89, filed 7/9/81, effective 8/10/81)

WAC 251-20-050 **EMPLOYEE PERFORMANCE EVALUATION—APPEAL.** An appeal against action under this chapter shall be restricted as follows:

(1) To allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075. ~~((Performance evaluations shall not be used to initiate personnel actions such as transfer, promotion or discipline.))~~

(2) To a reduction in salary resulting from withholding of a periodic increment as provided in WAC 251-12-080.

**WSR 84-16-068**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Order 418—Filed July 31, 1984]

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 describing restrictions on forest lands under the protection of the Department of Natural Resources in the Northwest, South Puget Sound, and Central Areas.

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 the dry weather conditions and

the forecasted weather conditions in shutdown zone 659 in the Northwest, South Puget Sound, and Central Areas, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 July 31, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

### NEW SECTION

**WAC 332-26-080 MODIFIED LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST, SOUTH PUGET SOUND, AND CENTRAL AREAS.** *Department of Natural Resources Shutdown Zone affected by these restrictions is zone 659 in the eastern parts of Snohomish, King, Pierce, and Lewis counties under the protection of the Department of Natural Resources in the Northwest, South Puget Sound, and Central Areas.*

*Effective midnight Tuesday, July 31, 1984 through midnight Friday, August 3, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operating under the following conditions:*

- 1) *All power saws, except those saws operating on clean landings, shall shutdown from 11 am till 8 pm.*
- 2) *Yarding and skidding shall shutdown from 1 pm till 8 pm.*
- 3) *Road construction is permitted only in non-slash areas when equipment has approved spark arresters or turbo-chargers.*
- 4) *Loading is permitted on clean landings only.*
- 5) *Hauling is permitted on roads not bordered by concentrations of slash.*
- 6) *Blasting is shutdown from 11 am to 8 pm.*
- 7) *No welding is allowed at any time.*

*During the period from midnight Tuesday, July 31, 1984 through midnight Friday, August 3, 1984 all persons are excluded from logging operation areas and areas of logging slash except those present in the interest of fire protection.*

*Burning permits and burning privileges are cancelled in Shutdown Zone 659, effective midnight Tuesday, July 31, 1984 through midnight Friday, August 3, 1984.*

### **WSR 84-16-069**

#### **NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER**

[Memorandum—July 30, 1984]

The regular meeting of the board of directors of the Washington State Convention and Trade Center of August 16, 1984, has been cancelled.

### **WSR 84-16-070**

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

[Order 241—Filed July 31, 1984]

Be it resolved by the State Game Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to establishing a 90-day emergency fishing season for Roses Lake in Chelan County, WAC 232-28-61001.

We, the State Game Commission, 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 Roses Lake in Chelan County is one of 13 lakes proposed for rehabilitation in 1984-85. The emergency season will provide anglers with an opportunity to harvest fish from the lake prior to rehabilitation.

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

This rule is promulgated pursuant to RCW 77.12.040 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 July 9, 1984.

By Vern E. Ziegler  
Chairman, Game Commission

### NEW SECTION

**WAC 232-28-61001 ESTABLISH A 90-DAY EMERGENCY FISHING SEASON FOR ROSES LAKE IN CHELAN COUNTY.** *Notwithstanding the provisions of WAC 232-28-610, it shall be lawful to fish for, take, or possess game fish in Roses Lake, Chelan County. Roses Lake will be open to fishing for 90 days beginning at 12:01 a.m., August 1, 1984.*

**WSR 84-16-071**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 242—Filed July 31, 1984]

Be it resolved by the State Game Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to fishing season closure for Fish Lake in Okanogan County, WAC 232-28-60901.

We, the State Game Commission, 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 Fish Lake in Okanogan County will close to fishing July 31. The emergency closure was called for as a result of an error in the 1984 Game Fish Seasons and Catch Limits pamphlet. The lake was intended to be closed the end of July, but it was inadvertently omitted from the listing of lakes with early closures.

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

This rule is promulgated pursuant to RCW 77.12.040 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 July 9, 1984.

By Vern E. Ziegler  
 Chairman, Game Commission

**NEW SECTION**

*WAC 232-28-60901 FISHING SEASON CLOSURE FOR FISH LAKE IN OKANOGAN COUNTY. Notwithstanding the provisions of WAC 232-28-609, it shall be unlawful for any person to fish for, take, or possess game fish in Fish Lake, Okanogan County. Fish Lake will be closed to fishing beginning at 12:01 a.m., August 1, 1984.*

**WSR 84-16-072**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
 [Filed July 31, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Game intends to adopt, amend, or repeal rules concerning director or his designee empowered to enter agreements to control nuisance or problem wildlife, adopting WAC 232-12-086;

that the agency will at 9:00 a.m., Wednesday, October 10, 1984, in the Moose Lodge, 814 6th Street,

Clarkston, WA 99403, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 10, 1984.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.12.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 8, 1984.

Dated: July 27, 1984

By: R. B. Rasmussen

Administrator, Enforcement Division

**STATEMENT OF PURPOSE**

Title and Number of Rule Section: WAC 232-12-086  
 Director or his designee empowered to enter agreements to control nuisance or problem wildlife.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.12.320.

Summary of the Rule: Delegates authority to director or designee to enter agreements with other public agencies or private enterprise to control problem wildlife. Sets down guidelines under which such agreements may be allowed.

Reasons Supporting the Proposed Rule: Department has determined that it is not the best use of employees time and resources to handle certain nuisance animal complaints. The private sector and some other government agencies are or would be willing and able to fulfill certain public demands for service.

The Agency Personnel Responsible for Drafting: Allen Rasmussen, Program Manager, Wildlife Control, Department of Game, 600 North Capitol Way, Olympia, WA 98504, telephone: (206) 753-5740; Implementation and Enforcement: R. B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

**NEW SECTION**

WAC 232-12-086 TITLE: DIRECTOR OR HIS DESIGNEE IS EMPOWERED TO ENTER AGREEMENTS TO CONTROL NUISANCE OR PROBLEM WILDLIFE. When the Director or his designee determines that nuisance or problem wildlife can be controlled by persons, political subdivisions of this state, or the United

States, the Director or his designee may enter into agreements for control of said nuisance or problem wildlife.

Agreements entered into shall be subject to the following criteria:

- 1) The control activity shall not adversely affect the department's obligation to preserve, protect and perpetuate the states wildlife.
- 2) The agreement shall include but is not limited to:
  - a) The procedure for reporting control activity to the department.
  - b) Species of animals approved for control.
  - c) Location of control activity covered by the agreement.
  - d) Methods of control activity allowed (by species).
  - e) Disposition of animals controlled or captured.
- 3) The person or agency doing the control work shall have the equipment, knowledge and ability to control those species listed in the agreement.
- 4) Agreements may be revoked, modified or suspended by the Director or issuing authority as provided in W.A.C. 232-12-197.
- 5) Term of the agreement shall not exceed three years. The agreement may be extended three years at a time with written approval of both parties.

**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 84-16-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-92—Filed July 31, 1984]

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 provides additional information on the management of the squid 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 July 31, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-52-06600F SQUID FISHERY.** *Notwithstanding the provisions of WAC 220-52-066, effective immediately it is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town except that a test fishery is authorized within Port Angeles Harbor for vessels utilizing up to (2) two brailles less than 10 feet in diameter and lights not exceeding 1,000 watts for commercial*

*squid fishing 75 feet or more from docks, piers and shoreline between the hours of midnight and 6:00 A.M. Monday through Thursday of each week. Fishermen participating in this fishery must complete the Department of Fisheries squid harvest log and return the completed log to the Department of Fisheries each week postmarked no later than midnight Friday of each week.*

**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 84-16-074**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-93—Filed July 31, 1984]

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 restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Lake Washington sockeye and Stillaguamish chinook. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 10D, 10F and 10G provide protection for Lake Washington sockeye and subsequent protection for sockeye while allowing harvest of surplus chinook. Restrictions in Area 7C and the Samish River provide protection for adult summer/fall chinook. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Area 13A and the Nooksack and White rivers and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook. Restrictions in the Dungeness, Elwha, Sekiu, Hoko, Clallam, Pysht and Lyre rivers, Deep and Salt creeks and Area 6D provide protection for local summer/fall chinook stocks. Extension of closure in Areas 10D, 10F and 10G necessary to conform to management period revision.

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 July 31, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-28-413 **PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS.** *Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.*

*Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.*

*Areas 6B, 9 – Closed to all commercial fishing.*

*Area 6D – Closed to all commercial fishing.*

*Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.*

*Area 8 – Closed to all commercial fishing.*

*Skagit River – (1) Mouth to Baker River – Closed to all net gear except dip bag nets, and all chinook greater than 24 inches in length must be released when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.*

*Area 10C – Closed to all commercial fishing.*

*\*Area 10D – Effective through August 4, closed to all commercial fishing. Effective August 5, (1) gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open. (2) Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.*

*\*Areas 10F and 10G – Effective through August 4, closed to all commercial fishing. Effective August 5, gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open.*

*Area 13A north of the point of land on the south entrance of Horsehead Bay to a marker on Longbranch Peninsula, and Minter Creek – Closed to all commercial fishing.*

*Nooksack River – Upstream of confluence – closed to all commercial fishing.*

*Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, Sekiu River, Hoko River, Clallam River, Pysht River, Lyre River, Salt Creek, and Deep Creek – Closed to all commercial fishing.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective immediately.*

WAC 220-28-412 **PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-86)**

**WSR 84-16-075**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 84-94—Filed July 31, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 White River spring chinook stock returning to Minter Creek Hatchery need protection, and some of these fish are still present in these marine waters.

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 July 31, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-56-180000 **BAG LIMIT CODES.** *Notwithstanding the provisions of WAC 220-56-180, effective 12:01 A.M. August 1, 1984 through August 15, 1984 it is unlawful to fish for or possess chinook salmon taken for personal use from waters of Henderson Bay in Carr Inlet northeasterly of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.*

**WSR 84-16-076**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed August 1, 1984]

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 Pacific County, WAC 173-19-330;

that the agency will at 2:00 p.m., Thursday, September 6, 1984, in the Energy Facility Site Evaluation Council Office, Building 1, Rowesix, 4224 6th Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 20, 1984.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 10, 1984.

Dated: July 27, 1984  
 By: Glen H. Fiedler  
 Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-330 Pacific County.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master programs for Pacific County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jeanne Holloman, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: [No information supplied by agency.]

AMENDATORY SECTION (Amending Order DE 81-55, filed 3/18/82)

WAC 173-19-330 PACIFIC COUNTY. Pacific County Master Program approved April 8, 1975. Revision approved June 26, 1980. Revision approved March 16, 1982. Revision approved September 20, 1984.

**WSR 84-16-077**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed August 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning chapter 173-403 WAC, implementation of regulations for air contaminant sources. The changes will increase the civil penalty for violations from \$250 to \$1,000 per day per violation, allow a \$5,000 fine for purposes of effective enforcement, limit the fine for opacity violations to \$400 per day, clarify the department's issuance of compliance orders in conjunction with the serving of notices of violation, WAC 173-403-170; and delete the requirement that certain emission reductions can only be used as an offset by the source creating the reduction, WAC 173-403-050;

that the agency will at 10:00 a.m., Tuesday, September 4, 1984, at the Department of Ecology, St. Martins College Campus, Abbott Raphael Hall, Room 273, 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 September 18, 1984.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.430 and 70.94.431.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 12, 1984.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Henry Droege  
 Department of Ecology PV-11  
 Olympia, WA 98504  
 (206) 459-6256

Dated: July 31, 1984  
 By: Donald W. Moos  
 Director

**STATEMENT OF PURPOSE**

Title: Implementation of regulations for air contaminant sources, chapter 173-403 WAC.

Description of Purpose: To bring regulation into agreement with changes in state law and federal requirements.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: Increase the civil penalty for violations from \$250 to \$1,000 per day per violation, allow a \$5,000 fine for purposes of effective enforcement, limit the fine for purposes of effective enforcement, limit the fine for opacity violations to \$400 per day, clarify the department's issuances of compliance orders in conjunction with the servicing of notices of violation and delete the requirements that certain emission reductions can only be used as an offset by the source creating the reduction.

Reasons Supporting Proposed Action: Legislative intent to improve enforcement of air contaminant controls.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Henry Droege, WDOE, PV-11, Olympia, WA 98504, (206) 459-6256.

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: Amendments to chapter 173-403 WAC, implementation of regulations for air contaminant sources.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small businesses. These proposed regulatory changes are of two principal types. The first of these is wording changes aimed at clarification of language, administrative improvements, or clarification or simplification of compliance requirements. Many of the latter should actually work in the direction of reducing compliance costs for both large and small businesses. The second major change involves the revisions of fines and penalties for noncompliance in section 170. As it happens, these changes simply incorporate language identical to that contained in amendments to chapter 70.94 RCW (the State Clean Air Act) passed by the legislature during their last session and signed into law on March 28, 1984. Therefore, this action simply represents our compliance with statutory requirements and cannot be interpreted to have any unique impacts upon either small or large businesses beyond those contemplated by the legislature.

AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-403-050 NEW SOURCE REVIEW (NSR). (1) Applicability.

(a) A notice of construction must be filed with the department or cognizant local authority prior to the construction, installation, or establishment of a new source, if the source is in a category that is required to submit to new source review per applicable regulation of the said authority.

(b) The department or cognizant local authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(2) Additional information. Within thirty days of receipt of a notice of construction, the department or cognizant local authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the department or cognizant local authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources. ~~((An emission reduction that is the result of the shutdown or curtailment of an existing emissions unit may be used as an offsetting reduction to satisfy the requirements of this paragraph only by the source that created the reduction.))~~

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS)

and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The project will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source the source shall meet all the requirements of prevention of significant deterioration regulations under WAC 173-403-080, in Washington and any adjacent state.

(d) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment. This requirement will be considered to be met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
TSP	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>	-	-	-
SO <sub>2</sub>	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>	-	25 ug/m <sup>3</sup>	30 ug/m <sup>3</sup>

(e) If the new source is a major source, the source shall undergo an impact analysis for visibility impairment with respect to all areas in Washington and any adjacent state that are mandatory Class I areas per 40 CFR 52.21 (e). The impact analysis shall consist of the following procedures:

(i) If the land manager has officially designated visibility as an important attribute of any mandatory Class I area, the owner or operator of the proposed new source shall demonstrate that the potential to emit any pollutant at a significant emission rate, in conjunction with the emissions from any other new source permitted since January 1982, shall not cause or contribute to significant visibility impairment of the Class I area.

(ii) Upon application for a notice of construction, the department shall notify the land manager of any potentially affected mandatory Class I area. Such notification must be made in writing and include a copy of all information relevant to the application, including the information developed for (e) of this subsection. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(iii) All estimates of visibility impacts required under this section shall be based on the models on file with the department. Equivalent models may be substituted if approved by the department or EPA.

(iv) The results of the analysis must be sent to the affected land manager(s). The land manager(s) in the affected mandatory Class I area(s) will review the results. Frequency and time of impact, duration, geographic extent, and intensity of the predicted impairment would also be considered in this step. The land manager(s) may demonstrate within thirty days following their receipt of the source's visibility impact analysis that adverse impact on visibility in the Class I area would result.

If the department concurs with the demonstration, the notice of construction for the proposed source will not be approved unless or until mitigating measures are developed. If the department feels a land manager's demonstration is not adequate, the department will determine whether significant impairment of a mandatory Class I area would result. If the department determines it would, approval for the proposed source will not be issued unless or until mitigating measures are developed.

The land manager(s) or department may also demonstrate that the proposed source would cause impairment of any integral vista officially designated at least six months prior to the proposed source's submission of a complete application. In determining whether a source should be controlled to protect an integral vista, the department may take into account the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(v) The department may require preconstruction and/or post-construction visibility monitoring at the proposed site or potentially affected area as part of the applicable regulatory order.

(f) The proposed new source will not cause a violation of any ambient air quality standard.

(g) An offsetting emissions reduction, issued per WAC 173-403-050 (3)(e), may be used to satisfy the requirements of (c), (d), (e), or (f) of this subsection, if required.

(5) Preliminary determination. Within thirty days after receipt of all information required, the department or cognizant local authority shall:

(a) Make preliminary determinations on the matters set forth in WAC 173-403-050 (3) or (4), whichever is applicable; and

(b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in WAC 173-403-050 (3) or (4) are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the department or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) Commencement of construction. The owner or operator of the new source shall not commence construction until the applicable notice of construction has been approved.

#### AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-403-070 ISSUANCE OF EMISSION REDUCTION CREDITS. (1) Applicability. The owner or operator of any source may apply to the department or cognizant local authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished, except that within one hundred eighty days after the adoption of this regulation, an ERC application may be made for an emission reduction which took place between April 1, 1980, and the date of adoption of this regulation.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the department or cognizant local authority.

(a) The quantity of emissions in the ERC shall be no greater than the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown or equipment, specified control practices, etc.

(c) The ERC must be large enough so as to be readily quantifiable in relation to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-403-050 (3)(e), nor as part of a bubble transaction under WAC 173-403-060, nor to satisfy NSPS, BACT, or LAER.

(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time. The new allowable emissions shall be considered RACT.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, the department or cognizant local authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, the department or cognizant local authority shall approve or deny the application, based on a finding that conditions in subsection (3) (a) through (e) of this section have been satisfied or not. If the application is approved, the department or cognizant local authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shut-down or equipment, the regulatory order or equivalent document must prohibit the startup of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the nonattainment area involved, if applicable, ~~((to what extent the ERC results from the shutdown or curtailment of an emissions unit;))~~ and the person to whom the certificate is issued.

**AMENDATORY SECTION** (Amending Order DE 83-22, filed 8/26/83)

WAC 173-403-080 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, 1982, are herein incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(l)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l)(2), air quality models, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In all other cases, the word "administrator" shall be construed to mean the director of the department.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within one year prior to the change, or if a decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR ~~((52.24))~~ 51.24(q) public participation, as in effect July 1, 1982, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR ~~((52.24))~~ 51.24(q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR ~~((52.24))~~ 51.24(q)(l), the phrase "specified time period" shall mean thirty days.

(4) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1983:

Mount Rainier National Park  
North Cascade National Park  
Olympic National Park  
Alpine Lakes Wilderness Area  
Glacier Peak Wilderness Area  
Goat ~~((Pocks))~~ Rocks Wilderness Area  
Mount Adams Wilderness Area  
Pasayten Wilderness Area.

**AMENDATORY SECTION** (Amending Order DE 83-12, filed 4/11/83)

WAC 173-403-120 VARIANCE. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) Jurisdiction. Sources in any area over which a local air pollution control authority has jurisdiction shall make application to the said authority rather than the department. The department or local authority may grant such variance, but only after public involvement per WAC 173-403-110.

(2) Full faith and credit. Variances granted by a local authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) EPA concurrence. No variance or renewal ~~((shall))~~ may be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the Federal Environmental Protection Agency.

**AMENDATORY SECTION** (Amending Order DE 83-12, filed 4/11/83)

WAC 173-403-170 REGULATORY ACTIONS. The department may take any of the following regulatory actions to enforce this chapter.

(1) Notice of violation. Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed ~~((two hundred fifty))~~ one thousand dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the director or designee of the director or authorized person in the cognizant local authority describing the violation with reasonable particularity.

Further, the person is subject to a fine of up to five thousand dollars to be levied by the director if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. The maximum daily fine imposed for violation of standards by a specific emissions unit is five thousand dollars. Upon written application submitted to the department within fifteen days after notice has been received the director may remit or mitigate the penalty upon such terms as the director deems proper and when deemed in the best interest to carry out the purpose of this chapter. The mitigation shall not affect or reduce the penalty imposed by the local board.

Notwithstanding any other provisions of this subsection, the maximum daily fine that may be imposed upon any emissions unit for violation of any opacity standard is four hundred dollars.

(3) Assurance of discontinuance. The director or authorized person in the cognizant local authority may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The department may issue such orders as authorized by chapter 194, Laws of 1971 ex. sess., whenever an air pollution episode forecast is declared.

(6) Compliance orders. The department may issue a compliance order in conjunction with or up to thirty days following the serving of a notice of violation. The order shall specify the necessary corrective action options and dates when such options are to be initiated.

WSR 84-16-078

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed August 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning the State Environmental Policy Act (SEPA) rules, chapter 197-11 WAC, require each state agency, including the University of Washington, to adopt amended or new agency SEPA procedures. This action repeals the old university SEPA rules, chapter 478-325

WAC, and adopts the new university SEPA procedures, chapter 478-324 WAC;

that the institution will at 7:30 p.m., Thursday, September 6, 1984, in the Savery Hall, Room 239, University of Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 21, 1984.

The authority under which these rules are proposed is RCW 43.21C.120 and WAC 197-11-904.

The specific statute these rules are intended to implement is the State Environmental Policy Act, chapter 43.21C RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 6, 1984.

Dated: July 30, 1984

By: Elsa Kircher Cole  
Assistant Attorney General

### STATEMENT OF PURPOSE

Statutory Authority: RCW 43.21C.120, State Environmental Policy Act (SEPA).

Purpose of the Rule(s): To integrate the policies and procedures of chapter 43.21C RCW and the rules of chapter 197-11 WAC into the University of Washington's planning and decision-making processes.

Summary of the Rule(s): Chapter 478-324 WAC, University of Washington SEPA procedures interpret and administer university compliance with the State Environmental Policy Act, chapter 43.21C RCW. These university SEPA procedures will enable the university: To ensure that the SEPA process and environmental values are integrated into routine university planning and decision-making at the earliest possible time, to improve the quality of environmental analysis, to encourage public involvement, and to identify reasonable alternatives that would mitigate adverse affects of proposed actions on the environment.

Reasons Which Support the Proposed Action: WAC 197-11-904 requires the university to adopt its own rules and procedures for implementing SEPA, chapter 43.21C RCW.

Name of Person or Organization Proposing the Rule(s): University of Washington, governmental.

Agency Personnel Responsible for Drafting: Rolfe P. Kellor, Campus Planning Office, 543-8938; Enforcement: H. S. Thomson (additional responsible official may be appointed by the president and share enforcement responsibilities), Campus Planning, 543-4828; and Implementation: Sally Marks, Campus Planning Office, 543-9071.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: State law.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): The university has used a model ordinance prepared by the Department of Ecology as the general format for the proposed rules.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-325-025	ADOPTION BY REFERENCE.
WAC 478-325-040	DEFINITIONS.
WAC 478-325-050	TIMING OF THE THRESHOLD DETERMINATION AND EIS PROCESS.
WAC 478-325-060	SEPA INFORMATION CENTER.
WAC 478-325-070	EXEMPTIONS FOR EMERGENCY ACTIONS.
WAC 478-325-080	LEAD AGENCY.
WAC 478-325-090	LEAD UNIT.
WAC 478-325-100	RESPONSIBLE OFFICIALS.
WAC 478-325-110	SEPA ADVISORY COMMITTEE.
WAC 478-325-120	DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATIONS.
WAC 478-325-130	SEVERABILITY.

### NEW SECTION

WAC 478-324-010 AUTHORITY. The University of Washington adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

### NEW SECTION

WAC 478-324-020 ADOPTION BY REFERENCE. The university hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

#### General Requirements

WAC	
197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

#### Categorical Exemptions and Threshold Determination

WAC	
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

### EIS

WAC	
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

Commenting

## WAC

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

Using Existing Environmental Documents

## WAC

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement— Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

SEPA and Agency Decisions

## WAC

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.

Definitions

## WAC

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.

197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

Categorical Exemptions

## WAC

197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

Agency Compliance

## WAC

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-904	Agency SEPA procedures.
197-11-914	SEPA fees and costs.
197-11-916	Application to ongoing actions.
197-11-918	Lack of agency procedures.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-938	Lead agencies for specific proposals.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

Forms

## WAC

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

NEW SECTION

WAC 478-324-030 ADDITIONAL CONSIDERATION IN TIMING OF THRESHOLD DETERMINATION AND EIS PROCESS. The primary purpose of the EIS is to provide environmental information to decision-makers for consideration in the decision-making process. The EIS and SEPA process, thus, shall be completed before any decision is made which commits the university to a single course of action. Completion of the threshold determination and EIS (if required) shall therefore occur at the earliest point in the planning and decision-making process where the principal features of the proposal and its impacts on the environment can be reliably identified. However, the actual decision to proceed with a proposal may involve a series of individual approvals or decisions; in many cases, a preliminary decision on a proposal must be made before the proposal is sufficiently definite to permit detailed environmental analysis. For these approvals and preliminary decisions, the most conservative assumptions regarding uncertain but not unlikely environmental impacts of the proposal will be considered in the decision-making process. In these situations the university shall commit to timely environmental analysis.

(1) For project-type actions involving construction or modification of facilities, the threshold determination, DNS, mitigated-DNS or draft EIS shall be completed prior to the authorization to prepare working drawings.

(2) For nonproject type actions, the threshold determination and any required mitigated-DNS or FEIS shall be completed prior to final approval or adoption of the action by the board of regents or agent delegated by the board to take such action.

NEW SECTION

WAC 478-324-040 SEPA ADVISORY COMMITTEE ESTABLISHED FOR ENVIRONMENTAL REVIEW. A SEPA advisory

committee (the committee) shall be established to assist the university with environmental review and with integrating SEPA procedures with the planning and decision-making process. The committee shall aid the university in complying with the State Environmental Policy Act (chapter 43.21C RCW) and State Environmental Policy Act Rules (chapter 197-11 WAC), except for those actions pertaining to the metropolitan tract. The committee shall consist of members representing the students, faculty, and staff of the university and shall be appointed by the president. It shall be the mission of the committee to ensure that sound decision-making at the university includes early consideration of environmental values and goals and timely preparation and review of environmental analysis. This mission shall be carried out in the following ways:

(1) The committee shall adopt procedures which provide for the review of environmental documents within the time limits established by WAC 197-11-455(6), 197-11-340, and 197-11-408.

(2) The committee shall be involved from the initiation of the university's scoping procedures.

(3) The committee shall review all nonexempt actions for compliance with the provisions of the SEPA rules. Generally, review shall occur:

(a) At the earliest possible time after a proposed action is sufficiently well defined to permit meaningful environmental analysis.

(b) In all cases, before a final decision has been made.

(4) Specifically, committee review shall occur:

(a) After completion of an environmental checklist but before threshold determination.

(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.

(c) Prior to the responsible official issuing a mitigated DNS.

(d) Prior to the publication of any draft EIS.

(e) Prior to the publication of any final EIS.

(5) At least one member representing the committee shall attend public hearings on the environmental impact of a proposal.

(6) To enable the SEPA advisory committee to be involved in the university's SEPA procedures at the earliest possible time, the university environmental planning staff shall:

(a) Review capital project programs, project proposals, and nonproject proposals to identify potential environmental issues and/or constraints.

(b) Consult with the chairperson on significant issues to determine which issues should be reviewed with the full committee.

(7) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

#### NEW SECTION

WAC 478-324-050 **ADDITIONAL CONSIDERATIONS IN THRESHOLD DETERMINATION PROCESS.** The SEPA advisory committee shall be consulted before the threshold determination to obtain input regarding level of detail of information provided in the checklist, proposed or potential mitigating measures, and appropriate threshold determination.

#### NEW SECTION

WAC 478-324-060 **ADDITIONAL CONSIDERATIONS IN DETERMINATION OF NONSIGNIFICANCE.** (1) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

(2) Agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee shall be advised of any withdrawn DNS and the reasons for its withdrawal.

#### NEW SECTION

WAC 478-324-070 **ADDITIONAL CONSIDERATIONS IN MITIGATED DNS.** (1) In consultation with the SEPA advisory committee, city-university community advisory committee, and other agencies with jurisdiction, the responsible official will determine if there are mitigating measures and clarifications or changes to the environmental checklist which would reduce impacts to the extent that a mitigated DNS could be issued.

(2) All mitigation measures in a mitigated DNS for a proposed project shall be included in the final project, with the exception of any measures clearly the responsibility of another agency.

#### NEW SECTION

WAC 478-324-080 **ADDITIONAL CONSIDERATION IN DETERMINATION OF SIGNIFICANCE (DS)/INITIATION OF SCOPING.** The responsible official shall put the DS in the university's file and shall commence scoping (WAC 197-11-408) by circulating copies of the DS to the agencies with jurisdiction and expertise. These groups and agencies shall provide written comments to the responsible official within twenty-one days of issuance of the DS.

#### NEW SECTION

WAC 478-324-090 **ADDITIONAL CONSIDERATIONS IN SCOPING.** (1) Scoping shall be used for EIS's and supplemental EIS's.

(2) The university shall notify members of the SEPA advisory committee, the city-university community advisory committee, agencies with jurisdiction, and others on the university SEPA mailing list of the DS and the initiation of this scoping process. Written comments shall be provided to the university within twenty-one days of the issuance of the DS.

#### NEW SECTION

WAC 478-324-100 **ADDITIONAL CONSIDERATION OF EIS CONTENT.** Where the university is lead agency, the EIS preparers of the university shall determine the organization of the EIS, even though other agencies with jurisdiction are involved with the proposal.

#### NEW SECTION

WAC 478-324-110 **ADDITIONAL RECIPIENTS OF DEIS.** The university shall send copies of the draft EIS to the SEPA advisory committee, the city-university community advisory committee, other agencies with jurisdiction, and all individuals, organizations and agencies who provided comments during the scoping process.

#### NEW SECTION

WAC 478-324-120 **ADDITIONAL RECIPIENTS OF FEIS.** A final EIS (FEIS) shall be issued by the responsible official and shall be sent to the city-university community advisory committee, agencies with jurisdiction, the SEPA advisory committee, all other individuals, organizations and agencies who provided comments on the draft EIS, and to anyone requesting an FEIS. Notices of availability of the final EIS shall be sent to others on the SEPA mailing list and to those who expressed an interest in the draft EIS, but who did not provide comments.

#### NEW SECTION

WAC 478-324-130 **ESTABLISHMENT OF SEPA INFORMATION CENTER.** (1) The University of Washington Visitors' Information Center shall serve as the university's SEPA information center.

(2) The following documents shall be maintained at the SEPA public information center:

(a) Copies of all SEPA public information registers for a period of one year from the date of publication.

(b) Copies of all environmental checklists, determinations of nonsignificance and determinations of significance for a period of one year from the date of issue.

(c) Copies of all current scoping and public hearing notices.

(d) Copies of all draft and final EIS's for a period of three years after the date of publication.

(e) A current list of individuals designated as responsible officials for university compliance with SEPA.

(f) A current membership list of the SEPA advisory committee.

(g) Copies of agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.

(3) The documents at the SEPA information center shall be available for public inspection and copies thereof shall be provided upon request. A fee to cover the actual cost of printing/copying may be charged for copies.

NEW SECTION

WAC 478-324-140 ADDITIONAL METHODS OF PUBLIC NOTICE. The university shall provide public notice of scoping, DNS with comment period, public hearings and availability of draft and final EIS's by:

- (1) Sending copies of the document or notice of availability of the document to those identified in WAC 478-324-090 above;
- (2) Posting a notice on the proposed site (for project EIS's);
- (3) Providing notice in such form as a press release or advertisement in the University Week, University of Washington Daily, and a Seattle newspaper of general circulation.

NEW SECTION

WAC 478-324-150 ADDITIONAL DEFINITIONS. (1) "Final action" means the university's decision to proceed or not proceed with a proposal and is so defined in compliance with public notice requirements, RCW 43.21C.080. For proposals involving a series of decision points, the final action shall be clearly identified in the environmental checklist and/or EIS. The point at which the final action is made during the planning process may vary depending upon the nature of the proposal, but at no time shall the final action occur before fifteen days following issuance of a DNS or seven days following issuance of an FEIS.

(2) "Lead unit" means that unit of the university which is responsible for preparing the environmental checklist, making the threshold determination, and preparing the draft and final EIS's.

(3) "SEPA mailing list" means a current list maintained at the campus planning office at the university of all individuals, groups, and agencies who have communicated to the university their interest in SEPA policies, procedures, and documents.

NEW SECTION

WAC 478-324-160 UNIVERSITY COMPLIANCE WITH FLEXIBLE THRESHOLDS. The university will use the flexible thresholds established by the particular jurisdiction in which a university project is located.

NEW SECTION

WAC 478-324-170 EMERGENCIES. Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

- (1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, state waters, or on land.
- (2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.
- (3) Clean-up or decontamination of academic and research facilities or equipment accidentally exposed or contaminated, to permit maintenance, repair or relocation, when procedures followed are in accordance with federal or state guidelines, recommendations, or standards.
- (4) Emergency actions implemented to reduce an imminent hazard to the health and safety of an element of the university resulting from structural failure, equipment malfunction, human error or natural event.

NEW SECTION

WAC 478-324-180 DESIGNATION OF RESPONSIBLE OFFICIAL. (1) The president shall appoint a responsible official for each unit of the university which may initiate a major action which may directly or indirectly adversely affect the quality of the environment.

(2) Responsible officials shall carry out the duties and functions of the university with regard to these rules for all major actions initiated by their unit.

NEW SECTION

WAC 478-324-190 PROCEDURES ON CONSULTED AGENCIES. The campus planning office shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EIS's, and supplemental EIS's.

NEW SECTION

WAC 478-324-200 DETERMINING THE LEAD AGENCY. (1) Except as otherwise specially provided herein, the university shall serve as the lead agency for all proposals it initiates. In the event that one or more additional agencies share in the implementation of the proposal, the university and the agencies shall by agreement determine which agency will assume the status of lead agency. Any dispute over lead agency determination shall be settled in accordance with the provisions of WAC 197-11-946.

(2) When the total proposal will involve both private and university construction activity, it shall be characterized as either a private or a university project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the university or a private party. Any project in which university and private interests are too intertwined to make this characterization shall be considered a university project.

(3) The university's responsibilities as lead agency include complying with the threshold determination procedures; the initiation and administration of the scoping process; the supervision or actual preparation of draft EIS's, including the circulation of such statements, the conduct of any public hearings or public meetings required by these rules; and the supervision or preparation of required final EIS's and supplemental EIS's.

NEW SECTION

WAC 478-324-210 DETERMINATION OF LEAD UNIT. (1) For university actions subject to SEPA, the campus planning office or the university academic or administrative unit initiating or administering the action shall be charged with the university's lead agency responsibilities.

(2) For actions involving more than one university unit, the involved units shall by agreement determine which unit will assume the university's lead agency responsibilities. Any dispute as to lead unit determination shall be resolved by the president.

(3) The campus planning office shall have primary university responsibility for providing procedural advice with regard to these rules. All university units with environmental expertise should strive to make their services available to lead units to assist in the university's compliance with SEPA.

NEW SECTION

WAC 478-324-220 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**WSR 84-16-079  
EMERGENCY RULES  
DEPARTMENT OF  
VETERANS AFFAIRS**

[Order 84-01—Filed August 1, 1984]

I, Randy Fisher, director of the Department of Veterans Affairs, do promulgate and adopt at East 11th and Washington Streets, Olympia, Washington, the annexed rules relating to the Washington Veterans Home and the Washington Soldiers Home and Colony.

I, Randy Fisher, 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 existing rules of conduct for members of the Washington Veterans Home and the Washington Soldiers Home and Colony have been declared invalid and unenforceable by a Pierce County Superior Court ruling.

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 Veterans Affairs as authorized in RCW 43.60A.070.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 1, 1984.

By Randy Fisher  
Director

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-010 DEFINITIONS. (1) Administrative appeal - The request for reversal or modification of an administrative decision.

(2) Aid and attendance fund - Aid and attendance funds are:

(a) Those received by members from the veterans administration for the benefit of members for aid and attendance(;) and

(b) Funds administered in accordance with WAC 484-20-065 through 484-20-075.

((2)) (3) Allowable income - That income not less than the amount stipulated by RCW 72.36.120 and 72.36.130 which a member may keep for his or her personal use except as delineated in WAC 484-20-065 and 484-20-075.

((3)) (4) Department - The department of veterans affairs.

((4)) (5) Duly constituted body, representative of the members - A body elected by the general membership of the home which shall act for the general membership in those cases where the RCWs or these WACs so specify.

((5)) (6) Director - The director of the department of veterans affairs or his designee.

((6)) (7) Gross misconduct - Intentional or negligent conduct evidencing substantial disregard (a) for the interests of other home member(s), staff person(s), or visitor(s), or (b) for the offending member's duties and obligations as a member of the home.

(8) Member - An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

((7)) (9) Superintendent - The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

((8)) Supplementary rules - Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 484-20-085.

~~(9))~~ (10) Supplementary policies and procedures - Policies and procedures published under authority of the superintendents which significantly affect the members.

~~((10))~~ (11) Veterans and soldiers home revolving funds - The repository for income in excess of allowable income which shall include an aid and attendance account.

~~((11))~~ Administrative appeal - The request for reversal or modification of an administrative decision.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-090 ~~((SUPPLEMENTARY RULES-PROMULGATION.))~~ RULES OF CONDUCT. ~~((The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the director or designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members.))~~ Members of the homes are required to comply with the following rules of conduct:

(1) Rules of conduct pertaining to health and safety.

(a) Emergency evacuation. Any time a fire or alarm is sounded, every member must evacuate the building immediately and report to the designated evacuation area. He/she will not be permitted to return to the evacuated building until informed that he/she may do so by an authorized person. Nursing care unit members must follow the instructions of the nursing staff.

(b) Personal cleanliness. Members must maintain their person, belongings, rooms, and jointly-shared toilet areas in such a manner so as not to reasonably offend their neighbors or create fire, health, and/or sanitation problems. Each domiciliary member is responsible for the cleanliness and sanitation of his own person and his own living quarters. When vacated, the room shall be left in a clean condition. Each domiciliary member is responsible for proper disposition of waste and refuse which is accumulated in his room.

(c) Electrical appliances. Only low wattage electrical appliances such as television sets, electric clocks, electric razors, fans of 150 watts or less with acceptable finger guards, radios, audio and/or video recorders, and disc playing machines may be used in members' rooms. Use of any other electric equipment requires the approval of the superintendent.

(d) Repair of rooms. Any alterations or repairs required, including the hanging of pictures, must be done by home staff. Connection of television sets to the home's master antenna system by anyone other than authorized personnel is prohibited. A similar prohibition applies to any tampering with the master antenna system or any of its components. Requests for such repairs and/or installations must be made through a building captain.

(e) Alcohol - drugs. Possession or use of intoxicating beverages (except as authorized below), narcotics, or controlled substances on the grounds of the Washington

veterans' homes without a physician's written prescription is prohibited. Drugs which were prescribed by a physician but which are no longer used by the member to whom they were issued, shall be turned in to the home pharmacy. Beer and wine may be served and consumed on the grounds at certain home-sponsored activities within limitations set by the home administration.

(f) Weapons. Members possessing firearms, ammunition, explosive or dangerous weapons must turn them in to the administration office. Possession of any of these items on the home grounds is prohibited.

(g) Animals. Possession or feeding of animals on home grounds is prohibited unless sanctioned by the superintendent.

(2) General rules of conduct.

(a) Visiting hours. Visiting hours for guests are 8:00 a.m. to 10:00 p.m. These may be extended if other members are not disturbed.

(b) Program listening. Radios, television sets, and tape recording-playing devices may be used in members' rooms, provided that volume levels are kept at a level that does not disturb others. Between the hours of 10:00 p.m. and 7:00 a.m., volume on such equipment must be reduced to match reduced noise levels in the general surroundings so that others will not be disturbed. The use of headphones, while not required, is strongly encouraged for those who wish to use such equipment after 10:00 p.m.

(c) Leave. Members leaving the grounds for any purpose must sign out with the building captain, C.Q., or appropriate nurses' station in such a manner as prescribed by the home administration. Upon returning, the member must sign in again. After returning from pass or furlough, the member must stay in his/her room overnight before permission to go on pass or furlough can be granted, except in the case of emergency. Leaving the grounds without proper authorization, or failure to return from pass or furlough at the prescribed time without obtaining permission for an extension, makes the member absent without official leave. Members being admitted to the home must remain in their rooms overnight before pass or leave privileges may be exercised unless an exception is granted by the administration.

(d) Respect for property. No person may deface or destroy walls, buildings, trees, shrubbery, fences, grounds, or any other property or possessions belonging to the state of Washington or to any other person. Appropriation of the property of another person, corporate entity and the state of Washington without permission is also prohibited.

(e) Vehicle registration. Vehicles must be registered annually with the administration of the home. Members must possess a valid Washington state driver's license and must provide proof of ownership and/or registration. The requirement to register applies to vehicles owned by members, owned by another and registered in the name of the member, and any vehicle regardless of ownership that is regularly in the possession of the member. Vehicles must have current license tags and they must display the home identification sticker. All traffic and parking control signs must be obeyed. Members must

comply with the provisions of the Washington state financial responsibility law.

(f) Conduct between members and staff. Members will conduct themselves in an orderly, courteous, and cooperative manner at all times among themselves, with visitors, and with staff members. Obscene and/or threatening language, or any physically assaultive behavior, directed at another person, whether on the grounds or off the grounds during a home-sponsored activity, will be considered a violation of this rule. Members will obey all valid instructions directed at them by staff acting in an officially authorized capacity. This includes member employees in positions of authority.

(g) Attire of home members. Dress of home members must meet acceptable standards. While in living areas, the following specific guidelines are established:

(i) Between 8:00 a.m. and 10:00 p.m., domiciliary members must be dressed in a manner so as not to reasonably offend the sensitivity of others when outside their rooms;

(ii) Members residing in living areas where both male and female residents are housed must at all times be dressed in a manner so as not to reasonably offend the sensitivity of others when outside their rooms.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-100 VIOLATION—INVESTIGATION. Reports of possible rule violations (~~(of supplementary rules)~~) shall be investigated by the superintendent or designee. The superintendent charging a violation of the rules or other misconduct by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence.

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-20-105 PENALTIES. The superintendent may impose penalties for the violation of (~~(supplementary rules)~~) rules of conduct or for gross misconduct, such penalties may include:

(1) Restricting the member to the home grounds for a maximum of (~~(thirty)~~) sixty days(~~(-or)~~);

When determined appropriate by the superintendent, a reasonable requirement for signing in at designated intervals may be imposed during a period of restriction.

(2) An enforced furlough to a maximum of sixty days(~~(-or)~~);

(3) (~~(Discharge from the home)~~) A combination of penalties subsections (1) and (2) of this section provided the combined total time does not exceed sixty days;

(4) Transfer to another DVA home or colony;

(5) Discharge from a home pursuant to WAC 484-20-120.

AMENDATORY SECTION (Amending Order 80-01, filed 7/17/80)

WAC 484-20-110 FAIR HEARING. (1) Any member (~~(dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter,)~~) upon whom a penalty has been

imposed under WAC 484-20-105 may request a fair hearing from the superintendent or the director. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to the determination of violation and penalty, if any. Disciplinary sanctions imposed by this chapter shall be deferred until the outcome of any such appeal except where, in the judgment of the superintendent or other person acting in his absence, the members conduct is a threat to the health and safety of others.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the director. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

(a) Specify the date of the penalty which is being appealed from;

(b) Specify as precisely as possible the issue to be adjudicated at the fair hearing;

(c) Set forth the address of the member, his/her representative or attorney; and

(d) Be signed by the member, his/her representative or attorney.

(4) At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding the case which contain information which is relevant and material to the grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

~~(5) A fair hearing ((in accordance with the provisions of chapter 388-08 WAC)) shall be held within ((thirty)) sixty days after receipt of the request ((and shall be held)) either in the home or colony in which the client resides, or in the county in which he has been receiving services. The fair hearing shall be conducted by ((a hearing officer appointed by the director for such purposes)) an administrative law judge from the office of administrative hearings who shall issue a proposed decision for consideration by the director.~~

(6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by certified or registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but

shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his/her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the ((client)) appellant has made a written request to the department that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other

matters as may aid in efficient disposition of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business;

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute;

(c) The disposition of any proceedings then pending before or previously concluded by the department;

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

(16) The department shall, within thirty days after the date of the fair hearing, notify the member in writing of its decision. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(17) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday.

**AMENDATORY SECTION** (Amending Order 7659, filed 7/28/77)

**WAC 484-20-120 DISCHARGE.** A member may be discharged (~~from the home~~) by the superintendent with the concurrence of the director or person acting in his/her absence.

- (1) When the member so requests;
- (2) When the member has sufficient financial ability to support himself or herself outside the home;
- (3) When the member no longer needs the care and services of the home, regardless of financial ability;
- (4) For conviction of a felony or gross misdemeanor;
- (5) For repeated violation of the general rules of conduct, WAC 484-20-090;
- (6) For gross misconduct whether or not such conduct also violates the rules of conduct, WAC 484-20-090;
- (7) When a member has been absent without leave for a period in excess of fifteen days;
- (8) For intentional failure to fulfill the requirement of any disciplinary sanction;
- (9) For failure to correct a condition which violates any rule of conduct pertaining to health and safety of members, staff, or visitors to the home within a reasonable time specified in a written notice to the member from a staff member acting in an official capacity, including member employees in positions of authority which notice specifies that discharge may accompany such failure.

The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

(1) WAC 484-20-125 DISCHARGE—HONORABLE.

(2) WAC 484-20-130 DISCHARGE—DISCIPLINARY.

(3) WAC 484-20-155 ADMINISTRATIVE APPEAL.

**WSR 84-16-080**

**NOTICE OF PUBLIC MEETINGS  
BOARD FOR VOLUNTEER FIREMEN**

[Memorandum—July 31, 1984]

The State Board for Volunteer Firemen will hold its next meeting on August 22, 1984, at approximately 3:00 p.m. in the Vance Tye Motor Inn, Tumwater, Washington. The state board meeting will be held in conjunction with the Washington State Firefighters' Annual Fire School.

**WSR 84-16-081**

**PROPOSED RULES  
BOARD OF HEALTH**

[Filed August 1, 1984]

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 list of reportable communicable diseases, amending WAC 248-100-075;

that the agency will at 9:00 a.m., Wednesday, September 12, 1984, in the Spokane County Health Department, West 1101 College Avenue, Spokane, 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 43.20.050.

The specific statute these rules are intended to implement is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 12, 1984.

Dated: August 1, 1984

By: John A. Beare, MD, MPH  
Director

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 248-100-075 list of reportable communicable diseases.

Purpose of Amendment: To revise the list of reportable communicable diseases by adding acquired immunodeficiency syndrome (AIDS).

The Reason These Rules are Necessary: Epidemiologic report required on all cases, or suspected cases of

AIDS. The case definition of AIDS, the required report forms, and required procedures for disease control will be determined and distributed by the state health officer or his designee.

Summary of the Rule or Rule Change: As of June 18, 1984, over 4,918 cases of the acquired immunodeficiency syndrome (AIDS) had been reported in the United States. While only 41 cases have been reported in Washington in the past three years, 22 cases have been reported since January 1, 1984. It is very likely that additional cases will be reported in the future. Recent investigations and research indicate that AIDS is a communicable disease. The current communicable disease regulations require that "all sudden or extraordinary outbreaks of unusual or serious disease are to be reported.....," which applies to AIDS. However, the Seattle-King and Tacoma-Pierce County Health Departments have recently reported occasional reluctance of some medical personnel to report AIDS cases, because AIDS is not specifically mentioned in the state regulations. Currently, 41 states, the District of Columbia, and Puerto Rico have either made AIDS reportable or have legislation pending to do so. Therefore, we propose that reporting of AIDS be required by the State Board of Health rules and regulations.

Person(s) Responsible for the Enforcement of the Rule: Jack Allard, Ph.D, Office Chief, Public Health Laboratories and Epidemiology, B-17 9, 8-576-6461; Steven Helgersen, MD, Seattle-King County Health, Communicable Disease, 400 Yesler Building, 7th Floor, Seattle, WA 98104, 8-378-4615; and Ray M. Nicola, MD, MHSA, Health Officer, Tacoma-Pierce Health Department, 3629 "D" Street, Tacoma, WA 98408, (206) 591-6500.

Rules proposed by the Office of Public Health Laboratories and Epidemiology Division of Health, DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

#### AMENDATORY SECTION (Amending Order 180, filed 7/10/79)

WAC 248-100-075 REPORTABLE DISEASES—LIST OF. The state board of health does hereby declare the following diseases to be notifiable (reportable) in accordance with the procedures indicated in these rules and regulations:

- (1) Amoebic dysentery
- (2) Anthrax
- (3) Aseptic meningitis
- (4) Autoimmune Deficiency Syndrome (AIDS)
- (5) Botulism
- ~~((5))~~ (6) Brucellosis
- ~~((6))~~ (7) Chancroid
- ~~((7))~~ (8) Chicken pox
- ~~((8))~~ (9) Cholera
- ~~((9))~~ (10) Conjunctivitis, infectious (incl. ophthalmia neonatorum)
- ~~((10))~~ (11) Coxsackie disease
- ~~((11))~~ (12) Diarrhea, epidemic (incl. diarrhea of newborn)
- ~~((12))~~ (13) Diphtheria and carrier state
- ~~((13))~~ (14) Dysentery, bacillary (shigellosis and salmonellosis)
- ~~((14))~~ (15) Encephalitis, infectious
- ~~((15))~~ (16) Food poisoning
- ~~((16))~~ (17) Gonorrhea
- ~~((17))~~ (18) Granuloma inguinale
- ~~((18))~~ (19) Hepatitis, infectious
- ~~((19))~~ (20) Influenza and epidemic respiratory infection

- ~~((20))~~ (21) Leprosy
- ~~((21))~~ (22) Leptospirosis
- ~~((22))~~ (23) Lymphogranuloma venereum
- ~~((23))~~ (24) Malaria
- ~~((24))~~ (25) Measles
- ~~((25))~~ (26) Meningococcal infection
- ~~((26))~~ (27) Mumps
- ~~((27))~~ (28) Pertussis
- ~~((28))~~ (29) Plague
- ~~((29))~~ (30) Poliomyelitis
- ~~((30))~~ (31) Psittacosis
- ~~((31))~~ (32) Rabies
- ~~((32))~~ (33) Rheumatic fever
- ~~((33))~~ (34) Rocky Mt. spotted fever
- ~~((34))~~ (35) Rubella
- ~~((35))~~ (36) Salmonellosis (see dysentery)
- ~~((36))~~ (37) Smallpox
- ~~((37))~~ (38) Staphylococcal infections in hospitalized patients
- ~~((38))~~ (39) Streptococcal infections. Scarlet fever and septic sore throat
- ~~((39))~~ (40) Syphilis
- ~~((40))~~ (41) Tetanus
- ~~((41))~~ (42) Tick paralysis
- ~~((42))~~ (43) Trachoma
- ~~((43))~~ (44) Trichinosis
- ~~((44))~~ (45) Tuberculosis
- ~~((45))~~ (46) Tularemia
- ~~((46))~~ (47) Typhoid and paratyphoid fever and carrier state.

#### WSR 84-16-082

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 84-95—Filed August 1, 1984]

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 protection of chinook while allowing a sturgeon harvest.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 1, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-40-02100K WILLAPA HARBOR GILL NET SEASON. Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately it is unlawful to fish for or possess

salmon taken for commercial purposes with gill net gear in Willapa Harbor fishing areas except as provided for in this section:

**Area 2G-**

Open continuously 6:00 p.m. August 1 to 6:00 p.m. August 20, 1984, only in those waters east of a line from Toke Point to Goose Point and south of a line from Lead-better Point to Goose Point; 9 inch minimum mesh, 1,500 feet maximum length.

**Area 2J and 2K-**

Open continuously 6:00 p.m. August 1 to 6:00 p.m. August 20, 1984; 9 inch minimum mesh, 1,500 feet maximum length.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100J WILLAPA HARBOR GILL NET SEASON (84-90)

**WSR 84-16-083**

**PROPOSED RULES**

**DEPARTMENT OF FISHERIES**

[Filed August 1, 1984]

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 environmental protection;

that the agency will at 10:00 a.m., Tuesday, September 11, 1984, in the Large Conference Room, General Administration 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 September 18, 1984.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is chapter 43.21C RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 11, 1984.

Dated: August 1, 1984

By: Gary C. Alexander  
for William R. Wilkerson  
Director

**STATEMENT OF PURPOSE**

Title: Chapter 220-100 WAC.

Description of Purpose: Modify Department of Fisheries rules for implementation of State Environmental Policy Act.

Statutory Authority: RCW 75.08.080.

Summary of Rule: WAC 220-100-010, conforms citations to recodification of WAC; adds designation for Department of Fisheries; 220-100-020, rewords for

clarification; 220-100-030, rewords for clarification and substitutes "policies and procedures" for "guidelines"; 220-100-040, conforms citations; 220-100-045, clarifies policy; 220-100-055, provides agency responses available; 220-100-060, clarifies information required; 220-100-065, defines assumption of lead agency status; 220-100-070, redesignates responsible official; 220-100-075, no change; 220-100-080, redesignates SEPA information center; 220-100-085, defines fisheries as an agency with environmental expertise in energy production, transmission and consumption; 220-100-095, provides methods of public notice; 220-100-110, conforms citations; and 220-100-115, provides severability.

Reasons Supporting Proposed Action: The Department of Ecology adopted substantive changes to the State Environmental Policy Act, requiring that agencies, such as the Department of Fisheries, that have concurrent rules and guidelines, modify or add policies to implement these substantive changes. Other than conforming citations and rewording for clarification, these proposed changes are intended to give advance notice of department requirements for determinations and provide certainty with respect to those requirements as they apply to projects over which the department has lead agency or advisory capacity.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6631; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: None.

These rules are not the result of federal law or court order.

Small Business Economic Impact Statement: The rules proposed establish procedures to comply with a statutory requirement, chapter 43.21C RCW, and themselves impose no economic impact independent of that imposed by statute. Additionally, environmental impact is independent of economic scope, but rather is dependent on methods, technique, and project area.

**AMENDATORY SECTION** (Amending Order 76-40, filed 5/25/76)

WAC 220-100-010 DEFINITIONS. The definitions of the words and terms of WAC (~~((197-10-040 shall be))~~) 197-11-700 through 197-11-799 are made a part of this chapter along with the following addition(s): Fisheries (~~((1) Department - Department))~~) means Washington department of fisheries (~~((unless otherwise indicated))~~).

~~((2) Aide to the responsible official - Aide to responsible official hereinafter designated R.O. aide means the designee of the responsible official who under normal operations will be the chief, natural production division. When significant department involvements converge at a higher level than the chief, natural production division, consideration shall be given to having the department's steering committee, comprised of the deputy director and assistant program directors assume the responsibility of the aide to the responsible official. The R.O. aide shall carry out duties and functions as directed by the responsible official for purposes of assuring department of fisheries' compliance with State Environmental Policy Act guidelines, hereinafter SEPA guidelines. The R.O. aide may delegate duties and functions assigned under this chapter; the R.O. aide alone is wholly responsible for proper accomplishment of such duties and functions.))~~

AMENDATORY SECTION (Amending Order 78-17, filed 4/17/78)

WAC 220-100-020 IMPACT OF ((GUIDELINES)) SEPA ON ((THE DEPARTMENT)) FISHERIES. ~~((+)) These guidelines are required by the State Environmental Policy Act, chapter 43.21C RCW, hereinafter SEPA, and the guidelines as adopted by the department of ecology (chapter 197-10 WAC).~~

~~(2) The department) Fisheries fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the ((guidelines)) SEPA rules. The capacity of ((the department)) fisheries to provide full service to the public and other agencies is limited by funds and manpower. ((The department)) Fisheries will make every effort to implement ((the)) SEPA ((guidelines)) in the best manner possible with the resources available.~~

AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-030 PURPOSE. (1) The purpose of this chapter is to implement chapter ~~((+97-10))~~ 197-11 WAC, SEPA ~~((guidelines))~~ rules, as applicable to ~~((the department of))~~ fisheries.

(2) These ~~((guidelines))~~ policies and procedures are developed to implement SEPA ~~((+))~~ in a manner which reduces ~~((duplicative and wasteful practices-))~~ duplication, establishes effective and uniform ~~((procedures))~~ guidelines, encourages public involvement, and promotes certainty with respect to the requirements of the Act.~~((+))~~

(3) These ~~((guidelines))~~ policies and procedures are not intended to cover compliance by ~~((department of))~~ fisheries with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where ~~((the department of))~~ fisheries is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations ~~((and not by the SEPA guidelines)).~~

AMENDATORY SECTION (Amending Order 78-17, filed 4/17/78)

WAC 220-100-040 SCOPE AND COVERAGE OF THIS CHAPTER. (1) It is the intent of ~~((the department of))~~ fisheries that compliance with ~~((the guidelines of))~~ this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC ~~((+97-10-040(2)))~~ 197-11-704.

(2) This chapter applies to all ~~((+))~~actions~~((+))~~ as defined in WAC ~~((+97-10-040(2)))~~ 197-11-704 and applies to all activities of ~~((the department of))~~ fisheries. Furthermore, although these guidelines normally do not apply to actions of ~~((the department))~~ fisheries exempted under WAC ~~((+97-10-170))~~ 197-11-800 and ~~((+97-10-175))~~ 197-11-835, ~~((the department))~~ fisheries accepts the responsibility of attempting to follow the intent of SEPA~~((, chapter 43.21C RCW in))~~ and its decision making process for exempt actions.

(3) To the fullest extent possible, ~~((the department of))~~ fisheries shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

AMENDATORY SECTION (Amending Order 78-17, filed 4/17/78)

WAC 220-100-045 AGENCY POLICY~~((, IMPLEMENTATION OF SEPA))~~; SUBSTANTIVE AUTHORITY AND MITIGATION. (1) ~~((If any activity as defined by this chapter is identified as adversely impacting the environment, then the department shall further require identification of reasonable alternatives to the activity, as well as measures which can compensate for or mitigate environmental impacts.~~

~~(2) Before authorizing activities which have identified adverse environmental effects, the department shall impose conditions to prevent the identified adverse effect as is consistent with its authority to preserve, protect, perpetuate and manage the fishery resource as further defined in Title 75 RCW. Additional conditions may be imposed by other state or federal agencies to prevent adverse effects the regulation of which falls within these agency's jurisdiction.~~

~~(3) When the department concludes, by application of these guidelines, that an activity which it is considering for authorization will cause serious, substantial, or long-term adverse environmental effects detrimental to the preservation, perpetuation, protection, utilization, and enhancement of the fishery resources regulated by the department, as further defined in Title 75 RCW, which effects cannot be avoided or mitigated, the department shall not authorize that activity.)~~ The

overriding policy of fisheries is to avoid or mitigate adverse environmental impacts which may result from its decisions. This policy results from:

(a) The legislated duty of fisheries to preserve, protect and perpetuate the food fish and shellfish resources of the state in a manner that does not impair the resource (RCW 75.08.012); and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, including an activity or activities requiring a permit from fisheries, and is reasonably likely to have a significant adverse environmental impact as identified in an environmental document, fisheries will:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of fisheries approval; or

(b) Deny the proposal if the adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

NEW SECTION

WAC 220-100-055 TIMING OF THE SEPA PROCESS. (1) The environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS) when another agency is the lead agency. When fisheries is the lead agency for nonagency actions, review will normally begin upon receipt of a complete permit application and a complete environmental checklist. For agency actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by fisheries to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon fisheries. Final review and determination will be made only upon receipt of detailed project plans and specifications.

AMENDATORY SECTION (Amending Order 78-17, filed 4/17/78)

WAC 220-100-060 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT. ~~((WAC 197-10-100(4) Draft and final EIS preparation) At the option of the department, either a draft or final EIS, or parts thereof, may be prepared by the applicant or applicant's consultant under the direction of the responsible official at applicant's cost. Costs would include payment for agency consultation, time, and cost of any materials prepared by the agencies for inclusion into the EIS. Applicant may hire a special consultant from a list provided by the department and EIS prepared by said consultant under the direction of the responsible official. The applicant may request the agency to prepare the EIS at the applicant's cost. A performance bond in an amount specified by the department may be required of the applicant to insure payment of department expenses in preparing in whole or part a draft or final EIS.~~

Private applicants shall be encouraged to cooperate in the impact statement preparation process.) (1) The applicant for each project for which fisheries is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, fisheries may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by fisheries at the applicant's cost.

(3) A draft and final EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. The applicant may prepare the EIS if judged by fisheries to be qualified, have fisheries develop the EIS, or hire a consultant to do so. In any case, the EIS shall be prepared under the direction of the responsible official at the expense of the applicant and final approval is that of the responsible official. Cost of preparing the EIS shall be paid by the applicant and shall include

fees of the consultant, fisheries consultation time and cost of any required materials. If the applicant chooses to hire a consultant to prepare the EIS, the consultant shall be chosen from a list of consultants provided by fisheries. A performance bond in an amount specified by fisheries may be required of the applicant to ensure payment of fisheries' expenses. Private applicants are encouraged to be involved in the EIS preparation process.

(4) A supplemental EIS or addendum shall be prepared as an addition to either the draft or final EIS if fisheries decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal.

(c) Its written comments on the DEIS warrant additional discussion for the purposes of it's action than that found in the lead agency's FEIS.

The provisions of subsection (3) of this section except for the first sentence, also pertain to a supplemental EIS or addendum.

(5) Upon the written request of an applicant for a project for which fisheries is the lead agency, fisheries will consider initiating environmental review and preparation of an EIS at the conceptual stage as opposed to the final detailed design stage.

#### NEW SECTION

WAC 220-100-065 ASSUMPTION OF LEAD AGENCY STATUS. (1) Whenever fisheries feels that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, fisheries will assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, fisheries will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparing an EIS for the proposal, fisheries will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

#### AMENDATORY SECTION (Amending Order 76-40, filed 5/25/76)

WAC 220-100-070 DESIGNATION OF RESPONSIBLE OFFICIAL. Under normal circumstances, the ((ultimately)) responsible official is the ((director of the department of fisheries. Normally the operational responsibility shall be delegated by the director to the level of)) habitat management division chief((; natural production and will be designated as the aide to the responsible official)). The responsible official shall carry out duties and functions for the purpose of assuring fisheries compliance with SEPA and SEPA guidelines. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC; the responsible official alone, however, is wholly responsible for proper accomplishment of such duties and functions. When significant ((department)) involvements of fisheries converge at a level higher than the habitat management division chief, ((natural production, consideration shall be given to establishing the aide to the responsible official as the department's steering committee comprised of)) the deputy director ((and assistant program directors)) or director may assume the role of responsible official.

#### NEW SECTION

WAC 220-100-075 MITIGATED DNS. (1) An applicant may ask fisheries whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which fisheries is lead agency; and

(c) Precede fisheries actual threshold determination for the proposal.

(2) The responsible official shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether fisheries is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led fisheries to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) Fisheries shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, fisheries will make its threshold determination based on the changed or clarified proposal.

(a) If fisheries response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, fisheries shall issue a DNS and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If fisheries indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, fisheries shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) Fisheries may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, fisheries shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s) fisheries may require the applicant to submit a new checklist.

(7) Fisheries may change or clarify features of its own proposals before making the threshold determination.

(8) Fisheries' written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind fisheries to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless fisheries' decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

#### AMENDATORY SECTION (Amending Order 78-17, filed 4/17/78)

WAC 220-100-080 SEPA PUBLIC INFORMATION CENTER. ((The department establishes and)) Fisheries designates the habitat management division office ((of Natural Production, Olympia headquarters;)) as its SEPA public information center. The mailing address is Room 115 General Administration Building, Olympia, Washington 98504; telephone: (206) 753-6650.

#### NEW SECTION

WAC 220-100-085 AGENCY WITH ENVIRONMENTAL EXPERTISE. SEPA guidelines specify which agencies shall be regarded as possessing special expertise relative to categories of the environment. In addition to those agencies listed in WAC 197-11-920, fisheries shall also be considered an agency with environmental expertise relative to energy production, transmission and consumption.

#### NEW SECTION

WAC 220-100-095 PUBLIC NOTICE. (1) When required under chapter 197-11 WAC, fisheries will give public notice by one or more of the following methods as appropriate for the specific circumstances:

(a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(d) Posting the property.

(2) Fisheries may require an applicant to perform the public notice requirements at the applicant's expense.

**AMENDATORY SECTION** (Amending Order 78-17, filed 4/17/78)

WAC 220-100-110 ADOPTION BY REFERENCE—SUBSTANTIAL COMPLIANCE(~~(—EXCLUSIVE PROVISIONS)~~). Except as modified by this chapter, (~~the department~~) fisheries adopts the SEPA guidelines as adopted by the department of ecology (chapter (~~(197-10)~~) 197-11 WAC) and as modified or amended from time to time. Substantial compliance with these guidelines shall constitute compliance with this chapter. (~~Those sections designated as exclusive in WAC 197-10-805(3) shall require absolute compliance by the department.~~)

**NEW SECTION**

WAC 220-100-115 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-100-050 ADDITIONAL ELEMENTS OF THE ENVIRONMENT. (78-17)

WAC 220-100-090 DEPARTMENT RESPONSIBILITIES WHEN A CONSULTED AGENCY. (76-40)

WAC 220-100-120 USE OF FINAL DECLARATION OF NONSIGNIFICANCE FOR HYDRAULIC PROJECT APPROVALS. (78-17)

**WSR 84-16-084**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Filed August 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning recreational use of the Milwaukee Railroad right of way. WAC 332-52-010, adding definitions; 332-52-020, updating designation of agency subunit; 332-52-060, updating designation of agency official; 332-52-065, establishing recreational use periods for Milwaukee Railroad right of way; 332-52-066, establishing permit issuing procedure for Milwaukee Railroad right of way; 332-52-067, establishing restrictions on use of Milwaukee Railroad right of way; 332-52-068, providing for protection of property adjoining Milwaukee Railroad right of way; and 332-52-069, providing penalties for violating rules;

that the agency will at 7:00 p.m., Wednesday, September 5, 1984, in the Great Northern Room, Holiday Inn, Ellensburg, Washington; 7:00 p.m., Thursday, September 6, 1984, Ritzville City Hall, Ritzville; and 7:00 p.m., Tuesday, September 11, 1984, Room 316, South Campus Center, University of Washington, Seattle, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 1, 1984.

The authority under which these rules are proposed is chapter 174, Laws of 1984.

The specific statute these rules are intended to implement is sections 7 and 8, chapter 174, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1984.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Craig Partridge  
 Staff Assistant to Commissioner  
 Public Lands Building, QW-21  
 (206) 753-5357

Dated: August 1, 1984

By: Art Stearns  
 for Brian J. Boyle

Commissioner of Public Lands

**STATEMENT OF PURPOSE**

Title and Purpose of Rules: WAC 332-52-010, adding definitions; 332-52-020 updating designation of agency subunit; 332-52-060, updating designation of agency official; 332-52-065, establishing recreational use periods for Milwaukee Railroad right of way; 332-52-066, establishing permit issuing procedure for Milwaukee Railroad right of way; 332-52-067, establishing restrictions on use of Milwaukee Railroad right of way; 332-52-068, providing for protection of property adjoining Milwaukee Railroad right of way; and 332-52-069, providing penalties for violating rules.

The Purpose of These Rules: To establish procedures for issuing permits for public recreational use of the Milwaukee Railroad right of way and to specify restrictions on public use of the right of way. The legislature directed the department to adopt such rules in section 7, chapter 174, Laws of 1984, to provide for the orderly and safe use of the corridor and the protection of adjoining property.

Adopting Agency: Commissioner of Public Lands, Department of Natural Resources.

Statutory Authority: Sections 7 and 8, chapter 174, Laws of 1984.

Summary of Rules: WAC 332-52-010 defines "corridor" as the portion of the Milwaukee Railroad right of way under department jurisdiction; WAC 332-52-020 and 332-52-060 updates terminology relating to department subdivisions and officials; WAC 332-52-065 prohibits motorized use of the corridor and establishes periods during which permits will be issued as April 15 through May 31 and the month of October, to be adjusted after December 31, 1987; WAC 332-52-066 sets out procedures for applying for and issuing permits, including notification of adjoining landowners, the contents of a permit, time restrictions on individual permits,

and the basis of calculating the permit fee, which shall be between \$10 and \$100; WAC 332-52-067 sets out restrictions on public use related to sanitation, destruction or damage to property, possession and use of firearms, audible devices, fires, and animals; WAC 332-52-068 provides measures to protect adjoining property, including restrictions on access by permittees, disturbance and damage to property, and discharge of firearms; and WAC 332-52-069 establishes penalties for violations.

Agency Personnel Responsible for Drafting: Craig Partridge, Staff Assistant, Department of Natural Resources, Public Lands Building, QW-21, Olympia, Washington 98504, (206) 753-5357; Implementation: Don Pless, Area Manager, Southeast Area, Department of Natural Resources, 713 East Bowers Road, Ellensburg, Washington 98926, (509) 925-6131; and Enforcement: Don Pless, Area Manager, Southeast Area, Department of Natural Resources, 713 East Bowers Road, Ellensburg, Washington 98926, (509) 925-6131, southeast area personnel as designated.

Proponent of Rules: Brian J. Boyle, Commissioner of Public Lands of the state of Washington.

Agency Comments: The Department of Natural Resources is concurrently establishing procedures to lease portions of the corridor to adjacent landowners as directed by section 9, chapter 174, Laws of 1984. The Parks and Recreation Commission is establishing management plans for western portions of the corridor under its jurisdiction.

Small Business Impact: These regulations should not affect a significant portion of small businesses. The rules apply to members of the general public in their recreational use of public lands. Therefore an impact statement is not necessary.

Chapter 332-52 WAC  
MANAGED LANDS AND ROADS - USE OF

AMENDATORY SECTION (Amending Order 313, filed 5/18/79)

WAC 332-52-010 DEFINITIONS. The following definitions shall apply to all of the listed regulations:

- (1) The term "developed recreation sites" means all improved observation, swimming, boating, camping and picnic sites.
- (2) The term "camping equipment" includes tent or vehicle used to accommodate the camper, the vehicles used for transport, and the associated camping paraphernalia.
- (3) The term "department" shall mean the Department of Natural Resources.
- (4) The term "vehicle" shall mean any motorized device capable of being moved upon a road and in, upon, or by which any persons or property is or may be transported or drawn upon a road. It shall include, but not be limited to automobiles, trucks, motorcycles, motor bikes, motor-scooters and snowmobiles, whether or not they can legally be operated on the public highways.
- (5) The term "organized event" shall mean any event involving more than fifty participants which is advertised in advance, sponsored by any recognized club(s), and conducted at a predetermined time and place.
- (6) The term "corridor" shall mean that portion of the Milwaukee Railroad Right of Way under the jurisdiction of the Department of Natural Resources.

**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 29, filed 4/17/70)

WAC 332-52-020 APPLICABILITY AND SCOPE. The following public use rules are aimed at protecting recreational, economic and industrial activities on land and roads under the jurisdiction of the Department of Natural Resources of the State of Washington. These rules are designed to allow Washington's trust lands to fulfill their historic roles of revenue production. The rules cover public use activities on developed recreation sites and all other lands under the jurisdiction of the Department of Natural Resources. They cover the public use of roads and trails under the jurisdiction of the Department of Natural Resources and the recreational use of fire. These public use rules are not applicable to persons, or their assignees or representatives, engaged in industrial harvest, commercial leases or agriculture or grazing activities carried on under sale, lease or permit from the department on lands under its jurisdiction if such application is incompatible with state contracts or agreements. Nor shall these rules, except the provisions of WAC 332-52-060, apply on lands under department's jurisdiction that are withdrawn or leased by a public agency having rules governing public use on the lands withdrawn or leased, provided that these rules may apply upon request of the applicable public agency. Public notices of these rules shall be posted by the Department of Natural Resources in such locations as will reasonably bring them to the attention of the public. The department will also set forth conditions with respect to any areas on which special restrictions are imposed and post in same manner. A copy of the rules shall be made available to the public in the office of the Commissioner of Public Lands, Olympia, and in Area offices of ~~local district administrators~~.

**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 29, filed 4/17/70)

WAC 332-52-060 USE OF FIRE. Chapter 76.04 RCW and all rules and regulations duly promulgated thereunder apply to recreational fires on lands under the jurisdiction of the Department of Natural Resources other than developed recreation sites. The written permission required under WAC 332-24-080 may be waived for recreational fires by the local district administrator area manager in designated areas within his jurisdiction.

**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 332-52-065 MILWAUKEE RAILROAD RIGHT OF WAY - RECREATIONAL USE. Motorized vehicles including snowmobiles are prohibited at all times, except for motorized use for authorized administrative purposes or motorized use approved by the department for reasons of health and safety. Through December 31, 1987 the corridor will be open for non-motorized use, by permit only, from April 15 through May 31 and during the month of October. The remainder of the year the corridor will be closed to all recreational use. The department may close portions of the corridor, at any time of the year, to reduce fire danger or protect public safety in consultation with local legislative authorities or fire districts. After December 31, 1987, the department may, if determined necessary to better carry out the purposes of Chapter 174, Laws of 1984, adjust the designated periods of the year during which permits will be issued, after first giving public notice and holding at least one public hearing each in eastern and western Washington.

NEW SECTION

WAC 332-52-066 MILWAUKEE RAILROAD RIGHT OF WAY - PERMITS. (1) Any individual, group or organization wishing to use the corridor shall make written application at least thirty days in advance of such intended use to the department's Southeast Area office in Ellensburg on a form designated by the department for this purpose. The department, on request of an applicant, may provide for a shorter period of advance notice for good cause.

(2) Upon request of abutting landowners, the department shall notify the landowners of permits issued for use of the corridor adjacent to their property.

(3) All requests for use of the corridor shall include the following information:

- (a) The name and address of the applicant.
  - (b) The name, title, address, and telephone number of the group leader.
  - (c) A brief description of the planned use of the corridor.
  - (d) The size of the group.
  - (e) The period of use, including the starting and ending dates.
  - (f) The locations of the starting point and destination of the proposed trip.
  - (g) The mode of travel to be used while on the corridor.
  - (h) Whether there is to be overnight use of the corridor and if so the location of the overnight use.
- (4) The department's Southeast Area office shall make a determination regarding the application within ten calendar days of receiving the application, and shall notify the applicant in writing of its determination to approve or disapprove the application. All permits shall include appropriate conditions on use including appropriate indemnity and waiver of liability clauses. The department's determination and the conditions included in the permit will be based on providing for the orderly and safe use of the corridor, the protection of adjoining landowners, the nature of the proposed use, environmental conditions, other known uses, and other requests for use.
- (5) The period of use under one permit will be limited to five consecutive days unless the department determines that the mode of travel or the requested distance will require additional time.
- (6) The permit will be valid for not more than one trip in each direction over the route identified on the application.
- (7) A permit fee will be charged, the amount of the fee to be based on the cost of processing the permit application plus the cost of notifying adjacent landowners under subsection 2 of this section. The permit fee shall be no greater than one hundred dollars and not less than ten dollars. The permit fee for one person using the corridor for fewer than two nights shall be ten dollars.
- (8) While traveling the corridor, the permit must be in the possession of the permit holder at all times. For groups, the permit holder is the person designated on the application as the group leader, or the group leader's designee. The permit holder is required to show the permit, if requested by an authorized department representative.

**NEW SECTION**

WAC 332-52-067 MILWAUKEE RAILROAD RIGHT OF WAY - RESTRICTIONS ON USE. The following acts are prohibited on the corridor:

- (1) Sanitation
  - (a) Disposal of all garbage or refuse of any kind whatsoever.
  - (b) Depositing any human waste in a manner which could cause pollution of any surface or ground water or threat to human health. No human waste shall be deposited within one-quarter mile of any building, water source, lake, pond, or stream whether running or dry. In all other cases human waste shall be buried. Permit conditions for groups may include a requirement to remove human waste from the corridor.
  - (2) Public behavior
    - (a) Destroying, injuring, defacing, removing, or disturbing in any manner any public or private building, sign, equipment, marker or other structure or property.
    - (b) Erecting unauthorized shelters, entering any structure without permission, or camping in locations not designated on the permit.
    - (c) Destroying, defacing, or removing any natural feature or vegetation or the surface of the corridor.
    - (d) Hunting.
    - (e) Having in possession shotguns or rifles. Other firearms will be unloaded and stored.
    - (f) Discharging of firearms. No person shall discharge on any portion of the corridor a firearm, bow and arrow, or air or gas device or any device capable of injuring or killing any animal or person or damaging or destroying any public or private property. However, the department may allow hunting on portions of the corridor leased by or covered by an agreement with another public agency which owns or controls adjoining property.
    - (g) Exploding or igniting firecrackers, rockets or fireworks of any kind.
    - (h) Operating or using any audible devices, including radio, television, and musical instrument and other noise producing devices, such as electrical generating plants and equipment driven by motors or engines, in such a manner and at such times so as to unreasonably disturb other persons.

- (i) Operating or using portable public address systems, whether fixed or portable.
- (j) Building of open fires.
- (k) Having animals on the corridor which are not under physical restrictive control at all times.

**NEW SECTION**

WAC 332-52-068 MILWAUKEE RAILROAD RIGHT OF WAY - PROTECTION OF ADJOINING PROPERTY. The following acts are prohibited:

- (1) Entering onto adjoining property from the corridor by any person or animal.
- (2) Destroying, injuring, defacing, removing, or disturbing in any manner any public or private building, sign, equipment, marker, or other structure or property on adjoining property.
- (3) Discharging of firearms. No person shall discharge at or onto any adjoining property a firearm, bow and arrow, or air or gas device or any device capable of injuring or killing any animal or person or damaging or destroying any public or private property.
- (4) Leaving gates in a condition other than the condition in which they are found.

**NEW SECTION**

WAC 332-52-069 MILWAUKEE RAILROAD RIGHT OF WAY - PENALTIES. Any violations of WAC 332-52-065 through 332-52-068, Chapter 174, Laws of 1984 or the terms or conditions of the permit shall subject the permittee to the revocation of the permit and the penalties under WAC 332-52-070.

**WSR 84-16-085**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 419—Filed August 1, 1984]

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 describing restrictions on forest lands under the protection of the Department of Natural Resources in the Central and Southwest Areas. The amending of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the Olympic Area and in the Northwest Area.

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 dry weather conditions and the forecasted weather conditions in shutdown zones 660 and 621 East in the Central and Southwest Areas, and shutdown zones 653 and 654 in the Olympic Area, forest lands are exposed to fire danger. Due to moderating weather conditions in zone 658 in the Northwest Area, forest lands are no longer exposed to extreme fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 1, 1984.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

**WAC 332-26-081 MODIFIED LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE CENTRAL AND SOUTHWEST AREAS.** Department of Natural Resources Shutdown Zones affected by these restrictions are zone 660, in parts of Skamania and eastern Lewis and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Central and Southwest Areas.

Effective midnight Wednesday, August 1, 1984 through midnight Friday, August 3, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation under the following conditions:

- 1) All power saws, except those saws operating on clean landings, shall shutdown from 11 am till 8 pm.
- 2) Yarding and skidding shall shutdown from 1 pm till 8 pm.
- 3) Road construction is permitted only in non-slash areas when equipment has approved spark arresters or turbo-chargers.
- 4) Loading is permitted on clean landings only.
- 5) Hauling is permitted on roads not bordered by concentrations of slash.
- 6) Blasting is shutdown from 11 am till 8 pm.
- 7) No welding is permitted at any time.

During the period from midnight Wednesday, August 1, 1984 through midnight Friday, August 3, 1984 all persons, except under the above listed conditions, are excluded from logging operating areas or areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, effective midnight Wednesday, August 1, 1984 through midnight Friday, August 3, 1984.

#### AMENDATORY SECTION (Amending Emergency Order 416 [417], filed 7/27/84 [7/30/84])

**WAC 332-26-022 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE OLYMPIC AREA.** Effective midnight ~~((Monday))~~ Wednesday, ((July 30)) August 1, 1984 through midnight ((Wednesday)) Friday, August ((+) 3, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation

from noon (1200 hr) to midnight (2400 hr) each day during the shutdown period.

Department of Natural Resources Shutdown Zones affected by this restriction are zone 653(~~((in parts of eastern Clallam and Jefferson counties,))~~) and zone 654, in ~~((parts of))~~ eastern Jefferson county, under the protection of the Department of Natural Resources in the Olympic Area.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection, during the above listed dates.

Burning permits and burning privileges are cancelled in Burning Permit Zones B and C of the Olympic Area, located in Shutdown Zones 653 and 654(~~(( ))~~) in eastern Jefferson county.

**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 Emergency Order 415 [417], filed 7/26/84 [7/30/84])

**WAC 332-26-052 GENERAL LOGGING SHUTDOWN IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST AREA.** Effective midnight Monday, July 30, 1984 through midnight ~~((Friday))~~ Wednesday, August ((3)) 1, 1984, all logging, land clearing, and other industrial operations which may cause a fire to start are to shutdown.

Department of Natural Resources shutdown zone affected by this closure is zone 658 in parts of Whatcom, Skagit, Snohomish, and King counties protected by the Northwest Area of the Department of Natural Resources.

During the shutdown period, all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in zone 658 during the shutdown period.

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

#### **WSR 84-16-086 PROPOSED RULES BOARD OF PHARMACY [Filed August 1, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning prescription labeling, WAC 360-16-255;

that the agency will at 1:00 p.m., Wednesday, September 19, 1984, in the Ridpath Hotel, West 515

Sprague, Spokane, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.246.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 19, 1984.

Dated: July 31, 1984

By: Donald H. Williams  
Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: State of Washington Board of Pharmacy.

Purpose: The purpose of this rule is to impose certain requirements for the contents of all labels of prescription drugs.

Summary: WAC 360-16-255 contains the label requirements for prescription drugs, including but not limited to expiration dates, number of dosage units and a warning that transfer of drugs is in violation of state or federal law.

Statutory Authority: RCW 18.64.005.

Reason Proposed: This rule is proposed to clarify labeling requirements for prescription drugs and to impose supplemental requirements.

Responsible Departmental Personnel: In addition to the members of the Board of Pharmacy, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing this rule: Donald H. Williams, Executive Secretary, 319 East 7th Avenue, W.E.A. Building, Olympia, WA 98504, telephone (206) 753-6834 comm, (206) 234-6834 scan.

Proponents: This rule was proposed by the Washington State Board of Pharmacy.

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

NEW SECTION

WAC 360-16-255 PRESCRIPTION LABELING. To every prescription container, there shall be fixed a label or labels bearing the following information:

(1) All information as required by RCW 18.64.246, provided that in determining an appropriate period of time for which a prescription drug may be retained by a patient after its dispensing, the dispenser shall take into account, in addition to any relevant factors, the nature of the drug; the container in which it was packaged by the manufacturer and the expiration date thereon; the characteristics of the patient's container, if it is repackaged for dispensing; the expected conditions to which the article may be exposed; and the expected length of time of the course of therapy. The dispenser shall, on taking into account the foregoing, place a label of a multiple unit container a suitable beyond-use date to limit the patient's use of the drug. When the product is dispensed in the manufacturer's container, it may bear the manufacturer's expiration date. If the product is repackaged, the

beyond-use date shall be no more than one year from the date that the drug was dispensed.

(2) The quantity of drug dispensed, for example the volume or number of dosage units.

(3) The following statement, "Warning: state or federal law prohibits transfer of this drug to any person other than the person for whom it was prescribed."

(4) The information contained on the label shall be supplemented by oral or written information as required by WAC 360-16-250.

**WSR 84-16-087**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

**(Optometry Board)**

[Order PL 475—Filed August 1, 1984]

Be it resolved by the Washington State Board of Optometry, acting at Seattle, Washington, that it does adopt the annexed rules relating to minimum contact lens prescription, WAC 308-53-211.

This action is taken pursuant to Notice No. WSR 84-12-089 filed with the code reviser on June 6, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Optometry Board as authorized in RCW 18.54.070(5).

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 July 24, 1984.

By R. T. Graham, OD  
Chairman

NEW SECTION

WAC 308-53-211 MINIMUM CONTACT LENS PRESCRIPTION. Doctors of optometry are not required to release contact lens prescriptions, but when contact lenses are prescribed, the prescription must include as a minimum, but is not limited to, the following:

- (1) spectacle examination prescription data;
- (2) ophthalmometer/keratometer examination findings;
- (3) corneal examination approval;
- (4) wearing schedule for daily or other periods of time;
- (5) designation of times the patient is to return for prescription evaluation and reexamination by the prescribing doctor of optometry; and,
- (6) expiration date.

A prescription for contact lenses shall not state "okay for contacts" or a similar brief statement without including the above.

**WSR 84-16-088**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1984 No. 17**  
 [July 31, 1984]

**PUBLIC WORKS—CONTRACTS—COMPETITIVE BIDDING—CONTRACT FOR CONSTRUCTION OF WASHINGTON STATE CONVENTION AND TRADE CENTER**

Under chapter 39.04 RCW, and consistent with public policy as expressed in judicial decisions regarding public works contracts, the concept of competitive bidding is applicable with regard to the awarding of a construction management contract by the Washington State Convention and Trade Center insofar as that contract would cover the construction phase of the Convention and Trade Center project.

Requested by:

Mr. James Ellis  
 Washington State  
 Convention and Trade Center  
 720 Olive Way, Suite 1515  
 Seattle, WA 98101

**WSR 84-16-089**  
**PROPOSED RULES**  
**PARKS AND RECREATION**  
**COMMISSION**  
 [Filed August 1, 1984]

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 guidelines interpreting and implementing the State Environmental Policy Act, repealing chapter 352-10 WAC, and SEPA procedures, adopting chapter 352-11 WAC;

that the agency will at 9:00 a.m., Friday, September 21, 1984, in the Central Washington Bank, 301 North Mission, Wenatchee, 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 43.21C.120.

The specific statute these rules are intended to implement is chapter 43.21C RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 17, 1984.

Dated: August 1, 1984

By: Gary Robinson  
 Executive Assistant

**STATEMENT OF PURPOSE**

Title: Repealing chapter 352-10 WAC, Guidelines interpreting and implementing the State Environmental Policy Act, and adopting chapter 352-11 WAC, SEPA procedures.

Description of Purpose: To establish updated environmental rules for the Washington State Parks and Recreation Commission in accordance with chapter 43.21C RCW, State Environmental Policy Act (SEPA).

Statutory Authority: RCW 43.21C.120.

Statute Which Rules Implement: Chapter 43.21C RCW.

Summary of Rules: The rules repeal chapter 352-10 WAC, guidelines interpreting and implementing the State Environmental Policy Act. The rules also adopt portions of chapter 197-11 WAC, SEPA rules, by reference. In addition, the rules include further sections that are specifically applicable to the environmental actions of the Washington State Parks and Recreation Commission.

Reasons Supporting Proposed Action: Pursuant to RCW 43.21C.120, the Washington State Parks and Recreation Commission is to adopt rules on the implementation of the State Environmental Policy Act (SEPA) by October 1, 1984. The rules describe for the public how SEPA is implemented by the commission.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: David W. Heiser, E.P., Chief, Environmental Coordination, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504, (206) 753-2016.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The rules are not necessary because of federal law or state court action.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 352-10-010 AUTHORITY.
- WAC 352-10-020 PURPOSE.
- WAC 352-10-025 SCOPE AND COVERAGE OF THIS CHAPTER.
- WAC 352-10-030 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS.
- WAC 352-10-040 DEFINITIONS.
- WAC 352-10-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM.
- WAC 352-10-055 TIMING OF THE EIS PROCESS.
- WAC 352-10-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION.
- WAC 352-10-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.
- WAC 352-10-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS.
- WAC 352-10-160 NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS.
- WAC 352-10-170 CATEGORICAL EXEMPTIONS.
- WAC 352-10-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.
- WAC 352-10-177 ENVIRONMENTALLY SENSITIVE AREAS.
- WAC 352-10-180 EXEMPTION FOR EMERGENCY ACTIONS.
- WAC 352-10-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS.
- WAC 352-10-200 LEAD AGENCY—RESPONSIBILITIES.
- WAC 352-10-203 DETERMINATION OF LEAD AGENCY—PROCEDURES.
- WAC 352-10-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS.

WAC 352-10-210 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.

WAC 352-10-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.

WAC 352-10-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.

WAC 352-10-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.

WAC 352-10-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.

WAC 352-10-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.

WAC 352-10-240 AGREEMENTS AS TO LEAD AGENCY STATUS.

WAC 352-10-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.

WAC 352-10-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP.

WAC 352-10-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION.

WAC 352-10-300 THRESHOLD DETERMINATION REQUIREMENT.

WAC 352-10-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION.

WAC 352-10-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST.

WAC 352-10-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.

WAC 352-10-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.

WAC 352-10-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.

WAC 352-10-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.

WAC 352-10-350 AFFIRMATIVE THRESHOLD DETERMINATION.

WAC 352-10-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE.

WAC 352-10-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.

WAC 352-10-365 ENVIRONMENTAL CHECKLIST.

WAC 352-10-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.

WAC 352-10-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.

WAC 352-10-380 INTRA-AGENCY APPEALS OF THRESHOLD DETERMINATIONS.

WAC 352-10-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY.

WAC 352-10-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.

WAC 352-10-405 PURPOSE AND FUNCTION OF A DRAFT EIS.

WAC 352-10-410 PREDRAFT CONSULTATION PROCEDURES.

WAC 352-10-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.

WAC 352-10-425 ORGANIZATION AND STYLE OF A DRAFT EIS.

WAC 352-10-440 CONTENTS OF A DRAFT EIS.

WAC 352-10-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.

WAC 352-10-444 LIST OF ELEMENTS OF THE ENVIRONMENT.

WAC 352-10-446 DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATION.

WAC 352-10-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.

WAC 352-10-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD.

WAC 352-10-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.

WAC 352-10-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.

WAC 352-10-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.

WAC 352-10-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.

WAC 352-10-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.

WAC 352-10-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.

WAC 352-10-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.

WAC 352-10-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES.

WAC 352-10-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION.

WAC 352-10-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE.

WAC 352-10-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED.

WAC 352-10-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.

WAC 352-10-540 LIMITATIONS ON RESPONSES TO CONSULTATION.

WAC 352-10-545 EFFECT OF NO WRITTEN COMMENT.

WAC 352-10-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED.

WAC 352-10-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

WAC 352-10-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

WAC 352-10-600 CIRCULATION OF THE FINAL EIS.

WAC 352-10-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.

WAC 352-10-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS.

WAC 352-10-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.

WAC 352-10-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL.

WAC 352-10-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.

WAC 352-10-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS.

WAC 352-10-710 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES.

WAC 352-10-810 AMENDMENTS TO THIS CHAPTER.

WAC 352-10-820 DESIGNATION OF RESPONSIBLE OFFICIAL.

WAC 352-10-825 PROCEDURES WHEN CONSULTED AGENCY.

WAC 352-10-830 COMMISSION SEPA PUBLIC INFORMATION CENTER.

WAC 352-10-840 APPLICATION OF COMMISSION GUIDELINES TO ONGOING ACTIONS.

WAC 352-10-860 FEES TO COVER THE COSTS OF SEPA COMPLIANCE.

WAC 352-10-910 SEVERABILITY.

WAC 352-10-920 EFFECTIVE DATE.

Chapter 352-11 WAC  
SEPA PROCEDURES

#### NEW SECTION

WAC 352-11-010 AUTHORITY. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

NEW SECTION

WAC 352-11-020 ADOPTION BY REFERENCE. The Washington state parks and recreation commission adopts the following sections or subsections of chapter 197-11 WAC by reference.

## WAC

- 197-11-040 Definitions.  
 197-11-050 Lead agency.  
 197-11-060 Content of environmental review.  
 197-11-070 Limitations on actions during SEPA process.  
 197-11-080 Incomplete or unavailable information.  
 197-11-090 Supporting documents.  
 197-11-100 Information required of applicants.  
 197-11-300 Purpose of this part.  
 197-11-305 Categorical exemptions.  
 197-11-310 Threshold determination required.  
 197-11-315 Environmental checklist.  
 197-11-330 Threshold determination process.  
 197-11-335 Additional information.  
 197-11-340 Determination of nonsignificance (DNS).  
 197-11-350 Mitigated DNS.  
 197-11-360 Determination of significance (DS)/initiation of scoping.  
 197-11-390 Effect of threshold determination.  
 197-11-400 Purpose of EIS.  
 197-11-402 General requirements.  
 197-11-405 EIS types.  
 197-11-406 EIS timing.  
 197-11-408 Scoping.  
 197-11-410 Expanded scoping. (Optional)  
 197-11-420 EIS preparation.  
 197-11-425 Style and size.  
 197-11-430 Format.  
 197-11-435 Cover letter or memo.  
 197-11-440 EIS contents.  
 197-11-442 Contents of EIS on nonproject proposals.  
 197-11-443 EIS contents when prior nonproject EIS.  
 197-11-444 Elements of the environment.  
 197-11-448 Relationship of EIS to other considerations.  
 197-11-450 Cost-benefit analysis.  
 197-11-455 Issuance of DEIS.  
 197-11-460 Issuance of FEIS.  
 197-11-500 Purpose of this part.  
 197-11-502 Inviting comment.  
 197-11-504 Availability and cost of environmental documents.  
 197-11-508 SEPA register.  
 197-11-535 Public hearings and meetings.  
 197-11-545 Effect of no comment.  
 197-11-550 Specificity of comments.  
 197-11-560 FEIS response to comments.  
 197-11-570 Consulted agency costs to assist lead agency.  
 197-11-600 When to use existing environmental documents.  
 197-11-610 Use of NEPA documents.  
 197-11-620 Supplemental environmental impact statement—Procedures.  
 197-11-625 Addenda—Procedures.  
 197-11-630 Adoption—Procedures.  
 197-11-635 Incorporation by reference—Procedures.  
 197-11-640 Combining documents.  
 197-11-650 Purpose of this part.  
 197-11-655 Implementation.  
 197-11-660 Substantive authority and mitigation.  
 197-11-680 Appeals.  
 197-11-700 Definitions.  
 197-11-702 Act.  
 197-11-704 Action.  
 197-11-706 Addendum.  
 197-11-708 Adoption.  
 197-11-710 Affected tribe.  
 197-11-712 Affecting.  
 197-11-714 Agency.  
 197-11-716 Applicant.  
 197-11-718 Built environment.  
 197-11-720 Categorical exemption.  
 197-11-722 Consolidated appeal.  
 197-11-724 Consulted agency.  
 197-11-726 Cost-benefit analysis.  
 197-11-728 County/city.  
 197-11-730 Decision maker.  
 197-11-732 Department.  
 197-11-734 Determination of nonsignificance (DNS).  
 197-11-736 Determination of significance (DS).  
 197-11-738 EIS.  
 197-11-740 Environment.  
 197-11-742 Environmental checklist.  
 197-11-744 Environmental document.  
 197-11-746 Environmental review.  
 197-11-748 Environmentally sensitive area.  
 197-11-750 Expanded scoping.  
 197-11-752 Impacts.  
 197-11-754 Incorporation by reference.  
 197-11-756 Lands covered by water.  
 197-11-758 Lead agency.  
 197-11-760 License.  
 197-11-762 Local agency.  
 197-11-764 Major action.  
 197-11-766 Mitigated DNS.  
 197-11-768 Mitigation.  
 197-11-770 Natural environment.  
 197-11-772 NEPA.  
 197-11-774 Nonproject.  
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**NEW SECTION**

WAC 352-11-030 PURPOSE. This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the Washington state parks and recreation commission.

**NEW SECTION**

WAC 352-11-040 ADDITIONAL DEFINITIONS. In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) "Agency" means the entire staff and appointed commission members constituting the Washington state parks and recreation commission.

(2) "Authorized public use" means that a particular parcel of real property has developed facilities which have been subject to public use or have been specifically designated and classified for such public use without developed facilities. No "authorized public use" shall be construed to have occurred on parcels of real property being held for future use and development nor on portions of existing park lands remote from existing public use facilities, including developed trail systems.

(3) "Commission" means the Washington state parks and recreation commission.

(4) "Director" means the director of the Washington state parks and recreation commission.

(5) "Program" means any of the headquarters' sections or divisions of the Washington state parks and recreation commission that administers a program, such as, but not limited to, boating safety, winter recreation and youth programs.

(6) "Regions" means any of the five regional offices of the Washington state parks and recreation commission.

(7) "Section" means any section within the divisional structure of the Washington state parks and recreation commission.

**NEW SECTION**

WAC 352-11-055 TIMING OF THE SEPA PROCESS. (1) Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) Timing of review of proposals. The agency shall prepare its threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

(a) A proposal exists when the agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

(ii) Preliminary steps or decisions are sometimes needed before a proposal is sufficiently definite to allow meaningful environmental analysis.

(b) Environmental reviews will normally begin when sufficient information is available for agency staff to make preliminary decisions. The agency may also organize environmental review in phases, as specified in WAC 197-11-060(5).

(c) Appropriate consideration of environmental information shall be completed before the agency commits to a particular course of action under WAC 197-11-070.

(3) Applications and rule-making. The timing of environmental review for applications and for rule-making shall be as follows:

(a) At the latest, the agency shall begin environmental review, if required, when an application is complete. The agency may initiate review earlier and may have informal conferences with applicants. A final threshold determination or final environmental impact statement (FEIS) shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application.

(b) For rule-making, the DNS or DEIS shall normally accompany the proposed rule. A FEIS, if any, shall be issued at least seven days before adoption of a final rule under WAC 197-11-460(4).

(4) Additional timing considerations.

(a) Commission staff receiving a completed application and environmental checklist shall forward such application and checklist to the responsible official who will determine whether the commission or another agency is the SEPA lead agency under WAC 197-11-050 and 197-11-922 through 197-11-940 within five working days. If the commission is not the lead agency, the responsible official shall send the completed environmental checklist and a copy of the application, together with an explanation of the determination to the identified lead agency.

(b) Commission staff receiving an application will forward it to the responsible official who will determine whether the proposal is an "action" and, if so, whether it is "categorically exempt" from SEPA. If the proposal is an "action" and is not exempt, the responsible official will ask the applicant to complete an environmental checklist. A checklist is not needed if the responsible official and applicant agree that an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(c) If the only nonexempt action is commission approval of detailed project plans and specifications, an applicant may request that the commission complete SEPA compliance before the applicant submits the detailed plans and specifications.

(d) The commission staff and applicants may hold preliminary discussions or exploration of ideas and options prior to commencing formal environmental review, under provisions of this chapter and chapter 197-11 WAC.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they shall coordinate their SEPA processes wherever possible. The agencies shall comply with lead agency determination requirements in WAC 197-11-050 and 197-11-922.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analysis shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For its own public proposals, the responsible official may extend the time limits prescribed in this chapter.

(8) When the commission staff has prepared a commission agenda item for approval by the commission, the FEIS, DNS, or exemption statement shall accompany the agenda item to the commission for its review.

**NEW SECTION**

WAC 352-11-310 THRESHOLD DETERMINATION PROCESS—ADDITIONAL CONSIDERATIONS. When reviewing a completed environmental checklist to make the threshold determination, the responsible official or the designee of the responsible official will:

(1) Independently evaluate the responses of the applicant and note comments, concerns, corrections, or new information in the right margin of the checklist.

(2) Conduct the initial review of the checklist and any supporting documents without requiring additional information from the applicant.

**NEW SECTION**

WAC 352-11-350 MITIGATED DNS. (1) An applicant may ask the agency whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the commission is lead agency; and

(c) Precede the agency's actual threshold determination for the proposal.

(2) The responsible official or his designee shall respond to the request within ten working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the agency is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the agency to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The agency shall not continue with the threshold determination until after receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the agency will make its threshold determination based on the changed or clarified proposal.

(a) If the agency's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the agency shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-350(2).

(b) If the agency indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the agency shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The agency may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the agency shall issue a DNS and circulate it for review under WAC 197-11-350(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the agency may require the applicant to submit a new checklist.

(7) The agency may change or clarify features of its own proposals before making the threshold determination.

(8) The agency's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the agency to consider the clarifications or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes, including enforcement of the permit or other approval. Unless the agency's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

#### NEW SECTION

**WAC 352-11-420 EIS PREPARATION.** For draft and final EISs and supplemental environmental impact statements (SEISs):

(1) Preparation of the EIS is the responsibility of the agency, by or under the direction of its responsible official, as specified by the agency's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

(2) The agency may have an EIS prepared by agency staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the agency. The agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(3) If a person other than the agency is preparing the EIS, the agency shall:

(a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency and the public that is needed by the person;

(b) Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;

(c) Allow any party preparing an EIS access to all public records of the agency that relate to the subject of the EIS, under RCW 42.17.250 through 42.17.340.

(4) Normally, the agency will prepare EISs for its own proposals.

(5) For applicant proposals, the agency normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of this chapter and chapter 197-11 WAC.

(6) The agency may require an applicant to provide information that the agency does not possess, including specific investigations. The applicant is not required to supply information that is not required under this chapter and chapter 197-11 WAC.

#### NEW SECTION

**WAC 352-11-504 AVAILABILITY AND COSTS OF ENVIRONMENTAL DOCUMENTS.** (1) SEPA documents required by these rules shall be retained by the agency at the SEPA public information center, and made available in accordance with RCW 42.17.250 through 42.17.340.

(2) The agency shall make copies of environmental documents available in accordance with RCW 42.17.250 through 42.17.340, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to the agency. However, no charge shall be levied for circulation of documents to other agencies as required by this chapter. If requested, the agency will normally waive the charge for an environmental document provided to a public interest organization.

#### NEW SECTION

**WAC 352-11-508 NOTICE OF ENVIRONMENTAL DOCUMENTS.** (1) The agency shall submit environmental documents required to be sent to the department of ecology for weekly publication in the SEPA register under this chapter, specifically:

(a) DNSs under WAC 197-11-340(2);

(b) DSs (scoping notices) under WAC 197-11-408;

(c) EISs under WAC 197-11-455, 197-11-460, 197-11-620, and 197-11-630; and

(d) Notices of action under RCW 43.21C.080 and 43.21C.087.

(2) The agency shall submit the environmental documents listed in subsection (1) of this section promptly and in accordance with procedures established by the department of ecology.

(3) The agency shall subscribe to the SEPA register.

#### NEW SECTION

**WAC 352-11-510 PUBLIC NOTICE REQUIREMENTS.** (1) The agency shall give public notice when issuing a DNS under WAC 197-11-350(2), a scoping notice under WAC 352-11-420, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the agency shall integrate the public notice required under this section with existing notice procedures for the agency's permit or approval required for the proposal.

(a) When more than one permit or approval required from or by the agency has public notice requirements, the notice procedures that would reach the widest audience shall be used, if possible.

(b) If the public notice requirements for the permit or approval must be completed at a specific time in the permitting process and that timing does not coincide with the timing requirements for SEPA public notice, the agency must use one or more public notice methods in subsection (3) of this section.

(c) If there are no public notice requirements for any of the permits/approvals required for a proposal, the agency must use one or more public notice methods in subsection (3) of this section.

(3) The agency shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the agency, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notifying persons or groups who have expressed interest in the proposal, of the type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented;

(c) Posting the property for site-specific proposals;

(d) Notifying the news media; and or

(e) Placing notice in appropriate regional, neighborhood, ethnic, or trade journals.

(4) The agency may require an applicant to perform the public notice requirement at the applicant's expense.

**NEW SECTION**

WAC 352-11-615 COORDINATION ON COMBINED AGENCY—FEDERAL ACTION. When the agency is considering an action which also involves federal actions, it shall attempt to coordinate the two governmental processes so that only one environmental impact statement need be prepared for that proposal.

**NEW SECTION**

WAC 352-11-665 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS. (1)(a) The overriding policy of the Washington state parks and recreation commission is to avoid or mitigate adverse environmental impacts which may result from the agency's decisions.

(b) The commission shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The agency recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(d) The agency shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations.

(2) Policies - Specific. The commission is responsible for the following approvals, permits, or rulemaking which have potential to impact the environment and which are subject to the provisions of this chapter:

(a) Grant concessions or leases in state parks and parkways (RCW 43.51.040(5));

(b) Grant franchises and easements for any legitimate purpose on parks and parkways (RCW 43.51.060(5));

(c) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development (RCW 43.51.060(7));

(d) Lease park land for television stations (RCW 43.51.062 and 43.51.063);

(e) Grant permits for improvement of parks (RCW 43.51.130 through 43.51.160);

(f) Administer the seashore conservation area including:

(i) Establish reasonable regulations for the use and control of vehicular traffic on or along the ocean beach highways (RCW 43.51.680, 79.94.340 and 79.94.360);

(ii) Sale of sand from accretions to supply the needs of cranberry growers (RCW 43.51.685);

(iii) Grant mining leases for the removal of "black sands" (minerals) (RCW 43.51.685); and or

(iv) Grant leases and permits for the removal of sands for construction purposes (RCW 43.51.685).

(g) Grant approvals for the construction, operation and maintenance of winter recreational devices, including but not limited to ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts and similar devices and equipment (RCW 70.88.010 through 70.88.040).

(h) Any other approval authority which may be granted to the commission in the future.

(3)(a) SEPA procedures. When the environmental document for a proposal for approval by the agency shows it will cause significant adverse impacts that the proponent does not plan to mitigate, the responsible official shall consider whether:

(i) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(ii) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(iii) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(b) The responsible official may:

(i) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(ii) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(c) The procedures in WAC 197-11-660 must also be followed when conditioning or denying permits or other approvals.

**NEW SECTION**

WAC 352-11-800 THRESHOLD LEVELS ADOPTED BY COUNTIES/CITIES. (1) In determining whether a proposal is exempt from SEPA, the agency shall respect the threshold levels adopted by counties/cities under WAC 197-11-800(1).

(2) The agency's responsible official shall obtain copies of ordinances adopted by counties/cities which have established different threshold levels from those of WAC 197-11-800(1) and which directly affect state park lands.

**NEW SECTION**

WAC 352-11-905 RESPONSIBILITIES OF INDIVIDUALS AND WORK UNITS WITHIN THE AGENCY. (1) The environmental coordination section of the agency shall be responsible for the following:

(a) Coordinating agency activities to comply with SEPA, encouraging consistency in SEPA compliance among all regions, sections, and programs.

(b) Providing information and guidance on SEPA and the SEPA rules to commission staff, agencies, groups, and citizens.

(c) Receiving all SEPA documents sent to the commission for review and comment, distributing documents and coordinating review with appropriate regions, programs and sections, preparing the agency's response, ensuring a timely response, and requesting extensions to the comment period of an EIS, when needed.

(d) Maintaining the agency's files for EISs, DNSs, scoping notices, and notices of action prepared for commission approvals and other agency actions and which are sent to the department of ecology under SEPA and the SEPA rules.

(e) Maintaining files for the city/county SEPA procedures designating environmentally sensitive areas and flexible thresholds and making the information available to agency staff.

(f) Writing and/or coordinating EIS preparation, including scoping and the scoping notice, making sure to work with appropriate regions, programs, and sections.

(g) Preparing the agency's SEPA rules and amendments to the SEPA rules as necessary.

(h) Fulfilling the agency's other general responsibilities under SEPA and the SEPA rules.

(i) Determining whether a decision on a permit or other approval, program, policy, plan, or regulation is an "action" under SEPA and, if so, whether it is exempt from SEPA's requirements.

(j) Determining whether the commission or another agency is SEPA lead agency.

(k) Making the threshold determination. This shall be made by the responsible official under WAC 352-11-910.

(l) Issuing a determination of nonsignificance, if appropriate (issued by responsible official) and ensuring compliance with the public notice requirements of WAC 352-11-510;

(2) Other staff of the commission in regions, programs, and sections shall be responsible for the following:

(a) Reviewing SEPA documents and submitting comments to the environmental coordination section in a timely fashion, recognizing that SEPA and the SEPA rules impose strict time limits on commenting.

(b) Working with the environmental coordination section on preparation of EISs, DNSs, and environmental checklists.

(c) Ensuring that permit decisions are consistent with the final EIS and DNS.

NEW SECTION

WAC 352-11-908 ENVIRONMENTALLY SENSITIVE AREAS. (1) The agency's responsible official shall obtain maps of all designated "environmentally sensitive areas" on existing state park lands which have been prepared by counties/cities under WAC 197-11-908.

(2) In determining whether a proposal is exempt from SEPA, the agency shall respect "environmentally sensitive area" designations made by counties/cities under WAC 197-11-908.

NEW SECTION

WAC 352-11-910 DESIGNATION OF RESPONSIBLE OFFICIAL. The ultimate responsible official is the commission. Normally, the operational responsibility shall be delegated via the director to the chief, environmental coordination. Depending upon the size and scope of the proposed action, consideration may be given to establishing the responsible official at the level of assistant director, resources development, Washington state parks and recreation commission, or at the level of director.

NEW SECTION

WAC 352-11-950 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

**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
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- REAFF = Order assuming and reaffirming rules
- 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 #
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16-54-010	AMD	84-16-022	16-212-082	NEW-P	84-11-089	16-228-174	REP-P	84-05-014
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16-108-003	REP-P	84-08-066	16-228-115	AMD-P	84-05-014	16-230-020	REP-P	84-05-066
16-108-003	REP	84-11-019	16-228-115	AMD	84-09-011	16-230-020	REP	84-09-012
16-108-010	AMD-P	84-08-066	16-228-125	AMD-P	84-05-014	16-230-030	AMD-P	84-05-066
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16-125-001	REP-P	84-15-054	16-228-130	AMD-P	84-05-014	16-230-040	REP-P	84-05-066
16-125-010	AMD-P	84-15-054	16-228-130	AMD	84-09-011	16-230-040	REP	84-09-012
16-125-110	REP-P	84-15-054	16-228-155	AMD-P	84-05-014	16-230-050	REP-P	84-05-066
16-125-120	NEW-P	84-15-054	16-228-155	AMD	84-09-011	16-230-050	REP	84-09-012
16-212-010	AMD-P	84-11-089	16-228-160	AMD-P	84-05-014	16-230-060	REP-P	84-05-066
16-212-010	AMD	84-14-065	16-228-160	AMD	84-09-011	16-230-060	REP	84-09-012
16-212-030	AMD-P	84-11-089	16-228-161	NEW-P	84-05-014	16-230-075	AMD-P	84-05-066
16-212-030	AMD	84-14-065	16-228-161	NEW	84-09-011	16-230-075	AMD	84-09-012
16-212-050	REP-P	84-11-089	16-228-162	AMD-P	84-05-014	16-230-076	NEW-P	84-05-066
16-212-050	REP	84-14-065	16-228-162	AMD	84-09-011	16-230-076	NEW	84-09-012
16-212-060	AMD-P	84-11-089	16-228-165	AMD-P	84-05-014	16-230-078	NEW-P	84-05-066
16-212-060	AMD	84-14-065	16-228-165	AMD	84-09-011	16-230-078	NEW	84-09-012
16-212-065	REP-P	84-11-089	16-228-168	AMD-P	84-05-014	16-230-080	REP-P	84-05-066
16-212-065	REP	84-14-065	16-228-168	AMD	84-09-011	16-230-080	REP	84-09-012
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16-230-090	REP	84-09-012	16-470-120	NEW	84-10-039
16-230-100	REP-P	84-05-065	16-470-130	NEW-P	84-06-054
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16-304-110	AMD-P	84-10-079	16-657-040	NEW-P	84-07-026
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118-03-050	AMD-E	84-11-054	118-03-050	AMD-E	84-11-054
118-03-050	AMD-P	84-11-055	118-03-050	AMD-P	84-11-055
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118-04-010	NEW	84-11-022	118-04-010	NEW	84-11-022
118-04-030	NEW-P	84-08-074	118-04-030	NEW-P	84-08-074
118-04-030	NEW	84-11-022	118-04-030	NEW	84-11-022
118-04-050	NEW-P	84-08-074	118-04-050	NEW-P	84-08-074
118-04-050	NEW	84-11-022	118-04-050	NEW	84-11-022
118-04-070	NEW-P	84-08-074	118-04-070	NEW-P	84-08-074
118-04-070	NEW	84-11-022	118-04-070	NEW	84-11-022
118-04-090	NEW-P	84-08-074	118-04-090	NEW-P	84-08-074
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132F-120-042	NEW	84-03-028	132I-116-260	AMD-P	84-09-039	136-120-010	NEW-P	84-11-064
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132F-120-130	AMD	84-03-028	132J-160-030	AMD-P	84-06-053	136-130-040	NEW-P	84-11-064
132F-120-150	AMD	84-03-028	132J-160-030	AMD	84-11-021	136-130-040	NEW	84-16-065
132F-120-160	AMD	84-03-028	132J-160-040	REP-P	84-06-053	136-130-050	NEW-P	84-11-064
132F-120-170	AMD	84-03-028	132J-160-040	REP	84-11-021	136-130-050	NEW	84-16-065
132F-120-180	AMD	84-03-028	132J-160-045	NEW-P	84-06-053	136-130-060	NEW-P	84-11-064
132F-120-190	AMD	84-03-028	132J-160-045	NEW	84-11-021	136-130-060	NEW	84-16-065
132F-120-200	AMD	84-03-028	132J-160-050	AMD-P	84-06-053	136-130-070	NEW-P	84-11-064
132F-120-210	NEW	84-03-028	132J-160-050	AMD	84-11-021	136-130-070	NEW	84-16-065
132F-120-510	REP	84-03-028	132Q-04-010	AMD-P	84-15-052	136-130-080	NEW-P	84-11-064
132F-136-030	AMD-P	84-13-077	132Q-04-020	AMD-P	84-15-052	136-130-080	NEW	84-16-065
132H-116-800	REP-P	84-04-062	132Q-04-030	AMD-P	84-15-052	136-150-010	NEW-P	84-11-064
132H-116-800	REP	84-07-040	132Q-04-050	AMD-P	84-15-052	136-150-010	NEW	84-16-065
132H-160-180	AMD-P	84-09-050	132Q-04-060	AMD-P	84-15-052	136-150-020	NEW-P	84-11-064
132H-160-180	AMD-C	84-12-006	132Q-04-067	AMD-P	84-15-052	136-150-020	NEW	84-16-065
132H-160-180	AMD	84-15-033	132Q-04-070	AMD-P	84-15-052	136-150-030	NEW-P	84-11-064
132H-200-110	NEW-P	84-04-049	132Q-04-075	AMD-P	84-15-052	136-150-030	NEW	84-16-065
132H-200-110	NEW	84-07-039	132Q-04-080	AMD-P	84-15-052	136-150-040	NEW-P	84-11-064
132I-116-010	AMD-P	84-09-039	132Q-04-085	AMD-P	84-15-052	136-150-040	NEW	84-16-065
132I-116-010	AMD	84-14-020	132Q-04-090	AMD-P	84-15-052	136-160-010	NEW-P	84-11-064
132I-116-020	AMD-P	84-09-039	132Q-04-100	AMD-P	84-15-052	136-160-010	NEW	84-16-065
132I-116-020	AMD	84-14-020	132Q-04-110	AMD-P	84-15-052	136-160-020	NEW-P	84-11-064
132I-116-030	AMD-P	84-09-039	132Q-04-120	AMD-P	84-15-052	136-160-020	NEW	84-16-065
132I-116-030	AMD	84-14-020	132Q-04-130	AMD-P	84-15-052	136-160-030	NEW-P	84-11-064
132I-116-040	AMD-P	84-09-039	132Q-04-140	AMD-P	84-15-052	136-160-030	NEW	84-16-065
132I-116-040	AMD	84-14-020	132Q-04-150	AMD-P	84-15-052	136-160-040	NEW-P	84-11-064
132I-116-050	AMD-P	84-09-039	132Q-04-160	AMD-P	84-15-052	136-160-040	NEW	84-16-065
132I-116-050	AMD	84-14-020	132Q-04-170	AMD-P	84-15-052	136-160-050	NEW-P	84-11-064
132I-116-060	REP-P	84-09-039	132Q-04-180	AMD-P	84-15-052	136-160-050	NEW	84-16-065
132I-116-060	REP	84-14-020	132Q-04-190	AMD-P	84-15-052	136-160-060	NEW-P	84-11-064
132I-116-070	AMD-P	84-09-039	132Q-04-200	AMD-P	84-15-052	136-160-060	NEW	84-16-065
132I-116-070	AMD	84-14-020	132Q-04-210	AMD-P	84-15-052	136-170-010	NEW-P	84-11-064

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136-170-020	NEW-P	84-11-064	137-12A-040	NEW	84-06-009	137-57	AMD-P	84-08-023
136-170-020	NEW	84-16-065	137-12A-040	AMD-P	84-11-067	137-57	AMD	84-11-032
136-170-030	NEW-P	84-11-064	137-12A-040	AMD	84-14-077	137-57-005	AMD-P	84-08-023
136-170-030	NEW	84-16-065	137-12A-050	NEW-P	84-03-014	137-57-005	AMD	84-11-032
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136-200-020	NEW-P	84-11-064	137-12A-090	NEW	84-06-009	137-57-070	AMD-P	84-08-023
136-200-020	NEW	84-16-065	137-28-005	NEW-P	84-14-076	137-57-070	AMD	84-11-032
136-200-030	NEW-P	84-11-064	137-28-005	NEW-E	84-15-041	137-70	AMD-P	84-08-060
136-200-030	NEW	84-16-065	137-28-006	NEW-P	84-14-076	137-70	AMD	84-11-033
136-200-040	NEW-P	84-11-064	137-28-006	NEW-E	84-15-041	137-70-010	AMD-P	84-08-060
136-200-040	NEW	84-16-065	137-28-010	NEW-P	84-14-076	137-70-010	AMD	84-11-033
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136-210-030	NEW-P	84-11-064	137-28-020	NEW-E	84-15-041	137-70-040	AMD-P	84-08-060
136-210-030	NEW	84-16-065	137-28-025	NEW-P	84-14-076	137-70-040	AMD	84-11-033
136-210-040	NEW-P	84-11-064	137-28-025	NEW-E	84-15-041	137-70-050	AMD-P	84-08-060
136-210-040	NEW	84-16-065	137-28-030	NEW-P	84-14-076	137-70-050	AMD	84-11-033
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136-220-020	NEW-P	84-11-064	137-28-032	NEW-E	84-15-041	137-70-060	AMD-P	84-08-060
136-220-020	NEW	84-16-065	137-28-035	NEW-P	84-14-076	137-70-060	AMD	84-11-033
136-220-030	NEW-P	84-11-064	137-28-035	NEW-E	84-15-041	137-70-070	AMD-P	84-08-060
136-220-030	NEW	84-16-065	137-28-040	NEW-P	84-14-076	137-70-070	AMD	84-11-033
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136-250-020	NEW	84-16-065	137-28-050	NEW-P	84-14-076	137-75-010	NEW-E	84-12-068
136-250-030	NEW-P	84-11-064	137-28-050	NEW-E	84-15-041	137-75-010	NEW	84-15-053
136-250-030	NEW	84-16-065	137-28-065	NEW-P	84-14-076	137-75-020	NEW-P	84-12-067
136-250-040	NEW-P	84-11-064	137-28-065	NEW-E	84-15-041	137-75-020	NEW-E	84-12-068
136-250-040	NEW	84-16-065	137-28-072	NEW-P	84-14-076	137-75-020	NEW	84-15-053
136-250-050	NEW-P	84-11-064	137-28-072	NEW-E	84-15-041	137-75-030	NEW-P	84-12-067
136-250-050	NEW	84-16-065	137-28-075	NEW-P	84-14-076	137-75-030	NEW-E	84-12-068
137-12-010	REP-P	84-03-014	137-28-075	NEW-E	84-15-041	137-75-030	NEW	84-15-053
137-12-010	REP	84-06-009	137-28-080	NEW-P	84-14-076	137-75-040	NEW-P	84-12-067
137-12-020	REP-P	84-03-014	137-28-080	NEW-E	84-15-041	137-75-040	NEW-E	84-12-068
137-12-020	REP	84-06-009	137-28-085	NEW-P	84-14-076	137-75-040	NEW	84-15-053
137-12-030	REP-P	84-03-014	137-28-085	NEW-E	84-15-041	137-75-050	NEW-P	84-12-067
137-12-030	REP	84-06-009	137-28-090	NEW-P	84-14-076	137-75-050	NEW-E	84-12-068
137-12-040	REP-P	84-03-014	137-28-090	NEW-E	84-15-041	137-75-050	NEW	84-15-053
137-12-040	REP	84-06-009	137-28-093	NEW-P	84-14-076	137-75-060	NEW-P	84-12-067
137-12-050	REP-P	84-03-014	137-28-093	NEW-E	84-15-041	137-75-060	NEW-E	84-12-068
137-12-050	REP	84-06-009	137-28-095	NEW-P	84-14-076	137-75-060	NEW	84-15-053
137-12-060	REP-P	84-03-014	137-28-095	NEW-E	84-15-041	137-91-011	NEW-E	84-13-007
137-12-060	REP	84-06-009	137-28-097	NEW-P	84-14-076	137-91-011	NEW-P	84-13-075
137-12-070	REP-P	84-03-014	137-28-097	NEW-E	84-15-041	137-91-011	NEW	84-16-066
137-12-070	REP	84-06-009	137-28-100	NEW-P	84-14-076	137-91-021	NEW-E	84-13-007
137-12-080	REP-P	84-03-014	137-28-100	NEW-E	84-15-041	137-91-021	NEW-P	84-13-075
137-12-080	REP	84-06-009	137-28-105	NEW-P	84-14-076	137-91-021	NEW	84-16-066
137-12-090	REP-P	84-03-014	137-28-105	NEW-E	84-15-041	137-91-050	NEW-E	84-13-007
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137-12A-010	NEW-P	84-03-014	137-28-110	NEW-E	84-15-041	137-91-050	NEW	84-16-066
137-12A-010	NEW	84-06-009	137-28-115	NEW-P	84-14-076	137-91-060	NEW-E	84-13-007
137-12A-010	AMD-P	84-11-067	137-28-115	NEW-E	84-15-041	137-91-060	NEW-P	84-13-075
137-12A-010	AMD	84-14-077	137-28-120	NEW-P	84-14-076	137-91-060	NEW	84-16-066
137-12A-020	NEW-P	84-03-014	137-28-120	NEW-E	84-15-041	137-91-070	NEW-E	84-13-007
137-12A-020	NEW	84-06-009	137-28-130	NEW-P	84-14-076	137-91-070	NEW-P	84-13-075
137-12A-020	AMD-P	84-11-067	137-28-130	NEW-E	84-15-041	137-91-070	NEW	84-16-066
137-12A-020	AMD	84-14-077	137-48-020	AMD-P	84-04-045	139-50-030	NEW-P	84-07-041
137-12A-030	NEW-P	84-03-014	137-48-020	AMD-E	84-04-046	139-50-030	NEW	84-13-052
137-12A-030	NEW	84-06-009	137-48-020	AMD	84-08-011	154-12-050	AMD-E	84-12-064
137-12A-030	AMD-P	84-11-067	137-48-060	AMD-P	84-04-045	154-12-050	AMD-P	84-14-083
137-12A-030	AMD	84-14-077	137-48-060	AMD-E	84-04-046	154-12-105	REP-E	84-12-064



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173-303-140	AMD	84-09-088	173-303-805	AMD	84-09-088	173-549-025	NEW	84-13-076
173-303-141	AMD	84-09-088	173-303-806	NEW	84-09-088	173-549-027	NEW-P	84-07-056
173-303-145	AMD	84-09-088	173-303-807	NEW	84-09-088	173-549-027	NEW	84-13-076
173-303-160	AMD	84-09-088	173-303-808	NEW	84-09-088	173-549-030	REP-P	84-07-056
173-303-161	NEW	84-09-088	173-303-809	NEW-P	84-09-083	173-549-030	REP	84-13-076
173-303-170	AMD	84-09-088	173-303-809	NEW-C	84-12-045	173-549-035	NEW-P	84-07-056
173-303-180	AMD-P	84-09-083	173-303-809	NEW	84-14-031	173-549-035	NEW	84-13-076
173-303-180	AMD	84-14-031	173-303-810	AMD	84-09-088	173-549-040	REP-P	84-07-056
173-303-190	AMD	84-09-088	173-303-815	AMD	84-09-088	173-549-040	REP	84-13-076
173-303-200	AMD-P	84-09-083	173-303-820	AMD	84-09-088	173-549-050	REP-P	84-07-056
173-303-200	AMD-C	84-12-045	173-303-825	AMD	84-09-088	173-549-050	REP	84-13-076
173-303-200	AMD	84-14-031	173-303-830	AMD	84-09-088	173-549-060	AMD-P	84-07-056
173-303-210	AMD	84-09-088	173-303-840	AMD-P	84-09-083	173-549-060	AMD	84-13-076
173-303-220	AMD	84-09-088	173-303-840	AMD-C	84-12-045	173-549-070	AMD-P	84-07-056
173-303-230	AMD	84-09-088	173-303-840	AMD	84-14-031	173-549-070	AMD	84-13-076
173-303-240	AMD-P	84-09-083	173-303-910	AMD-P	84-09-083	173-549-080	NEW-P	84-07-056
173-303-240	AMD-C	84-12-045	173-303-910	AMD-C	84-12-045	173-549-080	NEW	84-13-076
173-303-240	AMD	84-14-031	173-303-910	AMD	84-14-031	173-549-090	NEW-P	84-07-056
173-303-250	AMD	84-09-088	173-303-950	NEW	84-09-088	173-549-090	NEW	84-13-076
173-303-260	AMD	84-09-088	173-303-9901	AMD	84-09-088	173-549-100	NEW-P	84-07-056
173-303-270	AMD	84-09-088	173-303-9903	AMD	84-09-088	173-549-100	NEW	84-13-076
173-303-275	REP-P	84-09-083	173-303-9904	AMD	84-09-088	173-549-900	NEW-P	84-07-056
173-303-275	REP	84-14-031	173-303-9905	AMD	84-09-088	173-549-900	NEW	84-13-076
173-303-280	AMD	84-09-088	173-305-010	NEW	84-05-012	173-801-010	REP-P	84-09-081
173-303-290	AMD	84-09-088	173-305-015	NEW	84-05-012	173-801-010	REP	84-13-037
173-303-300	AMD	84-09-088	173-305-020	NEW	84-05-012	173-801-020	REP-P	84-09-081
173-303-310	AMD	84-09-088	173-305-030	NEW	84-05-012	173-801-020	REP	84-13-037
173-303-320	AMD	84-09-088	173-305-040	NEW	84-05-012	173-801-030	REP-P	84-09-081
173-303-330	AMD	84-09-088	173-305-050	NEW	84-05-012	173-801-030	REP	84-13-037
173-303-340	AMD	84-09-088	173-305-060	NEW	84-05-012	173-801-040	REP-P	84-09-081
173-303-350	AMD	84-09-088	173-305-070	NEW	84-05-012	173-801-040	REP	84-13-037
173-303-360	AMD	84-09-088	173-305-080	NEW	84-05-012	173-801-045	REP-P	84-09-081
173-303-370	AMD	84-09-088	173-305-090	NEW	84-05-012	173-801-045	REP	84-13-037
173-303-380	AMD	84-09-088	173-330	NEW-C	84-12-069	173-801-050	REP-P	84-09-081
173-303-390	AMD	84-09-088	173-330	NEW-C	84-14-030	173-801-050	REP	84-13-037
173-303-395	AMD-P	84-09-083	173-330-010	NEW-P	84-10-061	173-801-060	REP-P	84-09-081
173-303-395	AMD-C	84-12-045	173-330-010	NEW	84-16-005	173-801-060	REP	84-13-037
173-303-395	AMD	84-14-031	173-330-020	NEW-P	84-10-061	173-801-070	REP-P	84-09-081
173-303-400	AMD	84-09-088	173-330-020	NEW	84-16-005	173-801-070	REP	84-13-037
173-303-420	NEW	84-09-088	173-330-030	NEW-P	84-10-061	173-801-080	REP-P	84-09-081
173-303-430	NEW	84-09-088	173-330-030	NEW	84-16-005	173-801-080	REP	84-13-037
173-303-440	NEW	84-09-088	173-330-040	NEW-P	84-10-061	173-801-090	REP-P	84-09-081
173-303-500	AMD-P	84-09-083	173-330-040	NEW	84-16-005	173-801-090	REP	84-13-037
173-303-500	AMD-C	84-12-045	173-330-050	NEW-P	84-10-061	173-801-100	REP-P	84-09-081
173-303-500	AMD	84-14-031	173-330-050	NEW	84-16-005	173-801-100	REP	84-13-037
173-303-505	NEW	84-09-088	173-330-060	NEW-P	84-10-061	173-801-110	REP-P	84-09-081
173-303-505	NEW-C	84-12-045	173-330-060	NEW	84-16-005	173-801-110	REP	84-13-037
173-303-510	AMD-P	84-09-083	173-330-070	NEW-P	84-10-061	173-801-120	REP-P	84-09-081
173-303-510	AMD-C	84-12-045	173-330-070	NEW	84-16-005	173-801-120	REP	84-13-037
173-303-510	AMD	84-14-031	173-330-900	NEW-P	84-10-061	173-801-130	REP-P	84-09-081
173-303-515	NEW-P	84-09-083	173-330-900	NEW	84-16-005	173-801-130	REP	84-13-037
173-303-515	NEW-C	84-12-045	173-400-075	AMD-P	84-04-076	173-802-010	NEW-P	84-09-081
173-303-515	NEW	84-14-031	173-400-075	AMD	84-10-019	173-802-010	NEW	84-13-037
173-303-520	AMD-P	84-09-083	173-403-050	AMD-P	84-16-077	173-802-020	NEW-P	84-09-081
173-303-520	AMD-C	84-12-045	173-403-070	AMD-P	84-16-077	173-802-020	NEW	84-13-037
173-303-520	AMD	84-14-031	173-403-080	AMD-P	84-16-077	173-802-030	NEW-P	84-09-081
173-303-550	NEW	84-09-088	173-403-120	AMD-P	84-16-077	173-802-030	NEW	84-13-037
173-303-560	NEW	84-09-088	173-403-170	AMD-P	84-16-077	173-802-040	NEW-P	84-09-081
173-303-575	AMD	84-09-088	173-422-050	AMD-P	84-03-056	173-802-040	NEW	84-13-037
173-303-600	AMD	84-09-088	173-422-050	AMD	84-09-087	173-802-050	NEW-P	84-09-081
173-303-610	AMD-P	84-09-083	173-514-010	NEW	84-04-014	173-802-050	NEW	84-13-037
173-303-610	AMD-C	84-12-045	173-514-020	NEW	84-04-014	173-802-060	NEW-P	84-09-081
173-303-610	AMD	84-14-031	173-514-030	NEW	84-04-014	173-802-060	NEW	84-13-037
173-303-620	AMD	84-09-088	173-514-040	NEW	84-04-014	173-802-070	NEW-P	84-09-081
173-303-630	AMD	84-09-088	173-514-050	NEW	84-04-014	173-802-070	NEW	84-13-037
173-303-640	AMD	84-09-088	173-514-060	NEW	84-04-014	173-802-080	NEW-P	84-09-081
173-303-645	NEW	84-09-088	173-514-070	NEW	84-04-014	173-802-080	NEW	84-13-037
173-303-650	AMD	84-09-088	173-514-080	NEW	84-04-014	173-802-090	NEW-P	84-09-081
173-303-655	NEW	84-09-088	173-514-090	NEW	84-04-014	173-802-090	NEW	84-13-037
173-303-660	AMD	84-09-088	173-549-010	AMD-P	84-07-056	173-802-100	NEW-P	84-09-081
173-303-665	NEW	84-09-088	173-549-010	AMD	84-13-076	173-802-100	NEW	84-13-037
173-303-670	AMD	84-09-088	173-549-015	NEW-P	84-07-056	173-802-110	NEW-P	84-09-081
173-303-700	AMD	84-09-088	173-549-015	NEW	84-13-076	173-802-110	NEW	84-13-037
173-303-800	AMD	84-09-088	173-549-016	NEW	84-13-076	173-802-120	NEW-P	84-09-081
173-303-801	AMD	84-09-088	173-549-020	AMD-P	84-07-056	173-802-120	NEW	84-13-037
173-303-802	NEW	84-09-088	173-549-020	AMD	84-13-076	173-802-130	NEW-P	84-09-081

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-802-130	NEW	84-13-037	173-806-150	NEW-P	84-10-049	174-148-070	REP-C	84-11-020
173-802-140	NEW-P	84-09-081	173-806-150	NEW	84-13-036	174-148-080	REP-P	84-08-064
173-802-140	NEW	84-13-037	173-806-155	NEW	84-13-036	174-148-080	REP-C	84-11-020
173-802-150	NEW-P	84-09-081	173-806-160	NEW-P	84-10-049	174-148-085	REP-P	84-08-064
173-802-150	NEW	84-13-037	173-806-160	NEW	84-13-036	174-148-085	REP-C	84-11-020
173-802-190	NEW-P	84-09-081	173-806-170	NEW-P	84-10-049	174-148-090	REP-P	84-08-064
173-802-190	NEW	84-13-037	173-806-170	NEW	84-13-036	174-148-090	REP-C	84-11-020
173-805-010	REP-P	84-10-049	173-806-173	NEW	84-13-036	174-148-100	REP-P	84-08-064
173-805-010	REP	84-13-036	173-806-175	NEW	84-13-036	174-148-100	REP-C	84-11-020
173-805-020	REP-P	84-10-049	173-806-180	NEW-P	84-10-049	174-148-110	REP-P	84-08-064
173-805-020	REP	84-13-036	173-806-180	NEW	84-13-036	174-148-110	REP-C	84-11-020
173-805-030	REP-P	84-10-049	173-806-185	NEW	84-13-036	174-148-120	REP-P	84-08-064
173-805-030	REP	84-13-036	173-806-190	NEW-P	84-10-049	174-148-120	REP-C	84-11-020
173-805-040	REP-P	84-10-049	173-806-190	NEW	84-13-036	177-04	REAFF	84-14-064
173-805-040	REP	84-13-036	173-806-200	NEW-P	84-10-049	177-06	REAFF	84-14-064
173-805-050	REP-P	84-10-049	173-806-200	NEW	84-13-036	177-08	REAFF	84-14-064
173-805-050	REP	84-13-036	173-806-205	NEW	84-13-036	180-16-002	NEW-P	84-08-051
173-805-060	REP-P	84-10-049	173-806-210	NEW-P	84-10-049	180-16-002	NEW	84-11-043
173-805-060	REP	84-13-036	173-806-220	NEW-P	84-10-049	180-16-003	REP-P	84-08-051
173-805-070	REP-P	84-10-049	173-806-220	NEW	84-13-036	180-16-003	REP	84-11-043
173-805-070	REP	84-13-036	173-806-230	NEW	84-13-036	180-16-006	NEW-P	84-08-051
173-805-080	REP-P	84-10-049	174-104-010	AMD-C	84-04-017	180-16-006	NEW	84-11-043
173-805-080	REP	84-13-036	174-104-010	AMD-C	84-09-051	180-16-191	AMD-P	84-08-051
173-805-090	REP-P	84-10-049	174-104-010	AMD	84-14-025	180-16-191	AMD	84-11-043
173-805-090	REP	84-13-036	174-109-010	NEW-P	84-08-064	180-16-195	AMD-P	84-08-051
173-805-100	REP-P	84-10-049	174-109-010	NEW-C	84-11-020	180-16-195	AMD	84-11-043
173-805-100	REP	84-13-036	174-109-020	NEW-P	84-08-064	180-16-200	AMD-P	84-08-051
173-805-105	REP-P	84-10-049	174-109-020	NEW-C	84-11-020	180-16-200	AMD	84-11-043
173-805-105	REP	84-13-036	174-109-030	NEW-P	84-08-064	180-16-205	AMD-P	84-08-051
173-805-110	REP-P	84-10-049	174-109-030	NEW-C	84-11-020	180-16-205	AMD	84-11-043
173-805-110	REP	84-13-036	174-109-040	NEW-P	84-08-064	180-16-210	AMD-P	84-08-051
173-805-115	REP-P	84-10-049	174-109-040	NEW-C	84-11-020	180-16-210	AMD	84-11-043
173-805-115	REP	84-13-036	174-109-050	NEW-P	84-08-064	180-16-220	AMD-P	84-08-051
173-805-120	REP-P	84-10-049	174-109-050	NEW-C	84-11-020	180-16-220	AMD	84-11-043
173-805-120	REP	84-13-036	174-109-060	NEW-P	84-08-064	180-16-225	AMD-P	84-08-051
173-805-121	REP-P	84-10-049	174-109-060	NEW-C	84-11-020	180-16-225	AMD	84-11-043
173-805-121	REP	84-13-036	174-109-070	NEW-P	84-08-064	180-16-240	AMD-P	84-08-051
173-805-130	REP-P	84-10-049	174-109-070	NEW-C	84-11-020	180-16-240	AMD	84-11-043
173-805-130	REP	84-13-036	174-109-080	NEW-P	84-08-064	180-22-100	NEW-P	84-08-047
173-805-135	REP-P	84-10-049	174-109-080	NEW-C	84-11-020	180-22-100	NEW-W	84-08-058
173-805-135	REP	84-13-036	174-109-090	NEW-P	84-08-064	180-22-105	NEW-P	84-08-047
173-805-140	REP-P	84-10-049	174-109-090	NEW-C	84-11-020	180-22-105	NEW-W	84-08-058
173-805-140	REP	84-13-036	174-109-100	NEW-P	84-08-064	180-22-140	NEW-P	84-08-047
173-806-010	NEW-P	84-10-049	174-109-100	NEW-C	84-11-020	180-22-140	NEW-W	84-08-058
173-806-010	NEW	84-13-036	174-109-200	NEW-P	84-08-064	180-22-150	AMD-P	84-08-047
173-806-020	NEW-P	84-10-049	174-109-200	NEW-C	84-11-020	180-22-150	AMD-W	84-08-058
173-806-020	NEW	84-13-036	174-109-300	NEW-P	84-08-064	180-22-200	REP-P	84-08-047
173-806-030	NEW-P	84-10-049	174-109-300	NEW-C	84-11-020	180-22-200	REP-W	84-08-058
173-806-030	NEW	84-13-036	174-109-400	NEW-P	84-08-064	180-22-250	REP-P	84-08-047
173-806-040	NEW-P	84-10-049	174-109-400	NEW-C	84-11-020	180-22-250	REP-W	84-08-058
173-806-040	NEW	84-13-036	174-109-500	NEW-P	84-08-064	180-22-250	REP-P	84-08-059
173-806-045	NEW-P	84-10-049	174-109-500	NEW-C	84-11-020	180-22-250	REP	84-11-044
173-806-050	NEW-P	84-10-049	174-116-011	AMD-P	84-10-047	180-22-255	REP-P	84-08-047
173-806-050	NEW	84-13-036	174-116-011	AMD	84-13-056	180-22-255	REP-W	84-08-058
173-806-053	NEW	84-13-036	174-116-040	AMD-P	84-10-047	180-22-255	REP-P	84-08-059
173-806-055	NEW	84-13-036	174-116-040	AMD	84-13-056	180-22-255	REP	84-11-044
173-806-058	NEW	84-13-036	174-116-044	AMD-P	84-10-047	180-22-260	REP-P	84-08-047
173-806-060	NEW-P	84-10-049	174-116-044	AMD	84-13-056	180-22-260	REP-W	84-08-058
173-806-065	NEW	84-13-036	174-116-119	AMD-P	84-10-047	180-22-260	REP-P	84-08-059
173-806-070	NEW-P	84-10-049	174-116-119	AMD	84-13-056	180-22-260	REP	84-11-044
173-806-070	NEW	84-13-036	174-116-122	AMD-P	84-10-047	180-22-265	REP-P	84-08-047
173-806-080	NEW-P	84-10-049	174-116-122	AMD	84-13-056	180-22-265	REP-W	84-08-058
173-806-080	NEW	84-13-036	174-116-123	AMD-P	84-10-047	180-22-265	REP-P	84-08-059
173-806-090	NEW-P	84-10-049	174-116-123	AMD	84-13-056	180-22-265	REP	84-11-044
173-806-090	NEW	84-13-036	174-148-010	REP-P	84-08-064	180-22-270	REP-P	84-08-047
173-806-100	NEW-P	84-10-049	174-148-010	REP-C	84-11-020	180-22-270	REP-W	84-08-058
173-806-100	NEW	84-13-036	174-148-015	REP-P	84-08-064	180-22-270	REP-P	84-08-059
173-806-110	NEW	84-13-036	174-148-015	REP-C	84-11-020	180-22-270	REP	84-11-044
173-806-120	NEW-P	84-10-049	174-148-030	REP-P	84-08-064	180-22-275	REP-P	84-08-047
173-806-120	NEW	84-13-036	174-148-030	REP-C	84-11-020	180-22-275	REP-W	84-08-058
173-806-125	NEW-P	84-10-049	174-148-040	REP-P	84-08-064	180-22-275	REP-P	84-08-059
173-806-125	NEW	84-13-036	174-148-040	REP-C	84-11-020	180-22-275	REP	84-11-044
173-806-128	NEW	84-13-036	174-148-050	REP-P	84-08-064	180-22-280	REP-P	84-08-047
173-806-130	NEW-P	84-10-049	174-148-050	REP-C	84-11-020	180-22-280	REP-W	84-08-058
173-806-130	NEW	84-13-036	174-148-060	REP-P	84-08-064	180-22-280	REP-P	84-08-059
173-806-140	NEW-P	84-10-049	174-148-060	REP-C	84-11-020	180-22-280	REP	84-11-044
173-806-140	NEW	84-13-036	174-148-070	REP-P	84-08-064	180-22-285	REP-P	84-08-047

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-22-285	REP-W	84-08-058	180-51-025	NEW-P	84-08-076	192-23-002	NEW-E	84-10-023
180-22-285	REP-P	84-08-059	180-51-025	NEW	84-11-049	192-23-002	NEW	84-13-050
180-22-285	REP	84-11-044	180-51-030	NEW-P	84-08-076	192-23-011	NEW-P	84-10-022
180-22-290	REP-P	84-08-047	180-51-030	NEW	84-11-049	192-23-011	NEW-E	84-10-023
180-22-290	REP-W	84-08-058	180-51-035	NEW-P	84-08-076	192-23-011	NEW	84-13-050
180-22-290	REP-P	84-08-059	180-51-035	NEW	84-11-049	192-23-012	NEW-P	84-10-022
180-22-290	REP	84-11-044	180-51-040	NEW-P	84-08-076	192-23-012	NEW-E	84-10-023
180-22-295	REP-P	84-08-047	180-51-040	NEW	84-11-049	192-23-012	NEW	84-13-050
180-22-295	REP-W	84-08-058	180-51-045	NEW-P	84-08-076	192-23-013	NEW-P	84-10-022
180-22-295	REP-P	84-08-059	180-51-045	NEW	84-11-049	192-23-013	NEW-E	84-10-023
180-22-295	REP	84-11-044	180-51-050	NEW-P	84-08-076	192-23-013	NEW	84-13-050
180-23-037	NEW-P	84-08-050	180-51-050	NEW	84-11-049	192-23-014	NEW-P	84-10-022
180-23-037	NEW	84-11-045	180-51-055	NEW-P	84-08-076	192-23-014	NEW-E	84-10-023
180-23-040	NEW-P	84-08-050	180-51-055	NEW	84-11-049	192-23-014	NEW	84-13-050
180-23-040	NEW	84-11-045	180-51-060	NEW-P	84-08-076	192-23-015	NEW-P	84-10-022
180-23-043	NEW-P	84-08-050	180-51-060	NEW	84-11-049	192-23-015	NEW-E	84-10-023
180-23-043	NEW	84-11-045	180-51-065	NEW-P	84-08-076	192-23-015	NEW	84-13-050
180-23-047	NEW-P	84-08-050	180-51-065	NEW	84-11-049	192-23-016	NEW-P	84-10-022
180-23-047	NEW	84-11-045	180-51-070	NEW-P	84-08-076	192-23-016	NEW-E	84-10-023
180-23-050	NEW-P	84-08-050	180-51-070	NEW	84-11-049	192-23-016	NEW	84-13-050
180-23-050	NEW	84-11-045	180-51-075	NEW-P	84-08-076	192-23-017	NEW-P	84-10-022
180-23-055	NEW-P	84-08-050	180-51-075	NEW	84-11-049	192-23-017	NEW-E	84-10-023
180-23-055	NEW	84-11-045	180-51-080	NEW-P	84-08-076	192-23-017	NEW	84-13-050
180-23-058	NEW-P	84-08-050	180-51-080	NEW	84-11-049	192-23-051	NEW-P	84-10-022
180-23-058	NEW	84-11-045	180-51-085	NEW-P	84-08-076	192-23-051	NEW-E	84-10-023
180-23-060	NEW-P	84-08-050	180-51-085	NEW	84-11-049	192-23-051	NEW	84-13-050
180-23-060	NEW	84-11-045	180-51-100	NEW-P	84-08-076	192-23-052	NEW-P	84-10-022
180-23-065	NEW-P	84-08-050	180-51-100	NEW	84-11-049	192-23-052	NEW-E	84-10-023
180-23-065	NEW	84-11-045	180-51-105	NEW-P	84-08-076	192-23-052	NEW	84-13-050
180-23-070	NEW-P	84-08-050	180-51-105	NEW	84-11-049	192-23-061	NEW-P	84-10-022
180-23-070	NEW	84-11-045	180-51-110	NEW-P	84-08-076	192-23-061	NEW-E	84-10-023
180-23-075	NEW-P	84-08-050	180-51-110	NEW	84-11-049	192-23-061	NEW	84-13-050
180-23-075	NEW	84-11-045	180-51-115	NEW-P	84-08-076	192-23-071	NEW-P	84-10-022
180-23-077	NEW-P	84-08-050	180-51-115	NEW	84-11-049	192-23-071	NEW-E	84-10-023
180-23-077	NEW	84-11-045	180-55-010	AMD-P	84-08-075	192-23-081	NEW-P	84-10-022
180-23-078	NEW-P	84-08-050	180-55-010	AMD	84-11-050	192-23-081	NEW-E	84-10-023
180-23-078	NEW	84-11-045	180-55-015	AMD-P	84-08-075	192-23-081	NEW	84-13-050
180-23-080	NEW-P	84-08-050	180-55-015	AMD	84-11-050	192-23-082	NEW-P	84-10-022
180-23-080	NEW	84-11-045	180-55-020	AMD-P	84-08-075	192-23-082	NEW-E	84-10-023
180-23-085	NEW-P	84-08-050	180-55-020	AMD	84-11-050	192-23-082	NEW	84-13-050
180-23-085	NEW	84-11-045	180-55-050	AMD-P	84-08-075	192-23-091	NEW-P	84-10-022
180-23-090	NEW-P	84-08-050	180-55-050	AMD	84-11-050	192-23-091	NEW-E	84-10-023
180-23-090	NEW	84-11-045	182-08-140	REP-E	84-04-063	192-23-091	NEW	84-13-050
180-23-095	NEW-P	84-08-050	182-08-140	REP-P	84-05-029	192-23-096	NEW-P	84-10-022
180-23-095	NEW	84-11-045	182-08-140	REP	84-09-043	192-23-096	NEW-E	84-10-023
180-23-100	NEW-P	84-08-050	182-08-140	REP-E	84-09-060	192-23-096	NEW	84-13-050
180-23-100	NEW	84-11-045	182-08-150	REP-E	84-04-063	192-23-113	NEW-P	84-10-022
180-23-105	NEW-P	84-08-050	182-08-150	REP-P	84-05-029	192-23-113	NEW-E	84-10-023
180-23-105	NEW	84-11-045	182-08-150	REP	84-09-043	192-23-113	NEW	84-13-050
180-23-110	NEW-P	84-08-050	182-08-150	REP-E	84-09-060	192-23-301	NEW-P	84-10-022
180-23-110	NEW	84-11-045	182-08-195	NEW-E	84-04-063	192-23-301	NEW-E	84-10-023
180-23-115	NEW-P	84-08-050	182-08-195	NEW-P	84-05-029	192-23-301	NEW	84-13-050
180-23-115	NEW	84-11-045	182-08-195	NEW	84-09-043	192-23-320	NEW-P	84-10-022
180-23-120	NEW-P	84-08-050	182-08-195	NEW-E	84-09-060	192-23-320	NEW-E	84-10-023
180-23-120	NEW	84-11-045	182-12-125	AMD-E	84-04-063	192-23-320	NEW	84-13-050
180-26-025	AMD-P	84-08-049	182-12-125	AMD-P	84-05-029	192-23-350	NEW-P	84-10-022
180-26-025	AMD	84-11-046	182-12-125	AMD	84-09-043	192-23-350	NEW-E	84-10-023
180-27-035	AMD-P	84-08-048	182-12-125	REP-E	84-09-044	192-23-350	NEW	84-13-050
180-27-035	AMD	84-11-047	182-12-125	REP-P	84-10-020	192-23-800	NEW-P	84-10-022
180-27-040	AMD-P	84-08-048	182-12-125	REP-C	84-13-012	192-23-800	NEW-E	84-10-023
180-27-040	AMD	84-11-047	182-12-125	REP	84-14-058	192-23-800	NEW	84-13-050
180-27-053	NEW-P	84-08-048	192-12-131	NEW	84-02-061	192-23-810	NEW-P	84-10-022
180-27-053	NEW-C	84-11-048	192-12-131	REP-E	84-09-033	192-23-810	NEW-E	84-10-023
180-27-054	NEW-P	84-08-048	192-12-131	REP-P	84-09-034	192-23-810	NEW	84-13-050
180-27-054	NEW-C	84-11-048	192-12-131	REP	84-13-050	192-23-820	NEW-P	84-10-022
180-27-060	AMD-P	84-08-048	192-12-132	NEW	84-02-061	192-23-820	NEW-E	84-10-023
180-27-060	AMD	84-11-047	192-12-132	REP-E	84-09-033	192-23-900	NEW-P	84-10-022
180-27-070	AMD-P	84-04-084	192-12-132	REP-P	84-09-034	192-23-900	NEW-E	84-10-023
180-27-070	AMD	84-07-036	192-12-132	REP	84-13-050	192-23-900	NEW	84-13-050
180-51-005	NEW-P	84-08-076	192-12-134	NEW	84-02-061	192-24-001	NEW-P	84-10-022
180-51-005	NEW	84-11-049	192-12-151	NEW-E	84-09-033	192-24-001	NEW	84-13-050
180-51-010	NEW-P	84-08-076	192-12-151	NEW-P	84-09-034	192-24-010	NEW-P	84-10-022
180-51-010	NEW	84-11-049	192-12-151	NEW	84-13-050	192-24-010	NEW	84-13-050
180-51-015	NEW-P	84-08-076	192-23-001	NEW-P	84-10-022	192-24-020	NEW-P	84-10-022
180-51-015	NEW	84-11-049	192-23-001	NEW-E	84-10-023	192-24-020	NEW	84-13-050
180-51-020	NEW-P	84-08-076	192-23-001	NEW	84-13-050	192-24-030	NEW-P	84-10-022
180-51-020	NEW	84-11-049	192-23-002	NEW-P	84-10-022	192-24-030	NEW	84-13-050





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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
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220-44-070	NEW 84-08-014	220-47-414	AMD-C 84-11-098	220-52-075	AMD 84-08-014
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230-30-103	AMD-C 84-10-006	232-18-485	REP-P 84-14-088	232-28-61301	NEW-P 84-08-070
230-30-103	AMD-P 84-10-040	232-18-490	REP-P 84-14-088	232-28-61301	NEW 84-12-010
230-30-103	AMD 84-13-038	232-18-495	REP-P 84-14-088	232-28-61301	NEW-E 84-12-013
230-30-104	AMD-P 84-14-035	232-18-500	REP-P 84-14-088	232-28-61301	REP-P 84-14-086
230-30-999	NEW-P 84-14-035	232-18-510	REP-P 84-14-088	232-28-614	NEW-P 84-14-086
230-40-030	AMD 84-16-011	232-18-535	REP-P 84-14-088	232-28-705	REP 84-05-060
230-40-331	AMD-P 84-09-064	232-18-540	REP-P 84-14-088	232-28-706	NEW 84-05-060
230-40-331	AMD-C 84-10-006	232-18-545	REP-P 84-14-088	232-28-805	REP-P 84-05-059
230-40-331	AMD 84-13-038	232-18-550	REP-P 84-14-088	232-28-805	REP 84-12-031
230-42-010	REP-P 84-09-064	232-18-570	REP-P 84-14-088	232-28-806	NEW-P 84-05-059
230-42-010	REP-C 84-10-006	232-18-580	REP-P 84-14-088	232-28-806	NEW 84-12-031
230-42-010	REP 84-13-038	232-18-600	REP-P 84-14-088	232-32-010	NEW-P 84-14-085
232-12-025	NEW 84-04-015	232-18-650	REP-P 84-14-088	232-32-020	NEW-P 84-14-085
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232-12-064	AMD-P 84-05-057	232-18-695	REP-P 84-14-088	232-32-060	NEW-P 84-14-085
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232-18-100	REP-P 84-14-088	232-28-106	REP-P 84-11-096	236-47-002	NEW 84-13-008
232-18-150	REP-P 84-14-088	232-28-106	REP 84-16-016	236-47-003	NEW-P 84-07-024
232-18-160	REP-P 84-14-088	232-28-107	NEW-P 84-11-096	236-47-003	NEW 84-13-008
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232-18-190	REP-P 84-14-088	232-28-207	REP-P 84-08-073	236-47-004	NEW 84-13-008
232-18-200	REP-P 84-14-088	232-28-207	REP 84-14-070	236-47-005	NEW-P 84-07-024
232-18-203	REP-P 84-14-088	232-28-208	NEW-P 84-08-073	236-47-005	NEW 84-13-008
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232-18-345	REP-P 84-14-088	232-28-60605	NEW-E 84-06-005	236-47-011	NEW 84-13-008
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232-18-355	REP-P 84-14-088	232-28-60607	NEW-E 84-07-031	236-47-012	NEW 84-13-008
232-18-360	REP-P 84-14-088	232-28-607	REP-P 84-14-086	236-47-013	NEW-P 84-07-024

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236-47-014	NEW-P	84-07-024	248-60A-040	REP-P	84-12-059	250-44-130	AMD-P	84-10-048
236-47-014	NEW	84-13-008	248-60A-050	REP-P	84-12-059	250-44-130	AMD	84-14-084
236-47-015	NEW-P	84-07-024	248-60A-060	REP-P	84-12-059	251-04-020	AMD-P	84-02-067
236-47-015	NEW	84-13-008	248-60A-070	REP-P	84-12-059	251-04-020	AMD-P	84-04-070
236-47-016	NEW-P	84-07-024	248-60A-080	REP-P	84-12-059	251-04-020	AMD-E	84-04-071
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236-47-017	NEW	84-13-008	248-60A-110	REP-P	84-12-059	251-04-020	AMD-P	84-06-065
248-08-595	REP-P	84-12-058	248-60A-120	REP-P	84-12-059	251-04-020	AMD	84-10-058
248-08-595	REP	84-16-031	248-60A-130	REP-P	84-12-059	251-04-020	AMD-C	84-12-087
248-08-596	NEW-P	84-12-058	248-60A-140	REP-P	84-12-059	251-04-020	AMD-C	84-12-088
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248-14-050	REP-P	84-11-036	248-60A-160	REP-P	84-12-059	251-04-020	AMD	84-16-067
248-14-050	REP	84-15-007	248-60A-170	REP-P	84-12-059	251-04-040	AMD-P	84-02-067
248-15-020	AMD-P	84-11-068	248-61-001	REP-P	84-12-059	251-04-040	AMD-C	84-06-004
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248-15-080	AMD-P	84-11-068	248-61-015	REP-P	84-12-059	251-04-040	AMD	84-16-067
248-15-100	AMD-P	84-11-068	248-61-020	REP-P	84-12-059	251-04-050	AMD-P	84-09-068
248-17-020	AMD-P	84-11-069	248-61-030	REP-P	84-12-059	251-04-050	AMD	84-12-047
248-17-212	AMD-P	84-11-069	248-61-040	REP-P	84-12-059	251-08-090	AMD-P	84-12-087
248-17-213	AMD-P	84-11-069	248-61-050	REP-P	84-12-059	251-08-090	AMD-E	84-14-079
248-17-214	AMD-P	84-11-069	248-61-060	REP-P	84-12-059	251-08-090	AMD	84-16-067
248-17-220	AMD-P	84-11-069	248-61-070	REP-P	84-12-059	251-08-091	NEW-P	84-12-087
248-17-250	NEW-P	84-11-069	248-61-080	REP-P	84-12-059	251-08-091	NEW-E	84-14-079
248-17-255	NEW-P	84-11-069	248-61-090	REP-P	84-12-059	251-08-091	NEW	84-16-067
248-17-260	NEW-P	84-11-069	248-61-100	REP-P	84-12-059	251-08-093	NEW-P	84-12-087
248-17-265	NEW-P	84-11-069	248-61-110	REP-P	84-12-059	251-09-040	AMD-P	84-09-068
248-17-270	NEW-P	84-11-069	248-61-120	REP-P	84-12-059	251-10-045	AMD-P	84-04-070
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248-18-001	AMD-P	84-14-089	248-61-140	REP-P	84-12-059	251-10-045	AMD	84-08-032
248-18-030	REP-P	84-14-089	248-61-150	REP-P	84-12-059	251-10-055	AMD-P	84-04-070
248-18-031	NEW-P	84-14-089	248-61-160	REP-P	84-12-059	251-10-055	AMD-E	84-04-071
248-18-033	NEW-P	84-14-089	248-61-170	REP-P	84-12-059	251-10-055	AMD	84-08-032
248-19-220	AMD-P	84-04-026	248-61-180	REP-P	84-12-059	251-10-112	NEW-P	84-06-065
248-19-220	AMD-E	84-04-057	248-63-001	NEW-P	84-12-059	251-10-112	NEW-C	84-10-055
248-19-220	AMD	84-07-014	248-63-010	NEW-P	84-12-059	251-10-112	NEW-C	84-12-087
248-19-230	AMD-P	84-04-026	248-63-020	NEW-P	84-12-059	251-10-140	AMD-P	84-09-068
248-19-230	AMD-E	84-04-057	248-63-030	NEW-P	84-12-059	251-10-140	AMD-E	84-10-018
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248-22-510	REP-P	84-12-003	248-63-070	NEW-P	84-12-059	251-10-160	AMD	84-16-067
248-22-520	REP-P	84-12-003	248-63-080	NEW-P	84-12-059	251-12-080	AMD-P	84-12-087
248-22-530	REP-P	84-12-003	248-63-090	NEW-P	84-12-059	251-12-080	AMD-E	84-14-079
248-22-540	REP-P	84-12-003	248-63-100	NEW-P	84-12-059	251-12-080	AMD	84-16-067
248-22-550	REP-P	84-12-003	248-63-110	NEW-P	84-12-059	251-12-110	AMD-P	84-12-087
248-22-560	REP-P	84-12-003	248-63-120	NEW-P	84-12-059	251-12-110	AMD-E	84-14-079
248-22-570	REP-P	84-12-003	248-63-130	NEW-P	84-12-059	251-12-110	AMD	84-16-067
248-22-580	REP-P	84-12-003	248-63-140	NEW-P	84-12-059	251-12-240	AMD-P	84-12-087
248-22-590	REP-P	84-12-003	248-63-150	NEW-P	84-12-059	251-12-240	AMD-E	84-14-079
248-26-001	NEW-P	84-12-004	248-63-160	NEW-P	84-12-059	251-12-240	AMD	84-16-067
248-26-010	NEW-P	84-12-004	248-63-170	NEW-P	84-12-059	251-18-010	AMD-P	84-06-065
248-26-020	NEW-P	84-12-004	248-63-180	NEW-P	84-12-059	251-18-010	AMD	84-10-056
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248-26-040	NEW-P	84-12-004	248-84-002	AMD	84-14-090	251-18-011	NEW	84-10-056
248-26-050	NEW-P	84-12-004	248-84-030	AMD-P	84-10-044	251-18-012	NEW-P	84-06-065
248-26-060	NEW-P	84-12-004	248-84-030	AMD	84-14-090	251-18-012	NEW	84-10-056
248-26-070	NEW-P	84-12-004	248-84-035	AMD-P	84-10-044	251-18-015	NEW-P	84-06-065
248-26-080	NEW-P	84-12-004	248-84-035	AMD	84-14-090	251-18-015	NEW	84-10-056
248-26-090	NEW-P	84-12-004	248-84-062	NEW-P	84-10-044	251-18-020	AMD-P	84-06-065
248-26-100	NEW-P	84-12-004	248-84-062	NEW	84-14-090	251-18-020	AMD	84-10-056
248-27-001	NEW-P	84-12-078	248-100-075	AMD-P	84-16-081	251-18-025	REP-P	84-06-065
248-27-002	NEW-P	84-12-078	250-18-060	AMD-E	84-10-027	251-18-025	REP-C	84-10-055
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248-27-020	NEW-P	84-12-078	250-18-060	AMD	84-14-024	251-18-030	REP-C	84-10-055
248-27-030	NEW-P	84-12-078	250-44-050	AMD-P	84-10-048	251-18-050	AMD-P	84-06-065
248-27-040	NEW-P	84-12-078	250-44-050	AMD	84-14-084	251-18-050	AMD	84-10-056
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248-27-070	NEW-P	84-12-078	250-44-070	AMD-P	84-10-048	251-18-060	AMD	84-12-047
248-27-080	NEW-P	84-12-078	250-44-070	AMD	84-14-084	251-18-070	AMD-P	84-06-065
248-27-090	NEW-P	84-12-078	250-44-080	AMD-P	84-10-048	251-18-070	AMD	84-10-056
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251-18-115	REP	84-10-056	251-20-020	AMD-E	84-14-079
251-18-120	AMD-P	84-06-065	251-20-020	AMD	84-16-067
251-18-120	AMD	84-10-056	251-20-030	AMD-P	84-12-087
251-18-130	AMD-P	84-06-065	251-20-030	AMD-E	84-14-079
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251-18-140	AMD-P	84-06-065	251-20-040	AMD-E	84-14-079
251-18-140	AMD	84-10-056	251-20-040	AMD	84-16-067
251-18-140	AMD-C	84-12-087	251-20-045	NEW-P	84-12-087
251-18-145	NEW-P	84-06-065	251-20-045	NEW-E	84-14-079
251-18-145	NEW	84-10-056	251-20-045	NEW	84-16-067
251-18-150	REP-P	84-06-065	251-20-050	AMD-P	84-12-087
251-18-150	REP	84-10-056	251-20-050	AMD-E	84-14-079
251-18-155	REP-P	84-06-065	251-20-050	AMD	84-16-067
251-18-155	REP	84-10-056	251-22-070	AMD-P	84-04-070
251-18-160	AMD-P	84-06-065	251-22-070	AMD-E	84-04-071
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251-18-170	REP-P	84-06-065	251-22-090	AMD-P	84-09-068
251-18-170	REP	84-10-056	251-22-090	AMD-E	84-10-018
251-18-175	REP-P	84-06-065	251-22-090	AMD	84-12-047
251-18-175	REP	84-10-056	251-22-091	REP-P	84-09-068
251-18-180	AMD-P	84-04-070	251-22-091	REP-E	84-10-018
251-18-180	AMD-E	84-04-071	251-22-091	REP	84-12-047
251-18-180	AMD-P	84-06-065	251-22-200	AMD-P	84-09-068
251-18-180	AMD	84-08-032	251-22-200	AMD	84-12-047
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251-18-180	AMD-C	84-12-087	260-56-030	AMD-P	84-11-099
251-18-180	AMD	84-16-067	260-70-010	AMD-P	84-04-061
251-18-181	REP-P	84-06-065	260-70-010	AMD	84-06-061
251-18-181	REP	84-10-056	260-70-021	AMD-P	84-04-061
251-18-190	AMD-P	84-06-065	260-70-021	AMD	84-06-061
251-18-190	AMD	84-10-056	260-70-025	NEW-P	84-04-061
251-18-200	AMD-P	84-06-065	260-70-025	NEW	84-06-061
251-18-200	AMD	84-10-056	260-70-026	NEW-P	84-04-061
251-18-230	REP-P	84-06-065	260-70-026	NEW	84-06-061
251-18-230	REP	84-10-056	260-70-027	NEW-P	84-04-061
251-18-240	AMD-P	84-06-065	260-70-027	NEW	84-06-061
251-18-240	AMD	84-10-056	260-70-028	NEW-P	84-04-061
251-18-240	AMD-C	84-12-087	260-70-028	NEW	84-06-061
251-18-240	AMD	84-16-067	260-70-029	NEW-P	84-04-061
251-18-260	AMD-P	84-06-065	260-70-029	NEW	84-06-061
251-18-260	AMD	84-10-056	260-70-031	NEW-P	84-04-061
251-18-265	AMD-P	84-06-065	260-70-031	NEW	84-06-061
251-18-265	AMD	84-10-056	260-70-032	NEW-P	84-04-061
251-18-270	AMD-P	84-06-065	260-70-032	NEW	84-06-061
251-18-270	AMD	84-10-056	260-70-090	AMD-P	84-04-061
251-18-315	NEW-P	84-02-067	260-70-090	AMD	84-06-061
251-18-315	NEW-C	84-06-004	260-70-100	AMD-P	84-04-061
251-18-315	NEW-C	84-12-088	260-70-100	AMD	84-06-061
251-18-320	AMD-P	84-04-070	260-84-010	AMD-P	84-11-099
251-18-320	AMD-E	84-04-071	261-20	AMD-P	84-09-021
251-18-320	AMD	84-08-032	261-20	AMD-C	84-10-013
251-18-320	AMD-P	84-12-087	261-20	AMD	84-13-009
251-18-320	AMD	84-16-067	261-20	AMD-P	84-14-074
251-18-330	AMD-P	84-02-067	261-50-010	NEW-E	84-13-010
251-18-330	AMD-P	84-04-070	261-50-010	NEW-P	84-14-075
251-18-330	AMD-E	84-04-071	261-50-020	NEW-E	84-13-010
251-18-330	AMD	84-08-032	261-50-020	NEW-P	84-14-075
251-18-340	AMD-P	84-04-070	261-50-030	NEW-E	84-13-010
251-18-340	AMD-E	84-04-071	261-50-030	NEW-P	84-14-075
251-18-340	AMD	84-08-032	261-50-040	NEW-E	84-13-010
251-18-347	AMD-P	84-12-087	261-50-040	NEW-P	84-14-075
251-18-347	AMD	84-16-067	261-50-045	NEW-E	84-13-010
251-18-350	AMD-P	84-02-067	261-50-045	NEW-P	84-14-075
251-18-350	AMD-C	84-06-004	261-50-050	NEW-E	84-13-010
251-18-350	AMD-C	84-12-088	261-50-050	NEW-P	84-14-075
251-18-350	AMD	84-16-067	261-50-060	NEW-E	84-13-010
251-18-355	NEW-P	84-02-067	261-50-060	NEW-P	84-14-075
251-18-355	NEW-C	84-06-004	261-50-065	NEW-E	84-13-010
251-18-355	NEW-C	84-12-088	261-50-065	NEW-P	84-14-075
251-18-361	NEW-P	84-02-067	261-50-070	NEW-E	84-13-010
251-18-361	NEW-C	84-06-004	261-50-070	NEW-P	84-14-075
251-18-361	NEW-C	84-12-088	262-01-010	NEW	84-04-042
251-20-010	AMD-P	84-12-087	262-01-020	NEW	84-04-042
262-01-030	NEW	84-04-042	262-01-040	NEW	84-04-042
262-01-040	NEW	84-04-042	263-12-115	AMD-C	84-04-025
262-01-050	NEW	84-04-042	263-12-115	AMD-C	84-04-058
263-12-115	AMD-C	84-04-025	263-12-115	AMD-E	84-04-059
263-12-115	AMD-C	84-04-058	263-12-115	AMD	84-08-036
263-12-115	AMD-E	84-04-059	275-16-030	AMD-P	84-13-067
263-12-115	AMD	84-08-036	275-16-030	AMD-E	84-14-043
275-16-030	AMD-P	84-13-067	275-20-030	AMD-P	84-15-004
275-16-030	AMD-E	84-14-043	275-20-030	AMD-E	84-15-005
275-20-030	AMD-P	84-15-004	275-27-020	AMD-P	84-12-036
275-20-030	AMD-E	84-15-005	275-27-020	AMD	84-15-058
275-27-020	AMD-P	84-12-036	275-27-030	AMD-P	84-12-036
275-27-020	AMD	84-15-058	275-27-030	AMD	84-15-058
275-27-030	AMD-P	84-12-036	275-27-040	AMD-P	84-12-036
275-27-030	AMD	84-15-058	275-27-040	AMD	84-15-058
275-27-040	AMD-P	84-12-036	275-27-050	AMD-P	84-12-036
275-27-040	AMD	84-15-058	275-27-050	AMD	84-15-058
275-27-050	AMD-P	84-12-036	275-27-060	AMD-P	84-12-036
275-27-050	AMD	84-15-058	275-27-060	AMD	84-15-058
275-27-060	AMD-P	84-12-036	275-27-210	AMD-P	84-12-036
275-27-060	AMD	84-15-058	275-27-210	AMD	84-15-058
275-27-210	AMD-P	84-12-036	275-27-210	AMD	84-15-058
275-27-210	AMD	84-15-058	275-27-230	AMD-P	84-12-036
275-27-230	AMD-P	84-12-036	275-27-230	AMD	84-15-058
275-27-230	AMD	84-15-058	275-27-240	AMD-P	84-12-036
275-27-240	AMD-P	84-12-036	275-27-240	AMD	84-15-058
275-27-240	AMD	84-15-058	275-27-250	AMD-P	84-12-036
275-27-250	AMD-P	84-12-036	275-27-250	AMD	84-15-058
275-27-250	AMD	84-15-058	275-27-300	AMD-P	84-12-036
275-27-300	AMD-P	84-12-036	275-27-300	AMD	84-15-058
275-27-300	AMD	84-15-058	275-27-400	AMD-P	84-12-036
275-27-400	AMD-P	84-12-036	275-27-400	AMD	84-15-058
275-27-400	AMD	84-15-058	275-27-500	AMD-P	84-08-015
275-27-500	AMD-C	84-12-032	275-27-500	AMD-C	84-12-032
275-27-500	AMD	84-15-038	275-27-500	AMD	84-15-038
275-27-800	NEW-P	84-04-009	275-27-800	NEW-P	84-04-009
275-27-800	NEW-E	84-04-010	275-27-800	NEW-E	84-04-010
275-27-800	NEW	84-07-018	275-27-810	NEW-P	84-04-009
275-27-810	NEW-P	84-04-009	275-27-810	NEW-E	84-04-010
275-27-810	NEW-E	84-04-010	275-27-810	NEW	84-07-018
275-27-810	NEW	84-07-018	275-27-820	NEW-P	84-04-009
275-27-820	NEW-P	84-04-009	275-27-820	NEW-E	84-04-010
275-27-820	NEW-E	84-04-010	275-27-820	NEW	84-07-018
275-31-005	NEW	84-03-054	275-31-005	NEW	84-03-054
275-31-010	NEW	84-03-054	275-31-010	NEW	84-03-054
275-31-020	NEW	84-03-054	275-31-020	NEW	84-03-054
275-31-030	NEW	84-03-054	275-31-030	NEW	84-03-054
275-31-040	NEW	84-03-054	275-31-040	NEW	84-03-054
275-31-050	NEW	84-03-054	275-31-050	NEW	84-03-054
275-31-070	NEW	84-03-054	275-31-070	NEW	84-03-054
275-31-080	NEW	84-03-054	275-31-080	NEW	84-03-054
275-31-090	NEW	84-03-054	275-31-090	NEW	84-03-054
275-33-010	NEW-E	84-06-016	275-33-010	NEW-E	84-06-016
275-33-010	NEW-P	84-06-025	275-33-010	NEW	84-10-032
275-33-010	NEW	84-10-032	275-33-020	NEW-E	84-06-016
275-33-020	NEW-E	84-06-016	275-33-020	NEW-P	84-06-025
275-33-020	NEW	84-10-032	275-33-020	NEW	84-10-032
275-33-030	NEW-E	84-06-016	275-33-030	NEW-E	84-06-016
275-33-030	NEW-P	84-06-025	275-33-030	NEW-P	84-06-025
275-33-030	NEW	84-10-032	275-33-040	NEW-E	84-06-016
275-33-040	NEW-E	84-06-016	275-33-040	NEW-P	84-06-025
275-33-050	NEW-E	84-06-016	275-33-040	NEW	84-10-032
275-33-050	NEW-P	84-06-025	275-33-050	NEW-E	84-06-016
275-33-050	NEW	84-10-032	275-33-050	NEW	84-10-032
275-33-060	NEW-E	84-06-016	275-33-060	NEW-E	84-06-016
275-33-060	NEW-P	84-06-025	275-33-060	NEW-P	84-06-025
275-33-060	NEW	84-10-032	275-38-001	NEW	84-10-032
275-38-001	AMD-P	84-15-020	275-38-001	AMD-P	84-15-020
275-38-001	AMD-E	84-15-021	275-38-001	AMD-E	84-15-021
275-38-535	AMD-P	84-15-020	275-38-535	AMD-E	84-15-021
275-38-600	AMD-P	84-05-056	275-38-600	AMD-P	84-05-056

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-38-600	AMD	84-09-018	275-88-020	REP-E	84-15-041	284-44-410	NEW-P	84-04-032
275-38-730	AMD-P	84-04-056	275-88-025	REP-P	84-14-076	284-44-410	NEW	84-08-001
275-38-730	AMD	84-09-032	275-88-025	REP-E	84-15-041	284-46-010	NEW-P	84-04-033
275-38-730	REP-P	84-15-020	275-88-030	REP-P	84-14-076	284-46-010	NEW	84-08-002
275-38-730	REP-E	84-15-021	275-88-030	REP-E	84-15-041	284-46-020	NEW-P	84-04-033
275-38-740	REP-P	84-15-020	275-88-035	REP-P	84-14-076	284-46-020	NEW	84-08-002
275-38-740	REP-E	84-15-021	275-88-035	REP-E	84-15-041	284-52-010	NEW-P	84-16-049
275-38-831	AMD-P	84-15-020	275-88-040	REP-P	84-14-076	284-52-020	NEW-P	84-16-049
275-38-831	AMD-E	84-15-021	275-88-040	REP-E	84-15-041	284-52-030	NEW-P	84-16-049
275-38-845	AMD-P	84-15-020	275-88-045	REP-P	84-14-076	284-52-040	NEW-P	84-16-049
275-38-845	AMD-E	84-15-021	275-88-045	REP-E	84-15-041	284-52-050	NEW-P	84-16-049
275-38-860	AMD-P	84-15-020	275-88-050	REP-P	84-14-076	284-52-060	NEW-P	84-16-049
275-38-860	AMD-E	84-15-021	275-88-050	REP-E	84-15-041	284-52-070	NEW-P	84-16-049
275-38-865	AMD-P	84-15-020	275-88-055	REP-P	84-14-076	286-26-020	AMD-P	84-12-049
275-38-865	AMD-E	84-15-021	275-88-055	REP-E	84-15-041	286-26-055	AMD-P	84-12-049
275-38-868	NEW-P	84-15-020	275-88-060	REP-P	84-14-076	289-02-020	AMD-P	84-09-065
275-38-868	NEW-E	84-15-021	275-88-060	REP-E	84-15-041	289-15-130	AMD-P	84-09-066
275-38-869	NEW-P	84-15-020	275-88-065	REP-P	84-14-076	289-15-130	AMD	84-16-042
275-38-869	NEW-E	84-15-021	275-88-065	REP-E	84-15-041	289-15-210	AMD-P	84-16-045
275-38-870	AMD-P	84-15-020	275-88-070	REP-P	84-14-076	289-15-225	AMD-P	84-09-067
275-38-870	AMD-E	84-15-021	275-88-070	REP-E	84-15-041	289-15-225	AMD	84-16-041
275-38-875	AMD-P	84-15-020	275-88-075	REP-P	84-14-076	289-15-230	AMD-P	84-09-066
275-38-875	AMD-E	84-15-021	275-88-075	REP-E	84-15-041	289-15-230	AMD	84-16-042
275-38-880	AMD-P	84-15-020	275-88-080	REP-P	84-14-076	289-16-100	AMD-P	84-09-065
275-38-880	AMD-E	84-15-021	275-88-080	REP-E	84-15-041	289-16-200	AMD-P	84-09-065
275-38-886	AMD-P	84-15-020	275-88-085	REP-P	84-14-076	289-19-110	AMD-P	84-16-043
275-38-886	AMD-E	84-15-021	275-88-085	REP-E	84-15-041	289-19-110	AMD-P	84-16-043
275-38-890	NEW-P	84-15-020	275-88-085	REP-E	84-15-041	289-19-220	AMD-P	84-16-043
275-38-890	NEW-E	84-15-021	275-88-090	REP-P	84-14-076	289-22-200	AMD-P	84-16-044
275-38-892	NEW-P	84-15-020	275-88-090	REP-E	84-15-041	296-04-500	REP	84-04-024
275-38-892	NEW-E	84-15-021	275-88-093	REP-P	84-14-076	296-04-501	REP	84-04-024
275-55-020	AMD	84-03-035	275-88-093	REP-E	84-15-041	296-04-502	REP	84-04-024
275-55-161	AMD	84-03-035	275-88-095	REP-P	84-14-076	296-04-503	REP	84-04-024
275-55-263	AMD	84-03-035	275-88-095	REP-E	84-15-041	296-04-504	REP	84-04-024
275-55-271	AMD	84-03-035	275-88-097	REP-P	84-14-076	296-04-505	REP	84-04-024
275-55-281	AMD	84-03-035	275-88-097	REP-E	84-15-041	296-04-506	REP	84-04-024
275-55-291	AMD	84-03-035	275-88-100	REP-P	84-14-076	296-13	AMD-P	84-13-003
275-55-293	AMD	84-03-035	275-88-100	REP-E	84-15-041	296-13	AMD-P	84-13-003
275-55-297	AMD	84-03-035	275-88-105	REP-P	84-14-076	296-13-001	AMD-P	84-13-003
275-55-301	AMD	84-03-035	275-88-105	REP-E	84-15-041	296-13-010	AMD-P	84-13-003
275-55-331	AMD	84-03-035	275-88-110	REP-P	84-14-076	296-13-020	AMD-P	84-13-003
275-55-371	AMD	84-03-035	275-88-110	REP-E	84-15-041	296-13-030	AMD-P	84-13-003
275-60-010	NEW-P	84-10-009	275-88-115	REP-P	84-14-076	296-13-035	NEW-P	84-13-003
275-60-010	NEW	84-13-029	275-88-115	REP-E	84-15-041	296-13-040	AMD-P	84-13-003
275-60-020	NEW-P	84-10-009	275-88-120	REP-P	84-14-076	296-13-045	NEW-P	84-13-003
275-60-020	NEW	84-13-029	275-88-120	REP-E	84-15-041	296-13-050	NEW-P	84-13-003
275-60-030	NEW-P	84-10-009	275-88-130	REP-P	84-14-076	296-13-052	NEW-P	84-13-003
275-60-030	NEW	84-13-029	275-88-130	REP-E	84-15-041	296-13-053	NEW-P	84-13-003
275-60-040	NEW-P	84-10-009	275-88-130	REP-P	84-14-076	296-13-055	NEW-P	84-13-003
275-60-040	NEW	84-13-029	275-91-011	REP-E	84-15-041	296-13-057	NEW-P	84-13-003
275-60-050	NEW-P	84-10-009	275-91-011	REP-P	84-13-007	296-13-060	AMD-P	84-13-003
275-60-050	NEW	84-13-029	275-91-011	REP-E	84-14-076	296-13-070	REP-P	84-13-003
275-60-060	NEW-P	84-10-009	275-91-011	REP-P	84-16-066	296-13-080	AMD-P	84-13-003
275-60-060	NEW	84-13-029	275-91-021	REP-E	84-13-007	296-13-082	AMD-P	84-13-003
275-60-070	NEW-P	84-10-009	275-91-021	REP-P	84-13-075	296-13-090	AMD-P	84-13-003
275-60-070	NEW	84-13-029	275-91-021	REP-E	84-16-066	296-13-100	AMD-P	84-13-003
275-60-200	NEW-P	84-10-009	275-91-031	REP-P	84-13-007	296-13-110	AMD-P	84-13-003
275-60-200	NEW	84-13-029	275-91-031	REP-E	84-13-075	296-13-120	AMD-P	84-13-003
275-60-300	NEW-P	84-10-009	275-91-031	REP-P	84-16-066	296-13-130	REP-P	84-13-003
275-60-300	NEW	84-13-029	275-91-041	REP-E	84-13-007	296-13-140	NEW-P	84-13-003
275-60-400	NEW-P	84-10-009	275-91-041	REP-P	84-13-075	296-13-150	NEW-P	84-13-003
275-60-400	NEW	84-13-029	275-91-041	REP-E	84-16-066	296-13-160	NEW-P	84-13-003
275-60-500	NEW-P	84-10-009	275-91-050	REP-P	84-13-007	296-13-170	NEW-P	84-13-003
275-60-500	NEW	84-13-029	275-91-050	REP-E	84-13-075	296-13-180	NEW-P	84-13-003
275-60-510	NEW-P	84-10-009	275-91-050	REP-P	84-16-066	296-13-190	NEW-P	84-13-003
275-60-510	NEW	84-13-029	275-91-060	REP-E	84-13-007	296-13-200	NEW-P	84-13-003
275-60-520	NEW-P	84-10-009	275-91-060	REP-P	84-13-075	296-13-210	NEW-P	84-13-003
275-60-520	NEW	84-13-029	275-91-060	REP-E	84-16-066	296-13-220	NEW-P	84-13-003
275-88-005	REP-P	84-14-076	275-91-070	REP-P	84-13-007	296-13-230	NEW-P	84-13-003
275-88-005	REP-E	84-15-041	275-91-070	REP-E	84-13-075	296-13-240	NEW-P	84-13-003
275-88-006	REP-P	84-14-076	275-91-070	REP-P	84-16-066	296-13-250	NEW-P	84-13-003
275-88-006	REP-E	84-15-041	284-17-120	REP-E	84-16-066	296-13-260	NEW-P	84-13-003
275-88-010	REP-P	84-14-076	284-17-400	AMD-P	84-16-023	296-13-270	NEW-P	84-13-003
275-88-010	REP-E	84-15-041	284-17-410	AMD-P	84-16-023	296-13-280	NEW-P	84-13-003
275-88-015	REP-P	84-14-076	284-17-420	AMD-P	84-16-023	296-13-290	NEW-P	84-13-003
275-88-015	REP-E	84-15-041	284-44-020	REP-P	84-04-032	296-13-300	NEW-P	84-13-003
275-88-015	REP-P	84-14-076	284-44-020	REP-E	84-08-001	296-13-310	NEW-P	84-13-003
275-88-015	REP-E	84-15-041	284-44-040	REP	84-16-049	296-13-320	NEW-P	84-13-003
275-88-020	REP-P	84-14-076	284-44-400	AMD-P	84-04-032	296-13-330	NEW-P	84-13-003
			284-44-400	NEW-P	84-08-001	296-13-340	NEW-P	84-13-003
				NEW	84-08-001			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-13-350	NEW-P	84-13-003	296-46-170	REP-P	84-07-010
296-13-360	NEW-P	84-13-003	296-46-170	REP	84-15-051
296-13-370	NEW-P	84-13-003	296-46-180	AMD-P	84-07-010
296-13-380	NEW-P	84-13-003	296-46-180	AMD	84-15-051
296-13-390	NEW-P	84-13-003	296-46-190	REP-P	84-07-010
296-13-400	NEW-P	84-13-003	296-46-190	REP	84-15-051
296-13-410	NEW-P	84-13-003	296-46-200	AMD-P	84-07-010
296-13-420	NEW-P	84-13-003	296-46-200	AMD	84-15-051
296-13-430	NEW-P	84-13-003	296-46-210	REP-P	84-07-010
296-13-440	NEW-P	84-13-003	296-46-210	REP	84-15-051
296-14-010	AMD-P	84-02-059	296-46-220	AMD-P	84-07-010
296-14-010	AMD	84-06-018	296-46-220	AMD	84-15-051
296-15-02601	AMD-P	84-02-078	296-46-230	REP-P	84-07-010
296-15-02601	AMD	84-06-031	296-46-230	REP	84-15-051
296-15-21001	REP-P	84-02-078	296-46-240	AMD-P	84-07-010
296-15-21001	REP	84-06-031	296-46-240	AMD	84-15-051
296-17-345	NEW-P	84-15-055	296-46-242	REP-P	84-07-010
296-17-350	AMD-P	84-08-077	296-46-242	REP	84-15-051
296-17-350	AMD	84-11-034	296-46-244	REP-P	84-07-010
296-17-35101	NEW-P	84-02-059	296-46-244	REP	84-15-051
296-17-35101	NEW	84-06-018	296-46-270	REP-P	84-07-010
296-17-765	AMD-P	84-09-035	296-46-270	REP	84-15-051
296-17-765	AMD-E	84-09-036	296-46-280	REP-P	84-07-010
296-17-765	AMD	84-12-048	296-46-280	REP	84-15-051
296-17-779	NEW-P	84-08-077	296-46-290	REP-P	84-07-010
296-17-779	NEW	84-11-034	296-46-290	REP	84-15-051
296-17-895	AMD-P	84-09-035	296-46-300	REP-P	84-07-010
296-17-895	AMD-E	84-09-036	296-46-300	REP	84-15-051
296-17-895	AMD	84-12-048	296-46-335	REP-P	84-07-010
296-17-905	AMD-P	84-02-060	296-46-335	REP	84-15-051
296-17-905	AMD	84-06-024	296-46-336	NEW-P	84-07-010
296-17-910	AMD-P	84-02-060	296-46-350	AMD-P	84-07-010
296-17-910	AMD	84-06-024	296-46-350	AMD	84-15-051
296-17-911	AMD-P	84-02-060	296-46-355	REP-P	84-07-010
296-17-911	AMD	84-06-024	296-46-355	REP	84-15-051
296-17-913	AMD-P	84-02-060	296-46-360	AMD-P	84-07-010
296-17-913	AMD	84-06-024	296-46-360	AMD	84-15-051
296-17-914	AMD-P	84-02-060	296-46-370	AMD-P	84-07-010
296-17-914	AMD	84-06-024	296-46-370	AMD	84-15-051
296-17-916	AMD-P	84-02-060	296-46-380	REP-P	84-07-010
296-17-916	AMD	84-06-024	296-46-380	REP	84-15-051
296-17-917	AMD-P	84-02-060	296-46-390	REP-P	84-07-010
296-17-917	AMD	84-06-024	296-46-390	REP	84-15-051
296-17-918	NEW-P	84-02-060	296-46-420	AMD-P	84-07-010
296-17-918	NEW	84-06-018	296-46-420	AMD	84-15-051
296-17-919	AMD-P	84-02-060	296-46-424	REP-P	84-07-010
296-17-919	AMD	84-06-024	296-46-424	REP	84-15-051
296-17-91901	AMD-P	84-02-060	296-46-426	REP-P	84-07-010
296-17-91901	AMD	84-06-024	296-46-426	REP	84-15-051
296-17-91902	AMD-P	84-02-060	296-46-480	AMD-P	84-07-010
296-17-91902	AMD	84-06-024	296-46-480	AMD	84-15-051
296-19-010	REP-P	84-02-059	296-46-490	AMD-P	84-07-010
296-19-010	REP	84-06-018	296-46-490	AMD	84-15-051
296-20-12503	NEW-E	84-15-031	296-46-495	REP-P	84-07-010
296-24-073	AMD-E	84-10-016	296-46-500	REP-P	84-07-010
296-24-217	AMD-P	84-15-043	296-46-500	REP	84-15-051
296-24-21701	AMD-P	84-15-043	296-46-501	REP-P	84-07-010
296-24-21703	AMD-P	84-15-043	296-46-501	REP	84-15-051
296-24-21705	AMD-P	84-15-043	296-46-535	REP-P	84-07-010
296-24-21707	AMD-P	84-15-043	296-46-535	REP	84-15-051
296-24-21709	AMD-P	84-15-043	296-46-540	REP-P	84-07-010
296-24-21711	AMD-P	84-15-043	296-46-540	REP	84-15-051
296-24-21713	NEW-P	84-15-043	296-46-545	REP-P	84-07-010
296-46-110	AMD-P	84-07-010	296-46-545	REP	84-15-051
296-46-110	AMD-E	84-08-006	296-46-550	REP-P	84-07-010
296-46-110	AMD-E	84-13-004	296-46-550	REP	84-15-051
296-46-110	AMD	84-15-051	296-46-555	REP-P	84-07-010
296-46-120	REP-P	84-07-010	296-46-555	REP	84-15-051
296-46-120	REP	84-15-051	296-46-560	REP-P	84-07-010
296-46-130	AMD-P	84-07-010	296-46-560	REP	84-15-051
296-46-130	AMD	84-15-051	296-46-565	REP-P	84-07-010
296-46-140	AMD-P	84-07-010	296-46-565	REP	84-15-051
296-46-140	AMD	84-15-051	296-46-590	REP-P	84-07-010
296-46-150	AMD-P	84-07-010	296-46-590	REP	84-15-051
296-46-150	AMD	84-15-051	296-46-59005	REP-P	84-07-010
296-46-160	AMD-P	84-07-010	296-46-59005	REP	84-15-051
296-46-160	AMD	84-15-051	296-46-59010	REP-P	84-07-010
296-46-59010	REP	84-15-051			
296-46-900	REP-P	84-07-010			
296-46-905	REP-P	84-07-010			
296-46-905	REP	84-15-051			
296-62-054	NEW-P	84-09-029			
296-62-054	NEW	84-13-001			
296-62-05403	NEW-P	84-09-029			
296-62-05403	NEW	84-13-001			
296-62-05405	NEW-P	84-09-029			
296-62-05405	NEW	84-13-001			
296-62-05407	NEW-P	84-09-029			
296-62-05409	NEW-P	84-09-029			
296-62-05409	NEW	84-13-001			
296-62-05411	NEW-P	84-09-029			
296-62-05413	NEW-P	84-09-029			
296-62-05413	NEW	84-13-001			
296-62-05415	NEW-P	84-09-029			
296-62-05415	NEW	84-13-001			
296-62-05417	NEW-P	84-09-029			
296-62-05419	NEW-P	84-09-029			
296-62-05421	NEW	84-13-001			
296-62-05423	NEW-P	84-09-029			
296-62-05425	NEW	84-13-001			
296-81-007	AMD-C	84-03-008			
296-81-007	AMD	84-05-005			
296-81-340	AMD-C	84-03-008			
296-81-340	AMD	84-05-005			
296-81-360	AMD-C	84-03-008			
296-81-360	AMD	84-05-005			
296-81-991	NEW-C	84-03-008			
296-81-991	NEW	84-05-005			
296-93-010	NEW-P	84-05-032			
296-93-010	NEW	84-10-025			
296-93-020	NEW-P	84-05-032			
296-93-020	NEW	84-10-025			
296-93-030	NEW-P	84-05-032			
296-93-030	NEW	84-10-025			
296-93-040	NEW-P	84-05-032			
296-93-040	NEW	84-10-025			
296-93-050	NEW-P	84-05-032			
296-93-050	NEW	84-10-025			
296-93-060	NEW-P	84-05-032			
296-93-060	NEW	84-10-025			
296-93-070	NEW-P	84-05-032			
296-93-070	NEW	84-10-025			
296-93-080	NEW-P	84-05-032			
296-93-080	NEW	84-10-025			
296-93-090	NEW-P	84-05-032			
296-93-090	NEW	84-10-025			
296-93-100	NEW-P	84-05-032			
296-93-100	NEW	84-10-025			
296-93-110	NEW-P	84-05-032			
296-93-110	NEW	84-10-025			
296-93-120	NEW-P	84-05-032			
296-93-120	NEW	84-10-025			
296-93-130	NEW-P	84-05-032			
296-93-130	NEW	84-10-025			
296-93-140	NEW-P	84-05-032			
296-93-140	NEW	84-10-025			
296-93-150	NEW-P	84-05-032			
296-93-150	NEW	84-10-025			
296-93-160	NEW-P	84-05-032			
296-93-160	NEW	84-10-025			
296-93-170	NEW-P	84-05-032			
296-93-170	NEW	84-10-025			
296-93-180	NEW-P	84-05-032			
296-93-180	NEW	84-10-025			
296-93-190	NEW-P	84-05-032			
296-93-190	NEW	84-10-025			



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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-42-125	NEW	84-13-057	308-52-255	AMD	84-15-068	308-93-165	NEW-P	84-10-081
308-42-130	NEW-P	84-10-060	308-52-502	AMD-P	84-15-067	308-93-165	NEW	84-13-086
308-42-130	NEW	84-13-057	308-53-030	AMD-P	84-05-069	308-93-165	NEW-E	84-13-087
308-42-135	NEW-P	84-10-060	308-53-030	AMD	84-09-082	308-93-215	NEW-P	84-10-081
308-42-135	NEW-P	84-13-058	308-53-085	AMD-P	84-05-069	308-93-215	NEW	84-13-086
308-42-140	NEW-P	84-10-060	308-53-085	AMD	84-09-082	308-93-215	NEW-E	84-13-087
308-42-140	NEW	84-13-057	308-53-120	AMD-P	84-05-069	308-93-225	NEW-P	84-10-081
308-42-145	NEW-P	84-10-060	308-53-120	AMD	84-09-082	308-93-225	NEW	84-13-086
308-42-145	NEW-P	84-13-058	308-53-190	REP-P	84-05-069	308-93-225	NEW-E	84-13-087
308-42-150	NEW-P	84-10-060	308-53-190	REP	84-09-082	308-93-260	AMD-P	84-10-081
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308-42-155	NEW-P	84-10-060	308-53-211	NEW	84-16-087	308-93-260	AMD-E	84-13-087
308-42-155	NEW	84-13-057	308-54-140	AMD-P	84-04-086	308-93-270	AMD-P	84-10-081
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308-42-160	NEW-P	84-13-058	308-54-150	AMD-P	84-04-086	308-93-270	AMD-E	84-13-087
308-42-200	NEW-P	84-13-083	308-54-150	AMD	84-07-051	308-93-290	AMD-P	84-10-081
308-48-145	NEW-P	84-08-061	308-78-010	AMD-P	84-06-066	308-93-290	AMD	84-13-086
308-48-145	NEW	84-11-059	308-78-040	AMD-P	84-06-066	308-93-290	AMD-E	84-13-087
308-50-010	AMD-E	84-03-018	308-78-045	AMD-P	84-06-066	308-93-310	AMD-P	84-10-081
308-50-010	AMD-P	84-04-048	308-78-050	AMD-P	84-06-066	308-93-310	AMD	84-13-086
308-50-010	AMD	84-08-062	308-78-070	AMD-P	84-06-066	308-93-310	AMD-E	84-13-087
308-50-020	AMD-E	84-03-018	308-93-010	AMD-P	84-10-081	308-93-350	AMD-P	84-10-081
308-50-020	AMD-P	84-04-048	308-93-010	AMD-P	84-13-082	308-93-350	AMD	84-13-086
308-50-020	AMD-P	84-10-059	308-93-010	AMD-E	84-13-087	308-93-350	AMD-E	84-13-087
308-50-020	AMD-P	84-14-097	308-93-020	AMD-P	84-10-081	308-93-360	AMD-P	84-10-081
308-50-050	REP-P	84-04-048	308-93-020	AMD	84-13-086	308-93-360	AMD	84-13-086
308-50-050	REP	84-08-062	308-93-020	AMD-E	84-13-087	308-93-360	AMD-E	84-13-087
308-50-090	AMD-E	84-03-018	308-93-030	AMD-P	84-10-081	308-93-500	AMD-P	84-10-081
308-50-090	AMD-P	84-04-048	308-93-030	AMD-P	84-13-082	308-93-500	AMD	84-13-086
308-50-090	AMD-P	84-14-096	308-93-030	AMD-E	84-13-087	308-93-500	AMD-E	84-13-087
308-50-100	AMD-P	84-04-048	308-93-040	AMD-P	84-10-081	308-93-560	AMD-P	84-10-081
308-50-100	AMD	84-08-062	308-93-040	AMD-P	84-13-082	308-93-560	AMD	84-13-086
308-50-110	AMD-P	84-04-048	308-93-040	AMD-E	84-13-087	308-93-560	AMD-E	84-13-087
308-50-110	AMD-P	84-10-059	308-93-050	AMD-P	84-10-081	308-93-610	REP-P	84-10-081
308-50-110	AMD-P	84-14-097	308-93-050	AMD-P	84-13-082	308-93-610	REP	84-13-086
308-50-120	AMD-P	84-04-048	308-93-050	AMD-E	84-13-087	308-93-640	AMD-P	84-10-081
308-50-120	AMD	84-08-062	308-93-060	AMD-P	84-10-081	308-93-640	AMD-P	84-13-082
308-50-130	AMD-P	84-14-096	308-93-060	AMD-P	84-13-082	308-93-640	AMD-E	84-13-087
308-50-140		84-10-062	308-93-060	AMD-E	84-13-087	308-93-650	NEW-P	84-06-056
308-50-140	READOPT	84-14-100	308-93-070	AMD-P	84-10-081	308-93-650	NEW	84-11-060
308-50-150		84-14-096	308-93-070	AMD	84-13-086	308-96A-310	NEW-E	84-13-063
308-50-160		84-10-062	308-93-070	AMD-E	84-13-087	308-96A-310	NEW-P	84-13-065
308-50-160	READOPT	84-14-100	308-93-075	NEW-P	84-10-081	308-96A-315	NEW-E	84-13-063
308-50-170		84-10-062	308-93-075	NEW	84-13-086	308-96A-315	NEW-P	84-13-065
308-50-170	READOPT	84-14-100	308-93-075	NEW-E	84-13-087	308-96A-320	NEW-E	84-13-063
308-50-180		84-10-062	308-93-080	AMD-P	84-10-081	308-96A-320	NEW-P	84-13-065
308-50-180	READOPT	84-14-100	308-93-080	AMD	84-13-086	308-96A-325	NEW-E	84-13-063
308-50-190		84-10-062	308-93-080	AMD-E	84-13-087	308-96A-325	NEW-P	84-13-065
308-50-190	READOPT	84-14-100	308-93-085	NEW-P	84-10-081	308-96A-330	NEW-E	84-13-063
308-50-200		84-10-062	308-93-085	NEW	84-13-086	308-96A-330	NEW-P	84-13-065
308-50-200	READOPT	84-14-100	308-93-085	NEW-E	84-13-087	308-96A-335	NEW-E	84-13-063
308-50-210		84-10-062	308-93-090	AMD-P	84-10-081	308-96A-335	NEW-P	84-13-065
308-50-210	READOPT	84-14-100	308-93-090	AMD-P	84-13-082	308-96A-345	NEW-E	84-13-062
308-50-220	AMD-P	84-10-062	308-93-090	AMD-E	84-13-087	308-96A-345	NEW-P	84-13-064
308-50-220	AMD	84-14-100	308-93-110	AMD-P	84-10-081	308-96A-350	NEW-E	84-13-062
308-50-230		84-10-062	308-93-110	AMD	84-13-086	308-96A-350	NEW-P	84-13-064
308-50-230	READOPT	84-14-100	308-93-110	AMD-E	84-13-087	308-96A-355	NEW-E	84-13-062
308-50-240		84-10-062	308-93-135	NEW-P	84-10-081	308-96A-355	NEW-P	84-13-064
308-50-240	READOPT	84-14-100	308-93-135	NEW	84-13-086	308-96A-360	NEW-E	84-13-062
308-50-250		84-10-062	308-93-135	NEW-E	84-13-087	308-96A-360	NEW-P	84-13-064
308-50-250	READOPT	84-14-100	308-93-140	AMD-P	84-10-081	308-96A-365	NEW-E	84-13-062
308-50-260		84-10-062	308-93-140	AMD	84-13-086	308-96A-365	NEW-P	84-13-064
308-50-260	READOPT	84-14-100	308-93-140	AMD-E	84-13-087	308-96A-370	NEW-E	84-13-062
308-50-270		84-10-062	308-93-145	NEW-P	84-10-081	308-96A-370	NEW-P	84-13-064
308-50-270	READOPT	84-14-100	308-93-145	NEW	84-13-086	308-96A-375	NEW-E	84-13-062
308-50-280		84-10-062	308-93-145	NEW-E	84-13-087	308-96A-375	NEW-P	84-13-064
308-50-280	READOPT	84-14-100	308-93-146	NEW-P	84-13-082	308-96A-380	NEW-E	84-13-062
308-50-290		84-10-062	308-93-146	NEW-E	84-13-087	308-96A-380	NEW-P	84-13-064
308-50-290	READOPT	84-14-100	308-93-150	AMD-P	84-10-081	308-138-200	AMD	84-05-011
308-50-295		84-10-062	308-93-150	AMD	84-13-086	308-138A-025	AMD	84-05-011
308-50-295	READOPT	84-14-100	308-93-150	AMD-E	84-13-087	308-138B-120	REP	84-05-011
308-52-100	AMD-P	84-12-090	308-93-155	NEW-P	84-10-081	308-138B-165	NEW	84-05-011
308-52-100	AMD	84-15-068	308-93-155	NEW	84-13-086	308-138B-170	AMD	84-05-011
308-52-138	AMD-P	84-15-067	308-93-155	NEW-E	84-13-087	314-12-160	REP-P	84-09-062
308-52-254	NEW-P	84-15-067	308-93-160	AMD-P	84-10-081	314-12-160	REP-E	84-09-063
308-52-255	AMD-P	84-12-090	308-93-160	AMD	84-13-086	314-12-160	REP	84-11-093
308-52-255	AMD-P	84-15-067	308-93-160	AMD-E	84-13-087	314-12-160	NEW-P	84-15-028

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314-16-040	AMD	84-11-092	315-11-130	NEW-E	84-12-070	316-02-320	NEW-P	84-04-081
314-16-110	AMD	84-02-066	315-11-131	NEW-P	84-12-056	316-02-320	NEW	84-07-037
314-16-110	AMD-P	84-12-075	315-11-131	NEW-E	84-12-070	316-02-330	NEW-P	84-04-081
314-16-110	AMD	84-15-061	315-11-132	NEW-P	84-12-056	316-02-330	NEW	84-07-037
314-16-200	AMD-W	84-03-019	315-11-132	NEW-E	84-12-070	316-02-340	NEW-P	84-04-081
314-16-200	AMD-P	84-07-052	315-12-030	AMD	84-05-008	316-02-340	NEW	84-07-037
314-16-200	AMD-W	84-09-077	315-30-020	AMD-E	84-15-042	316-02-350	NEW-P	84-04-081
314-16-200	AMD-P	84-12-076	315-30-020	AMD-P	84-16-058	316-02-350	NEW	84-07-037
314-16-200	AMD-C	84-15-027	315-30-030	AMD-E	84-15-042	316-02-360	NEW-P	84-04-081
314-16-205	NEW-P	84-06-063	315-30-030	AMD-P	84-16-058	316-02-360	NEW	84-07-037
314-16-205	NEW	84-09-024	315-30-040	AMD-E	84-15-042	316-02-370	NEW-P	84-04-081
314-18-040	AMD-P	84-06-064	315-30-040	AMD-P	84-16-058	316-02-370	NEW	84-07-037
314-18-040	AMD	84-09-025	315-30-080	NEW	84-05-008	316-02-400	NEW-P	84-04-081
314-20-010	AMD-P	84-06-062	315-30-090	NEW	84-05-008	316-02-400	NEW	84-07-037
314-20-010	AMD	84-09-023	315-31-020	AMD-E	84-15-042	316-02-410	NEW-P	84-04-081
314-24-110	AMD-P	84-06-062	315-31-020	AMD-P	84-16-058	316-02-410	NEW	84-07-037
314-24-110	AMD	84-09-023	315-32	NEW-C	84-12-055	316-02-420	NEW-P	84-04-081
314-38-020	AMD-P	84-11-039	315-32-010	NEW-P	84-09-084	316-02-420	NEW	84-07-037
314-38-020	AMD	84-14-028	315-32-010	NEW-E	84-12-070	316-02-450	NEW-P	84-04-081
315-04-070	AMD-E	84-06-045	315-32-020	NEW-P	84-09-084	316-02-450	NEW	84-07-037
315-04-070	AMD-E	84-09-009	315-32-020	NEW-E	84-12-070	316-02-460	NEW-P	84-04-081
315-04-070	AMD-P	84-09-085	315-32-030	NEW-P	84-09-084	316-02-460	NEW	84-07-037
315-04-070	AMD	84-12-057	315-32-030	NEW-E	84-12-070	316-02-470	NEW-P	84-04-081
315-04-120	AMD-P	84-05-050	315-32-040	NEW-P	84-09-084	316-02-470	NEW	84-07-037
315-04-120	AMD-E	84-06-045	315-32-040	NEW-E	84-12-070	316-02-490	NEW-P	84-04-081
315-04-120	AMD	84-09-008	315-32-050	NEW-P	84-09-084	316-02-490	NEW	84-07-037
315-04-120	AMD-P	84-09-085	315-32-050	NEW-E	84-12-070	316-02-500	NEW-P	84-04-081
315-04-120	AMD-E	84-11-012	315-32-060	NEW-P	84-09-084	316-02-500	NEW	84-07-037
315-04-120	AMD	84-12-057	315-32-060	NEW-E	84-12-070	316-02-510	NEW-P	84-04-081
315-04-132	NEW-E	84-06-045	316-02-001	NEW-P	84-04-081	316-02-510	NEW	84-07-037
315-04-132	NEW-P	84-09-085	316-02-001	NEW	84-07-037	316-02-600	NEW-P	84-04-081
315-04-132	NEW-E	84-11-012	316-02-003	NEW-P	84-04-081	316-02-600	NEW	84-07-037
315-04-132	NEW	84-12-057	316-02-003	NEW	84-07-037	316-02-610	NEW-P	84-04-081
315-04-133	NEW-E	84-06-045	316-02-007	NEW-P	84-04-081	316-02-610	NEW	84-07-037
315-04-133	NEW-P	84-09-085	316-02-007	NEW	84-07-037	316-02-800	NEW-P	84-04-081
315-04-133	NEW-E	84-11-012	316-02-010	NEW-P	84-04-081	316-02-800	NEW	84-07-037
315-04-133	NEW	84-12-057	316-02-010	NEW	84-07-037	316-02-810	NEW-P	84-04-081
315-04-134	NEW-P	84-09-085	316-02-020	NEW-P	84-04-081	316-02-810	NEW	84-07-037
315-04-134	NEW-E	84-11-012	316-02-020	NEW	84-07-037	316-02-820	NEW-P	84-04-081
315-04-134	NEW	84-12-057	316-02-030	NEW-P	84-04-081	316-02-820	NEW	84-07-037
315-04-134	AMD-P	84-16-058	316-02-030	NEW	84-07-037	316-02-900	NEW-P	84-04-081
315-04-180	AMD	84-05-008	316-02-040	NEW-P	84-04-081	316-02-900	NEW	84-07-037
315-06-120	AMD-P	84-05-050	316-02-040	NEW	84-07-037	316-02-910	NEW-P	84-04-081
315-06-120	AMD	84-09-008	316-02-100	NEW-P	84-04-081	316-02-910	NEW	84-07-037
315-06-120	AMD-E	84-15-042	316-02-100	NEW	84-07-037	316-02-920	NEW-P	84-04-081
315-06-120	AMD-P	84-16-058	316-02-103	NEW-P	84-04-081	316-02-920	NEW	84-07-037
315-06-130	AMD	84-05-008	316-02-103	NEW	84-07-037	316-02-930	NEW-P	84-04-081
315-10-020	AMD	84-05-008	316-02-105	NEW-P	84-04-081	316-02-930	NEW	84-07-037
315-10-030	AMD	84-05-008	316-02-105	NEW	84-07-037	316-07-010	REP-P	84-04-081
315-10-060	AMD	84-05-008	316-02-110	NEW-P	84-04-081	316-07-010	REP	84-07-038
315-11-071	AMD	84-05-008	316-02-110	NEW	84-07-037	316-07-020	REP-P	84-04-081
315-11-081	AMD	84-05-008	316-02-120	NEW-P	84-04-081	316-07-020	REP	84-07-038
315-11-101	AMD-E	84-03-026	316-02-120	NEW	84-07-037	316-07-030	REP-P	84-04-081
315-11-101	AMD-P	84-05-051	316-02-130	NEW-P	84-04-081	316-07-030	REP	84-07-038
315-11-101	AMD	84-09-008	316-02-130	NEW	84-07-037	316-07-040	REP-P	84-04-081
315-11-110	NEW-P	84-05-052	316-02-140	NEW-P	84-04-081	316-07-040	REP	84-07-038
315-11-110	NEW-E	84-05-053	316-02-140	NEW	84-07-037	316-07-050	REP-P	84-04-081
315-11-110	NEW	84-09-008	316-02-150	NEW-P	84-04-081	316-07-050	REP	84-07-038
315-11-111	NEW-P	84-05-052	316-02-150	NEW	84-07-037	316-07-060	REP-P	84-04-081
315-11-111	NEW-E	84-05-053	316-02-160	NEW-P	84-04-081	316-07-060	REP	84-07-038
315-11-111	NEW	84-09-008	316-02-160	NEW	84-07-037	316-07-070	REP-P	84-04-081
315-11-112	NEW-P	84-05-052	316-02-170	NEW-P	84-04-081	316-07-070	REP	84-07-038
315-11-112	NEW-E	84-05-053	316-02-170	NEW	84-07-037	316-07-080	REP-P	84-04-081
315-11-112	NEW	84-09-008	316-02-180	NEW-P	84-04-081	316-07-080	REP	84-07-038
315-11-120	NEW-P	84-07-053	316-02-180	NEW	84-07-037	316-07-090	REP-P	84-04-081
315-11-120	NEW-E	84-09-009	316-02-200	NEW-P	84-04-081	316-07-090	REP	84-07-038
315-11-120	NEW-P	84-09-085	316-02-200	NEW	84-07-037	316-07-100	REP-P	84-04-081
315-11-120	NEW	84-12-057	316-02-210	NEW-P	84-04-081	316-07-100	REP	84-07-038
315-11-121	NEW-P	84-07-053	316-02-210	NEW	84-07-037	316-07-110	REP-P	84-04-081
315-11-121	NEW-E	84-09-009	316-02-220	NEW-P	84-04-081	316-07-110	REP	84-07-038
315-11-121	NEW-P	84-09-085	316-02-220	NEW	84-07-037	316-07-120	REP-P	84-04-081
315-11-121	NEW	84-12-057	316-02-230	NEW-P	84-04-081	316-07-120	REP	84-07-038
315-11-122	NEW-P	84-07-053	316-02-230	NEW	84-07-037	316-07-130	REP-P	84-04-081
315-11-122	NEW-E	84-09-009	316-02-300	NEW-P	84-04-081	316-07-130	REP	84-07-038
315-11-122	NEW-P	84-09-085	316-02-300	NEW	84-07-037	316-07-140	REP-P	84-04-081
315-11-122	NEW	84-12-057	316-02-310	NEW-P	84-04-081	316-07-140	REP	84-07-038



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
316-65-150	NEW 84-07-037	326-06-060	NEW 84-09-002	326-20-210	AMD-E 84-05-034
316-65-500	NEW-P 84-04-081	326-06-070	NEW-P 84-05-033	326-20-210	AMD 84-09-002
316-65-500	NEW 84-07-037	326-06-070	NEW-E 84-05-034	326-30-010	NEW 84-03-005
316-65-510	NEW-P 84-04-081	326-06-070	NEW 84-09-002	326-30-020	NEW 84-03-005
316-65-510	NEW 84-07-037	326-06-080	NEW-P 84-05-033	326-30-030	NEW 84-03-005
316-65-515	NEW-P 84-04-081	326-06-080	NEW-E 84-05-034	326-30-035	NEW 84-03-005
316-65-515	NEW 84-07-037	326-06-080	NEW 84-09-002	326-30-036	NEW-P 84-14-002
316-65-525	NEW-P 84-04-081	326-06-090	NEW-P 84-05-033	326-30-036	NEW-E 84-14-003
316-65-525	NEW 84-07-037	326-06-090	NEW-E 84-05-034	326-30-040	NEW 84-03-005
316-65-530	NEW-P 84-04-081	326-06-090	NEW 84-09-002	326-30-050	NEW 84-03-005
316-65-530	NEW 84-07-037	326-06-100	NEW-P 84-05-033	326-30-060	NEW 84-03-005
316-65-535	NEW-P 84-04-081	326-06-100	NEW-E 84-05-034	326-30-070	NEW 84-03-005
316-65-535	NEW 84-07-037	326-06-100	NEW 84-09-002	326-30-080	NEW 84-03-005
316-65-540	NEW-P 84-04-081	326-06-110	NEW-P 84-05-033	326-30-090	NEW 84-03-005
316-65-540	NEW 84-07-037	326-06-110	NEW-E 84-05-034	326-30-100	NEW 84-03-005
316-65-545	NEW-P 84-04-081	326-06-110	NEW 84-09-002	326-30-100	AMD-P 84-03-048
316-65-545	NEW 84-07-037	326-06-120	NEW-P 84-05-033	326-30-100	AMD-E 84-03-049
316-65-550	NEW-P 84-04-081	326-06-120	NEW-E 84-05-034	326-30-100	AMD-P 84-05-033
316-65-550	NEW 84-07-037	326-06-120	NEW 84-09-002	326-30-100	AMD-E 84-05-034
316-65-555	NEW-P 84-04-081	326-06-130	NEW-P 84-05-033	326-30-100	AMD 84-06-017
316-65-555	NEW 84-07-037	326-06-130	NEW-E 84-05-034	326-30-100	AMD 84-09-002
316-65-560	NEW-P 84-04-081	326-06-130	NEW 84-09-002	326-30-100	AMD-P 84-14-002
316-65-560	NEW 84-07-037	326-06-140	NEW-P 84-05-033	326-30-100	AMD-E 84-14-003
316-75-001	NEW-P 84-04-081	326-06-140	NEW-E 84-05-034	326-30-110	NEW 84-03-005
316-75-001	NEW 84-07-037	326-06-140	NEW 84-09-002	326-40	NEW-C 84-03-002
316-75-010	NEW-P 84-04-081	326-06-160	NEW-P 84-05-033	326-40-010	NEW-E 84-05-034
316-75-010	NEW 84-07-037	326-06-160	NEW-E 84-05-034	326-40-010	NEW 84-05-054
316-75-030	NEW-P 84-04-081	326-06-160	NEW 84-09-002	326-40-020	NEW-E 84-05-034
316-75-030	NEW 84-07-037	326-08-010	NEW-P 84-05-033	326-40-020	NEW 84-05-054
316-75-050	NEW-P 84-04-081	326-08-010	NEW-E 84-05-034	326-40-100	NEW-P 84-05-033
316-75-050	NEW 84-07-037	326-08-010	NEW 84-09-002	326-40-100	NEW-E 84-05-034
316-75-070	NEW-P 84-04-081	326-08-020	NEW-P 84-05-033	326-40-100	NEW 84-09-002
316-75-070	NEW 84-07-037	326-08-020	NEW-E 84-05-034	330-01	NEW-C 84-07-008
316-75-090	NEW-P 84-04-081	326-08-020	NEW 84-09-002	330-01-010	NEW-P 84-03-041
316-75-090	NEW 84-07-037	326-08-030	NEW-P 84-05-033	330-01-010	NEW-E 84-03-042
316-75-110	NEW-P 84-04-081	326-08-030	NEW-E 84-05-034	330-01-010	NEW 84-07-034
316-75-110	NEW 84-07-037	326-08-030	NEW 84-09-002	330-01-020	NEW-P 84-03-041
316-75-130	NEW-P 84-04-081	326-08-040	NEW-P 84-05-033	330-01-020	NEW-E 84-03-042
316-75-130	NEW 84-07-037	326-08-040	NEW-E 84-05-034	330-01-020	NEW 84-07-034
316-75-150	NEW-P 84-04-081	326-08-040	NEW 84-09-002	330-01-030	NEW-P 84-03-041
316-75-150	NEW 84-07-037	326-08-050	NEW-P 84-05-033	330-01-030	NEW-E 84-03-042
316-75-170	NEW-P 84-04-081	326-08-050	NEW-E 84-05-034	330-01-030	NEW 84-07-034
316-75-170	NEW 84-07-037	326-08-050	NEW 84-09-002	330-01-040	NEW-P 84-03-041
316-75-190	NEW-P 84-04-081	326-08-060	NEW-P 84-05-033	330-01-040	NEW-E 84-03-042
316-75-190	NEW 84-07-037	326-08-060	NEW-E 84-05-034	330-01-040	NEW 84-07-034
316-75-210	NEW-P 84-04-081	326-08-060	NEW 84-09-002	330-01-050	NEW-P 84-03-041
316-75-210	NEW 84-07-037	326-08-070	NEW-P 84-05-033	330-01-050	NEW-E 84-03-042
316-75-230	NEW-P 84-04-081	326-08-070	NEW-E 84-05-034	330-01-050	NEW 84-07-034
316-75-230	NEW 84-07-037	326-08-070	NEW 84-09-002	330-01-060	NEW-P 84-03-041
316-75-250	NEW-P 84-04-081	326-08-080	NEW-P 84-05-033	330-01-060	NEW-E 84-03-042
316-75-250	NEW 84-07-037	326-08-080	NEW-E 84-05-034	330-01-060	NEW 84-07-034
316-75-270	NEW-P 84-04-081	326-08-080	NEW 84-09-002	330-01-070	NEW-P 84-03-041
316-75-270	NEW 84-07-037	326-08-090	NEW-P 84-05-033	330-01-070	NEW-E 84-03-042
316-75-290	NEW-P 84-04-081	326-08-090	NEW-E 84-05-034	330-01-070	NEW 84-07-034
316-75-290	NEW 84-07-037	326-08-090	NEW 84-09-002	330-01-080	NEW-P 84-03-041
316-75-310	NEW-P 84-04-081	326-08-100	NEW-P 84-05-033	330-01-080	NEW-E 84-03-042
316-75-310	NEW 84-07-037	326-08-100	NEW-E 84-05-034	330-01-080	NEW 84-07-034
326-02-030	AMD-P 84-05-033	326-08-100	NEW 84-09-002	330-01-090	NEW-P 84-03-041
326-02-030	AMD-E 84-05-034	326-08-110	NEW-P 84-05-033	330-01-090	NEW-E 84-03-042
326-02-030	AMD 84-09-002	326-08-110	NEW-E 84-05-034	330-01-090	NEW 84-07-034
326-06-010	NEW-P 84-05-033	326-08-110	NEW 84-09-002	332-21-010	NEW-P 84-13-039
326-06-010	NEW-E 84-05-034	326-08-120	NEW-P 84-05-033	332-21-020	NEW-P 84-13-039
326-06-010	NEW 84-09-002	326-08-120	NEW-E 84-05-034	332-21-030	NEW-P 84-13-039
326-06-020	NEW-P 84-05-033	326-08-120	NEW 84-09-002	332-21-040	NEW-P 84-13-039
326-06-020	NEW-E 84-05-034	326-08-130	NEW-P 84-05-033	332-21-050	NEW-P 84-13-039
326-06-020	NEW 84-09-002	326-08-130	NEW-E 84-05-034	332-22-010	AMD-P 84-13-040
326-06-030	NEW-P 84-05-033	326-08-130	NEW 84-09-002	332-22-020	AMD-P 84-13-040
326-06-030	NEW-E 84-05-034	326-20-050	AMD-P 84-05-033	332-22-030	AMD-P 84-13-040
326-06-030	NEW 84-09-002	326-20-050	AMD-E 84-05-034	332-22-040	AMD-P 84-13-040
326-06-040	NEW-P 84-05-033	326-20-050	AMD 84-09-002	332-22-050	AMD-P 84-13-040
326-06-040	NEW-E 84-05-034	326-20-060	AMD-P 84-05-033	332-22-060	AMD-P 84-13-040
326-06-040	NEW 84-09-002	326-20-060	AMD-E 84-05-034	332-22-070	AMD-P 84-13-040
326-06-050	NEW-P 84-05-033	326-20-060	AMD 84-09-002	332-22-080	AMD-P 84-13-040
326-06-050	NEW-E 84-05-034	326-20-180	AMD-P 84-05-033	332-22-090	AMD-P 84-13-040
326-06-050	NEW 84-09-002	326-20-180	AMD-E 84-05-034	332-22-100	AMD-P 84-13-040
326-06-060	NEW-P 84-05-033	326-20-180	AMD 84-09-002	332-22-103	NEW-P 84-13-040
326-06-060	NEW-E 84-05-034	326-20-210	AMD-P 84-05-033	332-22-105	NEW-P 84-13-040

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
332-22-110	AMD-P 84-13-040	332-40-405	REP-P 84-13-066	335-06-030	NEW-E 84-10-036
332-22-120	AMD-P 84-13-040	332-40-410	REP-P 84-13-066	335-06-030	NEW 84-14-001
332-22-130	AMD-P 84-13-040	332-40-420	REP-P 84-13-066	335-06-040	NEW-P 84-10-035
332-22-140	AMD-P 84-13-040	332-40-425	REP-P 84-13-066	335-06-040	NEW-E 84-10-036
332-22-150	AMD-P 84-13-040	332-40-440	REP-P 84-13-066	335-06-040	NEW 84-14-001
332-26-010	NEW-E 84-09-014	332-40-442	REP-P 84-13-066	335-06-050	NEW-P 84-10-035
332-26-015	NEW-E 84-11-053	332-40-444	REP-P 84-13-066	335-06-050	NEW-E 84-10-036
332-26-020	NEW-E 84-15-011	332-40-446	REP-P 84-13-066	335-06-050	NEW 84-14-001
332-26-021	NEW-E 84-16-025	332-40-450	REP-P 84-13-066	335-06-060	NEW-P 84-10-035
332-26-021	AMD-E 84-16-037	332-40-455	REP-P 84-13-066	335-06-060	NEW-E 84-10-036
332-26-022	NEW-E 84-16-050	332-40-460	REP-P 84-13-066	335-06-060	NEW 84-14-001
332-26-022	AMD-E 84-16-063	332-40-465	REP-P 84-13-066	335-06-070	NEW-P 84-10-035
332-26-022	AMD-E 84-16-085	332-40-470	REP-P 84-13-066	335-06-070	NEW-E 84-10-036
332-26-030	NEW-E 84-15-011	332-40-480	REP-P 84-13-066	335-06-070	NEW 84-14-001
332-26-040	NEW-E 84-15-011	332-40-485	REP-P 84-13-066	335-06-080	NEW-P 84-10-035
332-26-050	NEW-E 84-15-011	332-40-490	REP-P 84-13-066	335-06-080	NEW-E 84-10-036
332-26-051	NEW-E 84-16-021	332-40-495	REP-P 84-13-066	335-06-080	NEW 84-14-001
332-26-052	NEW-E 84-16-037	332-40-500	REP-P 84-13-066	335-06-090	NEW-P 84-10-035
332-26-052	AMD-E 84-16-063	332-40-520	REP-P 84-13-066	335-06-090	NEW-E 84-10-036
332-26-052	AMD-E 84-16-085	332-40-530	REP-P 84-13-066	335-06-090	NEW 84-14-001
332-26-060	NEW-E 84-15-011	332-40-535	REP-P 84-13-066	335-06-100	NEW-P 84-10-035
332-26-061	NEW-E 84-16-024	332-40-540	REP-P 84-13-066	335-06-100	NEW-E 84-10-036
332-26-080	NEW-E 84-16-068	332-40-545	REP-P 84-13-066	335-06-100	NEW 84-14-001
332-26-081	NEW-E 84-16-085	332-40-570	REP-P 84-13-066	352-04-010	AMD 84-04-035
332-30-106	AMD-P 84-15-070	332-40-580	REP-P 84-13-066	352-10-010	REP-P 84-16-089
332-30-108	NEW-P 84-06-068	332-40-600	REP-P 84-13-066	352-10-020	REP-P 84-16-089
332-30-108	NEW-C 84-11-027	332-40-650	REP-P 84-13-066	352-10-025	REP-P 84-16-089
332-30-114	NEW-P 84-15-070	332-40-652	REP-P 84-13-066	352-10-030	REP-P 84-16-089
332-30-122	NEW-P 84-15-070	332-40-660	REP-P 84-13-066	352-10-040	REP-P 84-16-089
332-30-123	NEW-P 84-15-070	332-40-690	REP-P 84-13-066	352-10-050	REP-P 84-16-089
332-30-124	REP-P 84-15-070	332-40-695	REP-P 84-13-066	352-10-055	REP-P 84-16-089
332-30-125	AMD-P 84-15-070	332-40-700	REP-P 84-13-066	352-10-060	REP-P 84-16-089
332-30-145	AMD-P 84-15-070	332-40-710	REP-P 84-13-066	352-10-100	REP-P 84-16-089
332-40-010	REP-P 84-13-066	332-40-800	REP-P 84-13-066	352-10-150	REP-P 84-16-089
332-40-020	REP-P 84-13-066	332-40-830	REP-P 84-13-066	352-10-160	REP-P 84-16-089
332-40-025	REP-P 84-13-066	332-40-840	REP-P 84-13-066	352-10-170	REP-P 84-16-089
332-40-030	REP-P 84-13-066	332-40-910	REP-P 84-13-066	352-10-175	REP-P 84-16-089
332-40-035	REP-P 84-13-066	332-41-010	NEW-P 84-13-066	352-10-177	REP-P 84-16-089
332-40-037	REP-P 84-13-066	332-41-020	NEW-P 84-13-066	352-10-180	REP-P 84-16-089
332-40-040	REP-P 84-13-066	332-41-030	NEW-P 84-13-066	352-10-190	REP-P 84-16-089
332-40-045	REP-P 84-13-066	332-41-040	NEW-P 84-13-066	352-10-200	REP-P 84-16-089
332-40-050	REP-P 84-13-066	332-41-055	NEW-P 84-13-066	352-10-203	REP-P 84-16-089
332-40-055	REP-P 84-13-066	332-41-310	NEW-P 84-13-066	352-10-205	REP-P 84-16-089
332-40-060	REP-P 84-13-066	332-41-350	NEW-P 84-13-066	352-10-210	REP-P 84-16-089
332-40-100	REP-P 84-13-066	332-41-420	NEW-P 84-13-066	352-10-215	REP-P 84-16-089
332-40-160	REP-P 84-13-066	332-41-504	NEW-P 84-13-066	352-10-220	REP-P 84-16-089
332-40-170	REP-P 84-13-066	332-41-508	NEW-P 84-13-066	352-10-225	REP-P 84-16-089
332-40-175	REP-P 84-13-066	332-41-510	NEW-P 84-13-066	352-10-230	REP-P 84-16-089
332-40-177	REP-P 84-13-066	332-41-655	NEW-P 84-13-066	352-10-235	REP-P 84-16-089
332-40-180	REP-P 84-13-066	332-41-833	NEW-P 84-13-066	352-10-240	REP-P 84-16-089
332-40-190	REP-P 84-13-066	332-41-910	NEW-P 84-13-066	352-10-245	REP-P 84-16-089
332-40-200	REP-P 84-13-066	332-41-920	NEW-P 84-13-066	352-10-260	REP-P 84-16-089
332-40-203	REP-P 84-13-066	332-41-950	NEW-P 84-13-066	352-10-270	REP-P 84-16-089
332-40-205	REP-P 84-13-066	332-41-960	NEW-P 84-13-066	352-10-300	REP-P 84-16-089
332-40-210	REP-P 84-13-066	332-41-970	NEW-P 84-13-066	352-10-305	REP-P 84-16-089
332-40-215	REP-P 84-13-066	332-41-980	NEW-P 84-13-066	352-10-310	REP-P 84-16-089
332-40-220	REP-P 84-13-066	332-41-985	NEW-P 84-13-066	352-10-320	REP-P 84-16-089
332-40-225	REP-P 84-13-066	332-41-990	NEW-P 84-13-066	352-10-330	REP-P 84-16-089
332-40-230	REP-P 84-13-066	332-52-010	AMD-P 84-16-084	352-10-340	REP-P 84-16-089
332-40-240	REP-P 84-13-066	332-52-020	AMD-P 84-16-084	352-10-345	REP-P 84-16-089
332-40-245	REP-P 84-13-066	332-52-060	AMD-P 84-16-084	352-10-350	REP-P 84-16-089
332-40-260	REP-P 84-13-066	332-52-065	NEW-P 84-16-084	352-10-355	REP-P 84-16-089
332-40-300	REP-P 84-13-066	332-52-066	NEW-P 84-16-084	352-10-360	REP-P 84-16-089
332-40-305	REP-P 84-13-066	332-52-067	NEW-P 84-16-084	352-10-365	REP-P 84-16-089
332-40-310	REP-P 84-13-066	332-52-068	NEW-P 84-16-084	352-10-370	REP-P 84-16-089
332-40-315	REP-P 84-13-066	332-52-069	NEW-P 84-16-084	352-10-375	REP-P 84-16-089
332-40-320	REP-P 84-13-066	332-54-010	NEW-E 84-13-034	352-10-380	REP-P 84-16-089
332-40-330	REP-P 84-13-066	332-54-020	NEW-E 84-13-034	352-10-390	REP-P 84-16-089
332-40-340	REP-P 84-13-066	332-54-030	NEW-E 84-13-034	352-10-400	REP-P 84-16-089
332-40-345	REP-P 84-13-066	335-06	NEW-C 84-11-073	352-10-405	REP-P 84-16-089
332-40-350	REP-P 84-13-066	335-06-010	NEW-P 84-10-035	352-10-410	REP-P 84-16-089
332-40-355	REP-P 84-13-066	335-06-010	NEW-E 84-10-036	352-10-420	REP-P 84-16-089
332-40-360	REP-P 84-13-066	335-06-010	NEW 84-14-001	352-10-425	REP-P 84-16-089
332-40-365	REP-P 84-13-066	335-06-020	NEW-P 84-10-035	352-10-440	REP-P 84-16-089
332-40-370	REP-P 84-13-066	335-06-020	NEW-E 84-10-036	352-10-442	REP-P 84-16-089
332-40-375	REP-P 84-13-066	335-06-020	NEW 84-14-001	352-10-444	REP-P 84-16-089
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352-10-460	REP-P	84-16-089	352-60-030	NEW-P	84-08-063	356-05-213	NEW-P	84-14-081
352-10-465	REP-P	84-16-089	352-60-030	NEW	84-11-057	356-05-215	NEW-P	84-14-081
352-10-470	REP-P	84-16-089	352-60-040	NEW-E	84-07-030	356-05-220	NEW-P	84-14-081
352-10-480	REP-P	84-16-089	352-60-040	NEW-P	84-08-063	356-05-222	NEW-P	84-14-081
352-10-485	REP-P	84-16-089	352-60-040	NEW	84-11-057	356-05-225	NEW-P	84-14-081
352-10-490	REP-P	84-16-089	352-60-050	NEW-E	84-07-030	356-05-230	NEW-P	84-14-081
352-10-495	REP-P	84-16-089	352-60-050	NEW-P	84-08-063	356-05-235	NEW-P	84-14-081
352-10-500	REP-P	84-16-089	352-60-050	NEW	84-11-057	356-05-240	NEW-P	84-14-081
352-10-510	REP-P	84-16-089	352-60-060	NEW-E	84-07-030	356-05-245	NEW-P	84-14-081
352-10-520	REP-P	84-16-089	352-60-060	NEW-P	84-08-063	356-05-250	NEW-P	84-14-081
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352-10-545	REP-P	84-16-089	352-60-070	NEW	84-11-057	356-05-315	NEW-P	84-14-081
352-10-550	REP-P	84-16-089	352-60-080	NEW-E	84-07-030	356-05-320	NEW-P	84-14-081
352-10-570	REP-P	84-16-089	352-60-080	NEW-P	84-08-063	356-05-325	NEW-P	84-14-081
352-10-580	REP-P	84-16-089	352-60-080	NEW	84-11-057	356-05-330	NEW-P	84-14-081
352-10-600	REP-P	84-16-089	352-60-090	NEW-E	84-07-030	356-05-335	NEW-P	84-14-081
352-10-650	REP-P	84-16-089	352-60-090	NEW-P	84-08-063	356-05-340	NEW-P	84-14-081
352-10-652	REP-P	84-16-089	352-60-090	NEW	84-11-057	356-05-345	NEW-P	84-14-081
352-10-660	REP-P	84-16-089	352-60-100	NEW-E	84-07-030	356-05-350	NEW-P	84-14-081
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352-10-710	REP-P	84-16-089	352-60-110	NEW-P	84-08-063	356-05-370	NEW-P	84-14-081
352-10-810	REP-P	84-16-089	352-60-110	NEW	84-11-057	356-05-375	NEW-P	84-14-081
352-10-820	REP-P	84-16-089	352-74	NEW-C	84-13-073	356-05-380	NEW-P	84-14-081
352-10-825	REP-P	84-16-089	352-74-010	NEW-P	84-12-073	356-05-385	NEW-P	84-14-081
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352-10-840	REP-P	84-16-089	352-74-030	NEW-P	84-12-073	356-05-390	NEW-P	84-14-081
352-10-860	REP-P	84-16-089	352-74-040	NEW-P	84-12-073	356-05-395	NEW-P	84-14-081
352-10-910	REP-P	84-16-089	352-74-050	NEW-P	84-12-073	356-05-400	NEW-P	84-14-081
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388-29-145	AMD-P	84-09-079	388-54-780	AMD	84-06-014	388-95-380	AMD-P	84-14-013
388-29-145	AMD	84-13-049	388-54-785	AMD	84-04-067	388-96-010	AMD-E	84-08-041
388-29-145	AMD-E	84-14-042	388-55-010	AMD-P	84-10-003	388-96-010	AMD-P	84-08-056
388-29-146	NEW-P	84-09-079	388-55-010	AMD	84-13-028	388-96-010	AMD	84-12-039
388-29-146	NEW	84-13-049	388-55-020	AMD-P	84-10-003	388-96-032	AMD-E	84-08-041
388-29-146	NEW-E	84-14-042	388-55-020	AMD	84-13-028	388-96-032	AMD-P	84-08-056
388-29-160	AMD-P	84-09-079	388-57-090	AMD-P	84-15-018	388-96-032	AMD	84-12-039
388-29-160	AMD	84-13-049	388-57-095	REP-P	84-15-018	388-96-113	AMD-E	84-08-041

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388-96-122	AMD-P	84-08-056	389-12-270	AMD	84-03-037
388-96-122	AMD	84-12-039	390-16-031	AMD	84-05-018
388-96-204	AMD-E	84-08-041	390-16-041	AMD	84-05-018
388-96-204	AMD-P	84-08-056	390-18-010	NEW-E	84-12-016
388-96-204	AMD	84-12-039	390-18-010	NEW-P	84-13-011
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388-96-502	NEW-P	84-08-056	390-20-110	REVIEW	84-12-035
388-96-502	NEW	84-12-039	390-24-300	REP	84-05-018
388-96-508	NEW-E	84-08-041	390-37-020	AMD-P	84-09-027
388-96-508	NEW-P	84-08-056	390-37-020	AMD	84-12-017
388-96-508	NEW	84-12-039	390-37-030	AMD-P	84-09-027
388-96-509	NEW-E	84-08-041	390-37-030	AMD	84-12-017
388-96-509	NEW-P	84-08-056	390-37-040	AMD-P	84-09-027
388-96-509	NEW	84-12-039	390-37-040	AMD	84-12-017
388-96-525	AMD-E	84-08-041	390-37-060	AMD-P	84-09-027
388-96-525	AMD-P	84-08-056	390-37-060	AMD	84-12-017
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388-96-533	AMD	84-12-039	390-37-080	REP-P	84-09-027
388-96-580	NEW-E	84-08-041	390-37-080	REP	84-12-017
388-96-580	NEW-P	84-08-056	390-37-090	AMD-P	84-09-027
388-96-580	NEW	84-12-039	390-37-090	AMD	84-12-017
388-96-585	AMD-E	84-08-041	390-37-100	AMD-P	84-09-027
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388-96-585	AMD	84-12-039	390-37-200	REP-P	84-09-027
388-96-719	AMD-E	84-08-041	390-37-200	REP	84-12-017
388-96-719	AMD-P	84-08-056	390-37-205	REP-P	84-09-027
388-96-719	AMD	84-12-039	390-37-205	REP	84-12-017
388-96-721	NEW-E	84-08-041	390-37-210	AMD-P	84-09-027
388-96-721	NEW-P	84-08-056	390-37-210	AMD	84-12-017
388-96-721	NEW	84-12-039	390-37-215	REP-P	84-09-027
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388-96-750	AMD-P	84-08-056	390-37-220	REP-P	84-09-027
388-96-750	AMD	84-12-039	390-37-220	REP	84-12-017
388-96-761	NEW-E	84-08-041	390-37-225	REP-P	84-09-027
388-96-761	NEW-P	84-08-056	390-37-225	REP	84-12-017
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388-96-762	NEW-E	84-08-041	390-37-230	REP	84-12-017
388-96-762	NEW-P	84-08-056	392-109-037	NEW-P	84-08-057
388-96-762	NEW	84-12-039	392-109-037	NEW	84-11-038
388-96-764	NEW-E	84-08-041	392-109-040	AMD-P	84-08-057
388-96-764	NEW-P	84-08-056	392-109-040	AMD	84-11-038
388-96-764	NEW	84-12-039	392-109-043	NEW-P	84-08-057
388-96-765	NEW-E	84-08-041	392-109-043	NEW	84-11-038
388-96-765	NEW-P	84-08-056	392-109-047	NEW-P	84-08-057
388-96-765	NEW	84-12-039	392-109-047	NEW	84-11-038
388-96-767	NEW-E	84-08-041	392-109-050	AMD-P	84-08-057
388-96-767	NEW-P	84-08-056	392-109-050	AMD	84-11-038
388-96-767	NEW	84-12-039	392-109-058	NEW-P	84-08-057
388-96-904	AMD	84-05-040	392-109-058	NEW	84-11-038
388-99-020	AMD	84-05-039	392-109-060	AMD-P	84-08-057
388-99-020	AMD-P	84-13-047	392-109-060	AMD	84-11-038
388-99-020	AMD-E	84-14-041	392-109-070	AMD-P	84-12-007
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388-99-030	AMD	84-07-017	392-109-075	AMD-P	84-08-057
388-99-040	AMD	84-02-054	392-109-075	AMD	84-11-038
388-100-005	AMD	84-02-054	392-109-078	NEW-P	84-08-057
388-100-010	AMD	84-02-054	392-109-078	NEW	84-11-038
388-100-035	AMD	84-02-054	392-109-080	AMD-P	84-08-057
389-12-010	AMD	84-03-037	392-109-080	AMD	84-11-038
389-12-010	AMD-E	84-13-046	392-109-085	AMD-P	84-08-057
389-12-020	AMD	84-03-037	392-109-085	AMD	84-11-038
389-12-020	AMD-E	84-13-046	392-109-090	AMD-P	84-08-057
389-12-030	AMD	84-03-037	392-109-090	AMD	84-11-038
389-12-030	AMD-E	84-13-046	392-109-095	AMD-P	84-08-057
389-12-040	AMD	84-03-037	392-109-095	AMD	84-11-038
389-12-040	AMD-E	84-13-046	392-109-100	AMD-P	84-08-057
389-12-050	AMD	84-03-037	392-109-100	AMD	84-11-038
389-12-050	AMD-E	84-13-046	392-109-105	AMD-P	84-08-057
389-12-065	NEW-E	84-13-046	392-109-105	AMD	84-11-038
389-12-080	AMD	84-03-037	392-109-110	AMD-P	84-08-057
389-12-080	AMD-E	84-13-046	392-109-110	AMD	84-11-038
389-12-100	AMD	84-03-037	392-109-115	AMD-P	84-08-057
392-109-115	AMD	84-11-038	392-109-115	AMD	84-11-038
392-121	AMD-C	84-11-076	392-121	AMD-C	84-11-078
392-121-128	NEW-E	84-14-052	392-121-128	NEW-E	84-14-052
392-121-128	NEW-P	84-14-056	392-121-129	NEW-E	84-14-052
392-121-129	NEW-E	84-14-052	392-121-129	NEW-P	84-14-056
392-121-129	NEW-P	84-14-056	392-121-131	NEW-E	84-14-052
392-121-131	NEW-E	84-14-052	392-121-131	NEW-P	84-14-056
392-121-131	NEW-P	84-14-056	392-121-195	AMD-P	84-10-076
392-121-195	AMD-P	84-10-076	392-121-195	AMD	84-13-019
392-121-195	AMD	84-13-019	392-122	NEW-C	84-11-077
392-122	NEW-C	84-11-077	392-122-005	NEW-P	84-10-065
392-122-005	NEW-P	84-10-065	392-122-005	NEW	84-13-020
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392-122-010	NEW	84-13-020	392-122-010	NEW	84-13-020
392-122-600	NEW-P	84-10-065	392-122-600	NEW-P	84-10-065
392-122-600	NEW	84-13-020	392-122-600	NEW	84-13-020
392-122-605	NEW-P	84-10-065	392-122-605	NEW-P	84-10-065
392-122-605	NEW	84-13-020	392-122-605	NEW	84-13-020
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392-122-705	NEW	84-13-020	392-122-705	NEW	84-13-020
392-122-710	NEW-P	84-10-065	392-122-710	NEW-P	84-10-065
392-122-710	NEW	84-13-020	392-122-710	NEW	84-13-020
392-122-800	NEW-P	84-10-065	392-122-800	NEW-P	84-10-065
392-122-800	NEW	84-13-020	392-122-800	NEW	84-13-020
392-122-805	NEW-P	84-10-065	392-122-805	NEW-P	84-10-065
392-122-805	NEW	84-13-020	392-122-805	NEW	84-13-020
392-122-810	NEW-P	84-10-065	392-122-810	NEW-P	84-10-065
392-122-810	NEW	84-13-020	392-122-810	NEW	84-13-020
392-122-900	NEW-P	84-10-065	392-122-900	NEW-P	84-10-065
392-122-900	NEW	84-13-020	392-122-900	NEW	84-13-020
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392-123-054	AMD	84-13-021	392-123-054	AMD-P	84-10-066
392-123-071	AMD	84-13-021	392-123-071	AMD	84-13-021
392-123-072	AMD-P	84-10-066	392-123-072	AMD-P	84-10-066
392-123-072	AMD	84-13-021	392-123-072	AMD	84-13-021
392-125	AMD-C	84-11-079	392-125	AMD-C	84-11-079
392-125-003	NEW-P	84-10-067	392-125-003	NEW-P	84-10-067
392-125-003	NEW	84-13-022	392-125-003	NEW	84-13-022
392-125-011	AMD-P	84-10-067	392-125-011	AMD-P	84-10-067
392-125-011	AMD	84-13-022	392-125-011	AMD	84-13-022
392-125-012	NEW-P	84-10-067	392-125-012	NEW-P	84-10-067
392-125-012	NEW	84-13-022	392-125-012	NEW	84-13-022
392-125-020	AMD-P	84-10-067	392-125-020	AMD-P	84-10-067
392-125-020	AMD	84-13-022	392-125-020	AMD	84-13-022
392-125-025	AMD-P	84-10-067	392-125-025	AMD-P	84-10-067
392-125-025	AMD	84-13-022	392-125-025	AMD	84-13-022
392-125-030	AMD-P	84-10-067	392-125-030	AMD-P	84-10-067
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392-125-040	AMD-P	84-10-067	392-125-040	AMD-P	84-10-067
392-125-040	AMD	84-13-022	392-125-040	AMD	84-13-022
392-125-045	AMD-P	84-10-067	392-125-045	AMD-P	84-10-067
392-125-045	AMD	84-13-022	392-125-045	AMD	84-13-022
392-125-065	AMD-P	84-10-067	392-125-065	AMD-P	84-10-067
392-125-065	AMD	84-13-022	392-125-065	AMD	84-13-022
392-126-005	NEW-E	84-14-051	392-126-005	NEW-E	84-14-051
392-126-005	NEW-P	84-14-055	392-126-005	NEW-P	84-14-055
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392-126-010	NEW-P	84-14-055	392-126-010	NEW-P	84-14-055
392-126-100	NEW-E	84-14-051	392-126-100	NEW-E	84-14-051
392-126-100	NEW-P	84-14-055	392-126-100	NEW-P	84-14-055
392-126-110	NEW-E	84-14-051	392-126-110	NEW-E	84-14-051
392-126-110	NEW-P	84-14-055	392-126-110	NEW-P	84-14-055
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392-126-115	NEW-P	84-14-055	392-126-115	NEW-P	84-14-055



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392-127-565	NEW-P 84-14-054	392-138-020	REP 84-13-025	392-141-155	NEW-P 84-12-002
392-127-570	NEW-E 84-14-050	392-138-025	AMD-P 84-10-070	392-141-155	NEW 84-15-025
392-127-570	NEW-P 84-14-054	392-138-025	AMD 84-13-025	392-141-160	NEW-P 84-12-002
392-127-575	NEW-E 84-14-050	392-138-030	AMD-P 84-10-070	392-141-160	NEW 84-15-025
392-127-575	NEW-P 84-14-054	392-138-030	AMD 84-13-025	392-141-165	NEW-P 84-12-002
392-127-600	NEW-E 84-14-050	392-138-035	AMD-P 84-10-070	392-141-165	NEW 84-15-025
392-127-600	NEW-P 84-14-054	392-138-035	AMD 84-13-025	392-141-170	NEW-P 84-12-002
392-127-605	NEW-E 84-14-050	392-138-047	NEW-P 84-10-070	392-141-170	NEW 84-15-025
392-127-605	NEW-P 84-14-054	392-138-047	NEW 84-13-025	392-141-175	NEW-P 84-12-002
392-127-610	NEW-E 84-14-050	392-138-050	AMD-P 84-10-070	392-141-175	NEW 84-15-025
392-127-610	NEW-P 84-14-054	392-138-050	AMD 84-13-025	392-141-180	NEW-P 84-12-002
392-127-615	NEW-E 84-14-050	392-138-071	NEW-P 84-10-070	392-141-180	NEW 84-15-025
392-127-615	NEW-P 84-14-054	392-138-071	NEW 84-13-025	392-141-185	NEW-P 84-12-002
392-127-620	NEW-E 84-14-050	392-138-075	AMD-P 84-10-070	392-141-185	NEW 84-15-025
392-127-620	NEW-P 84-14-054	392-138-075	AMD 84-13-025	392-141-190	NEW-P 84-12-002
392-127-625	NEW-E 84-14-050	392-138-100	NEW-P 84-10-070	392-141-190	NEW 84-15-025
392-127-625	NEW-P 84-14-054	392-138-100	NEW 84-13-025	392-141-195	NEW-P 84-12-002
392-127-630	NEW-E 84-14-050	392-139-001	AMD 84-05-017	392-141-195	NEW 84-15-025
392-127-630	NEW-P 84-14-054	392-140-010	REP-E 84-14-053	392-142	AMD-C 84-11-083
392-127-635	NEW-E 84-14-050	392-140-010	REP-P 84-14-057	392-142-020	AMD-P 84-10-071
392-127-635	NEW-P 84-14-054	392-140-011	REP-E 84-14-053	392-142-020	AMD 84-13-026
392-127-640	NEW-E 84-14-050	392-140-011	REP-P 84-14-057	392-143-030	AMD 84-03-001
392-127-640	NEW-P 84-14-054	392-140-012	REP-E 84-14-053	392-143-070	AMD 84-03-001
392-127-645	NEW-E 84-14-050	392-140-012	REP-P 84-14-057	392-160	AMD-P 84-10-072
392-127-645	NEW-P 84-14-054	392-140-013	REP-E 84-14-053	392-160	AMD-C 84-11-085
392-127-650	NEW-E 84-14-050	392-140-013	REP-P 84-14-057	392-160	AMD 84-13-027
392-127-650	NEW-P 84-14-054	392-140-014	REP-E 84-14-053	392-160-001	REP-P 84-10-072
392-127-655	NEW-E 84-14-050	392-140-014	REP-P 84-14-057	392-160-001	REP 84-13-027
392-127-655	NEW-P 84-14-054	392-140-015	REP-E 84-14-053	392-160-003	NEW-P 84-10-072
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392-127-670	NEW-P 84-14-054	392-140-018	REP-E 84-14-053	392-160-010	AMD-P 84-10-072
392-127-675	NEW-E 84-14-050	392-140-018	REP-P 84-14-057	392-160-010	AMD 84-13-027
392-127-675	NEW-P 84-14-054	392-140-019	REP-E 84-14-053	392-160-015	AMD-P 84-10-072
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392-132-040	NEW-P 84-10-069	392-141	AMD 84-15-025	392-160-029	NEW 84-13-027
392-132-040	NEW 84-13-024	392-141-005	REP-P 84-16-026	392-160-035	AMD-P 84-10-072
392-132-050	NEW-P 84-10-069	392-141-007	REP-P 84-16-026	392-160-035	AMD 84-13-027
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392-132-060	NEW-P 84-10-069	392-141-017	REP-P 84-16-026	392-160-040	AMD 84-13-027
392-132-060	NEW 84-13-024	392-141-018	REP-P 84-16-026	392-162	NEW-C 84-11-084
392-132-070	NEW-P 84-10-069	392-141-027	REP-P 84-16-026	392-162	NEW-C 84-13-016
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392-136-060	NEW 84-04-034	392-141-105	NEW 84-15-025	392-162-015	NEW 84-14-038
392-136-065	NEW 84-04-034	392-141-110	NEW-P 84-12-002	392-162-020	NEW-P 84-10-073
392-136-070	NEW 84-04-034	392-141-110	NEW 84-15-025	392-162-020	NEW 84-14-038
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392-136-085	NEW 84-04-034	392-141-115	NEW 84-15-025	392-162-025	NEW 84-14-038
392-138	AMD-C 84-11-082	392-141-120	NEW-P 84-12-002	392-162-030	NEW-P 84-10-073
392-138-003	NEW-P 84-10-070	392-141-120	NEW 84-15-025	392-162-030	NEW 84-14-038
392-138-003	NEW 84-13-025	392-141-125	NEW-P 84-12-002	392-162-035	NEW-P 84-10-073
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392-138-015	REP 84-13-025	392-141-145	NEW-P 84-12-002	392-162-050	NEW-P 84-10-073
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392-162-060	NEW-P	84-10-073	392-170-020	NEW	84-14-037	392-171-413	NEW-P	84-03-013
392-162-060	NEW	84-14-038	392-170-025	NEW-P	84-10-074	392-171-413	NEW-P	84-10-075
392-162-065	NEW-P	84-10-073	392-170-025	NEW	84-14-037	392-171-413	NEW	84-14-036
392-162-065	NEW	84-14-038	392-170-030	NEW-P	84-10-074	392-171-416	AMD-P	84-03-013
392-162-070	NEW-P	84-10-073	392-170-030	NEW	84-14-037	392-171-416	AMD-W	84-09-001
392-162-070	NEW	84-14-038	392-170-035	NEW-P	84-10-074	392-171-416	REP	84-14-036
392-162-075	NEW-P	84-10-073	392-170-035	NEW	84-14-037	392-171-416	REP-P	84-10-075
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392-162-090	NEW	84-14-038	392-170-055	NEW-P	84-10-074	392-171-461	AMD-P	84-10-075
392-162-095	NEW-P	84-10-073	392-170-055	NEW	84-14-037	392-171-461	AMD-E	84-13-031
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392-162-115	NEW-P	84-10-073	392-170-075	NEW	84-14-037	392-171-536	AMD-P	84-16-019
392-162-115	NEW	84-14-038	392-170-080	NEW-P	84-10-074	392-171-536	AMD-E	84-16-020
392-165	NEW-C	84-05-015	392-170-080	NEW	84-14-037	392-171-541	REP-P	84-16-019
392-165	NEW-C	84-05-043	392-170-085	NEW-P	84-10-074	392-171-541	REP-E	84-16-020
392-165-100	NEW	84-06-019	392-170-085	NEW	84-14-037	392-171-546	REP-P	84-16-019
392-165-105	NEW	84-06-019	392-170-090	NEW-P	84-10-074	392-171-546	REP-E	84-16-020
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392-165-130	NEW	84-06-019	392-171	AMD-C	84-13-018	392-171-561	AMD-P	84-16-019
392-165-135	NEW	84-06-019	392-171	AMD-C	84-14-018	392-171-561	AMD-E	84-16-020
392-165-140	NEW	84-06-019	392-171-295	NEW-P	84-03-013	392-171-566	AMD-P	84-03-038
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392-165-145	NEW	84-06-019	392-171-295	NEW-P	84-10-075	392-171-566	REP-P	84-16-019
392-165-170	NEW	84-06-019	392-171-295	NEW	84-14-036	392-171-566	REP-E	84-16-020
392-165-180	NEW	84-06-019	392-171-325	AMD-P	84-10-075	392-171-571	REP-P	84-16-019
392-165-210	NEW	84-06-019	392-171-325	AMD	84-14-036	392-171-571	REP-E	84-16-020
392-165-240	NEW	84-06-019	392-171-331	AMD-P	84-03-013	392-171-576	AMD-P	84-16-019
392-165-245	NEW	84-06-019	392-171-331	AMD-W	84-09-001	392-171-576	AMD-E	84-16-020
392-165-260	NEW	84-06-019	392-171-331	AMD-P	84-10-075	392-171-721	AMD-P	84-10-075
392-165-265	NEW	84-06-019	392-171-331	AMD	84-14-036	392-171-731	AMD-P	84-03-013
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392-165-315	NEW	84-06-019	392-171-351	AMD-E	84-13-031	392-184-003	NEW	84-05-026
392-165-320	NEW	84-06-019	392-171-351	AMD	84-14-036	392-184-005	NEW	84-05-026
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392-165-325	NEW	84-06-019	392-171-366	AMD-W	84-09-001	392-184-015	NEW	84-05-026
392-165-327	NEW	84-06-019	392-171-366	AMD-P	84-10-075	392-184-020	NEW	84-05-026
392-165-330	NEW	84-06-019	392-171-366	AMD-E	84-13-031	392-184-025	NEW	84-05-026
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392-165-340	NEW	84-06-019	392-171-381	AMD-P	84-10-075	392-185-005	AMD	84-05-016
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392-165-425	NEW	84-06-019	392-171-383	NEW	84-14-036	419-14-030	AMD-P	84-09-056
392-165-430	NEW	84-06-019	392-171-384	NEW-P	84-10-075	419-14-030	AMD	84-12-043
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392-170	NEW-C	84-11-086	392-171-401	AMD	84-14-036	419-14-070	AMD	84-09-058
392-170	NEW-C	84-13-017	392-171-406	AMD-P	84-03-013	419-14-075	NEW-E	84-08-008
392-170	NEW-C	84-14-017	392-171-406	AMD-W	84-09-001	419-14-075	NEW-P	84-09-056
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392-170-010	NEW	84-14-037	392-171-411	AMD-W	84-09-001	419-14-085	NEW-E	84-09-057
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419-14-120	NEW	84-12-042	458-20-238	OBJEC	84-08-043	458-61-100	AMD-P	84-11-040
434-20	REP-C	84-14-045	458-40-18600	AMD-P	84-10-052	458-61-210	AMD-P	84-11-040
434-20-010	REP-P	84-12-086	458-40-18600	AMD-E	84-14-048	458-61-220	AMD-P	84-11-040
434-20-020	REP-P	84-12-086	458-40-18600	AMD	84-14-049	458-61-230	AMD-P	84-11-040
434-20-030	REP-P	84-12-086	458-40-18700	AMD-P	84-10-052	458-61-320	AMD-P	84-11-040
434-20-040	REP-P	84-12-086	458-40-18700	AMD-E	84-14-048	458-61-400	AMD-P	84-11-040
434-20-050	REP-P	84-12-086	458-40-18700	AMD	84-14-049	458-61-510	AMD-P	84-11-040
434-24	AMD-C	84-14-045	458-40-18701	REP-P	84-10-052	458-61-570	AMD-P	84-11-040
434-24-005	NEW-P	84-12-086	458-40-18701	REP-E	84-14-048	458-61-590	AMD-P	84-11-040
434-24-010	AMD-P	84-12-086	458-40-18701	REP	84-14-049	458-61-680	AMD-P	84-11-040
434-24-015	AMD-P	84-12-086	458-40-18702	REP-P	84-10-052	460-16A-109	NEW-P	84-03-027
434-24-020	AMD-P	84-12-086	458-40-18702	REP-E	84-14-048	460-16A-109	NEW	84-07-043
434-24-025	AMD-P	84-12-086	458-40-18702	REP	84-14-049	463-06-040	AMD-P	84-03-046
434-24-030	AMD-P	84-12-086	458-40-18703	REP-P	84-10-052	463-06-040	AMD	84-07-042
434-24-035	AMD-P	84-12-086	458-40-18703	REP-E	84-14-048	463-46-010	REP-P	84-16-048
434-24-040	AMD-P	84-12-086	458-40-18703	REP	84-14-049	463-46-020	REP-P	84-16-048
434-24-055	AMD-P	84-12-086	458-40-18704	AMD-P	84-10-052	463-46-025	REP-P	84-16-048
434-24-057	NEW-P	84-12-086	458-40-18704	AMD-E	84-14-048	463-46-040	REP-P	84-16-048
434-24-060	AMD-P	84-12-086	458-40-18704	AMD	84-14-049	463-46-050	REP-P	84-16-048
434-24-070	AMD-P	84-12-086	458-40-18705	AMD-P	84-10-052	463-46-055	REP-P	84-16-048
434-24-080	REP-P	84-12-086	458-40-18705	AMD-E	84-14-048	463-46-060	REP-P	84-16-048
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434-24-095	AMD-P	84-12-086	458-40-18706	AMD-E	84-14-048	463-46-160	REP-P	84-16-048
434-24-100	AMD-P	84-12-086	458-40-18706	AMD	84-14-049	463-46-170	REP-P	84-16-048
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434-24-110	AMD-P	84-12-086	458-40-18711	AMD-E	84-05-023	463-46-177	REP-P	84-16-048
434-24-115	AMD-P	84-12-086	458-40-18711	AMD	84-08-020	463-46-180	REP-P	84-16-048
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434-24-130	AMD-P	84-12-086	458-40-18713	NEW-E	84-14-048	463-46-200	REP-P	84-16-048
434-24-140	AMD-P	84-12-086	458-40-18713	NEW	84-14-049	463-46-203	REP-P	84-16-048
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434-24-155	AMD-P	84-12-086	458-40-18714	NEW-E	84-14-048	463-46-210	REP-P	84-16-048
434-24-160	AMD-P	84-12-086	458-40-18714	NEW	84-14-049	463-46-215	REP-P	84-16-048
434-24-170	AMD-P	84-12-086	458-40-19005	NEW-P	84-05-041	463-46-220	REP-P	84-16-048
434-24-180	NEW-P	84-12-086	458-40-19005	NEW	84-08-021	463-46-225	REP-P	84-16-048
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434-24-220	NEW-P	84-12-086	458-53-060	REP-P	84-11-065	463-46-260	REP-P	84-16-048
434-24-230	NEW-P	84-12-086	458-53-060	REP	84-14-039	463-46-270	REP-P	84-16-048
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